

# ***ALAMEDA COUNTY WATER DISTRICT MEMORANDUM***

DATE: April 2, 2008  
TO: Board of Directors  
FROM: Paul Piraino  
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR April 8, 2008

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## **5.1 PUBLIC HEARING ON PROPOSED REPLENISHMENT ASSESSMENT FOR FY 08/09**

**BACKGROUND:** On November 8, 2007, the Board ordered the preparation of the 2008 Engineering Survey Report on Groundwater Conditions as provided in Section 7 of the District's Replenishment Assessment Act. On February 14, 2008, the Board: 1) received the completed report; 2) declared its intent to raise funds by a replenishment assessment in FY 08/09; and 3) scheduled a Public Hearing for April 8, 2008.

On March 13, 2008, staff presented the report's findings and basis for the recommended replenishment assessment to the Board.

**DISCUSSION:** As provided in the District's Replenishment Assessment Act, a public hearing must be held on the second Tuesday in April for the purpose of determining whether, and to what extent, the cost of replenishing groundwater supplies within the District during FY 08/09 will be funded by a replenishment assessment.

Notice of the time and place of the public hearing was published in The Argus newspaper and was posted on the District's website. Additionally, notifications of the proposed 5% increase in the replenishment assessment rate were mailed to owners of properties containing wells subject to the assessment, and to the owners and/or operators of these wells as required by Proposition 218. To date, no comments from the public have been received by the District.

Any person interested, including any and all persons owning property within the District, may appear during the public hearing and present any and all matters in support of or in opposition to the proposed assessment, the Survey Report, or the Board's determinations. The hearing may be adjourned from time to time, but must be completed no later than the first Tuesday in May (May 6, 2008).

**RECOMMENDATION:** By motion, conduct a public hearing as scheduled and receive comments from the public.

## **5.2 RESOLUTIONS ESTABLISHING REPLENISHMENT ASSESSMENT FOR FY 08/09**

**BACKGROUND:** In anticipation that comments received, if any, during the April 8, 2008, public hearing on the proposed replenishment assessment will not necessitate an additional Board meeting, staff has prepared the required resolutions for establishing the proposed replenishment assessment for FY 08/09. These resolutions may be adopted only after the public hearing is completed and

closed. Should the Board not adopt the resolutions, a special Board meeting would be required to meet the deadline stipulated in the Replenishment Assessment Act (second Tuesday in May, or May 13) to adopt the required resolutions to establish a replenishment assessment for FY 08/09.

DISCUSSION: The resolutions: 1) state the findings and determine the need for the replenishment assessment; 2) establish the replenishment assessment rates (\$8.00 per acre-foot for agricultural and municipal recreation uses, and \$207.00 per acre-foot for all other uses); and 3) provide procedures and statement forms.

RECOMMENDATION: By motion, adopt the resolutions required to establish the Replenishment Assessment for FY 08/09.

### 5.3\* RESOLUTION AWARDED CONTRACT FOR CEDAR 2 ARP WELL INTERTIE PIPELINE PROJECT

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BACKGROUND: To accommodate the planned expansion of the Newark Desalination Facility, new pipelines are required to convey additional brackish supply water from existing Aquifer Reclamation Program (ARP) wells to the facility. The Cedar 2 ARP Well Intertie Pipeline Project, consisting of 975 linear feet of 14-inch diameter, high density polyethylene pipe, is required to be constructed within the City of Newark. Staff prepared the pipeline bid documents and advertised the project for bids on February 25, 2008.

DISCUSSION: Nine (9) bids were received and opened on March 12, 2008. All bids were checked arithmetically and for compliance with the bidding requirements. The totals for comparison ranged from \$390,446 to \$745,620. The engineer's estimate for the work is \$398,200.

R.J. Gordon Construction, Inc., of Livermore, California, submitted the lowest bid. This firm has been in the contracting business under its present name for 18 years doing work similar to that required. References were checked and it was confirmed that the contractor has the necessary qualifications and experience to perform the work.

