

NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS

DATE: January 20, 2010
TIME: 7:00 p.m.
LOCATION: Zone 7 Administration Building
100 North Canyons Parkway, Livermore, California

Any member of the audience desiring to address the Board on an item under discussion may do so upon receiving recognition from the President. After receiving recognition, please step to the podium and state your name and address.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the Zone 7 Administrative Building lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Zone 7 Board Secretary, Barbara Morse, at (925) 454-5007 or fax (925) 454-5724. Notification 48 hours prior to the meeting will enable Zone 7 to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

A G E N D A

1. Call Meeting to Order
2. Salute to Flag
3. Citizens Forum

This is an opportunity for members of the audience to speak on an item not listed on the agenda. The Board cannot deliberate or take action on a non-agenda item unless it is an emergency as defined under Government Code Section 54954.2.

4. Minutes of the Regular Meeting of December 16, 2009
5. Consent Calendar
 - a) Request by Director Stevens for Reimbursement Authorization for Attending Subsidence Seminar
 - b) Approval of Amendment No. 1 to the Delta Specific Project Committee Agreement
 - c) Election of Four Zone 7 Board Members on June 8, 2010
 - d) Request for Out-of-State Travel to Attend Upcoming Association of California Water Agencies DC Conference

Recommended action: Adopt resolutions approving items as presented.

6. Staffing Updates:
 - a. New Employee Introduction
 - b. Employee of the Month Recognition
7. Board of Directors Comments on BART to Livermore Extension Draft Environmental Impact Report and Alternative Alignments

Recommended action: Approve and sign letter.

8. Increase Expenditure Authorization for Bay Delta Conservation Plan Consulting Services Through February 2010

Recommended action: Adopt resolution.

9. Resolution Concerning Board's Intent in Possible Separation from Alameda County

Recommended action: Adopt resolution.

10. Committees

11. Items for Future Agendas—Directors

12. Reports—Directors

- a. Written report by Director Quigley
- b. Verbal reports

13. Staff Reports (Information items. No action will be taken.)

- a. General Manager's Report
- b. Recent & Upcoming Public Outreach Activities
- c. State Legislative: 2010
- d. Staff Report on Recent and Upcoming Conservation Activities
- e. Status Report on Anticipated Partnership Agreement Regarding the City of Livermore's El Charro Specific Plan
- f. Verbal Reports

14. CLOSED SESSION

- a) Conference with Legal Counsel – Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: 1 case

Homebuilders Association of Northern California v. Alameda County Flood Control and Water Conservation District – Zone 7, et al.; Alameda County Superior Court Case No. VG09474043

- b) Conference with Legal Counsel – Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 3 cases

- c) Conference with Labor Negotiators:
Agency Negotiator: G.F Duerig
Employee Organization: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management

15. Open Session and Report Out of Closed Session

16. Upcoming Board Schedule:

(All meeting locations are 100 North Canyons Parkway, Livermore, unless otherwise noted)

- a) Ad Hoc Delta Outreach Committee: January 26, 2010, 4 p.m.
- b) Finance Committee Meeting: February 3, 2010, 3 p.m.
- c) Special Board Meeting: February 3, 2010, 5:00 p.m.
- d) Regular Board Meeting: February 17, 2010, 7:00 p.m.

17. Adjournment

Materials related to an item on this agenda that have been provided to the Board less than 72 hours prior to the meeting are available for public inspection at the Zone 7 office at the time of, and prior to, the meeting and at www.zone7water.com.
All other material otherwise provided to the Board will be available at the public meeting.

