

3/8/19 Estimate of local cost share
Original Per Assessment District Formation

Original Assessment Report Total Cost	\$36,066,000
DWR UFRR	\$22,309,666
DWR EIP	\$2,412,500
Local Original Assesment	\$11,343,834
DWR proposed Amend	\$13,000,000

Total Estimate at this time

Cost to Date	\$13,000,000	DG Audit
Construction Per SJAFCA	\$49,000,000	Current Estimate
Rem Permits	\$300,000	Plug
Rem Eng	\$500,000	Plug
Const Management	\$3,000,000	Plug
Legal	\$500,000	Plug
Right of Way	\$1,000,000	Plug
Mitigation	\$1,500,000	Plug
Contingency	\$500,000	Plug
Bond costs	\$500,000	Plug
Total	\$69,800,000	
DWR proposed Amend	-\$13,000,000	
DWR Original	-\$24,722,166	

**Local at this time
required from**

Assesment	\$32,077,834	
Original 2013 w.ufrr	\$11,343,834	16,229,700
Delta	\$20,734,000	

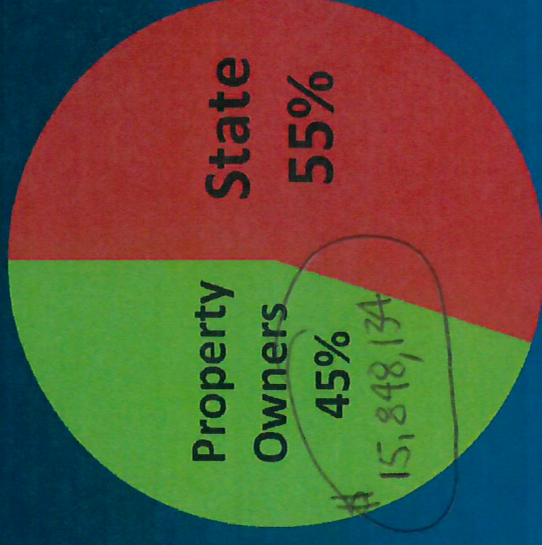
Based on Assement District Liturature	
Local Share 45% of 36,066,000	\$16,229,700
Delta	\$15,848,134

Based on Assement District Liturature	
Local Share 45% of 2016 \$'s at	
\$40,851,047	\$18,437,971
Delta	\$13,639,863

Smith Canal Gate Costs

Estimated Cost

Design	\$ 4,925,000
Construction	<u>31,141,000</u>
Total Costs	\$36,066,000



Received from

State **\$2,400,000**

Annual Cost of Financing for Local Share:

\$1,302,400

Cost of O&M & Admin (2014/15):

361,000

Table 1
SJAFCAsmith Canal Area Assessment District
Capital Cost Estimate & Cost Share

Item	\$2011 Costs	Total \$2016 Dollars [1]	Local 45%	State [2] 55%
Years 1-3 Costs				
Program Management	\$709,000	\$709,000	\$319,050	\$389,950
Engineering Design	\$2,250,000	\$2,250,000	\$1,012,500	\$1,237,500
Independent Review	\$300,000	\$300,000	\$135,000	\$165,000
Environmental Review & Permitting	\$1,375,000	\$1,375,000	\$618,750	\$756,250
Real Estate Planning & Acquisition	\$141,000	\$141,000	\$63,450	\$77,550
Public Outreach	\$50,000	\$50,000	\$22,500	\$27,500
Financing [3]	\$100,000	\$100,000	\$100,000	\$0
Total Years 1-3 Need	\$4,925,000	\$4,925,000	\$2,271,250	\$2,653,750
Years 4-5 Costs [1]				
Construction (Less General Requirements)	\$21,437,000	\$24,730,955	\$11,128,930	\$13,602,025
General Requirements	\$2,471,000	\$2,850,688	\$1,282,809	\$1,567,878
Contingency	\$4,288,000	\$4,946,883	\$2,226,097	\$2,720,786
Program Management	\$191,000	\$220,349	\$99,157	\$121,192
Real Estate Planning & Acquisition	\$329,000	\$379,553	\$170,799	\$208,754
Public Outreach	\$50,000	\$57,683	\$25,957	\$31,726
Construction Management	\$1,750,000	\$2,018,901	\$908,505	\$1,110,395
Environmental Mitigation	\$625,000	\$721,036	\$324,466	\$396,570
Total Years 4-5 Need	\$31,141,000	\$35,926,047	\$16,166,721	\$19,759,326
Total	\$36,066,000	\$40,851,047	\$18,437,971	\$22,413,076

