



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AGENDA

JULY 5, 2005

**Yuba County Government Center
Board of Supervisors' Chambers
915 Eighth Street, Suite 109A
Marysville, California**

Unless otherwise indicated

3:30 P.M. I

CALL TO ORDER

II **ROLL CALL** – Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb

III **ACTION ITEMS**

- A. **Public Necessity:** Adopt resolution declaring public necessity for the taking of certain property for repair, construction, installation and maintenance of the Yuba River Levee System as it relates to Assessor's Parcel Numbers 020-020-054, 020-020-080, 020-020-081, and 020-020-82, 020-020-083 and 020-020-084.
- B. **BE/GEI Change of Contract No. 2:** Approve Change of Contract No. 2 with BE/GEI, Inc. for investigation and design of Bear River Setback Levee and authorize Chair to execute same.
- C. **Minutes:** Approve minutes of the meetings of June 7 and 14, 2005.
- D. **Phase II Construction:** Award contract to Nordic Industries Inc. for Phase II Construction for Bear River, Western Pacific Interceptor Canal, Yuba River Levee Repair and Olivehurst Detention Basin Construction, and authorize Chairman to execute same upon review and approval of County Counsel.

IV **BOARD AND STAFF MEMBERS' REPORTS**

V **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.

VI **ADJOURN**

July 5, 2005

TO: Three Rivers Levee Improvement Authority Board
FROM: Randy Margo, Deputy Executive Director
SUBJECT: BE/GEI Change of Contract Request No. 2, dated May 25, 2005, to accommodate changes in preciously approved scope of services for the design of the Bear River Setback Levee

Recommended Action

Approve Change of Contract No. 2, dated May 25, 2005, submitted by BE/GEI, Inc., to accommodate additions to previously approved scope of services for investigation and design of the Bear River Setback Levee.

Reason For Recommended Action

These additional services by the consultant are needed in order to design and construct the proposed Bear River Setback Levee.

Discussion

The contract amendment has been necessitated due to recent changes to BE/GEI's approved scope of services for the project. These changes include the following.

- **Restoration design of orchard area:** BE/GEI's original scope of work included restoration design of only the setback area because it was assumed at that time that the tress would be removed and the area would be planted to grass and other similar vegetation for hydraulic efficiency. On March 29, 2005, TRLIA asked BE/GEI to include the walnut orchard area in the restoration design as well. The restoration design will also include development of an Operation and Maintenance Plan.
- **CEQA/NEPA Construction Mitigation Plan:** Prior to construction, a survey to identify endangered species and define construction constraints is required. To begin construction of the setback levee foundation this year under the accelerated schedule, these surveys need to be conducted over the next few months. This activity is typically a part of the construction phase of a project as opposed to the design phase, and was therefore not part of BE/GEI's original scope of work.
- **Reclamation Board Permit for Levee Degradation:** The initial Reclamation Board permit application prepared by HDR did not include degradation of the

existing levee and restoration of the setback area. A second permit will be required for these activities, which will be processed by BE/GEL.

Fiscal Impact

This amendment will increase price ceiling for Basic Services by \$822,845, raising the total maximum contract amount from \$2,893,160 to **\$3,716,005**.

Geotechnical
Environmental and
Water Resources
Engineering

May 25, 2005
050110

Mr. Charles K. McClain, Executive Director
Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, CA 95901

Dear Mr. McClain:

**Re: Change Order Request No. 2, Agreement between TRLIA and B-E/GEI dated
January 8, 2005**

This letter a follow up to my advisory comment at our monthly meeting on April 27 regarding the need to increase the Scope of Services and budget under our agreement dated January 18, 2005 (B-E/GEI Contract Number 050110). Specifically, B-E/GEI requests an additional \$822,845 be added to our contract for a new amount of \$3,716,005.

The basis for the requested change in scope is described below, and the estimated budget is summarized in Table 1.

