

## Summary of Actions

### BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

#### REGULAR MEETING AGENDA

Sunday April 23, 2017; 9:00 a.m.  
31030 Broad Beach Road, Malibu, CA 90265

#### 1. CALL TO ORDER

The Chair called the meeting to order at 9:07 a.m.

#### 2. ROLL CALL

PRESENT: Chair Norton Karno, Vice Chair Marshall Grossman, Board Member Jeff Marine.

ABSENT: Board Members Shaul Kuba and Bill Curtis (monitored meeting by phone, but did not vote on matters).

BBGHAD STAFF ALSO PRESENT: Clerk/Treasurer Heike Fuchs, Project Engineer Russ Boudreau and Project Counsel Ken Ehrlich.

#### 3. ADOPTION OF AGENDA

The Chair recognized Project Counsel, who reported that the Agenda was posted on April 20, 2017 before 9:00 a.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Board Member Marine, who moved to adopt the Agenda as presented. Vice Chair seconded the Motion, and the Motion passed 3-0.

#### Closed Session

At 9:08 a.m. the Chair announced, without objection, that the Board would move into Closed Session.

#### Resumption of Regular Session

The Chair resumed Regular Session at approximately 9:54 a.m., and a report was given on Closed Session items.

#### 6. Approve Summary of Actions from March 19, 2017 Meeting

The Chair recognized Board Member Marine, who moved to approve Summary of Actions from March 19, 2017, with 2 (two) minor edits on page 3 as announced by Project Counsel. Vice Chair Grossman seconded the Motion, and the Motion passed 3-0.

**7. Ceremonial/Presentations**

None.

**8. Consent Calendar**

None.

**9. Public Hearings**

None.

**10. Old Business**

a. Project Manager Search Update

The Chair recognized Project Counsel, who requested the Board to consider approving Ross Fryman as Project Manager. Project Counsel reported that Board Member Kuba referred Mr. Fryman to the BBGHAD, and gave a brief overview of Mr. Fryman's extensive construction, logistics and budgeting experience. Project Counsel stated that staff recommends for the Board to approve and confirm the retention of Mr. Fryman and his company Fryman Management Inc. as the new Project Manager. Project Counsel further reported that, in accordance with the Board's direction, Board Members Kuba and Marine hired the Project Manager and Mr. Fryman has been working subject to formal confirmation by the Board. Project Counsel stated that he prepared a Resolution and a contract included in the Board Packet and that he received edits from the Chair, which will be incorporated into the document. The Chair recognized the Vice Chair, who asked Project Counsel if a background check was conducted for Fryman Management and its principal. Project Counsel responded affirmatively, stating that the background check came back completely clean.

MOTION: The Chair recognized Vice Chair, who moved to adopt the proposed Resolution as amended by the Chair. Board Member Marine seconded the Motion. Hearing no further discussion, the Chair called the question and the Motion passed 3-0.

The Chair welcomed Mr. Fryman and his firm as the new BBGHAD Project Manager.

b. Sand Source Update

The Chair recognized Project Counsel, who reported that progress has occurred in connection with narrowing the BBGHAD's sand source choices and gave a brief overview of the status and pros and cons of the various sand sources. Project Counsel further stated that the Project Manager has been brought up to speed and is now in a position to negotiate the final pricing of the various sand sources immediately to allow finalization of the budget and to determine the assessment amount for the beach nourishment moving forward.

The Chair recognized Project Manager, who reported on the challenges and possible solutions for each sand source. The Chair asked Project Manager if he is going to have all the

sand pricing, permitting issues (CCC and Army Corps) and timing/logistics available at the next Board meeting for the Board to finalize the sand source. Project Manager responded that he intends to provide the Board with an outline of a pre-construction schedule for Fall 2017 beach nourishment and is optimistic to be able to make recommendations to the Board at the next BBGHAD Board meeting.

