



## Sutter Butte Flood Control Agency

Board of Directors Minutes Regular Meeting, July 11, 2018, 1 p.m.

City of Yuba City Council Chambers - 1201 Civic Center Blvd., Yuba City, CA

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 2 p.m. at the City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

### MEMBERS PRESENT

County of Sutter:	Mat Conant, Jim Whiteaker
County of Butte:	Bill Connelly, Steve Lambert
City of Gridley:	Frank Hall
City of Yuba City:	Stan Cleveland, John Buckland
City of Live Oak:	Jason Banks
City of Biggs:	Bo Sheppard
Levee District 9:	Mike Morris, Chris Schmidl
Levee District 1:	Francis Silva, Charlie Hoppin

**MEMBERS ABSENT:** Larry Munger (replaced by alternate Jim Whiteaker)

**STAFF PRESENT:** Michael Bessette, Director of Engineering; Andrea Clark, Agency Counsel; Mike Inamine, Executive Director; Scott McElhern, Agency Counsel; Seth Wurzel, Budget Manager; and Terra Yaney, Board Clerk

### MEETING/CALL TO ORDER

At 1p.m., Director Steve Lambert opened the meeting and led the group in the pledge of allegiance.

### CLOSED SESSION

Conference with real property negotiators pursuant to Govt. Code section 54956.8.

Agency negotiator(s): McElhern/Bessette

Properties and negotiating parties:

- Sundeep S. Dale and Mohinerwant K. Dale (Sutter County APN 25-140-005, 25-140-005)

### CONSENT CALENDAR

1. Approval of the Minutes for the June 13, 2018 Board Meeting
2. Approval of Task Order Amendments to Task Orders 4, 6, 7, 8, and 9, under the Master Services Agreement with WSP (formally Parsons Brinckerhoff, Inc.) to provide construction management services
3. Approval of Task Order 10 Amendment 1, under the Master Services Agreement with WSP (formally Parsons Brinckerhoff, Inc.) to provide construction management services for Phase 1 of the Oroville Wildlife Area Flood Stage Reduction Project
4. Approval of Plans and Specifications and Consideration of Award of the Oroville Wildlife Area Flood Stage Reduction and Restoration Project Construction Contract (Contract No. 02-2018-OWA) to the Lowest Responsive and Responsible Bidder – Nordic Industries, Inc.

Item 4 was pulled from Consent Calendar for further discussion.

A motion to approve items one through three of the Consent Calendar was made by Director Jason Banks and seconded by Director Chris Schmidl. The motion passed with no objection. The Consent Calendar was approved as follows:

- |                       |                        |
|-----------------------|------------------------|
| • Jason Banks - yes   | • Charlie Hoppin - yes |
| • John Buckland - yes | • Steve Lambert - yes  |
| • Stan Cleveland- yes | • Mike Morris - yes    |
| • Mat Conant - yes    | • Chris Schmidl -yes   |
| • Bill Connelly - yes | • Bo Sheppard - yes    |
| • Frank Hall- yes     | • Francis Silva - yes  |
|                       | • Jim Whiteaker - yes  |

#### Item 4

Agency Counsel Andrea Clark stated that Downey Brand has a conflict with this matter and will not be advising SBFCA on item four of the Consent Calendar. SBFCA will be represented by the construction legal counsel firm of Diepenbrock Elkin Gleason and Dan Whisman Engineering.

Executive Director Mike Inamine provided background on item four as explained in the staff report provided. He went on to explain that in between the time that the agenda was published we received a letter from Tiechert Construction protesting the construction contract award to Nordic Industries. Staff evaluated the protest and rendered a legal opinion and a recommendation. The subsequent staff report was updated and provided to the board and made available to the public. The recommendation was also communicated to both subject contractors.

Director Mat Conant expressed the importance of moving forward with the project and the potential risk of going back out to bid, the expense associated with a delay, and the adverse impact on the project.

A motion to approve Item 4 of the Consent Calendar was made by Director Jim Whiteaker and seconded by Director Bo Sheppard. The motion passed with no objection. Item 4 was approved as follows:

- |                       |                        |
|-----------------------|------------------------|
| • Jason Banks - yes   | • Charlie Hoppin - yes |
| • John Buckland - yes | • Steve Lambert - yes  |
| • Stan Cleveland- yes | • Mike Morris - yes    |
| • Mat Conant - yes    | • Chris Schmidl -yes   |
| • Bill Connelly - yes | • Bo Sheppard - yes    |
| • Frank Hall- yes     | • Francis Silva - yes  |
|                       | • Jim Whiteaker - yes  |

#### No public Comment

The entire discussion is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

#### RESOLUTION OF NECESSITY HEARING

##### 5. Consider Adopting resolution of necessity to acquire certain property interests for the Sutter Basin Flood Risk Management Project as follows:

- Sutter County Assessor's Parcel Numbers 25-140-005, 25-140-005 owned by Sundeep S. Dale and Mohinerwant K. Dale, as to an undivided 50% interest and Sundeep S. Dale Trustee of the Dilbagh S. Dale Family Trust, as to an undivided 50% interest.