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: REQUEST BY DIRECTOR STEVENS FOR REIMBURSEMENT
AUTHORIZATION FOR ATTENDING SUBSIDENCE SEMINAR

SUMMARY:

- Director Bill Stevens expressed an interest in attending the “Groundwater Withdrawal-Induced Land Subsidence in the San Joaquin Valle: A 2009 Perspective” seminar hosted jointly by the Association of Environmental and Engineering Geologists and the Groundwater Resources Association of California in Fresno, California on November 4, 2009.
- Given Zone 7’s ongoing subsidence monitoring under the Groundwater Management Program and the upcoming enhanced groundwater recharge program in the Chain of Lakes, the technical program was particularly relevant.
- Zone 7’s current board policy is to allow directors to attend one ACWA conference per year without seeking approval from the Board for reimbursement of travel and registration expenses. If directors wish to attend additional seminars or conferences, Board authorization must be obtained.
- The conference was held before Board approval could be sought so Director Stevens attended and now seeks retroactive authorization and reimbursement of expenses.

FINANCIAL:

Registration cost for the seminar is \$150. There were also miscellaneous expenses associated with attendance, i.e., mileage and meal. Total miscellaneous expenditures are estimated at an additional \$100. Funds are available from Fund 52-Water Enterprise.

RECOMMEND ACTION:

Approve Director Stevens’ request by adopting attached resolution.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

WHEREAS, Director Bill Stevens had an interest in attending the “Groundwater Withdrawal-Induced Land Subsidence in the San Joaquin Valle: A 2009 Perspective” seminar hosted jointly by the Association of Environmental and Engineering Geologists and the Groundwater Resources Association of California in Fresno, California on November 4, 2009; and

WHEREAS, Director Stevens did attend the seminar before board authorization could be obtained;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control & Water Conservation District does hereby retroactively authorize Director Bill Stevens’ attendance at said conference;

BE IT FURTHER RESOLVED that Director Stevens be reimbursed for actual and necessary expenses associated with his attendance at this event.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a resolution
Adopted by the Board of Directors of Zone 7 of Alameda
County Flood Control and Water Conservation District on

January 20, 2010

By _____
President, Board of Directors

ORIGINATING SECTION: ENGINEERING
CONTACT: KURT ARENDS/VINCE WONG

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Approval of Amendment No. 1 to the Delta Specific Project Committee Agreement

SUMMARY:

- The Delta Specific Project Committee (DSPC or “Delta Committee”) is comprised of members of the State Water Project Contractors Authority (SWPCA or “Authority”) who entered into funding agreements with DWR for cost participation in the Delta Habitat Conservation and Conveyance Program (DHCCP). The DSPC develops policy positions for State Water Project contractors.
- In December 2008, the Zone Board authorized and approved the DSPC Project Agreement and Zone 7 membership in the Delta Committee.
- In order to better guide the state and federal agencies (i.e., California Department of Water Resources and U.S. Bureau of Reclamation) on the development of the DHCCP and Bay Delta Conservation Plan (BDCP), the water contractors of the State Water Project and the Central Valley Project formed a Joint Powers Agency, the State and Federal Contractors Water Agency (SFCWA or “State-Federal Agency”), in August 2009.
- Zone 7’s representation and participation with the State-Federal Agency is via SWPCA (more particularly, via the Delta Committee of SWPCA).
- Amendment No. 1 to the DSPC Project Agreement is proposed in order to allow the Delta Committee members greater flexibility in naming its representatives (directors) to the State-Federal Agency. The amendment would allow General Managers of DSPC member agencies to serve on the State-Federal Agency Board (currently, only Delta Committee officers may serve as State-Federal Agency directors; other Delta Committee members may serve as Alternates).
- Staff recommends approval of Amendment No. 1 and authorization for the Board President to execute it.

FUNDING:

There is no additional cost for this action. DHCCP and BDCP costs are funded 75% from Fund 52 – Water Enterprise and 25% from Fund 73 – Expansion.

RECOMMENDED ACTION:

Adopt the attached resolution to approve Amendment No. 1 of the DSPC Project Agreement and authorize the Board President to execute same.

