



Sutter Butte Flood Control Agency

**Board of Directors Agenda Summary
12:45 p.m. – March 11, 2015 – Regular Meeting**

Meeting Location:

City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA

The agenda is posted in the building of the Sutter Butte Flood Control Agency at 1441 Garden Highway, Yuba City, and at the Sutter County Library, 750 Forbes Avenue, Yuba City. The agenda summary, backup materials, and approved minutes are also posted on the Sutter Butte Flood Control Agency website at sutterbutteflood.org. Materials related to an item on this agenda and submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the office of the Board Clerk at 1441 Garden Highway, Yuba City, during normal business hours. In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability related modifications or accommodations to participate in this meeting, please contact Sarah Modeste at 530-755-9859 or s.modeste@sutterbutteflood.org. Requests must be made one full business day before the start of the meeting.

County of Sutter

Jim Whiteaker
Larry Munger
Alt. Dan Flores

County of Butte

Bill Connelly
Steve Lambert

City of Yuba City

John Dukes
Kash Gill
Alts. John Buckland

City of Live Oak

Gary Baland
Alt. Jason Banks

City of Gridley

Frank Hall
Alt. Jeff Draper

City of Biggs

Bo Sheppard
Alt. John Busch

Levee District 1

Francis Silva
Barbara LeVake
Alts. Sally Serger, Bill Hampton

Levee District 9

David Lamon
Chris Schmidl
Alt. Bob Sohal

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Sutter Butte Flood Control Agency office at 530-755-9859. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

12:45 PM CLOSED SESSION

1. Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2) – Native American Heritage Commission

REGULAR MEETING/CALL TO ORDER

Roll Call
Pledge of Allegiance

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chair will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

1. Approval of the minutes for the February 11, 2015 Board Meeting
2. Approval of the resolution establishing the regular SBFCA Finance Committee meetings for the 2015 calendar year
3. Approval of Amendment 7 to the Larsen Wurzel & Associates, Inc. contract

PRESENTATION, DISCUSSION & ACTION ITEMS

4. Receive and file monthly financial report

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

5. Program/Project Update
6. Other reports from Agency staff and consultants
7. Report (if necessary) by the Citizens' Assessment District Advisory Committee (CADAC)
8. Report (if necessary) by member and partner agencies

CORRESPONDENCE

9. Report on correspondence sent by and received by the Board

PUBLIC COMMENT

Members of the public will be allowed to address the Sutter Butte Flood Control Agency's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been placed on the agenda may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

ADJOURNMENT



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of the Minutes for the February 11, 2015 Regular Board Meeting

The proposed minutes for the Board of Director's regular meeting February 11, 2015 are attached for your review, modification and/or approval.

Recommendation

We recommend that the Board approve and authorize the Chair to sign the minutes.

Thank you.

**DRAFT MINUTES OF THE BOARD OF DIRECTORS OF THE
SUTTER BUTTE FLOOD CONTROL AGENCY
REGULAR MEETING OF
FEBRUARY 11, 2015**

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. in the City of Yuba City Council Chambers, Yuba City, California.

MEMBERS PRESENT

County of Sutter:	Jim Whitaker, Larry Munger
County of Butte:	Bill Connelly, Steve Lambert
City of Yuba City:	Kash Gill, John Dukes
City of Gridley:	Frank Hall
City of Live Oak:	Gary Baland
City of Biggs:	Bo Sheppard
Levee District 9:	David Lamon, Chris Schmidl
Levee District 1:	Francis Silva, Barbara LeVake

MEMBERS ABSENT: None

STAFF PRESENT: Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro, Agency Counsel; Seth Wurzel, Budget Manager

MEETING/CALL TO ORDER

Board Chair Kash Gill opened the meeting at 1 p.m. and Director Jim Whiteaker led the group in the pledge.

CLOSED SESSION

- 1) **Conference with real property negotiators pursuant to Govt. Code section 54956.8**
Agency negotiator(s): McElhern/O'Regan
Properties and negotiating parties:
 - 1) 025-290-027 (Fredericks)

Nothing to report.

CONSENT CALENDAR

- 1) **Approval of the minutes for the January 14, 2015 Board meeting**
- 2) **Receive minutes for December 8, 2015 Finance Committee meeting**
- 3) **Approval of Amendments to ICF Task Orders No.11, 12, and 13 for Project Areas B, C & D, for Archaeological Related Services**
- 4) **Authorize the Executive Director to Submit a Grant Application to the California Department of Water Resources under the Flood Emergency Response Projects – Statewide Program**
- 5) **Approve Task Order 17 with ICF International for Permitting and Environmental Services associated with the Laurel Cypress Flood System Repair Project**

On motion of Director Jim Whiteaker, and seconded by Director Gary Baland, the consent calendar was approved as follows:

