

# ***ALAMEDA COUNTY WATER DISTRICT***

## ***MEMORANDUM***

DATE: May 1, 2008  
TO: Board of Directors  
FROM: Paul Piraino  
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR May 15, 2008

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### **5.1\* AUTHORIZATION OF PURCHASE ORDERS FOR BACKFILL MATERIALS**

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**BACKGROUND:** ACWD crews perform a variety of construction and maintenance work throughout the District's service area. Repairs and installations can occur during normal working hours, off-hours weekdays, weekends, and holidays. Excavations for leaks, replacements, and new installations are required for the majority of this work. Subsequently, a variety of materials is needed to backfill these excavations. Commonly used materials include sand, coarse aggregate, base rock, concrete, and control density fill.

**DISCUSSION:** There are a number of vendors spread throughout the general area who provide some or all of the required backfill material. Due to the geographical dispersion of the work performed it is more advantageous to purchase backfill materials on the open market at the nearest supply point. Typically, ACWD has purchased materials from a dozen or so local vendors. Vendors who occasionally supply backfill materials include: Right Away Redy Mix, Kelly's Concrete, Tri City Rock, Granite Rock Co., Reed & Graham, Central Concrete Supply, and Raisch Products. The amounts purchased from each vendor are dependent upon the location of work performed, the availability of the particular material needed, suppliers' operating hours, and the required pickup or delivery schedule. Maintaining the ability to select suppliers who can fill the immediate needs allow for more efficient crew utilization by minimizing delays due to the unavailability of backfill material.

The two main vendors used and the estimated FY 08/09 purchases from each are: Hanson Aggregates Mid-Pacific, Inc. (formerly Mission Valley Rock), \$180,000 and Milpitas Materials Co., \$75,000. Sufficient funds have been budgeted for all backfill materials expenditures.

**RECOMMENDATION:** By motion, authorize annual purchase orders to Hanson Aggregates Mid-Pacific, Inc. and Milpitas Materials Co. for a variety of backfill materials at prices quoted for FY 08/09.

### **5.2\* AUTHORIZATION OF PURCHASE ORDER FOR PAVING SERVICES**

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**BACKGROUND:** As part of the construction and maintenance activities performed by the District, it is necessary to cut city streets and excavate for installations or repairs of facilities. In order to comply with various city requirements for street work, permanent paving is required to restore street surfaces. In addition, the need to have this work done in a timely manner is necessary to avoid customer complaints and comply with permit requirements.

**DISCUSSION:** The District went out to bid in 2006 and El Camino Paving, Inc. was the successful

bidder. The purchase order allows for two annual extensions if conditions and services are satisfactory to both parties. The District wishes to exercise its option to extend that contract for a second year.

Work included in this contract includes: patch paving for random trench cuts throughout the service area, patch paving and overlays for planned service lateral replacements, and valve pot adjustments for customer jobs and annual city street overlay projects.

El Camino's current quotation is 8.1% higher than last year's quote. Assuming all paving vendors must adjust prices to reflect the increased cost of petroleum, this quotation is very reasonable. In addition to higher petroleum cost, increase in disposal fees also account for the increase. El Camino has performed satisfactorily on all aspects of the current specifications. Cost for paving services in FY 08/09 are estimated at \$900,000. Sufficient funds are budgeted for this expenditure.

RECOMMENDATION: By motion, authorize a purchase order to El Camino Paving, Inc. for paving services for FY08/09 at the prices quoted.

### 5.3\* AUTHORIZATION OF PURCHASE ORDER FOR WELDING SERVICES

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BACKGROUND: ACWD relies on a welding service to fulfill pipeline and shop welding needs. These needs include field welding of pipe joints to construct fire lines, service lines, hydrant laterals, meter services, and equipment repairs and fabrication at the shop. Welders must also be available for after-hours emergency work.

DISCUSSION: The District went out to bid in 2006 and Fergusson Welding was the successful bidder. The purchase order allows for two annual extensions if conditions and services are satisfactory to both parties. The District wishes to exercise its option to extend that contract for a second year.

