

October 12, 2006  
Fremont, California

The regular monthly meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on October 12, 2006 at the hour of 6:00 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Lampert, Gunther, Koller, Weed, and Huang

Staff members present: Acting General Manager Karl Stinson, Acting Engineering Manager Steve Peterson, Finance and Administration Manager Will Ligh, Water Resources Planning Manager Eric Cartwright, Attorney Ray McDevitt, and District Secretary Gina Markou.

President Judy Huang presided.

Director Weed led in the Salute to the Flag.

3 - PUBLIC COMMENTS – None

4 - CONSENT CALENDAR

A motion was made by Director Lampert, seconded by Director Gunther, to add Items 6.1 through 6.3 to the Consent Calendar.

The motion was passed by the following vote:

AYES: Directors Lampert, Gunther, Koller, Weed, and Huang  
NOES: None  
ABSENT: None

A motion was made by Director Lampert, seconded by Director Gunther, to approve the following items on the Consent Calendar as amended.

- 4.1 Approval of Minutes – Regular Meeting of September 14, 2006
- 4.2 Ratification of Payment of Audited Demands dated September 15, September 22, September 29, and October 6, 2006
- 4.3 Resolution Approving and Authorizing Execution of Contract with K.B. Home South Bay, Inc. Extension of Water Main, Ref. T-1470
- 4.4 Resolution Approving and Authorizing Execution of Contract with Summerhill Talavera, LLC. Extension of Water Main, Tract 7601, Ref. T-1479
- 6.1 Authorization of Purchase Order for District Backhoes
- 6.2 Resolution Accepting Completion of Contract for Water Quality Laboratory Selective Interior Demolition
- 6.3 Authorization of Change Order No. 1 and Resolution Accepting Completion of Contract for Mayhew Reservoir Roof Repair Project

The motion was passed by the following vote:

AYES: Directors Lampert, Gunther, Koller, Weed, and Huang  
NOES: None  
ABSENT: None

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## 5 – CLOSED SESSION

President Huang adjourned the meeting to a closed session at 6:03 P.M. for a conference on the following items:

- 5.1 Conference with Legal Counsel – Anticipated Litigation (Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)(1)): Two Cases

Mr. Piraino participated in the closed session via conference call.

The meeting reconvened at 6:25 P.M. Attorney Ray McDevitt reported that the Board authorized the District to intervene in a lawsuit, *Watershed Enforcers v. California Department of Water Resources* that is currently pending in the Alameda County Superior Court. The District would be intervening on the side of the California Department of Water Resources.

The second action that the Board took was to provide direction to the attorney and General Manager with respect to further negotiations on a matter in which litigation is possible but not yet pending.

## 6 - ACTION CALENDAR (*Consent Calendar Items are indicated with an asterisk*)

### 6.1\* AUTHORIZATION OF PURCHASE ORDER FOR DISTRICT BACKHOES

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The Board of Directors approved funding in the current year budget for the purchase of two replacement backhoes.

Requests for Bid were sent to nine equipment dealers. Two bids were received. The low bidder is Pape Machinery of Fremont in an amount of \$167,448.90. Their previous performance has been satisfactory in supplying the District with equipment. There is sufficient funding in the current budget for this purchase.

A motion was made by Director Lampert, seconded by Director Gunther, to authorize a purchase order to Pape Machinery in an amount of \$167,448.90 for the purchase of two backhoes.

The motion was passed by the following vote:

AYES: Directors Lampert, Gunther, Koller, Weed, and Huang  
NOES: None  
ABSENT: None

6.2\* RESOLUTION ACCEPTING COMPLETION OF CONTRACT FOR WATER QUALITY LABORATORY SELECTIVE INTERIOR DEMOLITION

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On August 10, 2006, the contract for the Water Quality Laboratory Selective Interior Demolition Project was awarded to Roldan Construction, Inc. in the amount of \$87,250. The scope of the project consisted of removing counter tops, cabinetry, interior doors, sheet rock, carpet tiles, and ceiling materials to expose the structural metal stud framing members, utility piping, HVAC ducting, electrical conduits, and wiring. This work has allowed the design architect, Noll & Tam, to more accurately incorporate the actual as-built conditions into the renovation plans. Construction of the renovations is scheduled for spring 2007.

The contract was substantially completed on September 22, 2006, and no change orders were issued.

A motion was made by Director Lampert, seconded by Director Gunther, to adopt a resolution accepting completion of the contract for Water Quality Laboratory Selective Interior Demolition Project, Job 6312.

RESOLUTION NO. 06-068

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
ACCEPTING COMPLETION OF CONTRACT NO. 3489, ROLDAN  
CONSTRUCTION, INC, JOB 6312

The motion was passed by the following vote:

AYES: Directors Lampert, Gunther, Koller, Weed, and Huang  
NOES: None  
ABSENT: None

6.3\* AUTHORIZATION OF CHANGE ORDER NO. 1 AND RESOLUTION ACCEPTING COMPLETION OF CONTRACT FOR MAYHEW RESERVOIR ROOF REPAIR PROJECT

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On April 27, 2006, the construction contract for the Mayhew Reservoir Roof Repair Project was awarded to Best Roofing and Waterproofing, Inc. dba Best Contracting Services, Inc. in the amount of \$74,850. The project was required as a result of roof damage that was sustained during a November 2005 windstorm and consisted of 1) removing previously performed temporary repairs, 2) furnishing and installing a metal boxed rib roof system over the monitor section of the reservoir, 3) replacing existing damaged metal roof panels, and 4) constructing a valve stem sheet metal enclosure.

