

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, October 9, 2014

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by presiding officer, President Larry Gardiner, at 10:06 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: Debbie Phulps, Secretary; Gilbert Labrie, Engineer; Victoria Hale, Treasurer
Guests: Tim Anderson, Amber Hancock, Bill Kearns, Gary Moore

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

3. Business — Encroachments

3.1 Gary Moore addressed the Board seeking permission to leave his bee hives through the current season at the District property where they were stored during the Cajun Festival. It was agreed that they can remain as long as the hives and honey operation do not pose a problem for the District Superintendent's operations or until Mr. Moore is advised by the Board that they be removed.

3.2 Bill Kearns addressed the Board seeking authorization for the installation a 3-foot wide concrete swale drain along the levee side of the existing residential structure located on Mr. Kearns' Terminous Road property. The proposed construction includes a raised curb along the outside edge of the swale to contain the toe of the levee slope, which the District capped with dirt fill and completed a blanket drain necessitated by Mr. Kearns' removal of all the grass from the levee slope. The proposed swale is intended to capture storm water runoff and will have drainage inlets connecting to a collection system that will be installed and carry the runoff collected to the drainage ditch that is in the front of the parcel and adjacent to Terminous Road. It is recommended that the encroachment request be granted by amending the existing permit granted by the District at the time of the proposed reconstruction of the residence. Mr. Kearns is not certain whether he will eventually proceed with the upgrade to an entire new structure or work with the existing. That will depend on future housing market conditions in the area.

President Gardiner expressed concern about the build-up in the swale. Gil Labrie clarified the separation of the drain and irrigation functions at the present ditch; and agreed to site verify such. **MSC** (Giles / Silva) amending the existing permit.

4. Invitation to Guests to address the Board. None responded.

5. Financial. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of bank statement.

5.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	662,698.97
Total Accounts Receivable	\$	12,977.05
Total Other Current Assets	\$	6,641.50
Total Fixed Assets	\$	649,320.46
Total Assets	\$	<u>1,331,637.98</u>
Total Current Liabilities	\$	671,677.26
Equity	\$	<u>659,960.72</u>
Total Liabilities and Equity	\$	<u>1,331,637.98</u>

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

Applied Water Resources	44,991.37	Frontier Communications	93.54
Asta Construction	105,258.27	Gardiner, Larry	100.49
AT&T Wireless	242.22	Giannini, Andy	2,079.59
Deak, Joe	100.49	Gilbert Labrie, AIA	30,135.75
Delta Bookkeeping	2,408.28	Giles, Gay	100.49

John Deere Financial	202.25	Ramos Oil	305.11
Klipfel, Russel	2,224.28	River Rats	75.00
Oilwell Materials	32.47	Silva, Frank	100.49
Payroll - PERS	4,164.92	Stewart Industrial	43.55
Payroll - Liabilities	2,204.80	Van De Maele, H. Denis	<u>100.49</u>
Quickbooks Payroll	2.90	Total	<u>\$ 194,966.75</u>

MSC (Deak / Van De Maele) authorizing payment of the claims presented and issuance of four (4) \$50,000 warrants.

6. Staff Reports

6.1 Secretary - Debbie Phulps. **MSC** (Giles / Van De Maele) approving the September 18, 2014 with the insertions of the amounts for the Superintendent’s compensation and the LAFCO dues.

6.2 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 - The principal items of focus by DWR involving the Delta Levees Subventions Program are the PSP (Project Solicitation Proposal) package for Delta Levees Special Flood Control (Multi-benefit) Projects and the effort to develop a State Investment Plan (Strategies) for Delta Levees. The former is the fourth in a series of separate project proposal solicitation campaigns to support larger projects than can be funded and (initially thought) accomplished in a single budget year under the Special Projects category that was established as a separately administered segment of the Subventions Program, with much more State oversight than the ongoing O&M Program in which more than 60 districts participate. 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 Projects on June 13, 2014, calling for initial concept proposals to be submitted by July 17, 2014. The project Guidelines emphasized water supply reliability, channel margin habitat enhancement, and improvement to levee system integrity with a total of \$75 million targeted for projects ultimately selected through a two-phase selection process.

As previously reported to the Board, this office proposed 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 and in the preliminary design stage in preparation for USACE and Flood Protection Board permitting submittal. A concept proposal was packaged that included 1.75 miles of erosion protection and habitat enhancement component, with a rough cost estimate of \$5.7 million, was submitted for consideration. 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 a more detailed Full Application package, this office proceeded with the preparation effort required to respond to the requirements of the Program Guidelines and prepare a complete submittal package presuming Board concurrence. Because a phased version of this project was incorporated into the District’s Five Year Plan, this office had spent some time refining a project design concept and has been getting prepared to submit the project for the necessary permits. 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 to proceed soon with the most time consuming and contentious of that permitting process for this erosion repair/habitat enhancement project without waiting for the PSP approval and contractual process, which may take until March 2015 to be finalized.

As previously reported, 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 refined and expanded project proposal that was ultimately submitted, was 63 pages long, and describes an erosion repair/habitat enhancement project that encompasses 1.52 miles of Sacramento River

levee with an estimated total project cost of \$7.04 million.

In terms of the status of the Sacramento River levee erosion repair project PSP, this office received correspondence from DWR requesting some additional information and formatting changes for the project scheduling data provided, along with some additional detail. Obviously, too much detail is a little difficult to provide at this preliminary stage in the project development process but there has been coordination with DWR to clarify their request and ensure that the deadline for this follow up submittal of October 13 can be met.

