



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
Yuba County Government Center, Board Chambers
915 Eighth Street, Suite 109A
Marysville, California

MARCH 15, 2016 – 2:00 P.M.

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I **ROLL CALL** – Directors Atwal, Brown, Griego, Nicoletti, Ritchie

II **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern within the jurisdiction of TRLIA which is not on today's agenda. The total amount of time allotted shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time, speakers are requested to fill out a "Request to Speak" card and submit it to the secretary.

III **CONSENT AGENDA:** Matters listed are considered to be routine and can be enacted by one motion.

A. Approve minutes of the meeting of February 2, 2016.

IV **ACTION ITEMS**

A. Approve Amendment No. 4 in the amount of \$75,000 to agreement with ENGEO Inc., for engineering services for Yuba Goldfields Flood Evaluation and authorize Executive Director to execute upon review and approval of Counsel.

V **BOARD AND STAFF MEMBER REPORTS**

VI **CLOSED SESSION**

A. Conference with Legal Counsel – Existing Litigation, Govt. Code 54956.9(d)(1) – A. Teichert & Son, Inc. v. TRLIA and TRLIA Board of Directors, Yuba County Superior Court No. CVPT 15-0000922

B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 020-080-009. Negotiating Parties: Western Aggregates and TRLIA/Kelly Pope. Under Negotiation: Price and Terms of Payment

C. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Latigo Farms LLC, et al., YSCCVED 14-0000222, APNs 014-360-011 and 014-360-013

D. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APNs 014-270-084, 085, 105 and 106, 014-350-044 and 065, 014-360-002. Negotiating Parties: Alfaro Family Farms, LLC and TRLIA/Brenda Schimpf/Kelly Pope. Under Negotiation: Price and Terms of Payment

E. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 016-070-018. Negotiating Parties: Gary J. and June W. Miller Revocable Trust/John and Virginia Belza/James L. Peck and Ann Marie Peck Trust and TRLIA/Brenda Schimpf/Kelly Pope. Under Negotiation: Price and Terms of Payment

The complete agenda is available at the Yuba County Government Center, 915 8th Street, Suite 109 Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available at Suite 109 during normal business hours. In compliance with the Americans 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 the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.

- F. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Property: APN 016-040-023. Negotiating Parties: Rue and Forsman Real Estate LLC and TRLIA/Brenda Schimpf/Kelly Pope. Under Negotiation: Price and Terms of Payment
- G. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Property: APN 020-330-010. Negotiating Parties: R.B. Satori, LP and TRLIA/Brenda Schimpf/Kelly Pope. Under Negotiation: Price and Terms of Payment
- H. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Property: APN 018-220-056. Negotiating Parties: R.B. Satori, LP and TRLIA/Brenda Schimpf/Kelly Pope. Under Negotiation: Price and Terms of Payment

VII **ADJOURN**

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THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

FEBRUARY 2, 2016

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 3:41 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, and Edward Ritchie. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

I ROLL CALL – Directors Atwal, Brown, Griego, Nicoletti, Ritchie – All present.

II ELECTION OF OFFICERS – Chair and Vice Chair for 2016

MOTION: Move to appoint Director Griego Chair for 2016

MOVED: John Nicoletti SECOND: Sarbdeep Atwal

AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, Edward Ritchie

NOES: None ABSTAIN: None ABSENT: None

MOTION: Move to appoint Director Brown Vice Chair for 2016

MOVED: Mary Jane Griego SECOND: Edward Ritchie

AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, Edward Ritchie

NOES: None ABSTAIN: None ABSENT: None

III PUBLIC COMMUNICATIONS: None.

IV CONSENT AGENDA CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown

AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, Edward Ritchie

NOES: None ABSTAIN: None ABSENT: None

A. Approve meeting minutes of January 19, 2016. Approved.

V ACTION ITEMS

A. Adopt resolution of necessity for taking of certain property identified as APN 020-330-007/APN 020-330-010/R.B. Satori, LP for Segment 3 of Feather River Levee Improvement Project. Special Counsel Kelly Pope provided a PowerPoint presentation recapping the necessity, location, and required findings for taking of the property. Ms. Pope responded to Board inquiries.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown

AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, Edward Ritchie

NOES: None ABSTAIN: None ABSENT: None

By roll call vote, adopted Resolution No. 2016 -2 which is on file in the Yuba County Clerk of the Board office.