The Chair recognized Board Member Marine, who asked the Project Manager to also review and work on the budget. The Chair recognized Project Manager, who reported that he already had a budgeting meeting with Engeo past week, opining that there could be improvements made by making vendors understand the magnitude of this Project.

c. Permitting and Regulatory Process Status.

(i) Lead Agency Update

(A) CCC (incl. MHMMP/Science Advisory Panel)

1. Budget update including sand, Habitat Monitoring Plan costs

The Chair recognized Project Counsel, who stated that staff had made significant progress with the agencies in the past month. Project Counsel reported that staff received negative feedback from CCC staff on the most recent Marine Habitat Monitoring and Mitigation Plan (MHMMP or Habitat Plan). Project Counsel further reported that, as a result of the latest negative feedback, and after consultation with Board Members and CCC staff, the BBGHAD retained Rincon Consultants to finish the Habitat Plan—and relieve Merkel & Associates from any responsibilities on the Habitat Plan. Project Counsel reported that Rincon Consulting has spent time at its expense to get up to speed on the Habitat Plan by reviewing the documents and attending a day of meetings with CCC staff and, therefore, no transitional issues are anticipated. Project Counsel recommended that the Board approve the Rincon contract for \$18,000.00, subject to deleting the indemnity provision, for drafting and finalizing the Habitat Plan.

The Chair recognized Vice Chair, who inquired about Rincon Consultants (BBGHAD Biologist) and the impact it will have on the BBGHAD's dealing with the CCC. The Chair recognized Project Counsel, who gave a brief overview of the company and stated that staff received positive feedback from the CCC staff regarding Rincon.

The Chair recognized biologist Derek Lerma with Rincon Consultants, who reported on the communications with the CCC staff regarding the reduced cost MHMMP plan. Mr. Lerma opined that work remains to be completed concerning the Army Corps and other regulatory agencies and that, if the BBGHAD has the support from the CCC staff and SAP (Science Advisory Panel), it would be beneficial in expediting the permitting process with the remaining regulatory agencies.

The Chair recognized Vice Chair, who inquired about Rincon's immediate objectives. The Chair recognized biologist Lerma, who responded that he intends to revise, complete and submit the revised Habitat Plan to the CCC for review before the next Board meeting. Mr. Lerma stated that he is immediately focused on MHMMP Chapters 4 & 5, which form the primary source of agency concern. Mr. Lerma expressed

optimism that the CCC staff will approve the Habitat Plan before the next Board meeting. The Chair recognized Vice Chair, who asked biologist Lerma to do anything possible to have the Plan approved by CCC staff by next Board meeting. Biologist Lerma responded affirmatively.

The Chair asked the biologist if he has any indication of revised costs for the monitoring? The Chair recognized Biologist Lerma, who responded that the costs would range in the lower \$500k range, but is optimistic that costs should be reduced further in year 3 (three) and subsequent years to less than \$450K, with the understanding that the regulators will not insist on spring sampling beyond Project year 3. Biologist Lerma further reported that there are already collected samples that have never been processed and that the CCC will ask for the data in the near future.

The Chair asked Mr. Lerma if he recommends the BBGHAD taking immediate actions on analyzing the sand samples and what the approximate costs are? The Chair recognized Mr. Lerma, who recommended asking the CCC for clear directions in respect to the timing of the sand analysis and that the costs for the analyzing of the samples taken in Fall 2016 are approximately \$40K - \$50k.

The Chair asked Project Counsel's recommendation on how to proceed with the samples. The Chair recognized Project Counsel, who recommended expediting the process by sending out RFP's determine the contractor and then take custody of the samples and have them analyzed.

The Chair recognized Project Counsel, who asked if the Board has made a decision regarding the enclosed Rincon Consultants' proposal. MOTION: Board Member Marine moved, and Vice Chair seconded, to approve Rincon Consultants' proposal to finish the technical portions of the Marine Habitat Monitoring and Mitigation Plan subject to deleting Section 7.0 of Rincon's proposed agreement, the indemnification provision, for this scope of work. Hearing no further comment, the Chair called the question, and the Motion carried 3-0.

