

October 2, 2008
Fremont, California

A special meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT was held on October 2, 2008 at the hour of 5:30 P.M. in the Directors' Room of the District Office Building, 43885 South Grimmer Boulevard, Fremont, California.

Present: Directors Gunther, Huang, Koller, and Weed
Absent: Director Lampert

Staff members present: General Manager Paul Piraino, Engineering Manager Bob Shaver, Acting Operations Manager Steve Peterson, Attorney Ray McDevitt, and District Secretary Gina Markou.

President John Weed presided.

Director Gunther led in the Salute to the Flag.

3 – PUBLIC COMMENTS – None.

President Weed adjourned the meeting to a closed session at 5:31 P.M. for a conference on the following items:

- 4.1 Conference with Legal Counsel – Anticipated Litigation
 - Initiation of Litigation Pursuant to Government Code Section 54956.9(c): Two Cases

- 4.2 Conference with Real Property Negotiator (Pursuant to Government Code Section 54956.8)
 - APN 507-675-4: Deer Road, Fremont
 - Agency Negotiators: Robert Shaver and Craig Hill
 - Negotiating Parties: ACWD and Greenbriar Homes, Inc
 - Under Negotiation: Termination of Sales Agreement

The meeting reconvened at 5:50 P.M. Mr. Piraino reported that with respect to Item 4.1 the Board authorized initiation of a lawsuit. The details of the lawsuit will be made public once the action has been commenced. With respect to Item 4.2 it is staff's recommendation that the Board by motion accept the Tenth Amendment to the Purchase Agreement between ACWD and Greenbriar Homes, Inc., and authorize the General Manager to sign the Amendment to the Purchase Agreement.

5 – POSSIBLE ACTION TO ACCEPT THE TENTH AMENDMENT TO PURCHASE AGREEMENT BETWEEN ACWD AND GREENBRIAR HOMES, INC

A motion was made by Director Koller and seconded by Director Huang.

The motion was passed by the following vote:

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

6 – ACTION CALENDAR

6.1 AUTHORIZATION OF CHANGE ORDER NOS. 1 AND 2 FOR THE CEDAR ARP WELL INTERTIE

On April 8, 2008, the construction contract for the Cedar 2 ARP Well Intertie Pipeline project was awarded to R.J. Gordon Construction, Inc. (R.J. Gordon) in the amount of \$390,446. The project included the installation of approximately 975 linear feet of 14-inch diameter, high density polyethylene pipe within the City of Newark to accommodate the scheduled expansion of the Newark Desalination Facility. The work is now substantially complete.

Change Order No. 1 has been prepared in the amount of \$92,210 for the following work requested by the District: 1) lower approximately 450 feet of pipeline to avoid conflict with existing utilities (\$13,596); 2) stabilize a section of Cedar Avenue by pumping control density fill (CDF) into voids that were located outside of the shored jacking pit excavation at a flood control box culvert crossing (\$32,402); 3) remove buried concrete, including a portion of a building foundation, that was discovered at various locations along the new pipe alignment (\$13,635); 4) perform pipe modifications to accommodate a pipe closure (\$15,995); and, 5) perform other miscellaneous work (\$16,582). There is adequate funding to cover this expenditure.

Change Order No. 2 is required as a result of out-of-scope work and will be reimbursed by the Alameda County Public Works Agency (ACPWA). During July, ACPWA awarded a project to remove a box culvert at the intersection of Filbert Street and Central Avenue in the City of Newark. Subsequently, ACPWA met with the District to evaluate whether protection for an existing 12-inch asbestos cement (AC) water main beneath the culvert would be necessary during the culvert removal process. Due to the close proximity of the bottom of the existing culvert and the water main, District staff recommended replacing a section of the AC pipe with a deeper steel offset. ACPWA agreed with staff's recommendations and requested that the District perform the work on its behalf. Because District field crews are currently very busy and ACPWA needs to complete the work before wet weather, staff requested R.J. Gordon to submit a

proposal to furnish the pipe materials and perform the pipe offset work. R.J. Gordon's proposal includes \$22,405 for materials and \$49,215 for construction and requests fifty (50) additional calendar days as a result of the pipe offset work. Staffs from both ACPWA and the District reviewed the proposal. On September 15, 2008, ACPWA agreed to reimburse the District for all costs related to the offset work. Due to the aforementioned time constraints, staff issued a purchase order to R.J. Gordon to purchase the pipe materials on September 23, 2008. Change Order No. 2, in an amount of \$49,215, is required for the construction work. District staff has evaluated R.J. Gordon's proposal and determined it to be fair and reasonable.

A motion was made by Director Koller, seconded by Director Gunther to, 1) approve Change Order No. 1 in the amount of \$92,210; 2) approve Change Order No. 2 in the amount of \$49,215; and 3) grant a time extension of fifty (50) calendar days to R.J. Gordon Construction, Inc. for the Cedar 2 ARP Well Intertie Pipeline Project, Job 6340.

The motion was passed by the following vote:

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

7 – SCHEDULED ITEMS

7.1 DISTRIBUTION SYSTEM SEISMIC IMPROVEMENT PROGRAM UPDATE

The study findings and recommendations were presented by staff and the District's consultant. The recommendations incorporate previous comments received from the Board at the first workshop on this program, and include a phased approach to implementing the seismic improvement program (SIP). Phase 1 of the program will encompass distribution system hydraulic analyses, refinements to the District's emergency response program, and large diameter pipe upgrades that will enhance the District's ability to stabilize the distribution system, transmit water across the Hayward fault, and help ensure critical customer service soon after a major seismic event. Phase 2 of the program will include the installation of backbone piping in areas subject to landslide or high liquefaction and will also include small diameter pipe upgrades that will minimize the number of pipe repairs required after a major seismic event. Staff will next proceed to develop the appropriate scope, schedule and timing for the Phase 1 Program, as well as a financing plan, for review by the Board at the time that the 25-year Capital Improvement Program is updated in the spring of 2009.

Minutes – October 2, 2008

There being no further business to come before the Board, the meeting was adjourned at 8.10 P.M

Gina Markou, District Secretary

Attest:

John H. Weed, President