

# BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

## Minutes of Thursday, July 17, 2014

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by presiding officer, Larry Gardiner, President, at 10:00 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California.

**1. Roll Call** indicated a quorum with the following in attendance:

Directors: Joe Deak, Larry Gardiner, Gay Giles, Frank Silva Jr. and Denis Van De Maele  
 Staff: Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; and Debbie Phulps, Secretary. Andy Giannini, Superintendent, arrived prior to Item 6.  
 Guests: Jim Scott and Charles Johnson (Isleton Main Street property owners), Dave Spensley and Kirk West.

**2. Agenda Setting. MSC (Silva / Giles) MSC** adopting the meeting Agenda. [MSC = Motion-Second-Carried unanimously unless otherwise noted]

**3. Financial - Victoria Hale.** Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

3.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings .....	\$ 660,261.14
Total Accounts Receivable .....	\$ 15,657.54
Total Other Current Assets .....	\$ 6,641.50
Total Fixed Assets .....	\$ 649,320.46
Total Assets .....	<u>\$ 1,331,880.64</u>
Total Current Liabilities .....	\$ 345,011.89
Equity .....	\$ 986,868.75
Total Liabilities and Equity .....	<u>\$ 1,331,880.64</u>

3.2 The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed.

AT&T Wireless .....	240.45	Payroll - PERS .....	4,107.01
California Waste Mngmt. ....	93.50	Payroll - Liabilities EDD .....	326.62
Contour Sierra Aebi .....	4,355.50	Payroll - Liability IRS .....	1,920.80
Deak, Joe .....	100.48	Quickbooks Payroll .....	2.90
Delta Bookkeeping .....	1,608.33	Ramos Oil .....	1,800.39
Frontier Communications .....	144.74	River Rats .....	75.00
Gardiner, Larry .....	216.72	Silva, Frank .....	100.48
Giannini, Andy .....	2,127.78	Stewart Industrial .....	98.56
Gilbert Labrie, AIA .....	33,760.40	Reclamation District 2067 .....	360.00
Giles, Gay .....	100.49	Van De Maele, H. Denis .....	100.48
John Deere Financial .....	4,922.47	VISA .....	232.29
Klipfel, Russel .....	2,114.20	Total .....	<u>\$ 58,933.50</u>
Oilwell Materials .....	23.81		

Discussion ensued regarding the mower repairs performed by John Deere and the status of warranty claim against Alamo. **MSC** (Giles / Silva) authorizing execution of warrants totalling \$60,000 in the following denominations: (1) \$50,000 and (1) \$100,000 for payment of the above claims, excluding the claim by John Deere until the warranty issue is pursued.

Vicki reported on issuance of the warrants authorized during the previous meeting to cover the anticipated progress payments on Contracts 7702.28 and 7702.38 (less retention) presented before end, such that those expenditures could be included in the FY2013-14 Subvention claim. Warrants #1997 through #2005 were issued totaling \$440,000 (eight at \$50,000 and one at \$40,000) for payment of the following claims:

Asta Construction, Contract 7702.28 . . . . .	\$ 146,520.85
Robert Burns Construction, Contract 7702.38 . . . . .	\$ 221,921.38
Robert Burns Construction, Contract 7702.38 . . . . .	\$ 71,523.13

[Vicki retired from the meeting.]

**4. Invitation to Guests to Address the Board.** None responded.

**5. Business - Encroachment Abatement Issues**

5.1 Jim Scott addressed the Board as follow-up to the encroachment clean-up of his property with photos of his efforts to date. The Board commended Mr. Scott on his follow through and the results. To clean up permitting matters, the Board agreed to issue an encroachment permit for the accessory structure constructed in 2004 under a City Building Permit. Discussion continued with regards to the problem of the City issuing permits without consideration of the set-backs required under DWR levee standards.

5.2 Charles Johnson addressed the Board on behalf of his parents regarding the encroachment abatement letter they received. Their concern involves the existing chain link fence with privacy slats cited in the letter, as well as an old "antiques" sign on the levee behind their lot. He was advised that the Board could not issue a permit for the fence because it prohibits visibility of the levee slope. The fence would need to be relocated to within the bounds of their property and outside of the DWR area of jurisdiction. With regards to the sign on the adjacent property, this was deemed to have been placed illegally, without the property owner's consent and subsequently abandoned. The Board, having been given authorization to enter and clear that parcel by the owner, will remove the sign as part of the clean-up effort. The Board saw no problem with the Johnsons salvaging the sign, as long as it was removed from the levee.