ATTACHMENTS:

Memo providing additional background and discussion on agenda item
Amendment No. 1 to DSPC Project Agreement
Zone 7 Board Resolution

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Approval of Amendment No. 1 to the Delta Specific Project Committee Project Agreement

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District is a member of the Delta Specific Project Committee ("DSPC" or "Delta Committee") of the State Water Project Contractors Authority ("Authority"), a joint powers agency established pursuant to the California Joint Exercise of Powers Act (Government Code Sections 6500, *et seq.*); and

WHEREAS, on December 17, 2008, by Resolution No. 09-3265, the Zone 7 Board of Directors authorized and approved the DSPC Project Agreement and membership in the Delta Committee; and

WHEREAS, in August 2009 water contractors of the California State Water Project and the federal Central Valley Project created a Joint Powers Agency known as the State and Federal Contractors Water Agency, a party to which is SWPCA acting through the Delta Committee; and

WHEREAS, members of the Delta Committee desire to amend the DSPC Project Agreement to change who can serve as director from the Delta Committee on the Board of Directors of the State and Federal Contractors Water Agency, and Amendment No. 1 has been prepared to effect such change; and

WHEREAS, this Board has determined that it is in the best interest of Zone 7 of the Alameda County Flood Control and Water Conservation District to approve said Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby approve Amendment No. 1 to the DSPC Project Agreement; and

BE IT FURTHER RESOLVED that the President of the Board is authorized and directed to execute said Amendment No. 1 on behalf of Zone 7.

AYES:
NOES:
ABSENT:
ABSTAIN:

I certify that the foregoing is a correct copy of a resolution
Adopted by the Board of Directors of Zone 7 of Alameda
County Flood Control and Water Conservation District on

January 20, 2010

By _____
President, Board of Directors

Interoffice Memorandum

Date: January 13, 2010
To: Jill Duerig, General Manager
From: Kurt Arends, Assistant General Manager, Engineering
Vince Wong, Assistant General Manager, Zone 7
Subject: Approval of Amendment No. 1 to the Delta Specific Project Committee Agreement

The following provides additional background information and discussion on the above-referenced agenda item:

BACKGROUND:

The Delta Specific Project Committee (DSPC or "Delta Committee") was created under the auspices of the State Water Project Contractors Authority (SWPCA or "Authority") in order to make decisions on and provide input to the \$140 million Delta Habitat Conservation and Conveyance Program (DHCCP). The SWPCA Delta Committee provides an effective way to ensure all interested state water contractors can participate in the entire DHCCP process. About 20 State Water Project contractors, representing about 97% of the SWP Table A contract amount, are Delta Committee members.

The DHCCP is managed through the DHCCP Memorandum of Agreement (MOA). The MOA describes how the water contractors are integrated into the process as well as cost allocations among the signatories. MOA signatories include: California Department of Water Resources (DWR), US Bureau of Reclamation (USBR), Santa Clara Valley Water District (SCVWD), San Luis Delta Mendota Water Authority (SLDMWA), Westlands Water District (WWD), Metropolitan Water District (MWD), Kern County Water Agency (KCWA), and the State Water Project Contractors Authority (acting through the Delta Committee). The MOA defines responsibilities for managing the environmental analysis, preliminary design, and preparation of environmental documents. There's also movement to include the Bay Delta Conservation Plan (BDCP) as part of the DHCCP planning efforts.

DISCUSSION:

As provided in the MOA, oversight and management guidance of the DHCCP is provided by an Executive Committee composed of individuals from DWR, USBR, federal water contractors (WWD, SLDMWA, and SCVWD) and State Water Project contractors (MWD, KCWA, SCVWD, and two others as named by the Delta Specific Project Committee). As anticipated in the MOA, the SWP and federal water contractors of the above groups formed a Joint Powers Agency in August 2009 to more effectively provide direction to DWR and USBR on the DHCCP. That JPA is known as the State and Federal Contractors Water Agency (SFCWA or "State-Federal Agency"). The Delta Committee can name two directors and two alternates from its constituent membership (non-MWD, non-KCWA, or non-SCVWD) to the State-Federal Agency Board.

