

October 25, 2007
Fremont, California

The special meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on October 25, 2007 at the hour of 5:00 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Weed (arrived at 5:05 P.M.), Gunther, Huang, Koller and Lampert

Staff members present: General Manager Paul Piraino, Engineering Manager Bob Shaver, Finance and Administration Manager Will Ligh, Operations Manager Karl Stinson, Executive Project Manager Craig Hill and District Secretary Gina Markou.

President Arthur Lampert presided.

Director Koller led the Salute to the Flag.

3 – PUBLIC COMMENTS - None

4 – ACTION CALENDAR

4.1 RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND APPROVING THE MISSION SAN JOSE WATER TREATMENT PLAN ACCESS ROAD EROSION MITIGATION PROJECT

Rains from the past few seasons have undermined approximately 50 feet of embankment along the Mission San Jose Water Treatment Plant (MSJWTP) access road. Although embankment fill has been placed as a temporary slope stabilization measure, implementation of permanent repairs is required. The project is subject to California Environment Quality Act (CEQA) and permits from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and Department of Fish and Game will be required due to the creek that flows adjacent to the roadway. Environmental Science Associates was retained to perform a biological survey and to assist the District with the preparation of CEQA documents.

In accordance with CEQA, a legal notice was published in The Argus and copies of the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and the Initial Study/Mitigated Negative Declaration (IS/MND) were forwarded to the State Clearinghouse. Copies of the NOI were also mailed to property owners and residents adjacent to the project site. The public comment period was August 24, 2007 through September 24, 2007.

Written comments were received from the San Francisco Regional Water Quality Control Board during the CEQA thirty-day public review period. No new significant environmental impacts have been identified as a result of the public review process and the project will not have a significant effect on the environment. Mitigations to be implemented include water quality protection, erosion control, and site restoration. The IS/MND, which includes the Mitigation and Monitoring Plan, is incorporated as an attachment to the resolution proposed for adoption.

A motion was made by Director Lampert, seconded by Director Huang to adopt a resolution which: 1) adopts the Mitigated Negative Declaration for the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project; 2) approves the project; and 3) adopts the Mitigation Monitoring Plan, Job 6322.

RESOLUTION NO. 07-051

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR AND
APPROVING THE MISSION SAN JOSE WATER TREATMENT PLANT
ACCESS ROAD EROSION MITIGATION PROJECT (REFERENCED AS
PROJECT 08D16/PJ01.09 WITHIN THE DISTRICT'S CAPITAL
IMPROVEMENT PROGRAM) AND DIRECTING THE FILING OF A
NOTICE OF DETERMINATION

The motion was passed by the following vote:

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

5 – CLOSED SESSION

President Lampert adjourned the meeting to a Closed Session at 5:10 P.M. for a conference on the following items:

- 5.1 Conference with Real Property Negotiator (Pursuant to Government Code Section 54956.8)
 - APN 507-676-4: Deer Road, Fremont
 - Agency Negotiators: Robert Shaver and Craig Hill
 - Negotiating Parties: ACWD and Greenbriar Homes, Inc.
 - Under Negotiation: Price and Terms of Sale
- 5.2 Threat to Public Services or Facilities (Pursuant to Government Code Section 54957(a))
 - Consultation with Steve Dennis, Emergency Services/Environmental Compliance Supervisor and John Canevett, Stantec Consulting, for the Purpose of Receiving an Update on the Security Upgrade Project

President Lampert reconvened the meeting at 7:50 P.M. Mr. Piraino recommended, with respect to item 5.1 the Board, by motion, adopt an amendment to the Purchase Agreement with Greenbriar Homes, Inc. Regarding item 5.2, the Board gave direction to staff.

6 – POSSIBLE ACTION TO AMEND THE PURCHASE AGREEMENT BETWEEN ACWD AND GREENBRIAR HOMES, INC.

A motion was made by Director Koller, seconded by Director Gunther to approve Amendment Number 7 to the Purchase Agreement with Greenbriar Homes, Inc. extending the term of the Agreement to November 30, 2007.

The motion was passed by the following vote:

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

There being no further business to come before the Board, President Lampert adjourned the meeting at 8:00 P.M.

Gina Markou, District Secretary

Attest:

Arthur Lampert, President