[ Superintendent Giannini joined the meeting.]

**6. Staff Reports**

6.1 Secretary - Debbie Phulps. **MSC** ( Deak / Van De Maele ) approving the June 12, 2014 meeting minutes. She was requested to provide a Closed Session on the next agenda for a routine personnel review. Correspondence was received from DWR regarding current and potential programs. It was forwarded to the District Engineer.

6.2 Superintendent - Andy Giannini. Andy reviewed equipment repair activities, and responded to Director inquiries regarding the sequence of events involving the mower repair and warranty pursuit status. Russel has mowed Sevenmile, the San Joaquin and the Mokelumne. He is now working the Georgiana and will move to the County road thereafter. The Highway 160 stretch will proceed based on coordination with Caltrans and the flagging company. Andy reported that dirt was being dumped on the levee slope out at the Herman Helmand site even though the Board had apprised Mr. Helman, during his appearance before the Board, that all activities he proposed to do on the property within the District's band of jurisdiction had to be authorized by this body. The dirt dumpers were told to cease their activities until they obtained the proper authorizations. Further monitoring of this situation will be necessary. With regards to the 100-acres, Andy will be cutting off the receipt of dirt via Bruce Gornto in order to secure the gates from unauthorized persons; and Joe Deak was asked to follow-up with the festival people for removal of the bee hives temporarily stored on the District's property.

6.3 Counsel - Scott Shapiro. No report received.

6.4 Engineer - Gil Labrie. The District Engineer (DE) presented his written report. Discussion points in the course thereof are noted by the use of inset paragraphs.

- A. Levee Subventions Program Issues Overview. As previously reported, DWR was preparing to issue Program Guidelines and a Project Solicitation Proposal (PSP) for Delta Levees Special Flood Control (Multi-benefit) Projects. The PSP was released June 13, 2014, with initial concept proposals due on July 17, 2014. The project Guidelines emphasize water supply reliability, channel margin habitat enhancement, and improvement to levee system integrity. \$75 million is to be made available for projects to be selected through a two-part process. The first part involves submittal of concept proposals which will subsequently be scored and prioritized to create a short list. The short list should be released in 2 weeks. Under part 2, the short-listed project proponents will be given approximately 1 month to prepare a full and detailed application for final consideration and selection for potential funding. There is a shortened time line for the entire process because the funds are coming from Proposition 1E funds which need to be under State contract for

construction funding by July 2016 and expended before July 2018.

As previously reported to the Board, it has been this office's intent to propose the erosion repair/habitat enhancement project for the Sacramento River levee between Cache Slough and Isleton that is in the District's 5-Year Plan, and which has been in an early concept design stage for some time. Consequently, a project proposal for the 1.75-mile stretch is being prepared for consideration under the \$75 million Multi-Benefit PSP. The project appears to fit the Guidelines for consideration because of the habitat enhancement bench component incorporated into the design and the project's location on the Sacramento River, which is specifically targeted in the PSP Guidelines.

As part of the normal permitting process for this type of in-water project, and to be able to proceed as originally anticipated in the District's Five Year Plan, a biologist was retained by this office to prepare a Biological Assessment (BA) of the entire levee reach, in order to proceed with a submittal of the project to the CVFPB and USACE. This initial environmental review and analysis effort will facilitate the permitting process, should aid the Section 7 Consultation process, and could prove invaluable in the preparation of detailed project proposal under the PSP program.

Because this erosion repair project was incorporated into the District's Five-year Plan, one of the essential criteria for favorable consideration in the PSP review process has been satisfied. Since there is a DWR desire to improve channel margin habitat along the Sacramento River, the proposal stands a better chance of getting selected in the first round. Having a design concept and environmental assessment underway would greatly assist the preparation of the more detailed proposal required to get selected in the second round of short-listed projects. Under the draft Guidelines, minimum State funding would be 75% and funding advances are provided under the Special Projects Program format.