R.J. Gordon omitted a required second signature with its proposal and neglected to submit a preliminary construction schedule. The District has previously waived these types of minor irregularities, provided that the correct documents are promptly received. The second signature and preliminary construction schedule have since been provided to the District.

Because the project contains specialized boring and jacking work underneath existing railroad tracks and a box culvert, the bid documents require the bore and jack subcontractor to have 10 years of experience under its present business name. R.J. Gordon listed Centerline Boring, Inc. as its bore and jack subcontractor. Centerline Boring Inc. has only 5 years of experience under its present business name because the company was formed only 5 years ago. In performing the review, staff determined that: 1) Centerline Boring's Responsible Managing Officer (RMO) has been licensed by the State in the contracting business for over 16 years, the last 5 at Centerline Boring; 2) the owner/CEO/President has over 20 years of experience in the industry; and 3) the named project superintendent has 10 years of applicable experience. Staff completed a more thorough review by requesting and contacting the references of the subcontractor as well as its superintendent for the

project. Staff received positive references on the company as well as the named project superintendent, whose most recent project was completed in August 2007 in Redwood City. Therefore, staff has determined that although Centerline Boring Inc. as a company only has 5 years of experience, its principals and superintendent have the requisite 10 years experience. The project bid documents state that the District reserves the right to waive the requirement for strict conformity with the specified requirements in proposals received and staff has determined that, based on the review completed, Centerline Boring has adequate qualifications and experience to perform the work.

A summary of bids is attached. There is sufficient funding in the budget for this project.

**RECOMMENDATION:** By motion, 1) waive the requirement for strict conformity with the specifications for the irregularities identified above; and 2) adopt a resolution to award the contract for the Cedar 2 ARP Well Intertie Pipeline Project, to R.J. Gordon Construction, Inc, in the amount of \$390,446, which is the total of the unit price and lump sum payment items, Job 6340.

5.4\* RESOLUTION ACCEPTING COMPLETION OF THE ALAMEDA CREEK PIPELINE  
NO. 1 FISH SCREEN PROJECT

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**BACKGROUND:** The Alameda Creek Pipeline No. 1 Fish Screen Project is comprised of two elements:

- The site work required to accommodate the fish screen installations was awarded to Mitchell Engineering on April 10, 2007, in the amount of \$1,694,000. During construction, two change orders, in the combined amount of \$24,604.18, were authorized by the Board. The site work was accepted by the Board on January 10, 2008.
- The fabrication and installation of four cylindrical fish screens was awarded to Intake Screens, Inc. (ISI) on December 5, 2006, in the amount of \$722,910.

**DISCUSSION:** The fabrication and installation of the fish screens, which included a 15-day commissioning test, was substantially completed by ISI on March 7, 2008. The fish screens are fully operational and there were no change orders associated with the work performed by ISI.

**RECOMMENDATION:** By motion, adopt a resolution accepting the completion of the Alameda Creek Pipeline No. 1 Fish Screen Project, Job 6279.1.

5.5\* RESOLUTION AWARDED CONTRACT FOR ALAMEDA RESERVOIR WATER  
QUALITY ENHANCEMENT PROJECT

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**BACKGROUND:** After successful pilot testing, the Board approved the purchase of chloramination equipment for the Alameda Reservoir on May 12, 2005. Installation of this equipment requires the construction of a utility building. Accordingly, the Board authorized Creegan & D'Angelo Consulting Civil and Structural Engineers (Creegan & D'Angelo) to prepare construction bid documents and cost estimates for the work required to house the purchased equipment on June 6, 2006. Creegan & D'Angelo's scope also included the design of a sanitary sewer lateral, storm drain line, various water service lines, electrical conduits, process piping, fire sprinkler system, site

grading, and landscaping.

Because the design, installation, and startup of the chloramination equipment requires treatment process expertise, District staff is preparing separate contract documents for that work, which will be completed subsequent to the building and sitework.

DISCUSSION: On March 13, 2008, one bid was submitted in the amount of \$311,779 by E.E. Gilbert Construction, Inc. of Martinez, California. The bid was checked arithmetically and for compliance with the bidding requirements. The engineer's estimate was \$328,042. A summary of the bids is attached.