- | | |
|------------------------|-----------------------|
| • Bo Sheppard – Yes | • Chris Schmidl - Yes |
| • John Dukes – Yes | • Frank Hall – Yes |
| • David Lamon – Yes | • Bill Connelly – Yes |
| • Francis Silva – Yes | • Gary Baland – Yes |
| • Barbara LeVake – Yes | • Steve Lambert-Yes |
| • Jim Whitaker – Yes | |
| • Larry Munger – Yes | |

RESOLUTION OF NECESSITY HEARING

6) Adopt resolutions of necessity to acquire certain property interests for the Feather River West Levee Project as follows:

- 024-130-051, -052, -053, & -055 (Waller)
- 025-290-027 (Fredericks)

Agency Counsel Scott McElhern noted that the Waller property resolution of necessity would not be heard at this meeting. Mr. McElhern introduced the resolution of necessity hearing and stated that the Fredericks property is located in Area D. Mr. McElhern covered the procedures for the resolution of necessity process:

- Property owner receives notice of the hearing
- Staff provides a presentation to the SBFCA Board of Directors
- SBFCA Board question and answer period
- Presentation by property owners
- Public comment period
- Board votes on proposed resolutions of necessity - an affirmative vote of 2/3rds of all Board members is required for adoption.

The required findings for the adoption of a resolution of necessity include:

- The public interest and necessity require the project
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
- The property interests are necessary for the proposed project
- The offer required by Government Code Section 7267.2 has been made to the owner or owners of the record of property. The purpose of the hearing is not to discuss the amount of the offer or any negotiations, but instead finding that an offer has been made

Finding 1 – The Project is Necessary Because Of Levee Deficiencies

- Existing levee vulnerable to through-seepage and under-seepage
- Levee slope stability issues
- Encroachments into and on the levee
- Lack of protection from 100-year and 200-year floods
- Insufficient right of way to maintain levees

The solution to the levee deficiencies is to rehabilitate certain reaches of the Feather River West Levee to achieve 200-year protection for the Yuba City sphere and north, and to achieve 100-year protection for the remainder of the Basin to the south. The key design feature is cutoff walls which mitigate through and under-seepage issues, maintain existing levee geometry, and reduce required right-of-way. Other design features include: some seepage berms and erosion repairs, utility relocations, removal of encroachments and acquisition of operations and maintenance areas. Because the project is a rehabilitation project, SBFCA is only acquiring the necessary property in order to complete construction and provide future operations and maintenance corridors.

Assessor's Parcel Number 025-290-027 are owned by the Fredericks

The proposed acquisition is:

- 1.01+/- acres in fee consisting of levee and 15 feet from waterside levee toe and 20-foot landside operation and maintenance corridor
- 0.27 +/- acres in levee easement, 10 feet wide from the edge of the land-side maintenance corridor
- 0.47 +/- acres in utility easement
- 0.67 +/- acres in temporary construction easement

Finding 2 – Compatible with Greatest Public Good and Least Private Injury

- The proposed acquisition from the Fredericks property is limited in scope to what is necessary for the construction of the project and the long term operation and maintenance of the levee system.
- The proposed acquisition will leave an economic remainder that will continue to be used for farming operations, consistent with the current use of the property as a walnut orchard.

Finding 3 – Proposed Fee Acquisition is Necessary for the Project

- Ownership of levee and 20-foot landside O&M corridor on the Fredericks property necessary to:
 - Meet minimum standards for 200-year flood protection as set forth in Urban Levee Design Criteria.

- Provide adequate room for construction, maintenance, repairs, inspection, patrolling during high water, and flood fighting.
- Prohibit excavations and modifications that would endanger the integrity of the levee.
- 10-foot wide easement from the edge of the landside O&M corridor on the Fredericks property necessary to:
 - Construct the project
 - Repair the levee after major flood events
 - Provide adequate room for inspection, patrolling during high water, and flood fighting

Finding 4 - The Offer Required by Government Code Section 7267.2 Has Been Made

- Offer required by Government Code has been made to Jeff and Darlene Fredericks, Trustees of the S. Jeff and Darlene Fredericks Trust
- A negotiation process has occurred
- SBFCA has been unable to reach an agreement to purchase the necessary property interests from the owner

Jeff Fredericks stated that he has visited the Department of Water Resources twice in an attempt to relocate the levee project. He stated that while the project is proposing to take only two acres, it is property in front of and behind his home and is the location where all of his operations take place. Mr. Fredericks said that he has received the appraisal, but just recently received the relocation cost allotment for his huller. Mr. Fredericks is working to obtain additional independent appraisals and estimates to confirm that the appraisal from SBFCA is correct. Mr. Fredericks asked if the proposed easement allows him to pass over the levee at a location of his choosing. He also stated that he did not believe it was fair that future work could be completed on the acquired land with a 10-day notice, among other items. He would like to discuss the mineral and water rights of the property that will be purchased.