Director Charlie Hoppin inquired on the process of negotiations and whether we can go back to the original offer if the negotiations are unsuccessful.

Mr. McElhern answered that if the negotiations are unsuccessful and we go to trial, ultimately the jury will make the determination of fair market value (appraised value) which is the original offer. Mr. McElhern clarified that the purpose



of the resolution is to determine that the property is necessary for the project and that we have met all the requirements to adopt the resolution.

Director Jason Banks asked staff to clarify if SBFCA is making an offer on a levee that we are maintaining?

Mr. McElhern clarified that the fee includes 20 feet on the landside and 15 feet on the waterside as well as the area under the maintained levee.

#### **Public Comment**

Yuba City resident Elaine Miles inquired if the property owner will have access to their water side property.

Mr. McElhern answered yes, access will be reserved.

**A motion to approve the Resolution of Necessity was made by Director Mike Morris and seconded by Director Chris Schmidl. The motion passed with no objection. The item was approved as follows:**

- |                       |                        |
|-----------------------|------------------------|
| • Jason Banks - yes   | • Charlie Hoppin - yes |
| • John Buckland - yes | • Steve Lambert - yes  |
| • Stan Cleveland- yes | • Mike Morris - yes    |
| • Mat Conant - yes    | • Chris Schmidl -yes   |
| • Bill Connelly - yes | • Bo Sheppard - yes    |
| • Frank Hall- yes     | • Francis Silva - yes  |
|                       | • Jim Whiteaker - yes  |

#### **PRESENTATION, DISCUSSION & ACTION ITEMS**

##### **6. Receive and File Monthly Financial Report**

Budget Manager Seth Wurzel presented the monthly financial reports for May and answered questions regarding operating revenue of advanced funding. Mr. Wurzel announced that we have started the annual audit for FY 2017-18. The entire report, along with a PowerPoint presentation is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

**No public comment.**

#### **INFORMATIONAL AND POSSIBLE APPROVAL ITEMS**

##### **7. Program/Project Update**

Director of Engineering Michael Bessette gave a presentation outlining recent and ongoing activities. He reported that the contractor has completed all levee improvements on the emergency levee repairs on Reaches 14-16. He reported that the Feather River Parkway is reopened and we are coordinating with Levee District 1 and City of Yuba City for access control throughout the 3-mile improvement area. In addition to the construction work, Mr. Bessette reported that surveyors are conducting survey monument installations in Project Area C.

Mr. Bessette provided an update on the UPRR Closure Structure agreement; as reported last month UPRR closed the at-grade crossing on their own and without notifying SBFCA or emergency response agencies. Staff is communicating with UPRR to better understand how this at-grade crossing closure will affect the Construction & Maintenance Agreement needed for the project. He reported that in the North Live Oak Area (Reach 25) SBFCA has a project to remove two non-functioning drainage pipes. There are cultural resources in the area. Staff has been working with through the Section 106 and cultural resources process to clear the area. We are now planning on grouting those pipes instead of removing them, to reduce/eliminate cultural resource impacts. We are working with USACE and

Central Valley Board to get all of permits and approvals necessary and will be issuing a contract in the next several months.

He reported that staff is in working with LD1 and 9 to finalize the OMRR&R agreements. Mr. Bessette also reported that the Small Communities Grant is moving forward, a scoping meeting set up for this Friday and work will be advancing now that the funding is available.

The entire report, along with a PowerPoint presentation is available on the SBFCA website at:  
<http://sutterbutterflood.org/board/meetings-agendas/>

**8. Sutter Basin Federal Project Update**

Executive Director Mike Inamine provided an update on the federal project. He reported that the project received appropriations via the 2018 USACE work plan last month. He reported the SBFCA team is assisting with engineering design, Section 106 compliance documentation, environmental compliance and permitting, and real estate acquisition. The Corps is considering whether or not SBFCA is eligible to construct the federal project.

**9. Other Reports from Agency Staff and Consultants**

Nothing to report.

**10. Report by Member and Partner Agencies**

Nothing to report.

**CORRESPONDENCE**

**11. Report on Correspondence Sent by and Received by the Board**

Nothing to report.

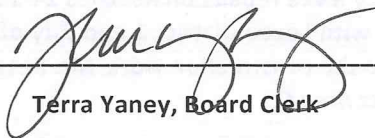
**PUBLIC COMMENT**

None

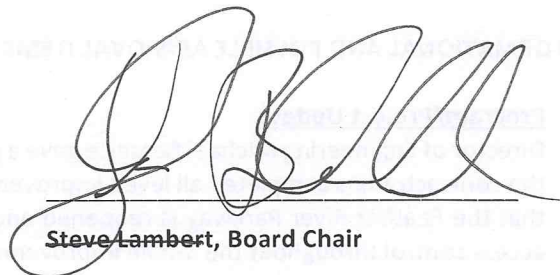
**ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 1:48.m.

ATTEST BY:



Terra Yaney, Board Clerk



Steve Lambert, Board Chair