E.E. Gilbert Construction, Inc. has been in the construction business under its present name for 60 years. References were checked and it was confirmed that the contractor has the necessary experience and has prior satisfactory work performance. There is adequate funding in the current year budget for this project.

RECOMMENDATION: By motion, adopt a resolution accepting the proposal and awarding the contract for Alameda Reservoir Water Quality Enhancement Project, to E.E. Gilbert Construction, Inc. in the amount of \$311,779, which is the total unit price and lump sum payment items, Job 6328.

5.6\* AUTHORIZATION OF PURCHASE ORDER AMENDMENT FOR DESIGN SERVICES DURING CONSTRUCTION OF THE ALAMEDA RESERVOIR WATER QUALITY ENHANCEMENT PROJECT

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BACKGROUND: On June 6, 2006, the Board authorized Creegan & D'Angelo Consulting Civil and Structural Engineers (Creegan & D'Angelo) to perform design services in the amount of \$81,730 for construction of a utility building and related work at the Alameda Reservoir. The design work has been completed and the construction of the utility building is anticipated to begin during May 2008.

DISCUSSION: At the District's request, Creegan & D'Angelo submitted a time and expense proposal to provide design services during construction including: 1) shop drawing and submittal reviews; 2) construction meetings and site visits; 3) response to contractor's request for information; and 4) preparation of contract change orders as required. Creegan and D'Angelo's proposal, in the amount of \$35,280, has been evaluated and staff has determined that the estimated level of effort and cost for the requested work is appropriate. There is adequate funding in the current year budget for this expenditure.

RECOMMENDATION: By motion, authorize a purchase order amendment for design services during construction for the Alameda Reservoir Water Quality Enhancement Project to Creegan & D'Angelo Consulting Civil and Structural Engineers in the amount of \$35,280, Job 6328.

5.7\* AUTHORIZATION OF PURCHASE ORDER FOR ANADROMOUS FISHERIES INVESTIGATIONS

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BACKGROUND: As part of the on-going efforts to address steelhead restoration in the Alameda Creek Watershed, stakeholders in the Alameda Creek Fisheries Work Group are working collaboratively together on studies to address flow and habitat needs for a restored steelhead fishery. As part of this process, both the Work Group's consultant and NOAA Fisheries have identified the need for specific studies that are focused on ACWD's facilities and operations in the watershed.

DISCUSSION: The specific studies to be conducted include: 1) an investigation of water temperatures and thermal stratification in the impoundments behind ACWD's inflatable dams; 2) an investigation of the impacts of South Bay Aqueduct releases on thermal stratification in pools in Niles Canyon; and 3) an investigation of predatory fish in the impoundments behind ACWD's rubber dams. Hanson Environmental, ACWD's fisheries consultant, has developed a work plan to conduct these studies. In addition, to the above studies, the work plan also includes technical support and assistance for ACWD in developing a long-term strategy for compliance with all applicable fisheries regulations and requirements, and assistance with ACWD's participation in the Alameda Creek Fisheries Work Group and flows subcommittee.

The total cost of the studies and technical assistance is estimated to be \$95,000. These studies are anticipated to be completed by December 2008. A detailed scope for each of the specific studies will be prepared by Hanson Environmental, and to the extent practical, reviewed with the Fishery Work Group prior to conducting the studies. The technical information developed during the studies will also be shared with the Alameda Creek Fishery Work Group. Sufficient funds have been budgeted in the FY07/08 budget for this expenditure.

RECOMMENDATION: By motion, 1) authorize a Purchase Order to Hanson Environmental in an amount not to exceed \$95,000 to conduct Alameda Creek Fishery Studies, and 2) authorize the General Manager to execute a services agreement with Hanson Environmental.