Chair Gill stated that the task is to fix the levee, not move the levee, so that is outside of the Board's purview. He added that the other items mentioned will be negotiated outside of the Board meeting.

Director Barbara LeVake stated that the property owner stated that he does not have all of his costs. Barry O'Regan responded that the information addressed by the property owner was included in the offer package that was provided to the property owner before Christmas and the resolution of necessity documents repeated the easement language that was in the original offer. Mr. O'Regan added that the real property acquisition is one component of the project and property relocations, which are typically handled outside of the appraisal process and is a negotiation. Regarding Mr. Fredericks' request to have access over the levee, Mr. O'Regan stated that he will continue to have access via a ramp, but to minimize levee damage access will only be allowed on the ramp.

Mr. Fredericks stated that he does not have an offer for the huller relocation. Mr. Fredericks stated that he understands that the project will happen and that he will continue to work with Mr. O'Regan.

Director John Dukes commented that should the resolution of necessity move forward, it does not prohibit the property owner or SBFCA from continuing to negotiate.

No public comment.

On motion of Director John Dukes, and seconded by Director Bo Sheppard, the resolution of necessity was approved as follows:

- | | |
|-------------------------------|------------------------------|
| • Bo Sheppard – Yes | • Chris Schmidl - Yes |
| • John Dukes – Yes | • Frank Hall – Yes |
| • David Lamon – Yes | • Bill Connelly – Yes |
| • Francis Silva – Yes | • Gary Baland – Yes |
| • Barbara LeVake – Yes | • Steve Lambert-Yes |
| • Jim Whitaker – Yes | |
| • Larry Munger – Yes | |

PRESENTATION, DISCUSSION & ACTION ITEMS

7) Receive and file monthly financial report

Budget Manager Seth Wurzel presented the December monthly financial report. As of December 3, 2014, SBFCA had working capital of approximately \$17.4 million and the estimated amount to date is \$13.5 million, which has not been reconciled with the City of Yuba City.

Direct bill assessment payments totaling approximately \$63,000 have been deposited as of December 31, 2014. To date, approximately \$3.8 million has been received based on the initial install of FY14-15 assessments. The initial \$750,000 is deposited to the operating account and the remaining is deposited to capital revenue.

As of December 31, 2014, FY 14-15 expenditures totaled approximately \$64 million. To date, expenditures total approximately \$70.7 million, and of that approximately \$69.9 million were related to the Feather River West Levee Project 1.

The 2013 assessment revenue bond proceeds have been drawn as of October 2014. The line of credit with Rabobank capacity remains at approximately \$10.2 million.

SBFCA staff continues to process reimbursements from the State of California as it awaits the executed funding agreement, and is also working on the Project Area C close out efforts, cash flow management and budget updates for FY 15-16.

Director Gary Baland asked how the reimbursements from the State are deposited. Mr. Wurzel stated that his team works through a process with DWR to determine the reimbursement as well as the crediting and determines how much will be deposited. Director Baland asked if there is an opportunity to earn interest. Mr. Wurzel confirmed that interest is also tracked as Yuba City established a separate account for the FRWLP1.

Executive Director Mike Inamine suggested that the Finance Committee could review the submittal and reimbursement process that Mr. Wurzel's team prepares for DWR.

Mr. Inamine stated that funding issues with DWR are very dynamic and will continue to change. Mr. Inamine stated that the UFRR guidelines contain the language SBFCA needed to address the reimbursement process, but it is not soon enough for our construction schedule and it does not include language to cover reimbursement for work later in the year, thus necessitating SB37. Mr. Inamine stated that SBFCA needs authority to work beyond the existing scope of work, which will allow for construction work to be scheduled in the most efficient way.

Mr. Inamine stated that the five urban flood control agencies are completing all work under UFRR and all five agency executive directors have compared plans and believe there is enough money remaining in 1E funding that SBFCA could get the funds needed – but not necessarily all of the funds it would like. This information has been presented to DWR, and compared to the Governor's budget, and it appears funding is available.

Mr. Inamine introduced the need for the SBFCA Strategic Plan. The SBFCA strategic plan has very practical applications for SBFCA's Five-Year Budget, which was originally developed by former Executive Director Bill Edgar. Mr. Inamine stated that much has changed in recent years, including the many grants current managed and underway by SBFCA. There is currently no document that would inform the decisions of the next five years. Mr. Inamine stated that the next budget update will include a one-year update for FY15-16, while the Strategic Plan is being developed. The strategic plan will help inform the next five-year budget. Mr. Inamine added that the development of the strategic plan will be completed by staff and consultants under the current budget.

Agency Counsel Scott Shapiro added that it is important from a legal perspective that the Board will determine how SBFCA will move beyond the next five years. However, there will be some items, like the bonds, that legally require the agency to continue in some capacity.

