

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, September 18, 2014

The stated meeting of the Brannan-Andrus Levee Maintenance District’s Board of Directors was called to order in Closed Session by presiding officer, Vice President Denis Van De Maele, at 9:30 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: Larry Gardiner, Gay Giles, Frank Silva Jr. and Denis Van De Maele
Staff: Debbie Phulps, Secretary

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

3. Personnel Review. The annual review of the services provided by the District Superintendent was conducted. The meeting was then recessed by President Gardiner to reconvene in Open Session at 10:00 a.m.

4. Call to Order and Quorum Confirmation. The meeting was reconvened at 10:00 a.m. by President Gardiner. Directors previously noted were present. Joining the meeting were: District Engineer Gilbert Labrie, Russell Klipfel on behalf of Superintendent Giannini, Dave Spensley, Kirk West and Chuck Walker: The bid period for Job 7002.94_2014 was declared closed. It was noted that Job 7702.47 had been extended by Addendum.

5. Report back from Closed Session. MSC (Giles/Silva) approving a 7% increase in the District Superintendent’s salary resulting in an annual compensation of \$48,606.25.

6. Bid Opening / Proposal Review and Contracting - Job 7002.94_2014 Revetment Restoration. — The Board received a single response to its request for proposals, a bid by The Dutra Group in the amount of \$292,460. **MSC (Silva / Van De Maele)** awarding a contract to The Dutra Group pending review of its proposal and confirmation as to form and content by the District Engineer; and authorizing the President Gardiner or Vice-President Van De Maele to execute the contract documents on behalf of the District.

[Chuck Walker retired from the meeting; and Mary Ann, Jim and Tim Anderson arrived to observe the meeting. Tim is a new property owner on Lower Andrus.]

7. Invitation to Guests to address the Board. Mary Ann, Jim and Tim Anderson were welcomed and introduced to the Directors. The District Engineer and Board Members provided a general overview as to the jurisdiction and operations of the district.

8. Financial. Secretary Phulps presented the financial report in the Treasurer’s absence. The Balance Sheet and Unpaid Bills Detail were distributed for review. Director Giles received copies of bank statements from the last two periods.

8.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	671,949.40
Total Accounts Receivable	\$	12,977.05
Total Other Current Assets	\$	6,641.50
Total Fixed Assets	\$	649,320.46
Total Assets	\$	<u>1,340,888.41</u>
Total Current Liabilities	\$	459,353.70
Equity	\$	<u>881,534.71</u>
Total Liabilities and Equity	\$	<u>1,340,888.41</u>

8.2 The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed. President Gardiner reported as to the prior payment of some of the monthly, routine claims due to the delay in the monthly meeting.

AT&T Wireless	244.36	CCMI	100.00
California Waste Mngmt.	93.50	Deak, Joe	100.48

Delta Bookkeeping	2,238.90	Quickbooks Payroll	2.90
Dolk Tractor	187.01	RAM Welding	440.00
Frontier Communications	148.30	Ramos Oil	3,054.05
Gardiner, Larry	100.48	Reclamation Dist. 2067	360.00
Giannini, Andy	2,079.59	River Rats	75.00
Giles, Gay	100.49	SCI	2,872.46
John Deere Financial	6,965.51	Silva, Frank	100.48
Klipfel, Russel	2,224.28	Stewart Industrial	206.30
Oilwell Materials	135.99	Van De Maele, H. Denis	100.48
Payroll - PERS	4,128.36	VISA	84.12
Payroll - Liabilities	2,139.07	Total	<u>\$ 28,282.11</u>

MSC (Silva/Giles) authorizing payment of the claims presented above, continuing to except John Deere), and issuance of a single warrant in the amount of \$25,000. The following claims were presented at the meeting: Gilbert Labrie, AIA, Architect for \$28,906.72 and LAFCO for \$110.00. **MSC** (Giles/Van De Maele) authorizing payment of the additional claims and issuance of a single warrant in the amount of \$30,000.

8.3 L.A.N.D. In response to correspondence from Osha Meserve requesting supplemental funding of L.A.N.D.'s efforts on behalf of the district, **MSC** (Silva/Van De Maele) authorizing a supplemental 2014 contribution in the amount of \$0.25 per acre.