Source: PBI Design Costs for EIP Application

[1] Design costs are not escalated. Construction costs (Years 4-5) in Table 1 are escalated to \$2016 at 2.9% per Year, based on ENR 20-City annual index August 2012

[2] State Cost sharing is assumed to be 50% plus 5% for one State Facility.

[3] Assumes 100% of the financing cost (\$100,000) would not be eligible for State Cost Sharing. Financing Cost are not escalated.

Services to be Funded by the Assessment

The type of improvements funded by the District will require ongoing physical monitoring and operations. The improvements would consist of mechanical equipment such as compressors, generators and appurtenant equipment that will require ongoing maintenance and up-keep in order to ensure that the improvements provide the designed level of flood protection into the future. The costs associated with all operations and maintenance of a closure structure would be funded by the operations and maintenance component of the annual assessment levy. These ongoing services are described in detail in Appendix B, "SJAFCAsmith Canal Closure Structure, Operations & Maintenance Requirements Technical Memorandum, April 28, 2011" prepared by PBI. In general, the Operations & Maintenance (O&M) Requirements would include:

- Gate Operation
- Equipment Testing

**MINUTES
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY
SEPTEMBER 17, 2015**

**CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL

Roll Call

Present:

Director Holman

Director Miller

Director Villapudua

Absent:

Director Zapien.

2. PLEDGE TO FLAG

3. CONSENT AGENDA

3.1) Approve minutes of the Board meeting of July 16, 2015

[LINK TO: Agenda Item 3.1 \(PDF\)](#)

3.2) Amendment No. 2 to consultant contract for additional California Environmental Quality Act support and review needed for the completion of the Lower San Joaquin River Feasibility Study

[LINK TO: Agenda Item 3.2 \(PDF\)](#)

[LINK TO: Resolution No 15-14 \(PDF\)](#)

3.3) Contractual Services Agreement with Peterson Brustad, Inc. Task Order No. 4 for geotechnical investigation services needed for the Smith Canal Gate Project

[LINK TO: Agenda Item 3.3 \(PDF\)](#)

[LINK TO: Resolution No 15-15 \(PDF\)](#)

Chair Miller requested confirmation that the Board was being asked to proceed with Alternative 1 only, because if a different alternative was selected, it would require another Prop 218 process, so there would be a delay anyway.



Executive Director Giottonini responded that if the Board picks Alternatives 2 or 3 or Dominick's proposal to redo the levees along Smith Canal, there would be a delay since it would require a Prop 218 election to fund the additional local share.

Dominick Guilli of Green Mountain Engineering also commented on item 3.3 and recommended the Board consider doing all of the borings for all of the alternatives in order to minimize risk and save on the delay problem. Executive Director Giottonini responded that there would be a huge difference in cost to do that and that Alternative 1 is the only alternative that is already permitted to move forward with water borings.

3.4) Appeal to request a refund of the fiscal year 2014/15 Smith Canal Assessment

[LINK TO: Agenda Item 3.4 \(PDF\)](#)

[LINK TO: Resolution No 15-16 \(PDF\)](#)

Motion: Approve Consent Agenda
Moved by: Director Holman, seconded by Director Villapudua
Vote: Motion carried 3-0
Yes: Directors Holman, Miller and Villapudua

4. ORAL REPORT FROM EXECUTIVE DIRECTOR

Executive Director Giottonini gave an oral report on the following:

-Federal Appropriations: Due to the fiscal year 2016 budget conflict in Congress most, if not all, appropriation bills will be rolled into another Omnibus Appropriation at the end of the year with continuing resolutions temporarily funding the government when the new fiscal year begins October 1.