Director LeVake stated that the strategic plan was brought up in short discussion at the Finance Committee meeting and she thanked staff for bringing it forward as she believes it is very important. She also thanked staff for keeping everything on track, even with the obstacles. Director John Dukes added that the levee projects take time to finish close out and certifications. Director Francis Silva stated that Star Bend close out took nearly 7 years to complete.

Director Gary Baland asked if the strategic plan would bring about a reason for JPA member agencies to reconsider participation in the JPA. Mr. Inamine responded that one of the key elements is a section on partnerships, where the original JPA agreement will be revisited. This will need to be worked out, and SBFCA staff will be working with member agencies on this section to ensure the individual needs of the JPA members

are met. Mr. Inamine does not believe that the original goals of the agency have changed. Director Baland stated that he understands the importance of the ideas and projects in which we have advanced.

Director Dave Lamon stated that the original purpose and idea is that the primary goal is to construct levee improvements. He added that once the construction came to an end, the Board would need to address what the agency would need to look like and do. He stated that now, the Board understands that even though the construction will be finished, the project will not be completed as it is more complicated than that. He believes that this is the time to begin reviewing options to determine how SBFCA will move forward.

Director Dukes added that the future of the maintenance districts may also change, and that should be explored.

No action required.

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

8) Program/Project Update

Director of Engineering Michael Bessette highlighted several grants that SBFCA has either been awarded or is actively pursuing.

Mr. Inamine stated that the Native American Heritage Commission is recommending reviewing and conducting an investigation as to whether SBFCA is in possession of grave goods associated with Native American burials. Additionally, they will also review if SBFCA's work has caused harm to a sacred site.

On February 24-26, 2015, Mr. Inamine, Mr. Shapiro and Chair Gill will be in Washington D.C. to hold a number of meetings regarding the FRWLP and the federal project.

Additional details are provided in the February Board Packet, which can be downloaded [here](#).

9) Other reports from Agency staff and consultants

Nothing to report.

10) Report (if necessary) by the Citizens' Assessment District Advisory Committee (CADAC)

Elaine Miles, CADAC Vice Chair, stated that most of the construction work that has been completed is in Sutter County and that future work is in Butte County and there has not been any participation by CADAC members representing Butte County.

Director Bill Connelly stated that while they have tried, they have been unable to generate participation. Director Steve Lambert agreed. Ms. Miles requested an opportunity to submit potential member names to Director Lambert. Director Lambert looks forward to receiving the names.

Director LeVake asked if the CADAC was also looking for a member from Levee District 1, and Ms. Miles responded that they were. Director Frank Hall stated that he would also publicize participation in Gridley.

11) Report (if necessary) by member and partner agencies

Director Baland introduced Councilmember Jason Banks from Live Oak. Mr. Banks will serve as Director Baland's alternate on the SBFCA Board.

Director LeVake invited everyone to drive by the Francis K. Silva building on Second Street to see the sign commemorating the Levee District 1 building to Director Silva.

CORRESPONDENCE

12) Report on correspondence sent by and received by the Board

Nothing to report.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 2:19 p.m.

ATTEST BY: _____
SARAH MODESTE, BOARD CLERK

KASH GILL, CHAIR



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of the resolution establishing the regular SBFCA Finance Committee meetings for the 2015 calendar year

Recommendation

It is recommended that the Board confirm that the Finance Committee meets regularly at 1 p.m. on the Monday prior to the monthly Board of Directors meetings.

Background

The following are the recommended dates for the Finance Committee meetings:

March 30, 2015	August 31, 2015*
May 4, 2015	October 5, 2015
June 1, 2015	November 2, 2015
June 29, 2015	November 30, 2015
August 3, 2015	

The meetings will be held at 1 p.m. at the Sutter Butte Flood Control Agency office, 1441 Garden Highway, Yuba City, CA.

Fiscal Impact

There is no fiscal impact.

RESOLUTION NO. 2015-06
RESOLUTION MODIFYING THE TIME AND LOCATION OF
2015 BOARD FINANCE COMMITTEE MEETINGS

WHEREAS, the Sutter Butte Flood Control Agency is a public agency pursuant to a Joint Powers Agreement; and

WHEREAS, the Board of Directors Finance Committee wishes to modify the regular meeting time and place of the Agency.

NOW, THEREFORE, BE IT RESOLVED, the Sutter Butte Flood Control Agency Board of Directors Finance Committee sets the regular meetings of the Agency monthly at 1 p.m. on the Monday one week prior to the monthly Board of Directors meetings. The meetings shall be open to the public and held at the Sutter Butte Flood Control Agency office, 1441 Garden Hwy, Yuba City, CA.

The monthly meeting schedule for 2015 will be as follows:

March 30, 2015	August 31, 2015
May 4, 2015	October 5, 2015
June 1, 2015	November 2, 2015
June 29, 2015	November 30, 2015
August 3, 2015	

PASSED AND ADOPTED this 11th day of March, 2015.