9. Business

9.1 Encroachments

- A. Herman Helmand Security Fencing. This office is in receipt of numerous communications from Mr. Helmand regarding potential development projects for 151 W. Brannan Island Road, which is located west of Pirates Lair on the San Joaquin River. Some of the development components would impact the levee and involve fill adjacent to the levee. In those instances Mr. Helmand was advised to engage the services of a geotechnical engineer to evaluate the situation, conduct the necessary tests, and prepare a report for the District to review and consider. This office has been contacted by Kleinfelder's Stockton office regarding a proposed testing regimen to verify any special District issues or concerns. At that point the discussion centered on the future construction of an access ramp. No other fill items were mentioned in that conversation.

Suffice it to say, Mr. Helmand has a very broad vision for commercial development of the site; but it will be tempered by flood plain limitations as he moves forward with his project(s). He has been advised to submit a final, detailed, master plan to the District for its review and approval rather than taking a piece-meal approach. The application request presented at this time represents an early, temporary improvement to address some security issues that the applicant is already experiencing at the site. Given the lack of detail, but the modest nature of the request, an encroachment permit could be granted with a condition that no construction occur closer than 25.0 feet from the toe of the existing levee. This would allow for any future levee upgrade that may need to take place if the geotechnical information generated includes some stability information of concern.

Discussion ensued regarding the proposed activities, as well as concern regarding current activities occurring at the site without authorization. The matter was referred to the District Engineer for interface with Mr. Helmand regarding the Board's concerns at this juncture.

- B. Owl Island Modular. Applicant seeks to install a modular office building and ADA accessible ramp along with an upgraded parking area on Owl Island, which is located within Sevenmile Slough. While the island is not within the District's Area of Jurisdiction, the Central Valley Flood Protection Board is asking for an endorsement by the local, levee maintenance agency, which is BALMD. Obviously the proposed project will not impact the District levee. Therefore, it is recommended that the Board comply with the request without adding any special conditions. **MSC** (Giles / Van De Maele) authorizing execution of the endorsement on the Flood Protection Board encroachment application.

10. Staff Reports

- 10.1 Secretary - Debbie Phulps. **MSC** (Giles/ Silva) approving the August 14, 2014 meeting minutes.

10.2 Superintendent - Andy Giannini.

10.3 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. Under the auspices of the Special Projects portion of the Delta Levees Subventions Program, DWR has conducted four separate project proposal solicitation campaigns to support larger projects than can be funded and accomplished in a single budget year under the Maintenance and Rehabilitation portion of the Subventions Program, which has been ongoing since the Program was created by the Legislature. Each of the solicitation campaigns has come with project emphasis and selection criteria that has resulted in limited opportunities for North and Central Delta districts to participate and qualify. As previously reported DWR issued its fourth PSP (Project Solicitation Proposal) package for Delta Levees Special Flood Control (Multi-benefit) Projects on June 13, 2014, calling for initial concept proposals to be submitted by July 17, 2014. Utilizing a different approach to project selection, it was noticed that the concept proposals would be considered for eligibility and subsequently scored and prioritized to create a short list. The project Guidelines emphasize water supply reliability, channel margin habitat enhancement, and improvement to levee system integrity with a total of \$75 million to be available for projects ultimately selected through the two part process.

As previously reported to the Board, this office intended to propose the erosion repair/habitat enhancement project involving the Sacramento River levee between Cache Slough and Isleton, that is in the District's 5-Year Plan, which was in the preliminary design stages and being prepared for USACE and Flood Protection Board permitting submittal. Consequently, a project proposal for 1.75 miles of erosion protection, at an estimated cost of \$5.7 million, was submitted for consideration by the July 17 deadline. It was deemed eligible by DWR because a habitat enhancement bench component is incorporated into the design and the project location is on the Sacramento River, which is specifically targeted in the PSP Guidelines. On August 1 DWR formally announced that 5 concept Proposal projects had been selected and the proponents were invited to submit a Full Application for funding consideration by September 16, 2014. BALMD's Erosion Control/Habitat Enhancement Project was one of the five.

