



MINUTES

PLACER COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS Monday, February 6, 2017

The Board of Directors for the Placer County Flood Control and Water Conservation District met in session beginning at 4:00 P.M., Monday, February 6, 2017, in the Rocklin City Council Chambers, 3970 Rocklin Road, Rocklin, California. Brian Keating, District Manager, Brad Brewer, Development Coordinator, Ken Grehm, Executive Director and Elise Nelson, District Counsel, represented the District.

1. **ROLL CALL:**

By roll call, Directors present: Yorde, Duran, Alvord, Morillas, Berlant, Broadway, and Karleskint
Directors Not Present: Weygandt

2. **AGENDA APPROVAL:**

Motion made to approve the agenda for February 6, 2017.

MOTION: Duran/Yorde

APPROVED: Unanimous

3. **APPROVAL OF November 14, 2016 MINUTES:**

Motion made to approve the minutes of the November 14, 2016 meeting.

MOTION: Yorde/Morillas

APPROVED: Unanimous.

4. **PUBLIC COMMENT:**

None

5. **ITEMS FOR INFORMATION:**

a. **Acknowledgement of regular rotation of Board Chair and Vice-Chair as well as Director appointments for 2017; Directors Handbook updated and distributed**

Brian Keating, District Manager, informed the Board that a resolution was adopted in 2006 that adopted a schedule for the annual rotation of the Directors serving the positions of Board Chair and Vice-Chair. He also welcomed the three new Directors from the Cities of Roseville, Rocklin and Lincoln that have been appointed to the Board this year including Scott Alvord, Ken Broadway and Dan Karleskint, respectively. Brian referred the new Director's to our Flood Control Director's Handbook for valuable information regarding our past history, enabling legislation overall function and purpose for the District.

Brian informed the Board that Ken Yorde has been re-appointed to serve as our Member At Large Director for another two year term through March 11, 2019. Director Yorde has served on your Board for the past twenty three years, beginning in 1994. Brian thanked Ken for his service.

b. **Results of bi-ennial District audit for period ending June 30, 2016**

Brian reviewed the results of the bi-ennial audit for the District that was completed by the private auditing firm of Vavrinek, Trine, Day & Co., LLP. They found no incidents of non-compliance.

No deficiencies in internal control that could be identified as a material weakness were found either. No specific recommendations to strengthen internal controls and operating efficiency were made. Brian reviewed select financial highlights from the report with the Board. Director Duran asked to be provided with an electronic copy of the report; Brian replied that he will provide the Directors with a copy via email.

c. Placer County experienced a set of powerful atmospheric storm events that resulted in flooding throughout the area from January 7th through the 11th of this year.

Brad Brewer, Development Coordinator updated the Board that the District provided a key role in flood response efforts during the recent storm events of January 7th - 11th, 2017. This included staffing assistance within the activated Placer County Emergency Operations Center, close monitoring of our ALERT flood warning system of gages, assistance issuing reverse-911 type mass public notifications and coordination calls with our affected member agencies.

Brad reported that the first storm event began January 7, 2017 and was a warm storm in which 9.54 inches of rain fell within a 48-hour period as measured at Alpine Meadows Resort. The Truckee River, Ward Creek and Blackwood Creek all reached flood stage during this event, with the Truckee River reaching an estimated 10-year storm event. The major stem rivers within Placer County such as the North Fork of the American and Upper South Yuba rose to levels that have not been seen in 10 years. The second storm event arrived two days later with lower snow levels that prevented further flooding of streams in the Tahoe and Truckee area; however, heavy rain fell across the Western Placer County, with 4.13 inches of rain observed in Auburn within a 24-hour period. Several streams in Western Placer County such as Dry Creek, Linda Creek, and Cirby Creek all reached established flood stages. Other area streams such as Markham Ravine, Coon Creek, King Slough, Curry Creek and Auburn Ravine also rose to levels that led to closure of many roads throughout the area. It was estimated that this second storm resulted in slightly higher than a 10-year storm event for the main stem of Dry Creek.

District staff continue to assist our member agencies in documenting storm related damage assessments which Placer County Office of Emergency Services will use in applying for disaster declarations and financial assistance from the State.