KASH GILL, CHAIR

ATTEST:

By _____
SBFCA ADMINISTRATIVE MANAGER



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of amendments to consultant agreements for general Agency operations with Larsen Wurzel & Associates for 2014-15 fiscal year

Recommendation

It is recommended that the Board of Directors approve the attached Seventh Amendment to the Agreement between the Sutter Butte Flood Control Agency and Larsen Wurzel & Associates, Inc (LWA) and authorize the Executive Director to make the necessary administrative budget adjustments to accommodate the contract amendment.

Background

In April 2014, the Board's approved the Amended 5-Year Budget, and subsequent to this approval, the Board also approved Agency Staff consultant contract amendments. These amendments provided increases to the respective not-to-exceed contract amounts to cover budgeted Agency expenses, as well as updates to other specific terms such as billing rates and contract durations. One of these contracts amendments included an amendment to the contract with LWA to provide financial management services to the Agency.

With services provided by LWA through February 2015, the contract is nearing its limit and staff is now requesting that an additional amendment to supplement the not to exceed budget for the contract for the remainder of the 2014-15 fiscal year.

Discussion

Seth Wurzel of Larsen Wurzel & Associates, Inc. (LWA) has been working with SBFCA since August 25, 2010 when SBFCA retained Capitol Public Finance Group, LLC (Capitol) to provide financial management services. Since 2010, Seth Wurzel has transitioned to LWA. The services provided by LWA include: financial management services related to the administration of SBFCA's annual budget and regular financial reporting, management of SBFCA's financial statement preparation and audit, coordination of all debt related financing, cash and asset management, procurement of SBFCA's insurance policies, financial planning, and coordination and administration of DWR's funding agreements.

As SBFCA has taken on additional grants for the FRWLP and the level of SBFCA expenditures has increased, the level of effort associated with services provided by LWA has also increased. In addition to responsibilities previously mentioned, since April 2014, LWA has taken on additional responsibilities that, to date, have not been reflected by past budget amendments. These additional responsibilities include the following:

- LWA has added to its staff Scott Brown. Scott Brown previously provided schedule and budget management services through his previous employer, Parsons Brinkerhoff,

which held its own contract with SBFCA. Scott continues to provide schedule and budget management services for the FRWLP in coordination with PB staff. In addition, Scott has been providing program management support for the FSRP project and supporting the budget and financial management of the FRWLP. The additional budget requested reflects providing this support for the remainder of the fiscal year.

- LWA staff supported SBFCA while its Administrative Manager was on maternity leave. During this time LWA staff supported SBFCA's accounts payable functions as well as provided Board clerk coverage. Going forward, it is expected that LWA will continue to assist with accounts payable and short term cash flow management. The additional budget requested reflects providing this support for the remainder of the fiscal year.
- Since LWA's contract was last amended, the Board has regularly convened a Finance Committee. LWA has provided support for these meetings and will continue to do so while cash flow and state funding issues remain a priority for SBFCA. The additional budget requested reflects providing this support for the remainder of the fiscal year.
- Finally, LWA has assisted SBFCA with working through State funding issues and prepare a grant application to request additional funding under the UFRR Program. This effort represents extraordinary scope of work that was not previously budgeted during the fiscal year.

In order to ensure that LWA can continue to provide services, it is necessary to increase the not to exceed the contract amount by \$170,000 for the remainder of 2014-15.

Fiscal Impact

Approval of the contract amendments will obligate SBFCA to pay for the associated services delivered (which are provided on a time and materials basis) up to the amended contract budget limitation. The budget limitation for this contract is within the appropriated expenditure limits for the remainder of fiscal year 2014-15.

The LWA Contract is funded from multiple budget accounts including the following:

- 730-67201, 731-5001/6001-67310, 731-5001/6001-66521, 731-5001/6001-67311, 731-2001-all accounts, 731-2002-65653, 731-2005-65662, 731-2006-65676, 731-2004-65682

There is sufficient remaining budget within the above listed accounts to accommodate the contract increase. The recommended action also directs the Executive Director to make the necessary budget adjustments (shifting of appropriations between budget accounts) to accommodate the amendment.

There is no net budgetary impact from the Board's approval of the recommended action.

Attachments:

- a) Seventh Amendment to the Agreement between the SBFCA and Larsen Wurzel & Associates, Inc.

SEVENTH AMENDMENT
TO AGREEMENT BETWEEN
SUTTER BUTTE FLOOD CONTROL AGENCY
AND
LARSEN WURZEL & ASSOCIATES, INC.

This Seventh Amendment to the Agreement between Sutter-Butte Flood Control Agency and Larsen Wurzel & Associates, Inc. ("Amendment") is made and entered into this 11th day of March, 2015 by and between Sutter Butte Flood Control Agency ("Agency") and Larsen Wurzel & Associates, Inc. (formerly Seth Wurzel Consulting, Inc.) ("Contractor") (collectively, the "Parties").