Ferguson Welding Service has ten field welding trucks and a large, well-equipped shop. They have satisfied ACWD's needs for more than 25 years and have welders available 24 hours a day for our emergency needs. They have satisfactorily performed as required during this time. Ferguson's current quotation is 8.4% higher than last year's quote. The cost of fuel has been cited as reason for the increase. However, their hourly rates are more than competitive with other local welding vendors. The second low bidder in 2006 was 78% higher for field rates and 71% higher for shop rates. Comparing this year's quote to 2006 second low bidder's quote, the second low bidder was still higher for field shop rates.

The cost for welding services for FY 08/09 is expected to be under \$100,000. Of this amount approximately 85% is typically billed to customer jobs for which the District is fully reimbursed. Sufficient funds are budgeted for this expenditure.

RECOMMENDATION: By motion, authorize a purchase order to Ferguson Welding Service for welding services for FY 08/09 at the prices quoted.

5.4\* AUTHORIZATION OF CHANGE ORDER NO. 1 AND RESOLUTION ACCEPTING COMPLETION OF THE HIDDEN VALLEY TANK SEISMIC UPGRADES, PHASE I

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BACKGROUND: On December 13, 2007, the construction contract for the Hidden Valley Tank Seismic Upgrades, Phase I, was awarded to MJB Pipeline in the amount of \$137,350. The project includes the installation of flexible pipe couplings that are designed to accommodate differential movements between the tank shell and the connecting pipelines, isolation valves, and a flowmeter.

DISCUSSION: Change Order No. 1, in the amount of \$3,680, has been prepared and includes the following additional work requested by the District: 1) adjust the elevation of a catch basin (\$1,065); 2) install a concrete pad and repair existing asphalt concrete (\$1,550); 3) relocate existing conduit and wiring serving the tank cathodic protection system (\$715); and 4) remove and replace concrete sidewalk, curb, and gutter (\$350). Staff has reviewed the cost associated with the additional work and has determined that it is fair and reasonable. The total project cost, including all change orders and quantity adjustments for unit price items, is \$141,030. There is adequate funding in the budget for this expenditure.

RECOMMENDATION: By motion, 1) approve Change Order No. 1 in the amount of \$3,680; and 2) adopt a resolution accepting the completion of the contract for the Hidden Valley Tank Seismic Upgrades, Phase I Project, Job 6333.

5.5\* AUTHORIZATION OF PURCHASE ORDER FOR CONSULTANT SERVICES FOR THE VINEYARD HEIGHTS TANK SEISMIC UPGRADE DESIGN

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BACKGROUND: Improvements to the Vineyard Heights Tank are required to increase the tank's operating reliability after a major earthquake. The tank's seismic vulnerabilities include uplift, overturning, and overstress of the tank shell and separation of the tank inlet/outlet piping. The project scope of work includes the reinforcement of the tank shell, reinforcement of the roof column support, anchorage of the tank to the foundation, and the installation of flexible pipe couplings.

DISCUSSION: Two qualified consultants were invited to submit proposals to prepare project design drawings, specifications, and provide construction bidding support. Both consultants submitted proposals to perform the work based on information and requirements presented by District staff at project briefing meetings. Based on a comprehensive evaluation of the proposals, Carollo Engineers was the firm determined to have the qualifications, staff, and proposed approach that best meets the District's needs. Carollo Engineers' estimated cost based on a time and expense basis for the work is \$134,759. There is adequate funding in the project for this expenditure.

RECOMMENDATION: By motion, 1) authorize a purchase order to Carollo Engineers for design services in an amount not to exceed \$134,759; and 2) authorize the General Manager to execute a services agreement with Carollo Engineers for this work, Job 6332.

5.6\* RESOLUTION DECLARING MAY AS WATER AWARENESS MONTH

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**BACKGROUND:** The Governor of California has proclaimed the month of May as Water Awareness Month. For the past 17 years, the District has been a campaign sponsor of Water Awareness Month, which focuses on educating Californians about the importance of water in all facets of their lives by encouraging involvement in water awareness activities on both a local and regional level.

**DISCUSSION:** The campaign headquarters sponsors statewide activities, such as distributing public service announcements to radio and television stations, providing water awareness materials to public libraries and providing water information to legislators. The theme of the campaign continues to emphasize conservation and water quality, as well as other aspects about water in the environment, agriculture, and industry. Local service area activities related to Water Awareness Month will include: presentation of the school Water Conservation Poster and Slogan Contest awards; newspaper display ads stressing the Water Awareness Month campaign theme that will run through the month; and distribution of Water Conservation Calendars and Water Awareness Campaign School Education Kits to teachers in the ACWD service area.