Regarding the other Subventions Program issue cited above, the development of Priorities for Investments in Delta Levees, the Delta Stewardship Council has hired a consultants, ARCADIS, the Rand Corporation, and ESA, to work with State and local agencies, residents and stakeholders to develop a "comprehensive methodology" to guide the ongoing investment of State funds and fairly allocate costs appropriately to all the beneficiaries. This strategy is just getting started, with comments on a draft document prepared for the Stewardship Council due by October 27. A "listening" session involving local district representatives is scheduled for October 23. To date there have been several comments submitted about the about the accuracy of information about the Delta levees in the DSC draft document as well as conclusions drawn from that data regarding future investment requirements. It has long been the contention of this office that the use of the term "investments" automatically calls for a benefits analysis and determination of a rate of return, which makes sense if you are selling water but does not if you are dealing with lives, individual livelihood, an inter-related system of islands, and other unquantifiable benefits. Clearly this is a process driven by the Legislature, the current administration, southern California water interests, and the PPIC fed by UC Berkeley and Davis.

- B. Periodic Inspection Report - On the agenda for the September meeting of the Central Valley Flood Protection Board, of which the BALMD Board was previously appraised, the USACE presented the results of a recent "screening" involving RD 563 and 554. The report presented the same conclusion for the Project Levees involved as will be the result for BALMD when that report comes out. As reported in August, URS has been conducting a similar screening of BALMD/RD 556 levees. 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. CVFPB member Joe Countryman did pose some good questions and observations for the USACE regarding urban vs. rural levee O&M and design criteria and the lack of different standards in order to get the issue on the table. What will come of the CVFPB discussion is difficult to predict.
- C. 2013-14 Subventions Projects - The two 2013-14 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 the levee cross section enhancement on Sevenmile Slough between the dams, are now complete. However, increases in material quantity estimates that became apparent early on have resulted in some change orders that have pushed some of the Sevenmile Slough project cost into the 2014-15 Fiscal Year.
- D. 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.

There was only one qualified bidder for each of the advertised projects. Dutra Construction submitted the only bid for the rip-rap project and has already completed the Georgiana Slough portion as of this writing, and plans to begin the Sacramento River segment on the day of the District meeting. Some rip-rap has been stockpiled at strategic locations for land-side placement

behind floating structures and Bruce Gornto has been contacted to handle the placement of that material under a separate force account contract.

The one qualified bidder for the tree trimming project, Arborwell, did not meet the posted deadline due to a misunderstanding. A price has since been received by this office, based on the advertised scope of work that is well under the \$25,000 threshold. Consequently, it is recommended that the Board take the necessary steps to move forward and award a contract to Arborwell in order to try and get the work done before the State's Fall PL 84-99 Inspection.

It was agreed to have Arborwell proceed with the two major sites via a purchase order not to exceed \$25,000.

As previously reported and discussed, there is almost one-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 Vieiras Resort and on the land side fronting the Ruport and Correia properties. There is also a small area along Georgiana Slough that is being addressed as part of the rip-rap related trimming that Arborwell is doing for Dutra because it is convenient and cost effective.

Over the last few months this office has recommended proceeding with a subsurface conductivity investigation of the Sacramento River levee, based on a quote obtained from CSI and similar to an investigation that was undertaken on the remaining island levees. The purpose of the earlier investigations was to look for subsurface anomalies needing further investigation potentially posing a threat to levee integrity. An investigation of the District's Sacramento River levee is considered essential to better determine the precise location and extent of the penetrations that were identified in the DWR study. Such an investigation would facilitate the future District effort that will be required to address many of the items identified in the DWR study during 2014-15. The cost of the subsurface conductance study and report would be \$21,000. Board approval has been delayed in order to better manage cash flow until the State reimbursement of 2012-13 Subventions expenditures is received. DWR staff has indicated that the necessary paperwork concerning BALMD's reimbursement went to the State Comptroller on September 18, 2014. It was indicated that it could take from six to 8 weeks for the check to be issued. Taking the worst timing scenario the Board could have the State funds in the bank by the November meeting.

- E. DR 200601- CDAA Obligation - This issue has been presented to the Board in prior reports and is being carried forward as a reminder. It involves an over-payment situation emanating from the closeout of the District's 2006 disaster claim and subsequent reimbursements from OES and FEMA. It is the contention of this office that a final resolution will cost the District \$122,210 to clear up. A detailed synopsis of the circumstances that revealed this OES error appeared in the August 2014 District Engineer Report and was reprinted in September. The final resolution of this matter is awaiting CalOES, which is bogged down with fire related disaster assistance.
- F. DELTA BAY Monitoring - As previously reported, this office has been conducting a monitoring survey of the San Joaquin River levee at the Delta Bay Resort on a periodic basis because of the localized subsidence that has been occurring there over the years and necessitated periodic rehabilitation. Last year a bathymetric survey adjacent to the levee revealed some slope failure at the levee toe on the water side and the District undertook an emergency project to bolster the levee slope with rip-rap. To conclude that effort the levee crown was re-graded and re-paved. Subsequently there has been new evidence that the localized subsidence is continuing to occur and a recent monitoring survey indicates some lateral as well as vertical movement. To better attempt to identify the problem, Raney Geotechnical installed an inclinometer in the levee a few years back to in order to detect where internal movement may be occurring. A recent reading of the monitoring device that was installed indicates continued movement at the minus 20 foot level, measuring from the levee crown. This office and Raney are in a quandary as to where to go from here and what level of concern to assign to the situation.

6.3 Counsel - Scott Shapiro. No report.

7. Director Reports — No reports.

8. Announcements. Those present were invited to join the Board for lunch at Pineapple's in Isleton following the meeting. The following were planning to attend: Amber Hancock, Tim Anderson, Denis Van De Maele, Gay Giles, Debbie Phulps and Gilbert Labrie.

9. Adjournment— With no further business to come before the Board, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

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

Date Approved: November 13, 2014
MSC: Giles / Deak