-Executive Order 13690 and Federal Flood Risk Management Standard (FFRMS): FEMA is advising that the implementation guidelines for the new Executive Order and FFRMS will be scaled back significantly from the proposal that was announced earlier this year. A council of federal agencies is expected to act this month on FEMA's recommendations that it apply only to the expenditure of federal funds for new construction and substantial renovations. While FEMA intends to formally make the recommendation this month, it remains uncertain whether and when the recommendations will become effective.

-Washington, DC Trip: Vice-Chair Holman will be accompanying staff to Washington, DC on October 26-27, 2015. We will attend a series of meetings with the offices of Senators Feinstein and Boxer, Representatives McNerney and Denham, FEMA, the Corps and OMB, and House and Senate committees that deal with financing. This will be an opportune time to talk to the Corps and OMB about funding the feasibility study and starting design of the project.

5. PUBLIC COMMENTS

Dominic Gulli of Green Mountain Engineering provided the Board with a handout highlighting statements from his November 2013 Smith Canal proposal to SJAFCA stating that he could certify the Smith Canal levees to meet CFR 65.10 requirements. He wanted to know if the Board had any interest in pursuing his offer for a proposal. In response, Executive Director Giottonini provided background on FEMA's map modernization and then asked Chris Neudeck to provide additional information. Chris Neudeck, District Engineer for Reclamation Districts 1614 and 828, provided engineering background on the Smith Canal levee accreditation issue. He stated his professional opinion has been and still remains that the levees are not accreditable.

6. BOARD QUESTIONS, COMMENTS, ACTIONS

Chair Miller asked how Executive Order 13690 changes impact the Lower San Joaquin River Feasibility Study (LSJRFS). Executive Director Giottonini replied that the impacts could be significant depending upon which method each federal agency uses. However, there have been assurances that current ongoing studies will be grandfathered, which includes the LSJRFS. SJAFCA Counsel Scott Shapiro added that he recently attended a National Association of Flood & Stormwater Management Agencies conference. Based on information and material provided at the conference, Executive Order 11988 will basically continue to operate as it has and that

The challenge will be to look beyond the 100-year event and look at climate change impacts.

7. ADJOURNMENT

The meeting adjourned at 9:22 a.m. The next meeting is scheduled for Thursday, November 19, 2015, at 9:00 a.m.

FUTURE BOARD MEETING DATES AT 9:00 A.M.:

JANUARY 21, 2016

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 Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD CONTROL
AGENCY

**MINUTES
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY
NOVEMBER 19, 2015**

**CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL

Roll Call 09:00 AM

Present:

Director Miller

Director Holman

Director Villapudua

Director Zapien

2. PLEDGE TO FLAG

3. CONSENT AGENDA

3.1) Approve minutes of the Board meeting of September 17, 2015

[LINK TO: Agenda Item 3.1 \(PDF\)](#)

3.2) Reimbursement to City of Stockton for the Agency's operating expenses for the third and fourth quarters of fiscal year 2014-2015

[LINK TO: Agenda Item 3.2 \(PDF\)](#)

[LINK TO: Resolution No 15-17 \(PDF\)](#)



Dominic Gulli of Green Mountain Engineering wanted the September 17, 2015 minutes to reflect his request to strike Mr. Giottonini's statement in paragraph 3 of Consent Agenda Item 3.3 because (1) his alternative proposal range for \$25-32 million is within budget and (2) he doesn't believe his proposal would require a Prop 218 election.

Chair Kathy Miller responded that Mr. Giottonini's statement was not reflective of Mr. Gulli's viewpoint but rather in response to the Board's inquiry. SJAFCA Counsel Scott Shapiro concurred. Mr. Gulli responded that he wanted to state for the record that it was an incorrect statement.

Mr. Gulli also requested that his handout given at the September 17th meeting regarding FEMA accreditation status be made part of the minutes even though it is referred to in the minutes. Chair Miller asked Legal Counsel Shapiro for direction. He stated that it is the Board's discretion if they want to include the handout as part of the minutes. He stated that the minutes are only a reflection of what occurred at the meeting and that the handout can be attached to future minutes referencing that it was received at the September 17, 2015 board meeting. Director Zapien did not attend the September 17th board meeting and would like to review the handout before the Board decides if they want to make it part of the record.

