

Marin County Flood Control and Water Conservation District

**DRAFT MINUTES OF THE
FLOOD CONTROL ZONE 4 ADVISORY BOARD MEETING
HELD THURSDAY MARCH 9, 2017
AT STRAWBERRY RECREATION DISTRICT, 1ST FLOOR MEETING ROOM
TIBURON, CA 94920**

<u>Advisory Board (AB) Members Present</u>	<u>District Staff (Staff) Present</u>
Robert “Bob” Rogers (RR) - Chairperson	Tony Williams, Principal Civil Engineer (TW)
Kathryn Oliver (KO) – Vice Chairperson	Scott McMorrow, Assistant Engineer (SM)
Timothy Barteau (TB)	
John Leszczynski (JL)	
Dianne Newman (DN)	
	<u>Others</u>
<u>Advisory Board (AB) Members Absent</u>	

Meeting came to order at 6:32 PM.

Due to a prior commitment, Advisory Board Member Newman arrived at 6:45.

Item 1. Election of Chair and Vice-Chairperson

After some discussion, Robert Rogers was nominated to serve as Chairperson for the Advisory Board.

Action by Board: Elect Robert Rogers as Chairperson for the Zone 4 Advisory Board.

M/S: JL/KO, **Ayes:** All, **Nay:** None, **Abstain:** None, **Absent:** AB Member Newman

After some discussion, Kathy Oliver was nominated to serve as Vice-Chairperson for the Advisory Board.

Action by Board: Elect Kathy Oliver as Vice-Chairperson for the Zone 4 Advisory Board.

M/S: JL/TB, **Ayes:** All, **Nay:** None, **Abstain:** None, **Absent:** AB Member Newman

Item 2. Approval of Meeting Minutes: October 20, 2016

RR suggested the following amendments to the minutes: Under Item 2 (Open Time for Items Not on the Agenda): strike the second use of the word “the” in the first sentence. Under Item 3 (Update on Current Zone 4 Projects): Add the following sentence to the end of the first paragraph “As part of the design review for the Cove pump station upgrade, the consultant hired to design the upgrade will make two presentations to the Advisory Board.” Under Item 4 (Information about District-wide Maintenance Program): Add the following sentence to the end of the last paragraph “A handout and PowerPoint presentation was provided to the Advisory Board that outlined the District’s maintenance program.”

KO suggested the following amendment to Item 5 (Report from Ad Hoc subcommittee of John Leszczynski and Kathryn Oliver on settlement of Blinds and Designs et al v. Marin County Flood Control and Water Conservation District litigation): Strike the language in the draft minutes, and

Marin County Flood Control and Water Conservation District

replace it with the following:

“KO reviewed that at the August 11, 2016 AB meeting, an Ad Hoc Subcommittee was formed to review issues involved in the appropriation of Zone 4 budgeted funds to pay for the settlement of and staff time spent on the above-referenced “Blinds and Designs” litigation. The purpose of the Subcommittee was to consider if the use of Zone 4 funds for these purposes, as opposed to payment from County funds or some other source, was proper. The Subcommittee consisted of KO and JL. They met with County Counsel’s office and various staff members, and KO did legal and factual research on the issues. The result was a written report which was distributed to the AB, staff and public at the meeting.

TB asked if any form of reimbursement to Zone 4 of the Zone 4 funds paid in connection with the litigation was considered. KO stated that this was considered, and indeed was a focus of the review. Based on legal research and other study, as well as discussions with County Counsel’s office and staff, the report found that it is unclear if a legal and factual basis exists to support the use of Zone 4 funds to pay the settlement and staff costs involved here. Because this is a gray area, the Subcommittee did not recommend that the AB seek reimbursement from the County of Zone 4 funds in this case. JL stated that, should this type of legal action occur again, payment and funding issues must be scrutinized sufficiently early in the case. KO (and the report) recommended including one or more AB members in similar future litigation discussions with County attorneys and staff. TB agreed that in that situation, the AB should be included within the scope of applicable privileges, including the attorney-client privilege. CT stated that the Board of Supervisors has asked their staff to look into the matter of involving AB members in future litigation involving their Zone. CT also stated that County Counsel’s office reviewed the Subcommittee report, and disagreed with its conclusions; he attempted to work with the Subcommittee to review the report, but was not successful.

After discussion, the Subcommittee’s report was presented to the AB for its approval. The Subcommittee also requested that it be sent to the Board of Supervisors for information and approval.”

Action by Board: Approve minutes as amended above.

M/S: JL/KO, **Ayes:** All, **Nay:** None, **Abstain:** None, **Absent:** None

Item 3. Open Time for Items Not on the Agenda

A member of the public inquired about the County of Marin’s coordination with other agencies regarding the impacts of sea level rise in the Tiburon area.