Currently, Section 10 of the DSPC Project Agreement states that only DSPC officers (that is, Delta Committee Directors) can represent the DSPC members on the State-Federal Agency. Amendment No. 1 has been drafted to allow the DSPC Committee Directors to appoint any qualified individuals from its constituent membership to serve as a State-Federal Agency director and alternate. (See the attached December 14, 2009, memo from Mary Lou Cotton for details of the proposed amendment.) For the interim, Steve Robbins (General Manager, Coachella Valley Water Agency) and Vince Wong (AGM, Zone 7) are the two DSPC Committee Directors serving as representatives on the Board of Directors of the State-Federal Agency. Jill Duerig (GM, Zone 7) and Bill Brennan (GM, Central Coast Water Authority) are alternates. After Amendment No. 1 is approved, it is anticipated that Jill and Steve Robbins will be named to serve as the official Directors to the State-Federal Agency board. The amendment must be approved by each DSPC member agency, and it might take a couple of months to get approval from all.

**AMENDMENT NO. 1 TO THE
DELTA SPECIFIC PROJECT AGREEMENT
DELTA SPECIFIC PROJECT COMMITTEE
STATE WATER PROJECT CONTRACTORS AUTHORITY**

Recitals

WHEREAS, the Member of the Delta Specific Project Committee, executed the Delta Specific Project Committee (DSPC) Agreement (Agreement) and;

WHEREAS, the Parties to the Agreement, desire to amend the Agreement to change who can serve as a director from the DSPC on the Board of Directors of the State and Federal Contractors Water Agency.

NOW, THEREFORE, it is agreed by and between the Parties to this Amendment No. 1 to the Agreement as follows:

1. Paragraph 6 shall be amended to read as follows:

"6. Directors: The DSPC shall be governed by a five-person Board of Directors with one Director being appointed by each of the Class A, B, and C Members, and two Directors being annually elected by the Class D Members of the DSPC, which two shall not be representatives of KCWA, MWD or SCVWD. Should any Class A, B, or C Member withdraw from or become ineligible to remain a member of the DSPC, the number of Directors appointed by the Class D Members shall be increased accordingly. The appointing or electing authority may replace a Director at its discretion. The Directors of the DSPC shall elect one of their members as the chair of the DSPC who shall preside at both the meetings of the Board of Directors and the meetings of the DSPC membership.

Each Class may appoint or elect Alternate Directors equal to the number of Directors that the Class appoints or elects."

2. Paragraph 10 shall be amended to read as follows:

10. Participation in State and Federal Contractors Water Agency: The DSPC shall participate with Federal Central Valley Project ("CVP") export water contractors in the operation, and funding, as provided for herein, of the State and Federal Contractors Water Agency ("SFCWA") which is a joint powers agency created under the California Joint Powers Agency law. The Board of Directors of the DSPC shall appoint as the DSPC's representatives and alternates to the SFCWA persons who meet the requirements for directors established by the SFCWA Joint Powers Agreement, with one representative and alternate selected by each of the Class A, Class B and Class C Members, and two representatives and alternates selected by the Class D Members.

3. Paragraph 11 shall be amended to read as follows:

11. Participation in the MOA Executive Committee. The DSPC shall participate with Federal CVP export water contractors, DWR and the Bureau of Reclamation in the activities described in the MOA, and shall appoint the general managers of the Class A, Class B and Class C Members, and two general managers selected by the Class D Members as the DSPC representatives to the Executive Committee established under the MOA.

4. Counterpart: This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 by authorized officials thereof on the dates indicated below:

Date _____

By: _____

Member and Authorized Representative

893287.8

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: JANUARY 20, 2010

ITEM NO.