Motion: Approve Consent Agenda

Moved by: Director Zapien, seconded by Director Villapudua

Vote: Motion carried 4-0

Yes: Directors Holman, Miller, Villapudua and Zapien

4. ACTION ITEM

4.1) **Smith Canal Gate Project – Final Environmental Impact Report and related project actions**

[LINK TO: Agenda Item 4.1 \(PDF\)](#)

[LINK TO: Resolution No 15-18 \(PDF\)](#)

[LINK TO: Resolution No 15-19 \(PDF\)](#)

[LINK TO: Smith Canal FEIR Certification Powerpoint \(PDF\)](#)

[LINK TO: Soluri Meserve Handout \(PDF\)](#)

[LINK TO: Green Mountain Engineering Handout \(PDF\)](#)

Project Manager Megan Smith with ICF International gave a PowerPoint presentation on the Draft and Final EIRs. She spoke on what the CEQA process requires at this point, some background on the project, what's next for the EIR, and the overall environmental analysis of the project.

Executive Director Giottonini provided a historical background. He stated that in 2006 FEMA required all levee maintaining agencies to provide data on their levees meeting FEMA standards for continued accreditation against a 100-year flood. FEMA would approve a Provisionally Accredited Levee (PAL) Agreement allowing the agencies two years to provide the information if they needed more time to provide the data. Reclamation Districts 828 and 1614 (RDs 828 and 1614), Smith Canal levee maintaining agencies, decided against pursuing PAL agreements with FEMA on advice of their engineers that the levees were not accreditable. RDs 828 and 1614 were the only urban levees in the Stockton area that did not submit accreditation data or sign a PAL Agreement with FEMA. As a result, in 2009 FEMA issued new FIRM maps that placed approximately 5,000 homes in the Smith Canal area into a 100-year floodplain with resulting building restrictions and mandatory flood insurance. SJAFCA partnered with RDs 828 and 1614 to develop a feasible solution to the flood designation. SJAFCA agreed to be the lead agency on the Assessment District since the 100-year floodplain extended beyond both reclamation districts' boundaries. The Assessment District was narrowly approved by the property owners, SJAFCA received a commitment from the State for their share of the project, and the United States Army Corps of Engineers approved a Memorandum of Understanding to allow the cost of the project as a credit for a future flood protection project in Stockton. Mr. Giottonini advised the Board that if SJAFCA does nothing, there is no certainty that the Smith Canal levees will ever fail in the future but there is certainty that FEMA's floodplain designation will remain and be expanded in the future with resulting building restrictions and mandatory flood insurance if this project does not proceed. Based on the aforementioned, Executive Director Giottonini recommended that the Board (1) certify the Final EIR, (2) select Alternative 1, and (3) adopt the Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

Patrick Soluri of Soluri Meserve Law Corporation represents the Atherton Cove property owners' association. He submitted written comments to the Board this morning because the FEIR wasn't released until seven days before certification. While he concurred with SJAFCA's Legal Counsel that SJAFCA complied with the law on the timing of the release, he stated that typical land use CEQA practice is to release the FEIR 10 days before certification for the entire public. One concern was that the FEIR did not track the redlined changes from the Draft EIR. His clients are

are fewer environmental impacts. Other property owner concerns were (1) cost issues, (2) water hyacinth mitigation measures and (3) lack of fish and other invasive species analysis in the FEIR which were addressed in the written comments that were provided to the Board.

Dominick Gulli of Green Mountain Engineering submitted comments to the Board. He stated that there was wording in the Statement of Facts that should be revised and that all alternatives should be considered. He stated a FEMA letter dated July 23, 2015, raises questions about the CLOMR, and that a letter from FEMA to the Mayor and to the Board of Supervisors dated February 12 and 27, 2012, states [in part], "After final construction of the project and submittal of certification documents to FEMA....FEMA **could** allow the accreditation of Smith Canal levees." He stated the words "will" and "would" should be replaced with "could" in the environmental documents. He also commented on backwater flooding issues, hydrodynamic model and methods used, alternative selection and the Central Valley Flood Protection Board's comments on the DEIR.