**RECOMMENDATION:** By motion, adopt a resolution proclaiming the month of May as Water Awareness Month.

5.7\* AUTHORIZATION OF PURCHASE ORDER FOR TECHNICAL SUPPORT FOR ALAMEDA CREEK FISHERIES WORKGROUP

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**BACKGROUND:** In 2006 stakeholders of the Alameda Creek Fisheries Work Group signed a Memorandum of Understanding on Alameda Creek Fisheries (MOU). The MOU identified the need for fishery flow studies to determine the amount of flows required to support a restored steelhead fishery in the Alameda Creek Watershed. The consulting firm of McBain and Trush was selected by the Work Group to conduct the first phase of these flow studies. The Phase 1 effort consisted of a review of existing information and development of a methodology and study plan for subsequent studies. The Phase 1 work was completed in January 2008.

**DISCUSSION:** The Phase 1 work plan identified specific field studies that needed to be conducted in the watershed to develop the information necessary for determining flow needs for a steelhead fishery. As part of the second phase of the flow studies, the Work Group and its stakeholders are working collaboratively together to develop and conduct these field studies. However, given the technical nature of these studies, the Work Group is in need of a consultant to provide technical support. McBain and Trush has developed a work plan to provide this assistance.

The total cost of the technical assistance is estimated to be \$37,000. ACWD has agreed to administer the contract with the consultant on behalf of the Fisheries Workgroup. However, the total costs of this effort will be reimbursed by the State Coastal Conservancy (SCC). Under a December 2006 cost-sharing agreement between the District and SCC, the SCC committed to reimbursing ACWD for up to \$80,000 for Alameda Creek flows studies. To date, the SCC has provided approximately \$30,000 for the Phase 1 study. Therefore, sufficient SCC funds (\$50,000) are remaining under the ACWD-SCC Agreement to fully fund the McBain and Trush costs for this

technical support for the Phase 2 studies. The SCC has reviewed and approved the McBain and Trush proposal for this work.

RECOMMENDATION: By motion, (1) authorize a Purchase Order to McBain and Trush in an amount not to exceed \$37,000 for consulting services for technical support services for the Alameda Creek Flow Studies, with the full costs to be reimbursed by the State Coastal Conservancy; and (2) authorize the General Manager to execute a services agreement with McBain and Trush for the technical support services.

5.8\* RESOLUTION AUTHORIZING LEASE AGREEMENT WITH OMNIPOINT COMMUNICATION, INC. (T-MOBILE) FOR COMMUNICATION SITE AT LOWRY WELL SITE

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BACKGROUND: The District was approached by representatives of T-Mobile to establish a cellular telephone communication site at the Lowry Well site in Fremont.

DISCUSSION: The representatives of Omnipoint Communication, Inc (T-Mobile) contacted the District in April 2006 about establishing a cellular telephone communication site at Lowry Well. The site is located on Lowry Road at Lark Way, to the north of Alvarado Boulevard and adjacent to the Alameda Creek Flood Control Channel. A zoning application was submitted to the City of Fremont and the site plan was conditionally approved by the City for both T-Mobile and Verizon Wireless, who had also initiated a request with the District. Verizon Wireless has put their project on hold until a future date; however, the site plan identifies both facilities. The site plan includes construction of a 65' "monopine" pole that would accommodate both the T-Mobile and future Verizon antennas, and a metal equipment cabinet.

District Counsel and staff have reviewed the lease agreement and are satisfied that it meets District interests. The lease calls for \$1,800 per month rent payment, with a three percent (3%) annual increase.

RECOMMENDATION: By motion, adopt a resolution authorizing the General Manager to sign the communications site leasing agreement with Omnipoint Communication, Inc.