As previously reported, the results of the DWR Fall 2013 project levee inspection report resulted in an overall District rating of Unacceptable because almost one-half mile of vegetative growth, primarily untrimmed trees on the Sacramento River levee, were downgraded to Unacceptable. The problem areas are two locations: on the water-side bend downstream of Vieiras Resort, and on the land side fronting the Ruport and Correia properties. Consequently, a District abatement notification letter was sent to the property owners affected, about an eminent District effort to address the vegetation encroachment issue, if not abated before a July 28 deadline. An option to contact this office by June 25 to make other arrangements, was also provided in the abatement letter. One phone response was received from a Mr. Edward Campbell who indicated a willingness to trim up the vegetation himself. He lives near Manuel Rebero. No other calls regarding vegetation trimming or removal were received by this office. Of course, the abatement letter gave the property owners until July 28 to do the work themselves. At the August meeting the Board may have to consider going to bid on a trimming and thinning project focusing on the unacceptable areas noted above, along with any other marginal locations that could be addressed in advance of becoming unacceptable to the State Inspector.

A separate District encroachment abatement form letter addressing a different inspection issue was mailed to select property owners in Isleton advising them of the problem with unauthorized structures in the 15-foot levee-toe setback area, and an impending District effort to proceed with removal of unacceptable structural encroachments after a July 28 deadline. An option to make other arrangements with the District was also offered. A total of 11 parcels were selected due to visible encroachment deficiencies warranting attention. To date four phone responses have been received by this office and one of those individuals was advised to come to the District's July meeting. This is a difficult situation to address because some of the encroaching structures existed before the Project, and were constructed without any guidance or review by the City of Isleton or any published requirements regarding their relationship to the levee or property lines. In fact, an overlay of the State's LIDAR topographic survey on a Google Earth image of the Old Town Isleton area in question indicates that the rear property line of many of the lots coincides with the toe of the levee. Of course, that is not the case with the three lots closest to H Street, which are the worst offenders.

In terms of other encroachment issues, it has been reported by this office that DWR has published a report containing an inventory of all utility crossings on District Project Levees. The result of that effort is a compilation of as much information as possible about the utility element, its permit status, and identification of any problems that the District needs to address. A total of 239

crossings were investigated within BALMD's jurisdiction. 52 were determined to need District attention, but only 6 crossings were considered more urgent. Four of the six are on the Sacramento River levee. Included are the three concrete box culverts that served as conveyor tunnels for the cannery operation that once existed at this location. These have been surveyed by this office, in order to prepare documents to develop a closure design and obtain State approval to proceed. In a recent meeting with USACE, DWR and URS representatives, these tunnels were discussed as part of another round of inspections that will be taking place involving Project levees and Non-project levees that are connected and part of the flood protection system for an island unit. That discussion also touched on the issue of the cross levee and the levee maintenance inadequacies of RD 556's operations.

This office has obtained a quote from CSI to conduct a subsurface conductivity investigation of the Sacramento River levee, similar to the investigation that was undertaken on the remaining levees, to better determine the location and extent of the penetrations that were identified in the DWR study. This would facilitate any future effort the State may direct regarding the items identified as requiring the District's attention. The cost of the subsurface conductance study and report would be \$21,000.

- B. Periodic Inspection Report. Effective March 21, 2014 an interim USACE policy went into effect regarding the PL 84-99 Rehabilitation Program (RP) and determining eligibility status. However, nothing new has been communicated to affected LMA's that were previously declared ineligible since this new development was reported to the Board in April.
- C. BALMD 2013-14 Subventions Projects. The two levee crown projects bid on May 22: the PL 84-99 crown raising on the Mokelumne levee between the Lighthouse Resort and Pirates Lair Resort, and the levee cross section enhancement on Sevenmile Slough between the dams, were essentially completed before the beginning of the 2014-15 Fiscal Year. The low bidders for the projects, Robert Burns Construction and Asta Construction Co, Inc. proceeded in a timely and responsible fashion and this office was able to issue a Notice to Proceed, once the proper bonds and insurance certificates were received, so the Mokelumne project was able to begin on June 5 and the Sevenmile Slough project could begin on June 16.