Richard Gacer of Plymouth Road spoke. He recounted his reasons for voting for the flood gate project and that he and other Country Club property owners are looking forward to the completion of the gate project that was targeted for 2018.

Deborah Provost of Smith Canal area commented that she did not see an encroachment issue in the Reclamation District 828 levee because there are cyclone fences and posts that can be taken down. She recommended the Board delay their decision for a month to receive an update from FEMA on the CLOMR issue.

Director Villapudua asked staff if there was a time sensitive issue if the Board delayed their decision. Executive Director Giottonini responded that if he understood Ms. Provost's concern correctly, she would like (1) the insurance problem to go away and (2) some certainty that FEMA would not change their minds in the future. He stated that SJAFCA immediately contacted FEMA's Region 9 when they received the letter from FEMA regarding the CLOMR issue. Staff met with FEMA region staff which led to a follow-up meeting in October in Washington, DC that included Vice-Chair Holman. That meeting led to a follow-up conference call on November 17th with FEMA headquarters staff, and SJAFCA consultants. The issue with FEMA is that they accepted Smith Canal with the closed gate and with a raised embankment but didn't consider it a levee. FEMA says SJAFCA has to consider that. Worst case scenario is that if there is a levee failure without a gate, the entire floodplain is filled all the way to University of Pacific because there's an infinite source of water in the delta. So if you have seepage or a flood stage in the delta, you close the gate. Mr. Giottonini believe it can be kept to about three to four feet of water in Smith Canal and is manageable. Staff will be responding to FEMA's comments and do additional modeling which will cost an additional \$100,000 to \$200,000. Worst case scenario is that there is a small residual floodplain problem near the Wisconsin Pump Station but it wouldn't be the 10-foot deep water that would happen if the Board doesn't do something and proceed with the gate. He offered to meet with Debbie Provost after the meeting. He said that it's a work in progress and is going to take more than a month to resolve.

Chair Kathy Miller asked if she understood correctly that there was not really a way to satisfy FEMA unless the Board decides on an alternative, move forward with additional modeling and expend extra money that will be required to satisfy FEMA.

Executive Director Jim Giottonini responded that is correct. He added that FEMA told them on the phone that SJAFCA has a CLOMR and can proceed/build the project and then submit information afterwards. He didn't think that was a good idea and think FEMA doesn't consider it a big deal but that it is a big deal for SJAFCA

working hard on the issue but it's going to take months to get the information to FEMA for them to look at.

Debbie Provost commented that her house would be under water even if there's three to four feet of water.

Executive Director Giottonini explained that the gate can be closed at an elevation of about five. The low ground in Smith Canal area is about four. So with the gate closed, there are pump stations that pump into Smith Canal and that is going to raise the water elevation in Smith Canal about three feet or so. He noted that when Jones Tract was flooded the water got deep and couldn't be stopped. With the gate, the flooding is minimized with only the water from the pump stations. Ms. Provost responded that her concern then is what happens to the people that are getting the water when they're paying for a promise of protection. Mr. Giottonini responded that he was fairly confident that the issue can be resolved but that it was going to take a few months to submit documentation to FEMA.

Patrick Soluri commented that the aforementioned was all new and significant information about the project that requires recirculation of the EIR.

Legal Counsel Shapiro offered one more aspect of the FEMA Letter of Map Revision (LOMR) that has been discussed to clarify the additional data that FEMA is requesting in the Conditional Letter of Map Revision (CLOMR) letter that Ms. Provost commented on.

Maxwell Freeman of Atherton Cove area commented that Atherton Cove property owners have a great concern about the intertwining of the hyacinth. He compelled the Board to take a second look at the specifications and costs.

Chair Miller called a recess at 9:57 a.m. so that she and Vice-Chair Holman could confer with legal counsel to review the information and comments provided at the meeting.

Meeting resumed at 10:40 a.m. Legal Counsel Shapiro stated that the material submitted has already been identified and properly analyzed in the environmental document. He stated there were two paths the Board could take which were (1) have staff present the facts showing where the items raised by the speakers have already been identified and properly analyzed in the FEIR and (2) adjourn, take two weeks to write the facts and present them at a later meeting. He stated that the Chair and Vice Chair recommendation was to present the facts orally today instead of delaying for two weeks to present them in writing.