SUBJECT: ELECTION OF FOUR ZONE 7 BOARD MEMBERS ON JUNE 8, 2010

SUMMARY:

- The terms of four members of the Zone 7 Board (Directors Greci, Kalthoff, Palmer and Stevens) will conclude on June 30, 2010.
- According to provisions in the District Act, the Zone 7 board election will be consolidated with the Direct Primary Election to be held on June 8, 2010.
- The period for obtaining and filing nomination papers will be February 15, 2010 through March 12, 2010. Should any incumbent decide not to file a declaration of candidacy, the filing period for non-incumbents will be extended by five days to March 17, 2010.
- Nomination papers may be picked up at the Zone 7 office in Livermore or at the Registrar of Voters office in Oakland.
- Zone 7 board candidates who wish to have statements of qualification printed on the ballot will be charged the actual costs associated with printing, translating (Spanish and Chinese) and typesetting the statements. All cost figures are provided by the Registrar of Voters and are based on actual costs and the number of registered voters in Zone 7.
- This year the Registrar of Voters is estimating that the cost for a ballot statement will be \$2,368.
- It is recommended that the estimated cost of the statement of qualifications be collected at the time of filing. If actual costs are less than the estimate, candidates will receive refunds. If actual costs are more than the estimate, candidates will be billed for the difference. **There is no charge for candidates who choose not to have a ballot statement.**
- It is recommended that the Board adopt the attached resolution which:
 1. Calls for the consolidation of the Zone 7 election with the Direct Primary on June 8, 2010; and
 2. Establishes the up front cost for candidates who wish to have a statement of qualifications printed on the ballot.

RECOMMENDED ACTION: Adopt resolution.

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: January 20, 2010

ITEM NO.

**SUBJECT: REQUEST FOR OUT-OF-STATE TRAVEL TO ATTEND UPCOMING
ASSOCIATION OF CALIFORNIA WATER AGENCIES DC CONFERENCE**

SUMMARY:

The Board has previously approved Director Dick Quigley and General Manager Jill Duerig's attendance at the Association of California Water Agencies (ACWA) Annual DC Conference to be held February 23-25, 2010 in Washington, DC. This conference provides a unique opportunity to learn about the new Administration and Congress. The conference includes an Executive Branch speakers program as well as a Legislative session where invited members of Congress will address ACWA members and answer questions. Additional speakers will provide an analysis of the first year of the administration and what it may mean for water agencies. ACWA usually arranges one-on-one meetings with local legislators and their respective DC staff which can be extremely beneficial in accomplishing outreach on critical issues, such as the Delta, especially if an agency sends both an elected plus an executive representative, so that contact is made on both levels with legislator and staff.

Unfortunately, subsequent to the Board's approval, General Manager Jill Duerig identified a scheduling conflict that will prevent her from attending the conference. In order to take advantage of this opportunity to make contact with legislative staff, this item requests authorization for Assistant General Manager Kurt Arends to attend the conference in her place. Staff must obtain board approval to attend out-of-state functions.

FINANCIAL:

Registration costs for the annual CSDA conference is \$725 per person plus miscellaneous expenses associated with attendance, i.e., airfare, parking, accommodations and meals, with a total cost estimated at \$2,750 per person. Funds are available from Fund 52-Water Enterprise.

RECOMMEND ACTION:

Adopt attached resolution.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

WHEREAS, General Manager Jill Duerig is not able to attend and Assistant General Manager Kurt Arends has expressed an interest in attending the Association of California Water Agencies (ACWA) DC Conference to be held February 23-25, 2010 in Washington, DC;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control & Water Conservation District does hereby authorize Mr. Arends' attendance at ACWA's DC Conference; and

BE IT FURTHER RESOLVED that Mr. Arends be reimbursed for actual and necessary expenses associated with his attendance at this event.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on

January 20, 2010

By: _____
President, Board of Directors

ORIGINATING SECTION: HUMAN RESOURCES
CONTACT PERSON: TOM HUGHES / GINGER STATON

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: New Employee Introduction

SUMMARY:

We are introducing one new employee to the Board of Directors who has joined the Zone 7 team since our last Board meeting.