Of course, the Mokelumne project immediately raised concerns from local business owners because of the traffic anticipated for the Father's Day weekend Crawdad Festival at its new location, B&W Resort, and the up-coming July 4<sup>th</sup> weekend. Burns Construction was advised of these potential conflicts early on and they were taken into consideration in the schedule that was prepared. No construction activity took place on any of the weekends and the re-paving was actually completed before July 1. Some minor finish work did take place after the weekend of the 4<sup>th</sup>. Two change orders were approved for the Mokelumne project. One involved re-grading and re-surfacing of the 1550 foot connection between the original two crown raising sites, and a minor item to replace 250 feet of AC curbing at Pirates Lair because of the over topping of an existing curb by crown raising project. The two change orders added approximately \$82,000 to the project cost, and brought the total to \$308,999.34.

Due to the favorable bid, a change order was also issued for the Sevenmile Slough widening project to add some additional levee crown widening sections that were withdrawn before the bid because of a concern in this office about fiscal and timing constraints. The change order included additional fill material, aggregate base, chip seal surfacing, and hydro-seeding. The change order increased the project cost by \$98,381, bringing the total project cost to \$188,494.

- D. BALMD 2014-15 Subventions Budget. June 29 was the deadline for submittal of levee maintenance, repair and rehabilitation budget proposals to DWR for inclusion in the Delta Levee Subventions Program for the 2014-15 Fiscal Year. The Levee Subventions Budget for 2014-15 approved by the Board and submitted for participation totaled \$2,002,069 for Subventions Qualifying expenditures. That amount represented a reduction from the 2013-14 approved level of \$2,506,000. The reduction reflects some allocation adjustments based on newer information from State officials and project permitting administrative hurdles. The main project scheduled for this fall is the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project. That project is slogging through a Flood Protection Board permitting nightmare. It is also planned to move forward in earnest with geotechnical testing, design and environmental assessment for the stability berm project planned for the Mokelumne River and Sevenmile Slough levees, as well as the permitting effort for the Sacramento River erosion repair

and habitat enhancement project discussed above.

As in years past, the District Subventions Budget is just a framework to work within during the upcoming year. The most important point is to have a large enough framework to take advantage of opportunities that may come up, since the option to get the eventual approved Work Agreement amended by the CVFPB, for a larger expenditure level, does not appear to be viable any longer. The Governor's proposed budget contains a line item with \$12 million allocated to the Levee Subventions reimbursement program. With the maximum 75/25 State match allowed under the program, that budgeted amount could support over \$16 million of levee work for the approximately sixty-plus local districts in the Delta. However, because of project scheduling, local district funding limitations, and other unknowns, a more realistic way to consider whether this funding level approach presents any limitations, is to consider that in 2012-13, final district claims for reimbursement only totaled \$11.6 million for sixty districts. Whereas, the original 2012-13 applications exceeded \$40+ million. According to DWR the 2013-14 Subventions applications totaled \$53.7 million for 68 districts and 2014-15 applications total \$46.6 million for 68 districts.

Discussion ensued regarding proceeding with a fall rock program consisting of two barges of material for the Georgiana, one above and one below the bridge. President Gardiner inquired as the status of fencing the 100-acres. Gil responded that we are awaiting paperwork from Rivers Edge ownership before proceeding.

**7. Director Reports.** None.

**8. Litigation Reports.** None. Closed Session was not necessary.

**9. Announcements, Recess and Change of Venue.** Those present were invited to join the Board for lunch. The meeting was recessed to reconvene in 15 minutes at Rogelio's.

**10. Meeting Reconvened.** The meeting was reconvened by President Gardiner with the following persons in attendance: Denis Van De Maele, Gay Giles, Joe Deak, Kirk West, Gilbert Labrie, Debbie Phulps and Andy Giannini. Discussions continued regarding State programs and encroachment abatement issues.

**11. Adjournment.** With no further business to come before the Board, the meeting was adjourned at 1:30 p.m. by President Gardiner.

Respectfully submitted,

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Debbie Phulps, District Secretary  
DCC Engineering Co., Inc.

Date Approved:  
MSC: