

# **ALAMEDA COUNTY WATER DISTRICT MEMORANDUM**

DATE: September 3, 2008  
TO: Board of Directors  
FROM: Paul Piraino  
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR September 11, 2008

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## **6.1\* RESOLUTION SETTING AMOUNT TO BE COLLECTED FOR CERTAIN FISCAL YEAR 08/09 PROPERTY TAXES**

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**BACKGROUND:** Beginning in FY 78/79 and each year thereafter, the Board of Directors has levied a tax for payment of the groundwater portion of the District's State Water Contract Costs.

**DISCUSSION:** The amount of funding required this fiscal year to fund the groundwater portion of the State Water Contract cost is \$3,070,915. This amount must be reported to the Alameda County Auditor so that it can be collected on the FY 08/09 property tax rolls. The amount required is based upon cost projections provided by the State of California Department of Water Resources and is greater than the \$2,832,300 amount estimated in the FY 08/09 budget due to adjustments for actual tax collections during FY 07/08 and the actual State Water Contract cost payments in FY 07/08.

**RECOMMENDATION:** By motion, adopt a resolution setting the amount of taxes to be collected for FY 08/09 to pay the State Water Contract costs at \$3,070,915.

## **6.2\* RESOLUTION FINDING THE VINEYARD HEIGHTS TANK SEISMIC UPGRADE PROJECT CATEGORICALLY EXEMPT FROM CEQA AND APPROVING THE PROJECT**

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**BACKGROUND:** On May 15, 2008, the Board authorized a purchase order to Carollo Engineers to provide engineering design services for the Vineyard Heights Tank Seismic Upgrade Project. The purpose of the project is to improve the tank's structural reliability and performance during a seismic event. The project consists of replacing the lower tank shell with thicker steel plate, anchoring the tank shell, upgrading the inlet/outlet and overflow piping, performing miscellaneous electrical work and recoating the tank. This project is subject to the California Environmental Quality Act (CEQA).

**DISCUSSION:** Certain project categories have been identified by CEQA to have no significant effect on the environment. These project categories are exempt from the environmental review process.

CEQA Section 15301 addresses Class 1 Categorical Exemptions and states "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Section 15301 provides specific examples of a Class 1 Categorical Exemption to

include, "Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services."

The Vineyard Heights Tank Seismic Upgrade Project qualifies for a Class 1 Categorical Exemption since the proposed seismic improvements are tank minor alterations which will not change the existing storage capacity and not result in any significant environmental impacts.

Funds for the project were allocated in the FY 08/09 adopted budget. The project bid period is planned to begin in late September 2008 and award of the project is anticipated to occur at the November 2008 Board Meeting.

RECOMMENDATION: By motion, adopt a resolution that 1) finds the Vineyard Heights Tank Seismic Upgrade project to qualify for a CEQA Section 15301 Class 1 Categorical Exemption, and 2) approve the project, Job 6332.

6.3\* RESOLUTION AWARDING CONTRACT FOR MAYHEW RESERVOIR LINING REPLACEMENT

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BACKGROUND: Mayhew Reservoir is a 4.6 million gallon reservoir constructed in the mid-1960's. The existing asphalt panel liner has reached the end of its useful life. The scope of the project includes the installation of approximately 56,000 square feet of a new reservoir lining system over the existing liner.

DISCUSSION: Three bids were received and opened on August 15, 2008. The bids ranged from a low of \$546,000 to a high of \$1,127,466. The engineer's estimate was \$511,125. All bids were checked for accuracy and compliance with the bidding requirements. A summary of the bids is attached.

FD Thomas, Inc. (FD Thomas) of Central Point, Oregon submitted the lowest bid. This firm has been in the contracting business under its present name for 18 years. References were checked and it was confirmed that the contractor has the necessary qualifications and experience to perform the work. FD Thomas satisfactorily completed the relining of Patterson Reservoir in 2006. FD Thomas' proposal contained two minor irregularities: 1) the bid was signed by one corporate officer rather than two, and 2) the non-collusion affidavit was signed and notarized, but evidence of corporate authority was not attached. District counsel has advised that these may be considered as minor irregularities which may be waived provided that the second corporate signature and evidence of corporate authority are promptly received. Signature by a second corporate officer and evidence of corporate authority have since been received by the District.

There is adequate funding in the project budget for this expenditure.

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 Mayhew Reservoir Lining Replacement Project to FD Thomas, Inc., in the amount of \$546,000, which is the total of the unit price and lump sum payment items, Job 6363.

6.4 RESOLUTION AMENDING FY 08/09 PERSONNEL BUDGET TO ADD THREE (3)  
UTILITY WORKER 1/2/3 POSITIONS IN DISTRIBUTION MAINTENANCE DIVISION

BACKGROUND: Distribution Maintenance Division (DMD) is responsible for a significant body of work including repairs, installations, follow-up work, support services, replacements, relocations, and scheduled preventive maintenance. However, given the priority of leaks and customer jobs (installations), the majority of effort of existing staff is claimed by these categories of work. As a result, preventive maintenance is frequently deferred except when those assets experience a total failure and become an emergency repair.