RECITALS

WHEREAS, in August 2010, the Agency entered into the agreement (Agreement) for professional services with Capitol Public Finance, LLC ("Capitol"); and,

WHEREAS, the Agency and Capitol executed the First Amendment to the Agreement in January 2011; and,

WHEREAS, the Agency assigned the Agreement with Capitol and First Amendment thereto to the Contractor; and,

WHEREAS, Agency and Contractor have entered in to the Second, Third, Fourth, Fifth and Sixth Amendments to the Agreement, dated June 8, 2011, March 14, 2012, February 13, 2013, May 8, 2013, and April 9, 2014. respectively; and,

WHEREAS, Article 21 of the Agreement states that any amendment must be in writing and executed by both parties;

WHEREAS, Agency and Contractor desire to further amend the Agreement;

NOW, THEREFORE, the Parties agree as follows:

Section 3.as of the Agreement shall be modified to read in its entirety as follows: "The compensation to be paid by SBFCA to Contractor for services as described in Exhibit 'A' shall be charged pursuant the rate schedule included as Exhibit 'B,' but not to exceed One Million Two Hundred Ninety Six Thousand One Hundred Thirty Five dollars (\$1,296,135). Contractor shall be reimbursed for out-of-pocket expenses incurred for travel, postage and delivery, and long-distance telephone charges pursuant to the terms stated within Exhibit B. Contractor shall provide SBFCA with an itemized statement of expense by category of expense a part of each monthly billing statement."

An updated Exhibit 'B' is attached and hereby incorporated into this Amendment.

All other terms and conditions contained in the Agreement shall remain in full force and effect.

This Amendment is hereby executed on the 11th day of March, 2015.

Agency

Contractor

By: _____
Sutter Butte Flood Control Agency

By: _____
Larsen Wurzel & Associates, Inc.

APPROVED AS TO FORM:
Sutter Butte Flood Control Agency Counsel

Hourly Rate Schedule*

Staff Billing Rates	2015	2016	2017	2018	2019
Principal	\$180.00	\$185.00	\$190.00	\$195.00	\$200.00
Senior Vice President	\$175.00	\$180.00	\$185.00	\$190.00	\$195.00
Vice President	\$170.00	\$175.00	\$180.00	\$185.00	\$190.00
Project Manager	\$155.00	\$160.00	\$165.00	\$170.00	\$175.00
Project Engineer	\$140.00	\$145.00	\$150.00	\$155.00	\$160.00
Senior Analyst	\$135.00	\$140.00	\$145.00	\$150.00	\$155.00
Associate Engineer	\$130.00	\$135.00	\$140.00	\$145.00	\$150.00
Assistant Engineer	\$120.00	\$125.00	\$130.00	\$135.00	\$140.00
Analyst II	\$120.00	\$125.00	\$130.00	\$135.00	\$140.00
CAD Tech	\$110.00	\$115.00	\$120.00	\$125.00	\$130.00
Analyst	\$110.00	\$110.00	\$115.00	\$120.00	\$125.00
Junior Engineer	\$95.00	\$100.00	\$105.00	\$110.00	\$115.00
Project Coordinator	\$85.00	\$90.00	\$95.00	\$100.00	\$105.00
Project Assistant	\$80.00	\$85.00	\$90.00	\$95.00	\$100.00
Technical Editor	\$65.00	\$70.00	\$75.00	\$80.00	\$85.00
Clerical Staff	\$55.00	\$60.00	\$65.00	\$70.00	\$75.00
Engineering Intern	\$50.00	\$55.00	\$55.00	\$60.00	\$60.00

****Rates adjust January 1st of each year.***

Automobile mileage is billed at the federal reimbursement rate.

Professional services provided by others billed through LWA are billed at cost plus a service charge of 5%.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director
Seth Wurzel, Budget Manager

SUBJECT: Receive and File Monthly Financial Report (January 2015)

Recommendation

We recommend the Board receive and file the January 2015 Financial Report and receive staff's monthly financial report update.

Background

Staff will provide a brief presentation of the current financial position of the Agency and financial activities at the Board meeting and will be prepared to answer any questions.

The monthly financial reports will include the following information:

- **Current Working Capital Position:** Provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial report prepared in coordination with Yuba City finance staff. The financial report reflects the financial information as of January 2014. The information presented is compared to the approved Amended Final 5-Year Budget. The written report will be provided at the meeting.
- **Cash Flow Projection Update:** Staff will discuss the cash needs of both the Agency and the project over time. The cash flow estimate forms the basis for Agency financial planning.

Fiscal Impact

This is an informational item only with no fiscal impact to the Agency.