6. ACTION ITEM:

a. Project update and adoption of Resolution No. 17-01, approving the project plans and specifications and authorizing staff to advertise for construction bids for the Antelope Creek Flood Control Project.

Brian provided a project update stating that all project permits have been obtained or in some cases now extended and we have received the long awaited 404 permit from the United States Corps of Engineers (USACE) as a Minor Letter of Permission (LOP). Staff have executed a Temporary Roadway Agreement with the Union Pacific Railroad and in late December 2016, we received the Biological Opinion (BO) from the National Marine Fishery Service (NMFS).

Regarding schedule Brian explained we plan to get to construction by May 2017 and finish by November 2017. We need to complete construction by the end of December to ensure a grant program deadline of December 31, 2017 associated with our Department of Water Resources (DWR) Integrated Regional Water Management Program (IRWMP) is not exceeded.

Brian explained that in order to meet our schedule and comply with the public contracting code requirements, it is necessary that the Board adopt the attached Resolution 17-01. The resolution approves the project plans and specifications, and authorizes staff to advertise for bids. A 30-day bid period is planned and the official authorization to award a construction contract is planned to occur at the April 10, 2017 Board meeting, at which time staff anticipate requesting Board

authorization for staff to execute a contract with the lowest responsive responsible bidder. The current engineer's opinion of probable construction costs for this project is \$2,166,834.

With cost estimates for the off-site mitigation credit purchase and construction management services now more refined, the funding shortfall has grown to approximately \$624,400. The District plans to meet with our four member agencies (Placer County, Roseville, Rocklin and Loomis) within the Dry Creek watershed to negotiate the terms of a loan agreement to wholly or partially fund this shortfall, similar to the existing \$400,000 loan between the District, Placer County and the City of Roseville. However, the final funding shortfall may be further impacted (increased or decreased) depending on the dollar amount of future construction bids received.

Director Yorde asked if fees from the Placer Vineyards development would pay into the fund. Ken Grehm said that a relatively small portion of that development would pay into the Dry Creek Watershed as most of the development is located outside the watershed.

Brian explained that our schedule is to advertise for bids beginning March 1, 2017, allow for a 30 day bid preparation period with a bid opening on March 30, 2017. Brian asked the Board to adopt Resolution No. 17-01, approving the project plans and specifications and authorizing staff to advertise for construction bids for the Antelope Creek Flood Control Project.

Director Karleskint recognized the existing \$175,000 salmonid credit mitigation purchase and asked if there would be an additional purchase of wetland mitigation credits. Brian confirmed that the future wetland mitigation credit purchase is likely to cost \$55,000 and since we have included a budget of \$42,000, we anticipate an approximate \$13,000 increase to the total budget due to this item.

Director Alvord asked if bid prices are expected to go up or down. Brian stated that the current busy construction climate could lead to higher prices but we will evaluate when the bids come in. Director Duran asked if there was a contingency built into the cost opinion and Brian confirmed a 10% contingency was included in the engineer's cost.

Ayes: Duran, Alvord, Yorde, Morillas, Berlant, Broadway, Karleskint
Noes: None
Absent: Weygandt

b. Authorize the Executive Director to execute a sole source type purchase of off-site salmonid mitigation credits in the amount of \$175,200 required for the Antelope Creek Flood Control Project.

Brian reported that the Biological Opinion (BO) as issued by the National Marine Fishery Service (NMFS) set specific mitigation requirements for our projects impacts to fisheries. The District must purchase salmon and steelhead credits from a NMFS approved conservation bank prior to construction to fully compensate for the impacts to salmonids resulting from the project. The credit purchase shall be at a 3:1 ratio of the total acreage of all habitat types lost onsite (0.73 acres). After applying the mitigation ratio, a total of 2.19 acres of salmonid and steelhead restoration credits will be purchased. This compensation ratio is based on site-specific information and determined through coordination with NMFS during the permitting process.

Brian explained that we have received formal proposals from two conservation banks in the region that are able to provide these specific credits, including Wildlands Fremont Landing Conservation Bank located in Yolo County and Westervelts Consumnes Floodplain Mitigation Bank located in Sacramento County. Wildland's proposal costs totaled \$175,200 and Westervelt's totaled \$186,150. However, it was determined that the Westervelt mitigation bank is located outside our projects approved "service area" as defined by NMFS and as such, the District would not be approved to

purchase credits from this bank. Staff is recommending your Board authorize a sole source type procurement from Wildlands at their Fremont Landing Conservation Bank.