5.8 RESOLUTION ADOPTING THE APRIL 2008 WATER SUPPLY ASSESSMENT FOR THE PATTERSON RANCH DEVELOPMENT PROJECT

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BACKGROUND: The City of Fremont has received an application for the Patterson Ranch Development Project (or "Project") that involves a general plan amendment and rezoning for the development of 800 housing units, 25,000 to 50,000 square feet of commercial area, a new school, churches and a community park. California Water Code Section §10910 requires that a water supply assessment be provided to cities and counties for a project that is subject to the California Environmental Quality Act (CEQA), and which surpasses 500 housing units and/or surpasses certain thresholds for commercial/industrial buildings. The cities and counties are mandated to identify the public water system that might provide water supply to the project and then to request a water supply assessment. The water supply assessment documents sources of water supply, quantifies water demands, evaluates drought impacts, and provides a comparison of water supply and demand that is the basis for an assessment of water supply sufficiency.

DISCUSSION: Staff has prepared a water supply assessment for the Patterson Ranch Development Project, as requested by the City of Fremont on November 20, 2007. The adoption of this water supply assessment, originally scheduled for March 13, 2008, was deferred to April 8, 2008 based on a request from the City of Fremont and the Project's proponent in order to further review and comment on the assessment.

The projected average annual water demand of the Project is estimated to be approximately 560 acre feet per year. Because the projected future demands of the Patterson Ranch Development Project have not been previously accounted for in ACWD's forecast of future water demands, and because there is no existing water use at the Project site, all future demands associated with the Project will represent new, additional demands on ACWD's water system. The assessment provides a comparison of ACWD water supplies and projected future demands, including the demands associated with the proposed Project. In order to account for future Delta pumping restrictions, the assessment includes scenarios for State Water Project reliability with and without pumping restrictions recently imposed by a federal court decision (Wanger Decision). Under normal year conditions, ACWD's water supplies are projected to be sufficient to meet the future demands in the service area, including the Project's demands. However, under critically dry year conditions and multiple dry year conditions, the addition of new demands from the Project would increase the magnitude of shortages in the service area during these drought conditions. The water supply assessment concludes that the Project can mitigate for impacts during dry years by funding the acquisition by ACWD of additional recovery capacity of dry year supplies from the Semitropic Groundwater Banking Program. Conditions are also included in the water supply assessment that may require the Project proponent to implement additional mitigation measures in the event that water supply conditions and/or the Project's land use changes from what is currently incorporated in the assessment.

The Water Supply Assessment has been reviewed by the Project's proponent, and comments received regarding impacts of global warming have been incorporated into the assessment. The assessment will be reviewed in greater detail at the April 8, 2008 Board meeting.

RECOMMENDATION: By motion, 1) adopt a resolution adopting the April 2008 Patterson Ranch Water Supply Assessment and 2) authorize and direct the General Manager to submit the April 2008 Patterson Ranch Water Supply Assessment to the City of Fremont.

Attachments

cc: Executive Staff

**BID SUMMARY**

**CEDAR 2 ARP WELL INTERTIE PIPELINE PROJECT**

**Job No. 6340**

**Bid Opened March 12, 2008**

**Total Bids Received (9)**

**Responsive Bidders (9)**

**TOTAL FOR COMPARISON**

R.J. Gordon Construction, Inc.	\$390,446.00
Delta Excavating, Inc.	\$436,700.00
J & M, Inc.	\$452,901.75
Mountain Cascade, Inc.	\$496,974.00
K. J. Woods Construction, Inc.	\$534,000.00
California Trenchless, Inc.	\$549,520.00
J. Howard Engineering, Inc.	\$582,050.00
McGuire & Hester	\$688,194.00
Pacific Underground Construction, Inc.	\$745,620.00

**Non-Responsive Bidders (0)**

None.

**BID SUMMARY**

**ALAMEDA RESERVOIR WATER QUALITY ENHANCEMENT PROJECT  
Job No. 6328  
Bid Opened March 13, 2008**

**Total Bids Received (1)**

**Responsive Bidders (1)**

**TOTAL FOR COMPARISON**

E.E. Gilbert Construction, Inc.

\$311,779.00

**Non-Responsive Bidders (0)**

None.