Because of the short time line for preparation of the more detailed Full Application package, this office proceeding to respond to the requirements of the Program Guidelines and prepare a complete submittal package presuming Board concurrence. It was assumed that any effort to refine the project scope, design, and cost elements would still benefit the District if the decision was made to undertake the repairs over an extended period, in phases, under the regular Subventions Program procedures. Because a phased version of this project was incorporated into the District's Five Year Plan, this office has spent time refining the project design and getting prepared to submit the project for a USACE and CVFPB permit. As previously reported, a biologist was retained by this office to prepare a Biological Assessment (BA) of the entire levee reach, to facilitate the environmental permitting phase of the project, similar to what was done for the emergency erosion repair project undertaken in 2007 across from Rio Vista. It is intended that the permitting process for this erosion project will proceed whether the project is ultimately selected for funding or not.

Under the PSP Program Guidelines, minimum State funding would be 75% and funding advances are provided under the Special Projects Program format. In the final proposal that was just submitted detailing the District's Sacramento River Erosion Control/Habitat Enhancement Project an 85% State funding level was proposed because of the desirable habitat enhancement component. With design refinements and scope adjustments, the project ultimately submitted, is 63 pages long, and describes and erosion repair/habitat enhancement project that encompasses 1.52 miles of Sacramento River levee with an estimated total project cost of \$7.04 million. That amount includes \$0.6 million for environmental permitting and construction management, along with a \$0.3 million construction contingency.

MSC (Silva/Giles) authorizing the following: 1) adoption of Resolution 2014-05 authorizing execution of submittal documents related to the DWR Project Solicitation Proposal application for the "Sacramento River Erosion / Habitat Enhancement Project" (ref. 7702.16); and 2) authorizing execution of document allowing the District Engineer to negotiate the contract with the State on the District's behalf.

Resolution 2014-05

Authorizing execution of documents in response to the Department of Water Resources' Project Solicitation Proposal

Resolved by the Board of Directors of Brannan-Andrus Levee Maintenance District, a public entity established under the Water Code of the State of California and formed under the Brannan-Andrus Levee Maintenance District Act (Stats.1967,c.910.)

That pursuant to and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or California Water Code Section 75030 an application by this levee maintenance district be made to the California Department of Water Resources to obtain funding for the "Sacramento River Erosion Control / Habitat Enhancement Project".

That the President of said Board, Larry Gardiner, is hereby empowered and directed to authorize preparation of the necessary data, make investigations, sign certifications required as part of the application, and sign and file such application with the California Department of Water Resources.

As previously reported and discussed, there is almost on-half mile of vegetative growth, primarily untrimmed trees on the Sacramento River levee, that contributed to a District rating of unacceptable in the DWR Fall 2013 project levee inspection report. The main problem areas are two locations, on the water-side bend downstream of Vieira's Resort and on the land side fronting the Ruport and Correia properties. It was recommended by this office at the August meeting that the Board 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. With Board concurrence that process was initiated and culminated in an advertisement for bids to be submitted and opened in September at the beginning of the regularly scheduled District meeting. When the meeting was re-scheduled the bid date was also moved. Only one prospective bidder was present at the mandatory pre-bid meeting for this project, Arborwell.

In July and August this office reported on a quote we obtained from CSI to conduct a subsurface conductivity investigation of the Sacramento River levee, similar to the investigation that was undertaken on the remaining levees. The purpose for such an investigation is to better determine the location and extent of the penetrations that were identified in the DWR study. Such an investigation would facilitate any future District effort the State may direct regarding the items identified in the DWR study that need to be addressed in 2014-15. The cost of the subsurface conductance study and report would be \$21,000. Board approval is being sought to enable such an investigation to be undertaken.

- B. Periodic Inspection Report. URS is currently under contract with the USACE to conduct follow up screenings of island units protected all, or in part, protected by project levees. At this month's Central Valley Flood Protection Board meeting the USACE is presenting the results of such a screening involving RD 563 and 554. As reported in August, URS has been conducting a similar screening of BALMD/RD 556 levees. However, based on a preliminary meeting held in the DE's office, it appeared the screening is more from a geotechnical and geological point of view. Because of a moving schedule conflict this office was unable to attend a pre-screening that was scheduled for September 3 with CVFPB staff and LMA representatives.
- C. BALMD 2013-14 Subventions Projects. The two levee crown projects that were bid on May 22; the PL 84-99 crown raising on the Mokelumne levee between the Lighthouse Resort and Pirates Lair Resort, and levee cross section enhancement on Sevenmile Slough between the dams, were essentially completed before the beginning of the 2014-15 Fiscal Year.