Change Order No. 1 in the amount of \$750 has been prepared to pay for the installation of additional metal panel work and flashing requested by the District. The additional work was required to repair a small gap that was discovered between the reservoir end wall and vent screen. Staff has reviewed the cost for the additional work and determined that it is fair and reasonable. There is adequate funding in the budget to cover this change order. The final total contract cost, including Change Order No. 1 and adjustment for unit quantities, is \$77,100.

The time required to coat the new metal panels with a vinyl plastisol finish specified by the District took longer than expected, and the Contractor has requested a time extension of 10 calendar days. The contract specifies a liquidated damages rate of \$450 per calendar day for late completion. Because the Contractor did not have direct control over the manufacturing firm that performed the coating work and because the District was not harmed by the late completion, District staff, after reviewing the request, concurs with the number of days requested.

A motion was made by Director Lampert, seconded by Director Gunther to, 1) approve Change Order No. 1 in the amount of \$750; 2) grant a time extension of 10 calendar days; and 3) adopt a resolution accepting completion of the contract for Mayhew Reservoir Roof Repair, Job 6300.

RESOLUTION NO. 06-069

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
ACCEPTING COMPLETION OF CONTRACT NO. 3474, BEST ROOFING AND  
WATERPROOFING, INC, JOB 6300

The motion was passed by the following vote:

AYES: Directors Lampert, Gunther, Koller, Weed, and Huang  
NOES: None  
ABSENT: None

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7 - REPORTS

7.1 BOARD COMMITTEE REPORTS

- Operations & Water Quality Meeting of September 6, 2006: (1) Update on Watershed Management Project; (2) Arroyo de Laguna Streambank Restoration Project Review
  
- Water Resources Planning Meeting of September 19, 2006: (1) SFPUC Water Supply Improvement Program Update; (2) Semitropic Groundwater Banking Program Update; (3) Groundwater Monitoring Update. Director Koller raised questions concerning MTBE near Cedar 2. Discussion ensued and staff responded to Director Koller's concerns.
  
- Administrative & Finance Meeting of September 26, 2006: (1) Connection Fee and Capacity Charge – Accounting and Reporting; (2) Financial Audit Schedule
  
- Engineering & Capital Projects Meeting of September 27, 2006: (1) South Bay Salt Ponds Restoration Project Update; (2) US EPA Abandoned Wells Project; (3) P-T Wellfield Neighbor Complaint. Director Koller stated that he liked the approach the District was taking with respect to abandoned wells, but felt that the letter to property owners requesting they submit information on abandoned wells could be intimidating, since the property owner may be liable for costs associated with an abandoned well. Director Koller suggested that this issue be discussed with the Regional Water Quality Board. Director Huang stated the Regional Water Quality Control Board has used the District's well abandonment program as an example for other cities and federal facilities

who have abandoned wells. With respect to obtaining financial assistance from the Regional Quality Control Board, this is considered a low funding priority and Director Huang suggested that the District apply instead for a grant to protect the groundwater basin and to help homeowners or have the District run its own well abandonment/destruction program versus going to the Regional Water Quality Board for assistance.

Director Gunther inquired as to the legal obligations and ramifications of the letter that was being mailed to property owners concerning abandoned wells. Attorney Ray McDevitt responded to Director Gunther's inquiry.

- Legal & Legislative Meeting of September 27, 2006: (1) Review of Federal and State Legislation

## 7.2 OPERATIONAL REPORTS

- Rainfall Report
- Quarterly Groundwater Recharge Report
- Investment Report
- Quarterly Directors' Expense Report

## 7.3 STAFF REPORTS

- Update on Alameda Creek Pipeline No. 1 Fish Screen Project Implementation. Mr. Peterson reported that since his last presentation on the Fish Screen Project, the District met with the Department of Fish and Game and agreed to the conditions of the streambed alteration agreement. The next steps are for the Board to approve the project, and the Notice of Determination will then be forwarded to the Department of Fish and Game to issue the permit. The project will be brought to the Board for approval at the November Board Meeting. A meeting was recently held with the fabricator of the fish screen devices, who will submit a proposal at the end of October. It is anticipated that the proposal will be brought to the Board for approval at the December Board Meeting.

## 7.4 GENERAL MANAGER'S REPORTS - None

## 8 - DIRECTORS' COMMENTS AND/OR AGENDA ITEM REQUESTS

- Director Weed gave a brief report on the Association of California Water Agencies Board tour of the Colorado River Aqueduct and Region 5 tour of the Pardee Reservoir which he recently attended in Sacramento.
- Director Koller requested that Groundwater Resources Manager Steven Inn report to the Board on the status of the groundwater monitoring program at a future Board Meeting.

- Director Lampert requested that Director Weed provide the Board with any pertinent reports obtained from ACWA Board Meetings. He also suggested that Director Weed provide the Board with reports resulting from BAWSCA meetings.

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There being no further business to come before the Board, the meeting was adjourned at 7:10 P.M.

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Gina Markou, District Secretary

Attest:

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Judy Huang, President