#### B) Army Corps

The Chair recognized Project Counsel, who reported that there are 2 (two) outstanding issues with the Army Corps, the approval of the compensatory mitigation plan and the Army Corps signing off on the Habitat Plan. Project Counsel stated that he is hopeful the Army Corps will approve the compensatory mitigation plan within the next 10 (ten) days. Project Counsel further added that Congressman Lieu remains a Project supporter.

#### (C) SLC

The Chair recognized Project Counsel, who reported that the SLC contacted him requesting more technical information with respect to the sand source, which Moffat & Nichol responded to.

- (ii) Responsible & Consulting Agency update: RWQCB, NMFS, Cal. DFW, CalTrans, etc.

The Chair recognized Project Counsel, who reported that BBGHAD consultant Richard Beck spoke with the RWQCB past Friday and that they reiterated their position, assuring Mr. Beck that the RWQCB schedule will be identical to the Army Corps'.

d. Permitting Outreach & Strategy Update.

The Chair recognized Project Counsel, who reported that he spent significant time with a property owner at his house to help him understand details of the proposed dune footprint for this owner's 2 (two) Broad Beach properties. As a result of it, the homeowner suggested that the BBGHAD provide the same detailed information to all revetment homeowners, as he believes that the vast majority of the homeowners do not understand the details of the dune footprint.

The Chair recognized Board Member Marine, who suggested to have a completed budget at the May Board Meeting and then, starting in June, conducting a series of small group meetings. These meetings would explain the dune design, the economic plan and schedule, all before voting on any potential new assessment. A discussion ensued regarding possible scenarios for a meeting with homeowners in or around June 2017.

## 11. New Business

None.

## 12. BBGHAD Officer Report

a. Project Manager Report

The Chair recognized Project Manager, who stated he is working on a comprehensive pre-construction schedule.

b. Treasurer's Report

The Treasurer reported that, as of April 18, 2017, the cash balance was \$1,956,093.07 and the unpaid bills amount to approximately \$216,991.35. The Chair asked the Treasurer to carry forward the actual amounts paid with year to date information to 2017. The Chair recognized Vice Chair, who asked about the document recognizing the BBGHAD debt to the TPOA. The Chair responded that the executed copies of the document are with Project Counsel.

## 13. BBGHAD Board Member Reports

The Chair asked if Project Counsel has received any signatures from the West End homeowners accepting the new program and if it is available on the BBGHAD website. The Chair recognized Project Counsel, who responded that the information has not been posted to the

website, that it went out at the end of last week, and that he has not received any feedback as of yet.

**14. Public Comment - Non-Agenda Items**

The Chair recognized Project Counsel, who reported that, as a result of a request by Planning Commissioner Mikke Pierson, the City Council agendaized the BBGHAD Project on Monday, April 24, 2017, at 6:30 p.m. for a 15-minute informational presentation at the Malibu City Council.

**15. Future Meeting**

The Chair stated that the next BBGHAD meeting is scheduled for May 21, 2017, and, tentatively, June 25, 2017, both to start at 9:00 a.m., locations to be determined.

**16. Adjournment**

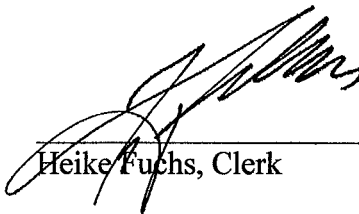
Board Member Marine moved, and the Vice Chair seconded, to adjourn the meeting. The Motion passed 3-0, and the meeting adjourned at 11:34 a.m.

Approved and adopted by the Broad Beach GHAD

Board on May 21, 2017

  
Norton Karno, Chair

ATTEST:

  
Heike Fuchs, Clerk