Brian stated that staff will not proceed with this mitigation credit purchase until full project funding has been secured.

Director Duran asked if there was a credit purchase exemption allowed if there are no conservation banks located within our region. Brian replied there was no such exemption and that there are few salmonid type conservation banks in northern California with none located in Placer County.

Director Yorde asked if the project was impacting the salmon or possibly eliminating them from the stream. Brian said our project impacts are only temporary and we are following an agency approved creek dewatering plan. Brian further explained that we will be improving the habitat for both salmon and steelhead over the long term. Director Alvord asked if the 3:1 mitigation ratio was unusual and Brian stated it was the most restrictive we are aware of.

MOTION: Berlant/Duran

APPROVED: Unanimous

c. Authorize the Executive Director to award a professional services agreement to the highest ranking firm for construction management services relating to the Antelope Creek Flood Control Project.

Ken Grehm, Executive Director stated that staff have completed procurement activities associated with Request for Proposal (RFP) No. 16-01, for construction management (CM) services for the Antelope Creek Flood Control Project. The detailed scope of services includes pre-construction and bid assistance services, construction staking and surveying, daily construction inspection services, and post-construction record drawing preparation.

Three pre-qualified consulting firms from the County's pre-qualified list of CM firms submitted written proposals in response to the RFP. A three person evaluation panel consisting of members of the District and Placer County Department of Public Works reviewed and ranked the proposals. Psomas was the highest ranked firm; negotiations will begin with them shortly.

Ken recommended that the Board by motion authorize the Executive Director to execute a PSA with Psomas in an amount not to exceed \$375,000 for construction management services for the Antelope Creek Flood Control Project and to authorize the Executive Director to issue any required contract amendments up to \$20,000 in value.

Director Karleskint asked if the \$20,000 allowance for future amendments was over and above the PSA value of \$375,000. Ken confirmed it was.

MOTION: Duran//Berlant

APPROVED: Unanimous

d. Authorize the Executive Director to enter into a 3-year long landscape maintenance agreement as a sole source type procurement with the California Conservation Corps for the Miners Ravine Off-Channel Detention Basin Facility floodplain areas.

Brian Keating informed the Board that for the past 5 years, the CCC have been under contract to the District to perform twice yearly vegetation maintenance type services within the floodplain and detention basin areas at the Miners Ravine Off-Channel Detention Basin Facility. The maintenance work includes the clearing of vegetation from drainage swales, the elimination of existing non-native plant species, the application of approved herbicides to swales within the basin, and the removal of invasive weed species as they occur in the project area.

The current contract has expired and is proposed to be replaced with a similar 3-year long contract. Based on previous expenditures over the last five years, the estimated value of each year's expenses totals approximately \$9,000 and accounting for inflationary increases over the three year period, we have budgeted a total of \$27,900 for completing the maintenance program. These expenses will be funded through the District's general fund, which receives specific annual contributions from each of our member agencies within the Dry Creek Watershed to cover annual maintenance costs associated with maintaining the District's facilities, including these specific expenses. This procurement with the CCC is considered to be a sole source type since it is highly specialized and the CCC have been specifically trained to perform this type of work within sensitive environmental areas. It also extends a long-standing cooperative agreement with another governmental agency.

The contractual forms to be utilized are standards from the State which the District and the CCC are accustomed to utilizing in these types of agreements.

Brian asked the Board by motion to authorize the Executive Director to enter into a 3-year long contract for landscape maintenance services with the California Conservation Corps (CCC) at the District's Miners Ravine Off-Channel Detention Basin Facility.

MOTION: Duran/Yorde
APPROVED: Unanimous

7. **NEXT MEETING** The next regularly scheduled Board meeting is on March 13, 2017 at 4:00 pm at the Rocklin City Council Chambers.

9. **ADJOURNMENT:**

The meeting was adjourned by the Chair, Director Alvord at 4:44 pm

Respectfully submitted,

Tracie Coyle
District Secretary