Additional Assignments

TRLIA has requested that B-E/GEI add additional work tasks to our current scope of work. These additional work tasks include the following:

- **Restoration Design of Orchard Area** – Our original scope of work included restoration design of only the setback area because it was then assumed that the trees would be removed and the area would be planted to grass and/or forbs for hydraulic efficiency. At the March 29, 2005 Setback Levee Management meeting, you requested that B-E/GEI include the walnut orchard area in the restoration design. The restoration design will also include development of an Operation and Maintenance (O&M) Plan, and development of associated long-term O&M costs.
- **CEQA/NEPA Construction Mitigation Plan** – Prior to construction, a survey to identify endangered species and define construction constraints is required. This activity was not included in our original scope of work because it is considered a construction related activity and not a design related activity. In order to begin construction of the setback levee foundation this year under the accelerated schedule, these surveys need to be conducted over the next few months. TRLIA requested that B-E/GEI add these

surveys to our scope of work during the March 29, 2005 Setback Levee Management meeting.

- **Reclamation Board Permit for Levee Degradation** – The initial Reclamation Board permit was prepared by HDR for construction of the Upper Bear/WPIC/Yuba and Setback Levee projects. This permit did not include degradation of the existing levee and restoration of the setback area. A second Reclamation Board permit will be required for these activities. TRLIA requested that B-E/GEI include preparation of the second Reclamation Board permit in our scope of work during the March 29, 2005 Setback Levee Management meeting.

Project Acceleration

TRLIA has requested that B-E/GEI proceed with an accelerated schedule that would allow for construction of the setback levee foundation and Feather River tie-in in 2005. As described in the acceleration matrix issued to TRLIA in March 2005, the accelerated schedule is expected to increase design costs up to about 20%. The first contract change order included \$30,000 in acceleration related costs for expediting the field exploration program. We have identified several other issues that have and will continue to increase our costs in implementing the accelerated schedule.

- **Preparation of the Environmental Assessment** – We were advised that the Corps would be the lead in preparation of the NEPA Environmental Assessment (EA), therefore our scope of work was limited to providing a minor amount of assistance to the Corps. At the March 17, 2005 meeting with the Corps, the Corps stated that they had not yet initiated NEPA compliance. Corps Regulatory Section personnel confirmed that the Corps would likely need assistance in the NEPA compliance effort in order to meet the accelerated project schedule that requires NEPA compliance be completed by August 2005. To meet the target schedule, TRLIA requested that B-E/GEI undertake an expanded role in preparation of the EA. To complete the EA under the accelerated schedule, it will be necessary to substantially increase the pace of document preparation over the levels previously assumed for this task, including NEPA evaluation of effects of the project on air quality, agricultural land conversion, socioeconomics, and environmental justice. Substantial additional personnel and coordination effort are expected to be required to complete new aspects of the environmental analysis for NEPA compliance and to ensure that the various components of the NEPA document are internally consistent.
- **Project Coordination Requirements** – Implementation of the accelerated schedule has required increased project management coordination as we manage the design and environmental activities across multiple B-E/GEI offices and among our subconsultants. We have expanded our use of staff in more B-E/GEI offices, now five, with a corresponding increase in costs to manage these resources. Substantial additional coordination effort on our part is required to coordinate with and support the efforts of our subconsultants, other TRLIA consultants, regulatory agencies, landowners, and other personnel to ensure accurate and timely completion of all design, permitting and environmental compliance tasks. Through April 2005, our project management costs were more than twice the rate assumed in preparation of the current scope of work.

New Data / Design Concepts / Developments

As the setback levee project has progressed, new data, concepts and developments have evolved that will require additional budget to resolve. These include:

- **Bear River Geomorphic Modeling** – Initial assessments and detailed mapping of the levee setback area have revealed a greater than anticipated degree of complexity in site conditions and possible geomorphic impacts. These impacts include the discovery that, based on the new site topography, the new floodway in the setback area is three to four feet lower than the existing Bear River floodway, and is sloped toward the setback levee alignment, creating the potential for a channel avulsion that could impact the new levee. Recent discussions with landowners have also revealed that the orchard area soils are quite erosive. These conditions require a more detailed geomorphic evaluation to assess impacts to the setback levee and determine remedial measures, if necessary.

In addition, a cross section survey and low-flow modeling of the Bear River Channel is required. The low-flow modeling is needed to assess the geomorphic processes during floods less than the 25-year event, and the subsequent potential impacts on the setback levee. This information is also needed in developing the restoration design. It was originally anticipated that the existing Corps model used for the large flood modeling would be appropriate for the low-flow modeling. In reviewing the Corps model it has been determined that the model cannot be calibrated to low flows, and the river channel geometry has essentially been omitted from the model. While this is a conservative assumption for large flood events where the bulk of the flow is carried in the floodplain, the model is not suitable for low flow analyses.

