



## COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

### SUMMARY REPORT

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**Agenda Date:** 11/5/2019

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**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District  
**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District  
**Staff Name and Phone Number:** Monica Delmartini, 565-7260  
**Vote Requirement:** Majority  
**Supervisory District(s):** 3

**Title:**

Award of Contract for Construction of Oken (0262) Riparian Fencing in the amount of \$82,880 to the Lowest Responsible Bidder, CR Fence Company, Inc.

**Recommended Action:**

- A) Approve the Oken Riparian Restoration Project and authorize the General Manager to record a Notice of Exemption Pursuant to the California Environmental Quality Act;
- B) Approve the plans and specifications for the Oken Riparian Fencing Project on file with the Clerk;
- C) Award the contract for construction of the Oken Riparian Fencing Project to the lowest responsible bidder, CR Fence Company, Inc. DBA Humboldt Fence Company in the amount of \$82,880.00 and authorize the President of the Board to execute the contract;
- D) Authorize the General Manager to:
  - i) Approve and issue written change orders to the contract so long as (1) the change order does not affect that material character of the work and the need for the change order results from unforeseen matters which are discovered after the contract was awarded and such modifications are necessary or advisable to complete the project in a timely and efficient manner; and (2) the cumulative amount of all change orders does not exceed 10% of the original contract price;
  - ii) Authorize the General Manager to approve design changes to the Oken Riparian Fencing Project as may be necessary or appropriate in connection with change orders within the General Manager's authority pursuant to this action;
  - iii) Issue and record Notice of Completion pursuant to Civil Code section 9204.; and
  - iv) Execute an Agreement and Release of Claims, with County Counsel review, if any unresolved claims are listed by the Contractor.

(Third District)

**Executive Summary:**

This item requests approval of a contract with CR Fence Company, Inc. for \$82,880.00 for construction of approximately 6580 linear feet of fencing on the Oken Property.

The Oken Property is a 76-acre property purchased by the Sonoma County Agricultural Preservation and Open Space District in 1998 to preserve a portion of the working agricultural lands that make up the community separator between the cities of Rohnert Park and Santa Rosa. The property is located along Petaluma Hill

Road at the northeastern edge of Rohnert Park, and contains portions of three seasonal drainages. The property is grazed by cattle under a lease agreement with Tom Crane, whose family has grazed the property since before it was acquired by the Sonoma County Agricultural Preservation and Open Space District.

Native revegetation and erosion repairs are needed along Oken Property's seasonal drainages, as those drainages have been impacted by hydrological disruption associated with Petaluma Hill Road, as well as access by livestock. A riparian habitat restoration plan for Oken Property has been prepared to address these conditions. The plan contemplates vegetation plantings to enhance native habitat and erosion repairs to reduce sediment movement on the property. These activities are consistent with the intention and purpose of the Oken Property acquisition, and with the Sonoma County Agricultural Preservation and Open Space District's 2012 Fee Land Strategy. The installation of riparian exclusion fencing under the requested contract is a necessary first step prior to installing native plants. The property will continue to be used for agricultural grazing during and after the restoration project.

**Discussion:**

With the exception of a patch of mature native willow trees near the southern Oken Property ("Property") boundary, the Property's three seasonal drainages are vegetated only by non-native annual grasses and weeds that do not provide any stability for the drainage banks. The Property is subject to flashy, high-volume runoff during rain events, which has created several head cuts - areas along the drainages where erosion is rapidly moving upstream. Year-round access by cattle has also caused significant trampling damage to the drainage banks and prevented the establishment of native woody species that would help to stabilize the soil. The Oken Riparian Restoration Project ("Project") is intended to repair and stabilize the head cut areas and revegetate the drainage banks and margins with an appropriate mix of native trees, shrubs, and wetland plants. The Project will reduce sediment transport off the Property, improve the health of the Property's wetlands, protect the Property's agricultural uses, and enhance the Property's habitat functionality. In addition to the approval of the fencing contract, we are requesting that the Board approve the project plans on file with the Clerk.

The Project, designed by Prunuske Chatham, Inc., includes three phases:

- The first phase of the restoration project includes installation of fencing along the Property's riparian areas to exclude cattle. For clarity, this phase is referred to as the "Oken Riparian Fencing Project" ("Project"). This phase will include installation of approximately 6,580 linear feet of exclusion fencing along most of the Property's riparian areas, as more particularly described in the plans and specifications on file with the Clerk. The purpose of the proposed fencing will be to protect the planned plantings and erosion repairs from impacts associated with cattle activities. The fencing will be permanent and consist of standard barbed and smooth wire with gates to allow access. The fence design is intended to balance wildlife permeability with the needs of the grazing operation. The fence will be set back from the drainage banks at a wide enough distance to allow for newly planted vegetation to mature without crowding and to allow for mowing and/or flash grazing within the exclusion area. The fencing design also includes several gaps that can serve as crossings for both livestock and wildlife.