- B. Adopt resolution of necessity for taking of certain property identified as APN 018-220-056/R.B. Satori, LP for Upper Yuba Levee Improvement Project. Special Counsel Kelly Pope provided a PowerPoint presentation recapping the necessity, location, and required findings for taking of the property. Ms. Pope responded to Board inquiries.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Edward Ritchie
AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, John Nicoletti, Edward Ritchie
NOES: None ABSTAIN: None ABSENT: None

By roll call vote, adopted Resolution No. 2016 -3 which is on file in the Yuba County Clerk of the Board office.

Director Nicoletti left the meeting at 4:04 p.m.

VI BOARD AND STAFF MEMBER REPORTS

Executive Director Paul Brunner:

- o 100 Year Goldfields Construction Project update
- o Meeting with Teichert regarding litigation
- o Star Bend access to Feather River
- o Agriculture leases, recreational and management areas
- o Yuba River Project (Sacramento Valley Conservancy)

VII ADJOURN: 4:24 p.m.

_____ Chair

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

Approved: _____



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
1114 Yuba Street, Suite 218
Marysville, CA 95901
Office (530) 749-7841 Fax (530) 749-6990

March 1, 2016

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul Brunner, Executive Director *PJB/aw*
Larry Dacus, Design Manager

SUBJECT: Approve 4th Contract Amendment with ENGEO Incorporated for Engineering Services

Recommended Action

Approve Amendment No. 4 (Attached) with ENGEO Incorporated to increase the budget by \$75,000 for additional effort for engineering services for the Yuba Goldfields Flood Evaluation and authorize the Executive Director to execute the amendment upon review and approval of General Counsel.

Background

In November 2011, the TRLIA Board approved a contract award to ENGEO Incorporated for engineering services for the Yuba Goldfields High Ground Evaluation not to exceed \$500,000 and delegated authority to the Executive Director to negotiate the contract. The final contract amount was for \$500,000. This contract was amended on August 7, 2012 to increase the contract amount by \$350,000 to a total of \$850,000 and a second amendment on August 13, 2013 to increase the contract amount by \$500,000 to a total of \$1,350,000. A third contract amendment was executed on February 7, 2015 to extend the contract termination date to December 31, 2016. ENGEO efforts have been essential in formulating and evaluating alternatives and making the final selections for the 100-year and 200-year flood protection projects. ENGEO has continued their support as TRLIA implements the 100-year project and negotiates with Teichert in minimizing the impacts of the 200-year project.

Discussion

Implementation of the 100-year Goldfields Project and refinement of the Goldfields selected 200-Year Project continues. ENGEO services are required to complete these two tasks. ENGEO has the background and expertise to provide the most effective effort for completing these tasks. More detail regarding ENGEO's effort is given in Exhibit 1 to Amendment 4, attached.

Fiscal Impact

This amendment would increase the contract by \$75,000 for services on a time and expenses basis, to a maximum amount not exceeding \$1,425,000 (\$1,350,000 previous contract amount + \$75,000). TRLIA has expended all of the DWR approved grant of \$2,000,000 for the Goldfields Feasibility Study. TRLIA local funds will be used to pay for this additional ENGEO effort.

Attachments:

Amendment 4
Exhibit 1 to Amendment 4

AMENDMENT NO. 4

AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ENGINEERING SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
ENGEIO INCORPORATED

THIS FOURTH AMENDATORY AGREEMENT is made effective March _____, 2016, by and between Three Rivers Levee Improvement Authority (“TRLIA”) and ENGEIO Incorporated (“the Consultant”), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background recitals:
 - 1.1. Effective December 1, 2011 the parties entered into an Agreement for Professional Services relating to Engineering Services for TRLIA’s Construction Program.
 - 1.2. Effective August 7, 2012 the parties entered into the first Amendatory Agreement to increase the budget by \$350,000 to a total of \$850,000.
 - 1.3. Effective August 14, 2013 the parties entered into the second Amendatory Agreement to increase the budget by \$500,000 to a total of \$1,350,000 and to extend the Termination Date of the contract from June 30, 2013 to December 31, 2014.
 - 1.4. Effective February 17, 2015 the parties entered into the third Amendatory Agreement to extend the Termination Date of the contract from December 31, 2014 to December 31, 2016.
 - 1.5. Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;
 - 1.6. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