At this time there still are a few minor items remaining to be completed by Robert Burns Construction on the Mokelumne crown raising project. The items involve a short retaining wall around the base of the Lighthouse Sign impacted by the shoulder fill and raising the top of a monitoring well at Pirates Lair. Of course, this type of punch list pick up problem is not unique to Robert Burns Construction. The last correspondence with Burns indicates that someone would be on sight this week to take care of the two remaining items in question.

- D. BALMD 2014-15 Subventions Budget. The main construction project that is budgeted for this fiscal

year is the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project. That project is currently bogged down in the Flood Protection Board's permitting process review nightmare. Additionally, the District's Subventions budget also anticipates moving forward 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. However, if this project is selected through the PSP process it will move forward on a different funding path.

For the District's Fall 2014 construction efforts, the District has advertised for bids for tree trimming along the Sacramento River and through a separate advertisement for three barge loads of rip-rap to be placed along Georgiana Slough (2 barges), downstream of the Ox Bow, and on the Sacramento River levee. The Sacramento River rip-rap repair project description includes clean up of the arundo sites between Cache and the Isleton Bridge.

- E. BALMD DR 200601- CDAA Obligation. The following is a summary of an over-payment issue emanating from the close out of the District's 2006 disaster claim and subsequent reimbursements from OES and FEMA. It is reprinted from the August 2014 Engineer's Report because it needs to be understood that a final resolution will likely cost the District \$122,210 to clear up.

On June 20, 2014 the office of the District Engineer received a letter from CalOES accounting division advising that the District had been overpaid for the 2006 disaster. The overpayment, calculated by CalOES to be \$150,561, resulted from a de-obligation by FEMA of the initial DR's written by OES and subsequent re-obligation by FEMA of the early emergency response expenditures occurring while the disaster declaration was in effect. As a result of the FEMA de-obligation OES picked up 75% of the total District disaster cost, plus 10% for administration. Subsequently, FEMA paid OES 75% of the early repair expenditure that was re-obligated and OES sent the District a check for that amount, including an administrative allowance. This resulted in an overpayment that the Board was appraised of by this office in November of 2007. At that time there was still an appeal pending with FEMA for the balance of the repair work that was done after the disaster was declared officially over. Consequently, the Board was advised that the final amount of the overpayment could be subject to an adjustment. At the time, this office estimated that the District might need to return \$120,561. The final appeal was denied but the District was never contacted until recently about the final closeout of this disaster and the results of the final accounting review. This office has been working with CalOES regarding this matter to verify the correct amount of the overpayment, while verifying with the District Treasurer that no check was issued to Grant Payments for any amount. At this juncture this office has sent CalOES its calculation of the amount of overpayment to be \$122,210 and is waiting for the CalOES audit preparer to verify the methodology and revise the Re-payment Invoice. Because CalOES has been overwhelmed with disastrous fires, it is not likely that the issue will get any attention for some time.

- F. Rivers Edge Boundary Line Adjustment. Following the execution of a contract with River's Edge Marina this office has proceeded to prepare the necessary documents to apply to Sacramento County to process a Boundary Line Adjustment involving the Rivers Edge property and the District's 100-acre material re-handling site. The property line adjustment was previously approved by the Board and would not result in any change in the total acreage of either parcel. The adjustment involves the southerly and easterly property lines for Rivers Edge and would shift them to add property to the south and reduce the intrusion on the east. The new configuration came out of a District desire to construct a fence between the two properties to eliminate some trespass problems and the awkward location of the existing southerly line and long time unauthorized use of a strip of the District property at this location.

10.4 Counsel - Scott Shapiro. No report received.

11. Director Reports.

11.1 Gay Giles will be attending the CSDA conference the week of September 29, 2014.

11.2 Larry Gardiner was not able to attend the last Central Valley Flood Control Board meeting.

12. Announcements and Change of Venue. Those present were invited to join the Board for lunch at Rogelio's following the fifteen minute recess.

13. Meeting reconvened. The meeting was reconvened at Rogelio's with President Gardiner presiding. Others in attendance included Larry Gardiner, Gay Giles, Denis Van De Maele, Gil Labrie and Dave Spensley. With no further business to come before the Board, the meeting was adjourned at 1:15 p.m.

Respectfully submitted,

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

Date Approved: October 9, 2014
MSC: Giles / Van De Maele