Attachment *(This will be provided at the board meeting)*

Yuba City Finance Department Memorandum, March 11, 2015 re: Monthly Financial Report: January 2015



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

TO: Board of Directors

FROM: Mike Inamine - Executive Director
Michael Bessette - Director of Engineering

SUBJECT: Receive and File Program/Project Update Report

Recommendation

Receive and file the March 2015 Program/Project update report.

Background

The purpose of this report is to provide a regular, monthly update on program and project activities of the Agency:

Engineering Design

The 100% designs for the gap closures at the 5th Street Bridge in Yuba City, UPRR crossing in Yuba City, and the Yuba City Raw Water pipes are currently under partner agency (DWR and USACE) and IPE review and will be discussed in detail at the next IPE meeting scheduled for March 3 and 4. The design team continues to provide construction support services for Project Area C and Project Areas B and D contractor operations. Efforts for the past month have focused on: submittal reviews, addressing contractor requests for information, change order review, contractor proposal for CB wall installation at Gridley Bridge, Sunset Pump Station pipe modifications, other pipe penetration relocations, assisting with writing field instructions, deep-mix-method slurry wall mix design, reach 7 relief well installation design modification, and PG&E and AT&T utility relocation coordination. The design team also continues to support right-of-way acquisition efforts, providing appraisal exhibits, plats and legal descriptions, and coordinating with landowners on utility crossings, relocations and access during construction.

Construction Management (Project Areas B, C & D)

Over the past month, the construction management (CM) and engineering design teams held weekly meetings with the contractor to coordinate the contractor's submittals and coordinate completion of 2014 construction work and prepare for 2015 construction work. The CM team continues to assist affected property owners and member agencies to coordinate ongoing 2014/15 construction activities. The CM team continued construction management and administrative duties related to schedule evaluation, pay estimates, requests for pricing, and reviewed costs submitted for changed work. The CM team is continuing close communication with the contractor to analyze the cost impacts resulting from the numerous archaeological resource sites that were found during the 2014 construction season.

As of the end of February, in Project Area B, the contractor has completed levee embankment reconstruction and aggregate base placement on the levee crown and has substantially completed all pipe modification work. In Project Area C the contractor has completed levee embankment reconstruction work, except for a small stretch at the Sunset Pump Station, and is completing pipe installation work at various other locations. In Project Area D the contractor has completed all levee embankment reconstruction and aggregate base placement on the

levee crown and has completed the permanent erosion control measures and hydro-seed/mulch.

Environmental Documentation and Permitting

The remaining elderberry shrubs were transplanted from Project Area D to property SBFCA acquired just south of Gridley Road. We continue to install planting mitigation at Star Bend for riparian impacts. The environmental permitting processes for the Gridley Bridge erosion site, the Oroville Wildlife Area, and the Laurel Avenue Critical Repair Project are all now underway.

Right of Way

Right-of-way acquisition continues for acquiring the remaining property rights needed for 2015 construction. In addition we have begun right-of-way acquisition for the UPRR and 5th Street gaps work, and in spring 2015 we will begin right-of-way acquisition for the Flood System Repair Program Grant work at Laurel to Cypress Avenue Critical Repair Project.

State & Local Funding and Coordination

On December 19, 2014, SBFCA submitted a request for DWR's review for additional funding under the proposed Urban Flood Risk Reduction (UFRR) Program. The request was for \$84.69 million to complete the entire FRWLP Phase 1 project. On December 22, 2014, SBFCA received notice from DWR that \$43.8 million has been committed to continue construction on the currently approved scope of work of SBFCA's EIP Construction Funding Agreement (Project Areas C, B & D2A). This funding was contingent upon the promulgation of the Final Guidelines which occurred on January 21, 2015. SBFCA is seeking the balance of the needed funding for the remainder of Project Area D under DWR's competitive funding solicitation published along with the UFRR Guidelines on January 21, 2015. The solicitation period closed on March 9, 2015. SBFCA has prepared and submitted a request for \$40,828,931 for the balance of funding needed after the December 22, 2014 commitment letter from DWR.

SBFCA continues to work with DWR to process a 3rd Amendment to SBFCA's Construction Funding Agreement for the funding committed on December 22, 2014. SBFCA responded on January 22, 2015 clarifying the request and requesting that DWR provide \$47.0, the amount needed for the existing approved scope work and authorize SBFCA to prosecute work on the remainder of the FRWLP (Project Area D). The following table summarizes SBFCA's EIP grant funding committed and received to date.