Bob Martin, Electrician

Bob Martin joined Zone 7 on January 11, 2010 as an Electrician in the Maintenance Department reporting to Barry Ivy. Bob joins Zone 7 with over 18 years of professional experience as an Electrician and Construction Supervisor. His technical training was completed through the International Brotherhood of Electrical Workers (I.B.E.W.) in Alameda County and he is a Certified General Electrician. Bob's previous work experience is with Harris Electric.

RECOMMENDED ACTION:

Information only.

ORIGINATING SECTION: HUMAN RESOURCES
CONTRACT PERSON: TOM HUGHES

AGENDA DATE: January 20, 2010

ITEM NO:

SUBJECT: Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in December and selected the Employee of the Month for November 2009 according to the established Program Guidelines. The individual chosen out of the submitted nominations is recommended to Management for approval and subsequent announcement to all Agency employees.

Pony Yim, Water Quality Chemist, was chosen as the November 2009 Employee of the Month. Pony joined Zone 7 in August 1993 as a Laboratory Technician and was promoted to the position of Water Quality Chemist in April of 1995. Pony is being recognized for his professional skills and knowledge at Zone 7. His positive attitude and willingness to perform any task is appreciated by all. Lab personnel see Pony as a valuable resource with his excellent troubleshooting skills and knowledge in the field. Furthermore, Pony is described by his co-workers as promoting a feeling of community within the Agency.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Pony Yim as November 2009 Employee of the Month.

ORIGINATING SECTION: ENGINEERING
CONTACT: CAROL MAHONEY

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Board of Directors Comments on BART to Livermore Extension Draft
Environmental Impact Report and Alternative Alignments

SUMMARY:

- On November 5, 2009, the Bay Area Rapid Transit District (BART) released a Draft Program Environmental Impact Report (DPEIR) to evaluate nine alternative alignments for the extension of BART to Livermore.
- Five of the nine proposed alignments travel aerially through portions of the Chain of Lakes over property presently owned by Zone 7 and on property anticipated to be transferred to Zone 7 ownership upon completion of mining.
- Staff attended a public hearing on the DPEIR on December 2, 2009 and requested that the Zone 7 Board of Directors be included in presentations to public officials regarding the BART extension.
- At the December 16, 2009 Zone 7 Board meeting, BART presented information regarding their proposed alignments and their DPEIR. The Board inquired as to the best way to provide feedback on the DPEIR as a governing body and instructed Staff to set up an Administrative Committee meeting to discuss the Board's comments.
- On January 12, 2010, the Administrative Committee met and recommended that the attached comment letter be presented to the full Board for review and approval.
- Comments on the DPEIR are due January 21, 2010.

FUNDING:

No funding necessary.

RECOMMENDED ACTION:

Review, approve, and execute Committee recommended comment letter and direct staff to transmit the letter to BART.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

100 NORTH CANYONS PARKWAY LIVERMORE, CA 94551 PHONE (925) 454-5000 FAX (925) 454-5727

January 21, 2010

Mr. Malcolm Quint
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 16th floor
Oakland, CA, 94612

Subject: BART to Livermore Draft Program Environmental Impact Report (DPEIR)

Dear Mr. Quint:

After careful review and consideration of the Draft Program Environmental Impact Report (DPEIR), the Zone 7 Board of Directors would like to raise the following concerns to your attention:

- 1.) The reclamation of the quarry area for the purposes of water management is the core function of the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation (LAVQAR, November 1981), which is the foundation plan for the Chain of Lakes. This Specific Plan should be reviewed for compatibility with any alignments considered through the Chain of Lakes area.
- 2.) Zone 7 currently owns Cope Lake and is slated to take ownership of Lake H in 2014. Zone 7's future use of these lakes could be impacted by the proposed alignment through the Chain of Lakes. The DPEIR should acknowledge the present and future ownership by Zone 7 of property along the proposed Chain of Lakes alignment.
- 3.) Accordingly, Zone 7 has existing and future facilities planned for the proposed alignment area. The DPEIR should acknowledge that close coordination with Zone 7 on the placement of BART facilities would need to happen prior to the selection a final alignment to prevent undue impacts to Zone 7's future water supply and stormwater management facilities. These facilities include such things as water supply pipelines, groundwater wells, lake-to-lake conduits, diversion structures, pump stations, and other flood protection facilities.
- 4.) The DPEIR has not adequately addressed the geotechnical concerns of slope stability at the Chain of Lakes. Mining activities in the quarry area have significantly altered the soil characteristics of the area. The use of pre-mining soils reports are invalid. Any project level CEQA document will need to explore these concerns in detail and should be seriously considered prior to selection of a final project alignment.

For these reasons, the Zone 7 Board of Directors opposes any alignment that travels through the Chain of Lakes area. The Board appreciates your attention to the aforementioned concerns and the opportunity to comment on the DPEIR. If you have any questions or comments, please feel free to contact Zone 7's General Manager, Jill Duerig for more information at 925-454-5016 or via e-mail at jduerig@zone7water.com. Additional technical comments on the DPEIR will be forwarded by staff.

Mr. Malcolm Quint
San Francisco Bay Area Rapid Transit District
January 21, 2010
Page 2 of 2

Sincerely,

Dick Quigley
Board President, Zone 7 Water Agency

Enclosure

cc: G.F. Duerig, Kurt Arends, Carol Mahoney

ORIGINATING SECTION: ENGINEERING
CONTACT: KURT ARENDS

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Increase Expenditure Authorization for Bay Delta Conservation Plan
Consulting Services through February 2010.

SUMMARY:

- As a Potentially Regulated Entity participating in the Bay Delta Conservation Plan (BDCP) and as the party designated in the BDCP Cooperation Agreement to act as the contract administrator, Zone 7 has entered into several consultant contracts to secure BDCP related services.
- The BDCP process continues to move forward having completed several draft chapters of the Conservation Plan and working on the effects analysis.
- The schedule for completing the BDCP has slipped and a public draft is now scheduled to be released in September.
- In order to perform analysis and prepare documents, the BDCP process relies on consultants for whom Zone 7 is currently the Contact Administrator.
- In August 2009, the Board increased the total authorized amount up to \$9.5 million which was anticipated to be adequate funding through February 2010.
- The work of the consultants has significantly increased over the past few months with a much heavier effort on the effects analysis than originally anticipated. The cost of the current scope of work for the consultants is expected to exceed the currently authorized amount by approximately \$800,000 by the end of February 2010 which is the end of the fiscal year for the San Luis & Delta Mendota Water Authority. This would increase the total authorized amount for BDCP contracts to \$10.3 million.
- Zone 7 is in the process of amending the cost share agreements with the San Luis & Delta Mendota Water Authority, and Mirant Delta to ensure reimbursement to Zone 7.
- In a parallel effort, staff is working to transition the contract administration for the BDCP to DWR under the umbrella of the DHCCP. The goal is to make this transition on March 1, 2010. However, if the transition is delayed, additional authority and cost sharing agreements will be needed to bridge the gap until the transition can be completed.

FUNDING:

The BDCP is funded 50% from Fund 52 – Water Enterprise and 50% from Fund 73 – Expansion. The majority of Zone 7 costs are reimbursed through cost share agreements with DWR, SL&DMWA and Mirant Delta.