Item 4. Zone Engineer’s Report

a. Winter Storms Update

Staff updated the AB on the winter storms experienced this year. There have been several activations of the Department Operations Center (DOC), and these activations have led to an increase of storm patrols in Zone 4, as well as an increase in Building Maintenance staffing to ensure that Zone 4 pump stations maintained full operational status. TW also updated the AB on the District’s communications with the National

Marin County Flood Control and Water Conservation District

Weather Service during weather events. JL confirmed that he has seen building maintenance staff at Cove pump station during several of the storms.

b. **Short-term Upgrades to Cove Pump Station**

Staff updated the AB on the recent short-term upgrades made to the Cove pump station, including repair of a 36" pipe, repair to the trash rack, installation of back-up mechanical float valve technology on pumps 1 & 2, and a review of the pump station by a Professional Electrical Engineer (PE). Staff outlined the three options provided by the PE: 1) jumper power monitor and motor thermostat controls, 2) add low level "stop" float valves, and 3) use the currently offline pump 4 as the lead pump. Staff is reviewing options 1 & 3 as possible courses of action, but recommended against the expenditure required for option 2 given the upcoming rebuild for the pump station. JL asked that the report be sent to the AB, and staff responded that the report will be emailed to the AB on 3/10/17.

c. **Cove Pump Station Long-term Upgrades**

Staff updated the AB on the status of the Cove pump station upgrade project. A contract for \$290,170 has been awarded to CSW/Stuber-Stroeh (CSW). In addition to providing design, plans, specifications and a construction cost estimate, CSW will also provide a peer review of the 100-year inflow model that was used in the initial concept level design of the upgrade performed by Schaaf & Wheeler. Also, CSW will provide construction support services during the construction phase of the upgrade. CSW will be providing a 50% design submittal, and staff recommended that the AB meet with CSW at a public meeting as soon as possible after the 50% design completion so that the AB can provide timely input. The AB indicated that this meeting should occur.

d. **East Creek Hydrology and Hydraulic Analysis**

Staff reported that the East Creek Hydrology and Hydraulic Analysis (H&H) is underway. The topographic survey is complete, and staff is building the HEC-RAS model. The CSW peer review of the initial inflow model will also be included in the East Creek H&H model. JL reported that he had the opportunity to evaluate the creek during several of the storms, and he noted several back yard drain pipes that outfall into the creek. KO noted that there were some drain pipes along West Creek as well. RR asked if staff should contact the Town of Tiburon regarding these drainages on both West and East Creeks. Staff responded that they will follow up with the Town of Tiburon.

Item 5. Annual and Preventative Maintenance Work Program

Staff reviewed the pump station maintenance that occurred in the current fiscal year (2016-17) and proposed pump station maintenance for the upcoming fiscal year (2017-18). Also, staff reviewed the vegetation maintenance program for the upcoming fiscal year. Please see the 03/09/17 staff report for details. TB inquired about the assessment of the need for sediment removal from West Creek downstream of Cecilia Way. Staff responded that this work must be permitted by environmental regulatory agencies, and that measuring the depth of accumulated sediment in the Cecilia Way culvert was the determining factor when assessing the need for sediment removal in West Creek at the Cecilia Way culvert. JL inquired about the status of performing sediment removal along East Creek. Staff responded that the East Creek H&H study would be used to help determine this need. A similar H&H study was completed in the past for West Creek.

Marin County Flood Control and Water Conservation District

Item 6. Zone 4 and 4A FY 2017-18 Budget Review

Staff reviewed the FCZ #4 and FCZ #4A Budget Report. KO inquired if the FY 2017-18 pump maintenance for the Cove pump station was required given the plan to upgrade the pump station. Staff responded that this work was recommended in order to continue flood mitigation until the pump station upgrade is complete. DN inquired about the revenue projections for FCZ 4A. Staff replied that these reserves build up over a cyclic period.

Action by Board: Recommend Board of Supervisors approve of the FY 2017-18 budget for FCZ #4 and FCZ #4A.

M/S: JL/DN, **Ayes:** All, **Nay:** None, **Abstain:** None, **Absent:** None

Item 7. Schedule Next Meetings

In addition to scheduling a meeting shortly after the CSW 50% Design submittal, the AB considered the following 2017 AB meeting schedule:

June 8, 2017, September 14, 2017, and December 14, 2017

Action by Board: Approve the above stated dates for 2017 AB meetings

M/S: JL/TB, **Ayes:** All, **Nay:** None, **Abstain:** None, **Absent:** None

The meeting was adjourned at 8:15 PM.