- **Wildlands Coordination** – The entry of Wildlands in the land acquisition and environmental restoration process has required additional coordination by the setback levee team. The additional coordination requirements to date have included several specific meetings and planning sessions. Additional coordination is anticipated as the acquisition and restoration process evolves.
- **Detention Basin Evaluation** – During preparation of the feasibility report a study was conducted by the consultant to RD 784 that prepared the Master Drainage Plan (Mead and Hunt) to evaluate the required detention basin size that would mitigate for lost ponding storage due to the setback levee project. The resulting letter report was to form the basis for the design of detention basins for the project. During the February 2005 TRLIA Management meeting we were informed by MHM Engineers that RD 784 had subsequently adopted a modified drainage plan prepared by Watermark Engineers. This updated RD 784 drainage study has required us to perform additional studies to evaluate detention basin capacity requirements and assess additional detention basin locations.
- **CEQA Compliance for Project Changes** – Due to changes to the project since preparation of the environmental impact report (EIR), including the redesign of the detention basins, an addendum to the certified EIR is required. It is assumed that the changes will not result in the identification of any environmental impacts that were not identified in the certified EIR and addressed in the adopted mitigation monitoring plan.

A summary of the additional costs which cannot be absorbed in our budget is included in the attached table. We request that you approve a contract increase in the amount of \$822,845 for a new amount of \$3,716,005. We will continue to manage the project to respond the TRLIA's needs, minimize cost increases to the extent practical, and communicate issues of concern to TRLIA as they occur.

Please call me or Herb Greydanus if you have any questions.

Sincerely,

BOOKMAN-EDMONSTON

A handwritten signature in black ink, appearing to read "RD Hart".

Raymond D. Hart
Senior Vice President

Enclosure

Table 1
Bear River Setback Levee Project
Change Order Request No. 2
5/24/2005

Task	Item	Estimated Cost										Scope Item Basis		
		EDAW	MSK	MHM	PWA	Subconsultants	RP	Watermark	Subtotal	ODC's	Hours	G&E Labor Rate	Cost	Total
Additional Assignments														
25	Restoration Design of Orchard Area	\$21,625				\$63,000		\$84,625	\$12,684	180	180	\$28,800	\$128,119	- Scope not included in original RFP - Requested by TRLIA to include in SOW at March Management Meeting - Not in original SOW
25	Restoration O&M Plan					\$50,000		\$50,000	\$7,500	40	40	\$7,200	\$64,700	- Need to develop O&M Plan and costs for setback and orchard areas - Scope not included in original RFP
40	CEQA/NEPA Construction Mitigation Plan - endangered species identification and required construction constraints	\$38,190						\$38,190	\$5,729	40	40	\$7,200	\$51,119	- Intended to be part of construction activities (Implementation grant) - Requested by TRLIA to include in SOW at March Management Meeting - Scope not included in original RFP
40	Rec Board Permit for Levee Degrading	\$7,630						\$7,630	\$1,145	140	150	\$21,000	\$29,775	- Requested by TRLIA to include in SOW at March Management Meeting - Scope not included in original RFP
	Subtotal	\$67,445	\$0	\$0	\$0	\$113,000	\$0	\$180,445	\$27,057	\$380	\$680	\$64,200	\$271,712	
Acceleration														
40	EA Preparation for Corps	\$42,800						\$42,800	\$6,435	16	180	\$2,880	\$52,215	- Scope not included in original RFP - Original plan called for Corps to prepare EA - Due to need to accelerate, requested by TRLIA to include in SOW after March Corps Meeting
51	Acceleration / Additional Coordination Requirements	\$52,000						\$52,000	\$7,800	1440	180	\$259,200	\$319,000	- Extra time for coordination, team management, sub management due to schedule acceleration - Acceleration matrix noted a 10-20% design cost increase due to acceleration
	Subtotal	\$94,800	\$0	\$0	\$0	\$0	\$0	\$94,800	\$14,235	\$1,456	\$360	\$262,080	\$371,215	
New Data / Design Concepts / Developments														
23	Bear River Low-Flow Modeling / Expanded Geomorphic Assessment	\$32,880				\$42,000		\$85,380	\$12,807	40	180	\$7,200	\$105,387	- Existing hydraulic model from Corps does not have low-flow river channel, not calibrated for low flows - New topography and field reconnaissance indicates a potential tendency for Bear River northern avulsion - Meeting with DeValentine indicates orchard areas soils more erosive than anticipated - coordination with Wetlands time intensive - not anticipated in original scope
25	Wetlands Coordination							\$0	\$0	80	180	\$14,400	\$14,400	- Feasibility Report assessment based on original RD 784 drainage study by Mead and Hunt - Informed of updated Watermark study at February Management Meeting - Due to updated study, need to perform updated evaluation, modify basin sizes, evaluate additional detention areas - Design changes (eg detention basins) require CEQA addendum
26	Detention Basin Evaluation					\$10,000		\$10,000	\$3,000	160	180	\$28,800	\$51,800	
40	CEQA Compliance - Project Changes	\$4,740				\$20,500		\$4,740	\$711	16	180	\$2,880	\$8,331	
	Subtotal	\$4,740	\$32,880	\$20,500	\$42,000	\$0	\$10,000	\$110,120	\$18,518	\$296	\$720	\$53,280	\$179,818	
	Total	\$187,085	\$32,880	\$20,500	\$42,000	\$113,000	\$10,000	\$385,465	\$57,620	2132	1770	\$378,960	\$622,845	