Prior to 1995 this body of work was addressed by a staff of 26 Utility Workers. At the height of polybutylene service line failures DMD staff was increased to 32 Utility Worker positions. The six additional positions were budgeted until 2006. At that time the decision was made to absorb three positions in customer jobs (reimbursable work) and three positions would be eliminated through attrition. Currently DMD is staffed with 29 Utility Worker positions.

DISCUSSION: Assets frequently fail to perform as expected; maintenance personnel are often responding to some type of failure either on a routine basis or on an emergency basis. Reactive maintenance is almost always more expensive and less efficient than preventive maintenance. Additionally reactive maintenance often involves overtime work. Preventive maintenance is regularly scheduled, helps predict and avoid failures, and ensures that repairs or replacements can be made in the most economical manner with minimum disruption to customers. DMD is transitioning toward a more planned and preventive approach.

Valves are an important component in establishing a reliable and sustainable potable water distribution system. They are used to isolate sections of pipe for new installations and repairs, control flow, release air, and prevent backflow. Without accessible and functioning valves, distribution repairs take longer, there is an increased likelihood of claims from water damages, water outages last longer and involve more customers than necessary, cost of work increases dramatically, and public image suffers as a result.

The addition of three Utility Worker positions and equipment will allow a comprehensive valve control program to be implemented and staffed on an on-going basis. Currently, the program consists only of exercising valves as staff is available. A comprehensive program consists of inspections, exercising, testing, maintenance, and repairs or replacement of the asset. A good valve control program will facilitate repairs, reduce the risk of claims due to water damage, minimize customer outages as well as the number of customers affected by the outage, and reduce overall cost. With the additional positions, disaster response capabilities will be enhanced, worker fatigue from excessive hours can be reduced, and some of the deferred work can also begin to be addressed.

The cost of adding the three new Utility Worker 1/2/3 positions and associated equipment such as one large service truck and one pick-up equipped with valve actuator are estimated to be:

- Labor (including fringe benefit costs) = \$265,000 annually
- Equipment

- Large Service Truck + tools = \$165,000
- Pick-up w/ valve actuator = \$ 60,000

The labor costs have already been incorporated in the financial model for the next three years. At that time a determination will be made as to whether or not to continue funding for these positions. Staff will provide additional information on this recommendation at the Board meeting. This recommendation was reviewed with the Operations & Water Quality Committee on September 3, 2008.

RECOMMENDATION: By motion, adopt a resolution authorizing the addition of three new Utility Worker 1/2/3 positions in Distribution Maintenance Division along with associated equipment.

#### 6.5 RESOLUTION ADOPTING THE SEPTEMBER 2008 WATER SUPPLY ASSESSMENT FOR THE BALLPARK VILLAGE SPECIFIC PLAN PROJECT

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BACKGROUND: The City of Fremont has received an application for the Ballpark Village Specific Plan (or “Project”) which includes a Major League Baseball park, 3,150 housing units, a school, hotel, city park areas, 300,000 sq ft of new office space, and a variety of commercial retail activities. The stadium will be located in the Pacific Commons development, on the site of the previous planned Cisco Systems R&D campus, with ancillary elements developed on a variety of parcels within a 1 mile radius of the ballpark. The Project will occupy more than 260 acres of industrial zoned lands. This Project requires a water supply assessment under the California Water Code Section §10910.

DISCUSSION: Staff has prepared a water supply assessment for the Ballpark Village Specific Plan Project (“Project”), as requested by the City of Fremont on May 15, 2008. The adoption of this water supply assessment, originally scheduled for August 14, 2008, was deferred to September 11, 2008 based on a request from ACWD staff to accommodate additional water supply assessments received from the City of Fremont.

The assessment includes an evaluation of the Project’s water demands, which is estimated to be approximately 1,100 acre feet per year. This projected demand of the Ball Park Village Project has been determined to be consistent with the range of demands that were anticipated for the Project parcels during the development of the Urban Water Management Plan (UWMP) demand forecast, and therefore, the Project does not represent a new or additional demand in the ACWD service area beyond what was forecast for the UWMP.

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). Because the Project’s demands are consistent with those considered in the UWMP, the Project will not result in increased shortages from that which is already factored into ACWD’s planning. However, in order to minimize the additional demands on ACWD’s potable water system, the water supply assessment requires that (1) the Project be constructed with the latest technology on water

conservation measures and (2) the Project accommodate a future recycle water source for non-potable (e.g. landscape irrigation) water uses.

The assessment will be reviewed in greater detail at the September 11, 2008 Board meeting.

**RECOMMENDATION:** By motion, 1) adopt a Resolution Adopting the September 2008 Water Supply Assessment for the Ballpark Village Specific Plan Project and 2) authorize and direct the General Manager to submit the September 2008 Water Supply Assessment For Ballpark Village Specific Plan Project to the City of Fremont.