2. **Fourth Amendment to Agreement.** The Professional Services Agreement is hereby amended as follows:
 - 2.1. The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and ENGEO) is amended by the addition of effort to the original tasks. These additional efforts are described in Exhibit 1 attached to this amendment agreement.
 - 2.2. The payment, budget, and not-to-exceed amounts, Condition B.1 in Attachment B to the Agreement for Professional Services between TRLIA and ENGEO Technical Services, Inc. are amended to include the additional amount of \$75,000 for a total contract amount of \$1,425,000.
3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on _____, 2016.

THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY

ENGEO INCORPORATED

Paul G. Brunner
Executive Director

Josef Tootle, GE
Principal

ATTEST:
DONNA STOTTLEMEYER
CLERK OF THE BOARD OF DIRECTORS

APPROVED AS TO FORM:
ANDREA P. CLARK
GENERAL COUNSEL



— Expect Excellence —

GEOTECHNICAL
ENVIRONMENTAL
WATER RESOURCES
CONSTRUCTION SERVICES

Project No.
9389.000.000

February 18, 2016

Mr. Paul Brunner
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

Subject: Yuba Goldfields Geotechnical Evaluation
Yuba County, California

REQUEST FOR BUDGET INCREASE NO. 3

Dear Mr. Brunner:

As discussed, we have reached the limit of our approved budget on the Yuba Goldfields Geotechnical Evaluation. We have worked in cooperation with the TRLIA team to complete design and grading observation for most of the 100-year project and are working closely with you on developing a final approach for the 200-year alignment.

Our original contract dated November 28, 2011, for \$500,000 extended from December 1, 2011, to December 31, 2012. We received Amendment No. 1 on August 7, 2012, that increased our budget by \$350,000 and extended the contract termination date to June 30, 2013. On August 14, 2013, we received Amendment No. 2 that increased our budget by \$500,000 and extended the contract termination date until December 31, 2014. On August 14, 2013, we received Amendment No. 3 that extended the contract termination date until December 31, 2016.

Since our last budget increase request, we completed field explorations to advance the 100-year project, prepared the 100-year project Technical Memo, and completed the grading plans for the 100-year project. The 100-year project went out to bid and the successful bidder has completed the grading work, with the exception of the Crossing 21 widening. We have observed the grading work so that we can complete the appropriate geotechnical documentation for a future FEMA submittal.

In addition to these services, we have assisted the design team in gaining project approvals from the Board of Senior Consultants (BOSC) and various stakeholders. This has included attendance at meetings, preparation of documents, cost estimates, and numerous revisions to figures and illustrations.

We have exhausted our current budget and, therefore, request a budget increase. We anticipate that our future services through the end of this year will likely include the following general items:

1. Attendance at meetings with the TRLIA team and various agencies.

2. Revisions to documents to gain further approvals from the BOSC.
3. Field observation during completion of the 100-year project grading and preparation of documentation for submittal to FEMA.
4. Assistance to the design team with development of the final 200-year alignment to satisfy local stakeholders. This may involve attendance at meetings, preparation of technical documents or illustrations, and general geotechnical consultation.

While there is uncertainty involved in the amount of time and effort to develop the final 200-year alignment, we suggest increasing the budget by \$75,000 to allow completion of the above general task items. It is our hope that this additional budget will be adequate for any needed geotechnical consultation until the TRLIA team is ready to move forward with design of the selected 200-year alignment.

If this request is agreeable, please forward an appropriate addendum for our review and signature. If you have any questions regarding this letter, please call and we will be glad to discuss them with you.

Sincerely,

ENGEO Incorporated



Mark M. Gilbert, GE
Principal
mmg/jjt/bvv



Josef J. Tootle, GE
Principal