5.9 AUTHORIZATION OF PURCHASE ORDER FOR ENGINEERING SERVICES FOR LOWER ALAMEDA CREEK FISH PASSAGE/RUBBER DAM NO. 1 FOUNDATION EVALUATION

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BACKGROUND: The Alameda Creek Flood Control Channel, constructed by the United States Army Corps of Engineers in 1972, extends from San Francisco Bay approximately 12 miles inland to the vicinity of Niles Canyon. The Alameda County Flood Control and Water Conservation District (County) owns and maintains the constructed channel including a drop structure (BART Weir). The BART Weir is located directly downstream of the District's middle rubber dam (RD1) in the flood control channel. Both the District and County are participants in the Alameda Creek Fisheries Restoration Workgroup (Workgroup), established in early 1999. The Workgroup has commissioned several reports which have identified several barriers to steelhead migration into the Alameda Creek watershed, including the BART Weir and RD1 (when inflated). As a result,

conceptual design for a single fish passage facility that would provide for fish passage past both the BART Weir and RD1 (BART Weir/RD1 Fish Passage Facility) has previously been prepared by consultants for ACWD and the County. On August 12, 2007, the Board authorized the District to enter into an agreement with the County to jointly complete the preliminary design for a BART Weir/RD1 Fish Passage Facility. Since then, staff from both the District and the County have worked together to prepare a detailed scope of work for a consultant to complete the preliminary design. The District and the County will equally share the costs associated with the pre-design of the BART Weir/RD1 Fish Passage Facility.

In addition to the actual BART Weir/RD1 Fish Passage Facility, improvements to RD1 are also required to meet Division of Safety of Dams (DSOD) requirements. These elements have been incorporated into the scope of work and the District will be responsible for the costs associated with improvements to RD1.

Full fish passage restoration within the Creek will ultimately require additional District projects. For example, final design of the removal of the inflatable Rubber Dam No. 2 and modifications to the foundation to facilitate fish passage is underway. Other required projects include the installation of a fish ladder past Rubber Dam No. 3 (RD3), and the installation of additional fish screens at the Kaiser and Shinn diversion facilities. Staff believes that including preliminary design for these projects into the consultant's scope of work will be advantageous. It will ensure that all of the fish passage facilities' design criteria will be consistent and allow CEQA to be completed for all of the new facilities on both a program and project-level basis. Additionally, earlier completion of the design may improve the possibility of receiving future grant funding and accelerating the projects. Accordingly, District staff prepared a detailed scope of work for the RD3 fish ladder and diversion screens as separate design elements.

DISCUSSION: Letters requesting expressions of interest were sent to seven consulting firms that previously performed similar dam and fish passage facility designs for other agencies. Four firms grouped together to form three consultant teams, each of whom submitted a responsive letter of interest. Staff from both the District and the County conducted project briefings with each team to further explain the required and optional scope of work elements, project schedule, and specific proposal requirements. Three proposals were received on February 29, 2008. In addition to evaluating the proposal documents, District and the County staff visited several referenced fish ladder sites and interviewed facility owners. Additionally, consultants made presentations and responded to questions about their written proposals.

After carefully evaluating the consultants' qualifications, experience, approach, project management and other factors, staff from both the County and the District unanimously concluded that Winzler & Kelly Consulting Engineers (Winzler & Kelly) will best meet the needs of both agencies. Winzler & Kelly's team has successfully completed a number of fish passage projects, including the Lower Mokelumne River Streambed Restoration project for the Woodbridge Irrigation District and the Peacock Creek Fish Passage project for Del Norte County, both of which are currently in operation and have received state and national awards. Additionally, key members of Winzler & Kelly's team have obtained site specific experience, having worked on a previous fish passage assessment report in Alameda Creek. Team members also have extensive experience in design and evaluating dams

and have developed a good working relationship with the California DSOD. Recent work includes geotechnical evaluation of the Sacramento River, American River, and Natomas Cross Canal embankments within the Natomas Basin in Sacramento.

Winzler & Kelly's estimated cost, on a time and expense basis, is \$620,000. The County's estimated share is \$125,000 and the District's estimated share is \$495,000. District and the County staffs have both reviewed the cost proposal for the work and have found it to be fair and reasonable for the level of effort required. The costs will be partially offset as a result of previously committed grant funding. There is sufficient funding in the current budget for the balance of this expenditure. The District will administer the design services contract. The goal of both agencies is to complete the BART Weir/RD1Fish Passage Facilities by 2010.

RECOMMENDATION: By motion, 1) authorize a purchase order to Winzler & Kelly Consulting Engineers for engineering services in an amount not to exceed \$620,000; and 2) authorize the General Manager to execute a services agreement, Job 6348.

