

ALAMEDA COUNTY WATER DISTRICT MEMORANDUM

DATE: May 28, 2008
TO: Board of Directors
FROM: Paul Piraino
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR June 5, 2008

6.1 CONDUCT PUBLIC HEARING RELATING TO PROPOSED ORDINANCE PROHIBITING THE WASTEFUL USE OF WATER

BACKGROUND: At the meeting of May 15, 2008, the Board called for a public hearing on June 5, 2008, to receive and consider comments on a proposed ordinance prohibiting the wasteful use of water. A legal notice was published in The Argus on May 22, 2008 and May 29, 2008, and notice of the public hearing was also posted at the District headquarters.

DISCUSSION: 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.

To both meet BMP requirements and to discourage wasteful use during non-drought and/or non-emergency conditions, staff 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.

RECOMMENDATION: Conduct a Public Hearing to receive and hear comments on the proposed ordinance prohibiting the wasteful use of water.

6.2 ADOPTION OF ORDINANCE PROHIBITING THE WASTEFUL USE OF WATER

BACKGROUND: A Public Hearing will be held on June 5, 2008, to receive and consider comments on a proposed ordinance prohibiting the wasteful use of water.

DISCUSSION: Pending the outcome of the Public Hearing on June 5, 2008, staff's recommendation is to adopt the Ordinance Prohibiting the Wasteful Use of Water. As required, the Ordinance will be published in a newspaper of general circulation within the District service area within ten days after adoption.

RECOMMENDATION: By motion, 1) adopt Ordinance Prohibiting the Wasteful Use of Water, effective June 6, 2008; 2) direct staff to publish the adopted Ordinance in a newspaper of general circulation within the District service area within ten days.

6.3* AUTHORIZATION OF FUNDING FOR THE 2008 REGIONAL WATER CONSERVATION OUTREACH CAMPAIGN

BACKGROUND: In 2007, Bay Area water agencies developed a regional public outreach campaign in response to the dry conditions and Delta pumping restrictions. The campaign outlined simple and effective steps Bay Area residents could take to conserve water now and for the future. A web site and materials developed for the campaign helped water users learn more about water conservation programs and incentives provided by their local utilities. Total cost for the 2007 campaign was approximately \$900,000. Although ACWD did not directly contribute to the 2007 outreach campaign, the District contributed indirectly as a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA) and as a San Francisco wholesale customer, both of which provided direct contributions.

DISCUSSION: Those agencies participating in last year's campaign, along with additional agencies, desire to continue the regional campaign due to the continued water supply challenges in 2008. The estimated budget for the 2008 campaign is \$1.1 million. The campaign will include radio ads, transit corridor advertisements, and a website. Funding for the 2008 regional campaign will be through grant funds from the California Department of Water Resources (DWR) to the San Francisco Bay Area Integrated Water Management Implementation Grant (Proposition 50). However, receipt of the grant funds are delayed due to the reimbursement nature of the grant and the timing of the execution of the grant agreement. As a result, the regional campaign group has requested that participating agencies provide advance funding to initiate the 2008 outreach program this summer. The objective is to collectively secure approximately \$1 million in funds for the 2008 campaign. Receipt of the grant funds from DWR is expected before the end of Calendar Year 2008, at which time the monies provided by the participating agencies shall be fully reimbursed. The proposed District advance funding contribution toward 2008 campaign expenditures is \$60,000. Sufficient funds are contained in the FY 07/08 budget to cover the cost of this program.

RECOMMENDATION: By motion, 1) authorize \$60,000 in funding toward the Regional Water Conservation Outreach Campaign which will be fully reimbursed through the Bay Area Proposition 50 grant funds; 2) authorize a Memorandum of Understanding and Purchase Order between ACWD and Bay Area Clean Water Agencies (BACWA), the fiscal agent for the DWR grant, for the Regional Water Conservation Outreach Campaign.

6.4* RESOLUTION AWARDED CONSTRUCTION CONTRACT FOR MISSION SAN JOSE WATER TREATMENT PLANT ACCESS ROAD EROSION MITIGATION PROJECT

BACKGROUND: Rains from the past few seasons have undermined approximately 50 feet of the embankment along the MSJWTP access road. Although embankment fill has been placed as a temporary slope stabilization measure, permanent repairs to stabilize the eroded embankment and to prevent future erosion are required. This project involves the construction of a soil nail retaining

wall and rip rap to stabilize the eroded embankment and roadway modifications to route surface runoff into existing drainage facilities.

DISCUSSION: On May 7, 2008, one bid was submitted in the amount of \$369,900 by Bugler Construction, Inc. of Fremont, California. The bid was checked arithmetically and for compliance with the bidding requirements. The engineer's estimate was \$386,400. The bid was checked for accuracy and compliance with the bidding requirements.

Bugler Construction, Inc. has been in the construction business under its present name for 9 years. References were checked and it was confirmed that the contractor has the necessary experience and prior satisfactory work performance. There is adequate funding in the budget for this project.