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

JUNE 7, 2005

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:30 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, and Richard Webb. Also present were Executive Director Kent McClain, Chief Deputy Counsel Kathleen Burgess, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

ACTION ITEMS

- A. Minutes: Upon motion of Director Griego, seconded by Director Logue, and unanimously carried, the Board approved the minutes of the regular meetings of May 3 and 10, 2005, as written. APPROVE MINUTES
- B. Invoice Payment: Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board authorized payment of an invoice in the amount of \$52.79 from the Appeal Democrat for a legal publication notice. APPROVE PAYMENT
- C. Invoice Payments: Following a brief update on project status and Board inquiries, upon motion of Director Griego, seconded by Director Logue, and unanimously carried, the Board authorized the Yuba County Auditor-Controller to pay the following invoices: AUTHORIZE PAYMENT
- BE/GEI Consultants for \$439,919.76
 - HDR Engineering for \$241,040.63
 - MBK Engineers for \$12,943.49
 - Bender Rosenthal, Inc. for \$92,206.04
 - Fed-Ex for \$41.04
 - HDR Engineering for \$303,013.88
 - Placer Title Company for \$1,207.50
- D. Fund Transfer: Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board authorized the following transfer of funds from Trust Fund 805:

- \$22,695.67 to Account No. 102-9100-431-900 (Road Fund) for administrative services and supplies
- \$19,944.13 to Account No. 101-1600-410-9000 (Public Works) for reimbursement for salaries and benefits for cost allocation charges
- \$8.00 to Clerk-Recorder for re-mapping recording fees
- \$73.00 to Clerk Recorder for recording fees for special tax lien
- \$47.10 to Administrative Services for copies made in February 2005
- \$6,039.02 to Public Works for salaries and benefits February paid March 2005
- \$50.86 to Administrative Services for copies made in March 2005
- \$19,737 to Public Works for salaries and benefits April paid May 2005

E. Executive Director Authority/Property Acquisition: Following presentation by Executive Director Kent McClain and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board adopted Resolution No. 05-02 which is entitled: "A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DELEGATING TO EXECUTIVE DIRECTOR THE AUTHORITY TO CARRY OUT CERTAIN FUNCTIONS WITH RESPECT TO THE ACQUISITION OF PROPERTY AND/OR PROPERTY INTERESTS AND THE RELOCATION OF DISPLACED PERSON IN CONNECTION WITH THE THREE RIVERS LEVEE IMPROVEMENT PROJECT." ADOPT RESOLUTION NO. 05-02

PUBLIC COMMUNICATIONS

No one came forward.

BOARD AND STAFF MEMBERS REPORTS

No reports were received.