Megan Smith spoke on the three primary items raised by the speakers, in each case identifying the information in the record addressing the comments by the speakers. First, she addressed effects of the hyacinth removal program located in Chapter 3.11. Second, she addressed other invasive species that is located in the Environmental Settings section of the Vegetation and Wetlands and Water Quality sections. Third, she addressed the operational impacts on species located in Comment Letter 3, Comment 18.

Legal Counsel Shapiro added that water quality analysis was performed by two engineering firms, Moffatt & Nichol and cbec, inc. Both firms concluded that they agree with the water quality analysis in the FEIR. He also wanted to clarify that the FEMA CLOMR letter raised earlier in the meeting has previously been given to the Board, it is a public document, and it isn't anything different than what the EIR states which is that a permit is required at the end of the process and SJAFCA has to get a LOMR.

lots of outreach and negotiations, and letters written for the Board to be able to base a decision on the project today.

Vice Chair Holman thanked staff and legal counsel on bringing the board members up to speed on the project. He stated that the questions have been adequately answered.

Motion: Certify the FEIR and select Alternative 1
Moved by: Vice Chair Holman, seconded by Director Zapien
Vote: Motion carried 4-0
Yes: Directors Holman, Miller, Villapudua and Zapien

4.2) **Smith Canal Gate Contract Amendment and Task Order No. 5 for design, permitting, and right of way acquisition for Alternative 1**

[LINK TO: Agenda Item 4.2 \(PDF\)](#)

[LINK TO: Resolution No. 15-20 \(PDF\)](#)

Deputy Executive Director Roger Churchwell gave a brief presentation on the Smith Canal design team and contract with Peterson Brustad, Inc.

Dominick Gulli stated that overall construction budget should be checked when meeting with DWR.

Motion: Amend Contractual Services Agreement with Peterson Brustad, Inc. to increase cost for additional project design expenses and execute Task Order No. 5 for design, permitting and right-of-way acquisition for Alternative 1
Moved by: Director Villapudua, seconded by Director Zapien
Vote: Motion carried 4-0
Yes: Directors Holman, Miller, Villapudua and Zapien

5. **ORAL REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Giottonini gave an oral report on the following:

-WRRDA: Steinberg & Associates drafted a guidance for the \$10,000,000 credit and delivered it to the United States Army Corps of Engineers (USACE).

-CLOMR: Staff met with FEMA while in Washington, DC and have followed up that meeting with conference calls to resolve the CLOMR concerns and issues.

-LSJRFS: Trying to get money from USACE to start the project design.

-Future Meetings: Board Members were asked to check their calendars for conflicts with the tentative meeting dates listed on the agenda. The Board will formalize the 2016-2017 meeting dates at the January, 2016 meeting.

6. **NO PUBLIC COMMENTS**

7. **BOARD QUESTIONS, COMMENTS, ACTIONS**

the next Washington, DC trip so that Board Members can place the date on their calendars. She also asked him to share with the Board how long SJAFCA has been waiting for the \$10 million credit that he stated in his oral report. He didn't remember the exact timeframe but said there was a reimbursement agreement dated in 2001 or 2002.

Director Holman gave his perspective on the Washington, DC trip and stated that it seems the message is better received by the Washington, DC bureaucrats when the elected officials are delivering the message. He encouraged the other directors to attend future Washington, DC trips.

Directors Villapudua and Zapien thanked staff for all of their efforts on the voluminous material and tasks to bring them up to speed as new board members. Director Zapien stated that he was pleased how staff put so much effort into a project of such magnitude.

8. ADJOURNMENT

The meeting adjourned at 11:09 a.m. The next meeting is scheduled for Thursday, January 21, 2016 at 9:00 a.m. Tentative future board meeting dates at 9:00 a.m.:

March 17, 2016

May 19, 2016

July 21, 2016

September 15, 2016

November 17, 2016

January 19, 2017

JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD CONTROL
AGENCY