FRWLP DWR EIP Funding

	<u>Agreement</u>		
	<u>Design</u>	<u>Construction</u>	<u>Total</u>
Capital Outlay Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendment 1	\$0	\$0	\$0
Amendment 2	\$14,869,280	\$57,803,791	\$72,673,071
Amendment 3		\$43,861,587 [1]	\$43,861,587
TOTAL FUNDING	\$23,869,280	\$158,445,378	\$182,314,658
Receipts			
PMT 1	\$2,328,141	\$14,103,457	\$16,431,597
PMT 2	\$1,160,580	\$18,447,722	\$19,608,302
PMT 3	\$4,842,366	\$19,469,632	\$24,311,998
PMT 4	\$8,704,665	\$15,358,844	\$24,063,509
PMT 5	\$0	\$13,846,991 [2]	\$13,846,991
TOTAL PAYMENTS	\$17,035,752	\$81,226,646	\$98,262,397
GRANT BALANCE	\$6,833,528	\$77,218,732	\$84,052,261

[1] Amendment 3 to the Construction Agreement is proposed to increase the funding amount and scope of the work. The amount reflects the amount committed on 12/22/15.

[2] Final payment amount pending receipt.

Regarding the agency's local funding, no additional advances against the agency's Line of Credit with Rabobank have taken place since the last Board meeting. The last draw took place on October 28, 2014 and was for \$8,867,209.

DWR Emergency Response Planning Grant

As of February 28, drafts of the flood safety plans for Biggs, Gridley, Live Oak, and LD 9 are 100% complete; and the plan for SBFCA is 70% complete. Coordination of internal and external review of these first drafts is underway. Live Oak's generator is installed at City Hall. Gridley Public Works staff is planning next steps toward completion of the city's backup generator project. SBFCA submitted a grant proposal for the second round of state grant funding under this same program for hydrologic and hydraulic modeling, analysis, and flood emergency response planning related to consideration of a relief structure or cut in the Sutter Bypass East Levee to reduce ponding depths at the south end of Yuba City. Also included in the grant application was the purchase and installation of two new backup generators for the City of Biggs and an emergency fuel tank for the City of Live Oak.

DWR Flood System Repair Program Grant

DWR legal has completed the language revisions for the project agreement and O&M agreement and sent SBFCA the revised agreements at the end of January. After review SBFCA found several errors that needed to be rectified and DWR legal are currently working on revising the documents. Staff now anticipates coming to agreement with DWR in March on both forms of agreement and bringing those documents to the board for approval in April. Concurrently with this administrative work the SBFCA project team has initiated the design, right of way, and environmental documentation process in order to expedite the project.

Yuba Sutter Flood Protection Program Grant

Oroville Wildlife Area (OWA) Flood Stage Reduction (FSR) Project:

The project work is divided into two main phases; Phase I (currently underway) includes the feasibility/alternatives analysis, and Phase II (spring 2015) includes the design and permitting. The project team continued working on developing the conceptual alternatives for the weir improvements and ecosystem enhancements. The team also continued to work on a sediment re-mobilization study to analyze potential sediment impacts. A draft Phase I Environmental Site Assessment has been completed, and preparation work is underway to kick off the Phase II ESA efforts. Planning and preparation work has begun for a series of upcoming workshops with DWR, DFW, NMFS, USFWS, and CVFPB to select a preferred alternative for the project

Gridley Bridge Erosion Repair Project

Geotechnical and erosion analyses have been completed. The limits and typical section for rock slope protection (RSP) placement have been determined and include the areas immediately south of the E. Gridley Road Bridge and immediately north of the DWR gauging station (two sites totaling approximately 600 feet in length). Geotechnical analysis has identified that waterside slope flattening is not necessary. A preliminary project footprint and a draft Project Description have been developed and provided to the environmental team. The 65% PS&E package along with the BODR have been submitted to SBFCA for review. Based on discussions with DWR, this work will be completed as an O&M project eliminating the need for a 408 permit. It is currently anticipated that construction would start in July of 2016.

Feather River Regional Flood Management Plan

On behalf of the Feather River Regional partners, SBFCA entered into an agreement with DWR to help develop strategies to resolve institutional issues such as permitting, financing, O&M, emergency operations, regional governance and others.

Sutter Basin Project (WRDA 2014)

Chairman Kash Gill, Executive Director Mike Inamine and General Counsel Scott Shapiro travelled to Washington DC from February 24-26 to advocate for SBFCA programs and projects. Among these are federal appropriations for the Sutter Basin Project implementation of federal law regarding Native American cultural resources, new federal standards for floodplain management and other topics.

Fiscal Impact

This is an informational item only with no fiscal impact to the Agency.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

March 11, 2015

Item 6

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Other reports from Agency staff and consultants

This time has been set aside on the agenda for other reports from Agency staff and consultants.

Item 7

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report by the Citizens' Assessment District Advisory Committee

This time has been set aside on the agenda for a report from the CADAC and Board discussion (if necessary).

Item 8

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report (if necessary) by member and partner agencies

This time has been set aside on the agenda for a report and discussion (if necessary) by member and partner agency representatives.

Item 9

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report on correspondence sent by and received by the Board

This time has been set aside on the agenda for Board discussion and staff response (if necessary) regarding correspondence received by the Agency.

Fiscal Impact

The above items are informational only with no fiscal impact to the Agency.