CLOSED SESSION

The Board retired into closed session at 4:03 p.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - PROPERTIES: 699 County Road No. 512/786 Feather River Boulevard/407 Count Road No. 512/449 County Road No. 512/408 County Road No. 512/ 402 County Road No. 512/404 County Road No. 512 - NEGOTIATING PARTIES: Bender Rosenthal Inc./Three Rivers Levee Improvement Authority - NEGOTIATION: Price and Terms of Payment

B. Threatened litigation pursuant to Government Code §54956.5(c) - One Case

The Board returned into open session at 4:40 p.m. with all Board and staff members present as indicated above. There was no announcement.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 4:41 p.m. by Chairman Webb.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

_____ Approved: _____

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

JUNE 14, 2005

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue and Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

ACTION ITEMS

A. Proposed Fiscal Year 2005/2006 Budget: Executive Director Kent McClain and Assistant Director Randy Margo recapped the proposed budget and responded to Board inquiries. Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board accepted the Proposed Fiscal Year 2005/2006 Budget; directed the Executive Director to make copies available for public inspection; and set Final Budget Hearing to begin at 10:00 a.m. June 21, 2005. ACCEPT PROPOSED BUDGET FY 2005/06

B. Mitigated Negative Declaration Technical Addendum/Yuba River Levee Repair: Jones and Stokes Associate Chris Elliott recapped the technical addendum and responded to Board inquiries.

Upon motion of Director Logue, seconded by Director Brown, and unanimously carried, the Board adopted Resolution No. 05-03, which is entitled: "RESOLUTION TO ADOPT THE TECHNICAL ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR YUBA RIVER LEVEE REPAIR." ADOPT RESOLUTION NO. 05-03

BOARD AND STAFF MEMBERS REPORTS

No reports were received.

PUBLIC COMMUNICATIONS

No one came forward.

CLOSED SESSION

The Board retired into closed session at 2:16 p.m. to discuss threatened litigation pursuant to Government Code §54956.5(c) – One Case.

The Board returned into open session at 3:20 p.m. with all Board and staff members present as indicated above. There was no announcement.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 3:20 p.m. by Chairman Webb.

Chairman

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

Approved: _____

July 5, 2005

TO: Three Rivers Levee Improvement Authority Board
FROM: Ani Bhattacharyya, Project Manager/Engineer
SUBJECT: Consider awarding Contract No. PH2-2005/06-01, for Three Rivers Levee Improvement Authority Bear River, Western Pacific Interceptor Canal and Yuba River Levees Repair and Olivehurst Detention Basin Construction Project, to Nordic Industries, Inc., Marysville.

Recommended Action

Award Contract No. PH2-2005/06-01, for the Three Rivers Levee Improvement Authority Bear River, Western Pacific Interceptor Canal and Yuba River Levees Repair and Olivehurst Detention Basin Construction Project, to Nordic Industries, Inc., Marysville.

Reason for Recommended Action

The aforementioned construction project (also referred to as TRLIA Phase 2 Construction project) is scheduled to start in July 2005 and needs to be completed prior to the November 2005. The deadline for submittal of construction bids was 4 PM on June 30, 2005. Nordic Industries was the only contractor that submitted a bid for the proposed construction, within this deadline. TRLIA staff has verified Nordic's bid package, and has determined that the information provided within the package is appropriate and that it matches the project requirements.

Discussion

Nordic Industries has an excellent reputation for successfully completing, within budget, this type of work while working within the constraints of a tight schedule. In addition, by virtue of its earlier involvement in TRLIA Phase 1 construction, and other similar work within Yuba County, the firm is very familiar with the various physical constraints, as well as the technical and logistical issues pertaining to this type of work within the subject area. The firm also possesses the resources and staff necessary to complete this work under the compact timeframe.

Fiscal Impact

Nordic's total bid amount for all construction activities related to the TRLIA Phase 2 project is \$19,895,075. TRLIA is in the process of submitting to the Department of Water Resources, a grant application for appropriation of \$25,576,058 of Prop 13 implementation funds to cover construction and land acquisition/right of way costs associated with the Phase 2 Levee Repair project. Prop 13 conditions require a 30 percent local match that will come from TRLIA levee impact fees.