#### 5.10 SET A PUBLIC HEARING TO ADOPT AN ORDINANCE THAT PROHIBITS THE WASTEFUL USE OF WATER

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BACKGROUND: As a signatory to the Memorandum of Understanding (MOU) on Urban Water Conservation, the District is committed to implementing cost effective Best Management Practices (BMPs). Enacting and enforcing measures prohibiting the wasteful use of water is a BMP (BMP 13) that the District has implemented during drought and/or emergency conditions (Ordinance 30). However, BMP 13 now requires that a District adopt an ordinance that is in effect during non-drought and/or non-emergency conditions.

DISCUSSION: To both meet BMP requirements and to discourage wasteful use during non-drought and/or non-emergency conditions, staff has drafted an ordinance that prohibits the wasteful use of water by District customers at all times. Wasteful use includes, for example, using water in a manner that results in excessive flooding and/or excessive runoff, using certain non-recirculating and non-recycling equipment, and not repairing leaks as soon as practicable. Under the proposed Ordinance exceptions can be granted for undue hardship and/or health concerns. The enforcement process includes two written warnings and, similar to existing policies for non-payment, can result in termination of service if the customer does not cease the wasteful use of water.

Adoption of an ordinance requires a notice of the public hearing to be published two weeks prior to the public hearing. If the Board adopts the Ordinance, it must be published in a newspaper of general circulation within the District service area within ten days after its adoption.

RECOMMENDATION: By motion, 1) set June 5, 2008, at 6:00 p.m. as the date and time for a public hearing for consideration and adoption of an Ordinance that prohibits the wasteful use of water; and 2) direct staff to publish notice of the public hearing to adopt the Ordinance on May 21, 2008, two weeks prior to the public hearing.

5.11 RESOLUTION ADOPTING THE MAY 2008 WATER SUPPLY ASSESSMENT FOR THE UNION CITY INTERMODAL STATION DISTRICT MIXED-USE PROJECT

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BACKGROUND: The City of Union City has received an application for the Union City Intermodal Station District Mixed-Use Project (or “Project”) that involves a general plan amendment for the development of 1,200 housing units, 10,000 square feet of commercial office space and 60,000 square feet of commercial retail space. The Project, located adjacent to the Union City BART station, is within an area identified in the Union City’s Redevelopment Plan EIR (2001) as Site 12. 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 as requested by the City of Union City on January 23, 2008. The adoption of this water supply assessment, originally scheduled for April 8, 2008, was deferred to May 15, 2008 based on a request from ACWD staff to incorporate information on potential impacts due to climate change.

The assessment includes an evaluation of the Project’s water demands, which is estimated to be approximately 242 acre feet per year. This projected future demand of the Project has been previously accounted for in ACWD’s forecast of future water demands, as a combination of projected demands for Site 12 and planning assumptions for Smart Growth in Union City. The assessment also provides a comparison of ACWD water supplies and projected future demands, which includes 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, ACWD has previously identified that the District may face water supply shortages during a critically dry year, or during a multiple year drought. As described in the District’s Urban Water Management Plan (UWMP), ACWD would look to secure additional supplies through a DWR drought water bank or similar water purchase/transfer program under these severe drought conditions. ACWD may also implement a drought contingency plan, which includes provisions for ACWD customers to cut back on water use, the magnitude of which would depend on the severity of the shortage. Because the Project’s demands are already included in the UWMP, the Project will not result in increased shortages from that which is already factored into ACWD’s planning. However, because ACWD anticipates potential future shortages under severe drought conditions, water supplies to the Project may be cut back during these severe dry year conditions. The level of cut back to the Project would be consistent with the rest of ACWD’s customers, and would depend on the magnitude of the dry-year shortage facing the entire District. In addition, in order to ensure that Project is constructed with

Board of Directors

Page 9

May 1, 2008

the most recent technology in water conservation, the water supply assessment includes water conservation mitigation measures for the use of water efficient plumbing fixtures and irrigation systems.

RECOMMENDATION: By motion, 1) adopt a resolution adopting the May 2008 Union City Intermodal Station District Mixed Use Project Water Supply Assessment; and 2) authorize and direct the General Manager to submit the May 2008 Union City Intermodal Station District Mixed Use Project Water Supply Assessment to the City of Union City.

Attachments

cc: Executive Staff