#### 6.6 RESOLUTION ADOPTING THE SEPTEMBER 2008 WATER SUPPLY ASSESSMENT FOR THE CREEKSIDE LANDING PROJECT

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**BACKGROUND:** The City of Fremont has received an application for the Creekside Landing Project (or “Project”), which includes construction of 523,000 sq ft. of commercial retail building area onsite of the formerly planned “Bayside Business Park II” Research and Development park. The Project is located on a vacant parcel zoned for industrial development on the southwestern corner of Fremont, alongside Highway 880, bordered by the City of Milpitas on the south and bounded by wetlands to the west. This Project requires a water supply assessment under the California Water Code Section §10910.

**DISCUSSION:** Staff has prepared a water supply assessment for the Creekside Landing Project, as requested by the City of Fremont on May 20, 2008. The adoption of this water supply assessment, originally scheduled for August 14, 2008, was deferred to September 11, 2008 based on a request from ACWD staff to accommodate additional water supply assessments received from the City of Fremont.

The assessment includes an evaluation of the Project’s water demands, which is estimated to be approximately 180 acre feet per year. This projected demand of the Project has been determined to be consistent with the range of demands that were anticipated for the project parcels during the development of the Urban Water Management Plan (UWMP) demand forecast, and therefore, the Project does not represent a new or additional demand in the ACWD service area beyond what was forecast for the UWMP.

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). Because the Project’s demands are consistent with those considered in the UWMP, the Project will not result in increased shortages from that which is already factored into ACWD’s planning. However, in order to minimize the additional demands on ACWD’s potable water system, the water supply assessment requires that (1) the Project be constructed with the latest technology on water conservation measures and (2) the Project accommodate a future recycle water source for non-potable (e.g. landscape irrigation) water uses.

The assessment will be reviewed in greater detail at the September 11, 2008 Board meeting.

**RECOMMENDATION:** By motion, 1) adopt a Resolution Adopting the September 2008 Water Supply Assessment for the Creekside Landing Project and 2) authorize and direct the General Manager to submit the September 2008 Water Supply Assessment For Creekside Landing Project to the City of Fremont.

6.7 **RESOLUTION ADOPTING THE SEPTEMBER 2008 WATER SUPPLY ASSESSMENT FOR THE SOLYNDRA SOLAR PANEL MANUFACTURING FACILITY PROJECT**

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**BACKGROUND:** The City of Fremont has received an application for the Solyndra Solar Panel Manufacturing Facility (or "Project") which includes construction of 580,000 sq ft. of industrial building area. The project is located at 47422 Kato Rd. in the Warm Springs District of Fremont on a vacant 32.5 acre parcel zoned for industrial development. This Project requires a water supply assessment under the California Water Code Section §10910.

**DISCUSSION:** Staff has prepared a water supply assessment for the Solyndra Solar Panel Manufacturing Facility (or "Project"), as requested by the City of Fremont on June 27, 2008. The assessment includes an evaluation of the Project's water demands, which are estimated to be approximately 570 acre feet per year (AF/Yr). This demand estimate includes water conservation measures such as on-site water recycling for the cooling towers, reverse osmosis concentrate, and fume scrubbers. In addition, Solyndra has agreed to assure that their facility is prepared to receive and use recycled water for the Project's cooling towers once recycled water becomes available in ACWD's service area. The projected demand of the Solyndra Project has been determined to be consistent with planning assumptions made in the development of the Urban Water Management Plan (UWMP) demand forecast, and therefore, the Project does not represent a new or additional demand in the ACWD service area beyond what was forecast for the UWMP.

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). Because the Project's demands are consistent with those considered in the UWMP, the Project will not result in increased shortages from that which is already factored into ACWD's planning. However, in order to minimize the additional demands on ACWD's potable water system, the water supply assessment requires that: 1) the Project be constructed with the latest technology on water conservation measures, and 2) the Project accommodate a future recycle water source for non-potable water uses.

The assessment will be reviewed in greater detail at the September 11, 2008 Board meeting.

**RECOMMENDATION:** By motion, 1) adopt a Resolution Adopting the September 2008 Water Supply Assessment for the Solyndra Solar Panel Manufacturing Facility Project and 2) authorize

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and direct the General Manager to submit the September 2008 Water Supply Assessment for Solyndra Solar Panel Manufacturing Facility Project to the City of Fremont.

Attachments

cc: Executive Staff

**BID SUMMARY**

**MAYHEW RESERVOIR LINING REPLACEMENT**

**Job 6363**

**Bid Opened August 15, 2008**

**Total Bids Received (3)**

**Responsive Bidders (3)**

**TOTAL FOR COMPARISON**

FD Thomas, Inc.

\$546,000

Jeffco Painting & Coating Inc.

\$773,200

Certified Coatings Company

\$1,127,466

**Non-Responsive Bidders (0)**

None.