RECOMMENDATION: By motion adopt a resolution to award the contract for the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project to Bugler Construction, Inc., in the amount of \$369,900, which is the total of the unit price and lump sum payment items, Job 6344.

6.5* AUTHORIZATION OF PURCHASE ORDER AMENDMENT FOR DESIGN SERVICES DURING CONSTRUCTION OF THE MISSION SAN JOSE WATER TREATMENT PLANT ACCESS ROAD EROSION MITIGATION PROJECT

BACKGROUND: The Board previously authorized Wilsey-Ham to perform design services for the MSJWTP Access Road Erosion Mitigation Project in the amount of \$104,000. Wilsey-Ham's scope of work included an evaluation of alternatives to stabilize the embankment below the access road and preparation of construction documents.

DISCUSSION: At the District's request, Wilsey-Ham submitted a proposal to provide design services during construction including: 1) review shop drawings and submittals; 2) perform construction inspection and site visits; 3) respond to contractor's request for information; and 4) prepare contract change orders as required. Wilsey-Ham's estimated cost on a time and expense basis is \$72,000. Staff has evaluated the proposal and determined that the estimated level of effort and cost are appropriate. There is sufficient funding in the budget for this expenditure.

RECOMMENDATION: By motion, 1) authorize a purchase order amendment for design services during construction of the Mission San Jose Water Treatment Plant Access Road Erosion Mitigation Project to Wilsey-Ham in the amount of \$72,000, Job 6344.

6.6* RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT FOR RELOCATION OF 16-INCH WATER MAIN TO ACCOMMODATE I-680 WIDENING

BACKGROUND: The State of California Department of Transportation (Caltrans) is planning to widen the southbound portion of I-680 between Pleasanton and Milpitas. Construction is scheduled to begin in November 2008. The project includes widening the associated bridges along that corridor.

DISCUSSION: In order to accommodate Caltrans' project, the District needs to relocate 50 linear

feet of 16-inch water main north of Scott Creek Road. Because the water main is within an easement, Caltrans will pay for all costs associated with its relocation. Staff's estimate of the design and construction-related costs is \$136,250. To ensure the District is appropriately compensated, Caltrans has prepared a utility agreement, which has been reviewed by staff and District counsel.

RECOMMENDATION: By motion, authorize the General Manager to execute Utility Agreement 1582.19 between the State of California Department of Transportation and the District for the relocation of pipeline facilities, Job 6356.

6.7* RESOLUTION APPROVING THE VACATING OF AN EASEMENT AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR ROBSON HOMES, LLC

BACKGROUND: Robson Homes is the developer of Tract 7757 which is located on a former industrial site on Kato Road in Fremont. Prior to the original development of the land, a previous owner granted an easement to the District (District Easement No. 191) to accommodate a public water main into the site. To serve the current development, the relocation of a portion of the previously installed water main was required.

DISCUSSION: Robson Homes has completed the water system modifications and has granted the District a new easement for the newly relocated water main. Robson Homes is requesting that the District quitclaim the portion of District Easement No. 191 that is no longer needed. Staff has reviewed the developer's request and concurs that this portion of District Easement No. 191 is no longer required.

RECOMMENDATION: By motion, adopt a resolution vacating a portion of District easement No. 191 and authorizing the execution of a quitclaim deed for a portion of District Easement No. 191 to Robson Homes, LLC, Tract 7757.

6.8* RESOLUTION ESTABLISHING FISCAL YEAR 08/09 APPROPRIATIONS LIMIT

BACKGROUND: In 1979 Article XIII B was added to the State Constitution. The article requires the District to adopt an annual appropriations limit for determining the maximum amount of appropriations less allowable exclusions that can be made from tax proceeds each year. The article also provides for an annual adjustment of the Appropriations Limit.

DISCUSSION: Each year the Board must decide, by recorded vote, to choose the greater of growth in California per capita income or the increase in nonresidential assessed valuation from new construction within the District for the inflation factor, and the greater of growth in population within the County or the District for the population factor.

For FY 08/09 the greater inflation factor is the increase in California per capita personal income (4.29%). The greater factor for population is the growth within the County (1.32%).

After applying these factors and allowing for adjustments, the District's Appropriations Limit for FY 08/09 is computed at \$54,528,593 which is a 5.7% increase from the previous year. The balance

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of the District's tax proceeds which are subject to the appropriations limit are estimated at \$19,522,627. The appropriations limit will thus as usual have no effect on the District's revenues.

RECOMMENDATION: By motion, 1) adopt the use of growth in California per capita personal income as the inflation factor, and the year-to-year population growth of the County of Alameda as population factor in determining the FY 08/09 Appropriations Limit and 2) adopt a resolution establishing the Appropriations Limit for FY 08/09 at \$54,528,593.

Attachments

cc: Executive Staff