- The second phase of the restoration project consists of native vegetation planting, along with associated irrigation and plant maintenance. For clarity, this phase is referred to as the “Oken Riparian Revegetation Project.” Point Blue Conservation, through its Students and Teachers Restoring a Watershed (STRAW) program, will carry out this planting work, with funding from the Sonoma County Water Agency’s Watershed Partnership Program.
- The third phase of the restoration project includes headcut and erosion repairs to stop advancing erosion and to reduce the sediment movement on the property. For clarity, this phase is referred to as the “Oken Erosion Repair Project.” This work will be competitively bid in accordance with state law.

Fence installation is expected to be completed in fall 2019 and the planting work will occur over the following winter. The Agricultural Preservation and Open Space District (“Ag + Open Space”) will return to the Board in spring 2020 for approvals needed to solicit bids for the Oken Erosion Repair Project.

#### Regulatory Permitting and California Environmental Quality Act

**Permitting:** The project is eligible for Habitat Restoration and Enhancement Act approval, which is an alternative and expedited approval process for voluntary, small-scale habitat restoration projects. Prunuske Chatham, Inc. has conducted a cultural resources evaluation, biological resources assessment, and wetland assessment for the project area, and has prepared and submitted on behalf of Ag + Open Space a Small Habitat Restoration Notice of Intent to the North Coast Regional Water Quality Control Board, a Request to Approve Habitat Restoration or Enhancement Project to the California Department of Fish and Wildlife, and a Permit Pre-Construction Notification to the U.S. Army Corps of Engineers.

**CEQA:** The entire Oken Riparian Restoration Project, including separate phases for fencing, native plantings, and erosion repairs, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15333 of the CEQA Guidelines. Section 15333 (also known as Class 33) provides an exemption for projects such as revegetation of disturbed areas with native plant species and stream bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation. It requires that (a) there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065; (b) there are no hazardous materials at or around the project site that may be disturbed or removed; and (c) the project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The Oken Restoration Project meets these requirements and is consistent with the examples provided in the exemption. A Notice of Exemption for the Oken Restoration Project will be filed with the County Clerk following the Board’s approval of the actions requested by this item.

#### Construction Bid

On September 30, 2019, a Notice Inviting Bids was sent to 560 organizations including Construction Minority

Business Enterprise/Women's Business Enterprise (MBE WBE), Building Exchanges, and local businesses. The Notice Inviting Bids was also advertised in the Press Democrat, the Ag + Open Space website, and the County Purchasing Supplier Portal. Representatives from four different contracting entities attended the pre-bid project walk-through on October 3, 2019. □

On October 14, 2019, the District received the following bids:

1. CR Fence Company, Inc. DBA Humboldt Fence Company, Fortuna, CA    \$82,880.00
2. SLF Construction Inc. DBA Straight Line Fence Co., Santa Rosa, CA        \$116,250.00

The lowest responsible bid was received from CR Fence Company, Inc. ("Contractor") for \$82,880.00.

The project was bid pursuant to the Uniform Public Construction Cost Accounting Act, which allows the use of informal bidding procedures for projects under \$200,000. Because Ag + Open Space staff lack expertise in administering competitive bid processes, the Ag + Open Space worked with County Purchasing to administer the informal bidding process. Ag + Open Space staff will oversee the construction and administer the construction contract.

Staff requests that the President sign the agreement between Ag + Open Space and the Contractor in the form on file with the Clerk of the Board, subject only to minor revisions as may be approved by County Counsel.

#### **Delegation of Authority**

Staff requests that the Board delegate authority to the General Manager to take certain actions to administer the construction contract.

The requested action authorizes the General Manager to approve change orders, if necessary, consistent with the authority vested in certain department heads pursuant to Resolution No. 04-0547. Staff also request that your Board authorize the General Manager to approve design changes as may be necessary or appropriate to accomplish the Project objectives.

The requested action also authorizes the General Manager to issue and record the notice of completion for this project. A Notice of Completion is a written notice signed and verified by Ag + Open Space staff and then filed with the Clerk to indicate that Ag + Open Space has accepted the work. The filing of the notice establishes the end date by which subcontractors can file stop notices and begins the one-year guarantee period for the work.

Finally, the requested action also authorizes the General Manager to approve the release of claims prior to final payment. The selected contractor must execute a release of claims before final payment, but it may except any unresolved claims from the release. The requested action authorizes the General Manager to approve the release unless the contractor lists unresolved claims. In that case, County Counsel must review the release prior to General Manager approval.

#### **Prior Board Actions:**

February 24, 1998: Resolution No. 98-0219, accepting a grant deed for the purchase of approximately 75.8

acres located at 5057 Petaluma Hill Road, Rohnert Park (now known as the Oken Property)

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	\$82,880		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$82,880</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$82,880		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$82,880</b>		

**Narrative Explanation of Fiscal Impacts:**

Adequate appropriations are existing in the approved FY 19-20 budget.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

1. Regional Location Map
2. Project Location Map

**Related Items "On File" with the Clerk of the Board:**

1. Project Plans and Specifications
2. Contract Documents