RECOMMENDED ACTION:

Adopt the attached Resolution authorizing the General Manager to 1) authorize work and associated expenditures related to BDCP consultant contracts up to \$10.3 million through February 2010; 2) negotiate and execute contracts and/or amendments for services with SAIC and other consultants as necessary in an amount not-to-exceed \$10.3 million; and 3) execute amendments to existing or new reimbursement agreements as needed with the California Department of Water Resources, Mirant Delta, and the San Luis & Delta Mendota Water Authority.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

BE IT RESOLVED, that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to 1) authorize additional work and associated expenditures under existing consultant contracts to complete the BDCP; and 2) negotiate and execute contracts and/or amendments for services with SAIC and other consultants as necessary and selected by the Potentially Regulated Entities. The total not-to-exceed-amount authorized for all BDCP related consulting services is \$10.3 million;

BE IT FURTHER RESOLVED, that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to amend existing agreements or execute new agreements as needed with the Department of Water Resources, Mirant Delta, and the San Luis & Delta Mendota Water Authority to reimburse Zone 7 for costs incurred in connection with the consultant contract(s) referred to above.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a resolution
Adopted by the Board of Directors of Zone 7 of Alameda
County Flood Control and Water Conservation District on

January 20, 2010

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: January 20, 2010

ITEM NO.

9

SUBJECT: Resolution Concerning Board's Intent in Possible Separation from Alameda County

SUMMARY:

- At the January 12, 2010 Administrative Committee meeting, staff presented a verbal report on the status of separating Zone 7 from the County.
- Management has conducted several joint labor meetings to discuss separation possibilities with all four labor unions plus representatives of the unrepresented staff.
- Currently, Zone 7 may only negotiate salaries under the labor agreements because benefits are solely under the purview of the County labor agreements. Therefore, the county has prevented management from holding any direct discussions with bargaining units about future benefits prior to separation.
- The discussion facilitator, IEDA, suggests that typically in such circumstances, the process is that an agency separates from the County, with management and units agreeing to maintain current levels of protections, benefits and salaries for one or two years to allow for negotiations of labor agreements during that period.
- Out of the five groups, ACMEA and unrepresented management staff have expressed support for separation while others are hesitant to give support without knowing more precisely what separation would mean to individual members, citing concerns that management or the Board may push to reduce benefits or protections upon separation.
- To allay staff concerns, and to re-iterate past Board discussions at meetings, the Administrative Committee directed staff to prepare a resolution for the full Board's consideration and possible adoption to state that it is the Board's intent to maintain at least current levels of protections, benefits and salaries for employees if the Zone separates from the county and, to the extent that enhancements are within the agency's financial capabilities, consider those as well.

FUNDING:

There is no funding impact as a result of this action.

RECOMMENDED ACTION:

Adopt attached Resolution.

Attachment: Resolution

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY:

SECONDED BY:

EMPLOYEE BENEFITS

WHEREAS, the Board authorized the General Manager to begin discussions with unrepresented staff and labor unions regarding the separation report and HR/civil service/benefit recommendations; and

WHEREAS, through such discussions certain union members and unrepresented staff cited concerns that management or the Board may push to reduce protections or benefits upon separation;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby declares that it is the Board's intent to maintain at least current levels of protections, benefits and salaries for employees if Zone 7 separates from the County and, to the extent that enhancements are within the agency's financial capabilities, consider those as well.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a resolution
Adopted by the Board of Directors of Zone 7 of Alameda
County Flood Control and Water Conservation District on

January 20, 2010

By _____
President, Board of Directors

1/20/10 Board Written/narrative Comments By Dick Quigley
Recent activity and involvement worth sharing.

On Friday 1/8- I attended the retirement luncheon for Jim Horen. Well attended with friends from all over who had worked with Jim. He will be missed.

On Friday 1/8- I attended the EDA, East Bay Economic Development Alliance Annual Legislative Reception and presentation of the 2009 East Bay Vision Awards. Pat O'Brien, G.M EBRPD, and Joe Callahan, President, Callahan Property Company, received Vision awards. Many elected were in attendance. Our own Boni Brewer joined the group and it was a great networking opportunity.

Monday Jan 11- ACWA Local Government Committee meeting (Tele-Conference). This is a new committee assignment and my first time participating.

Californians to Protect Local Taxpayers and Vital Services is a coalition of public safety, Local government and transportation leaders that filed a ballot measure to stop state Politicians from raiding or borrowing funds dedicated to supporting local government, and, transportation projects.

By preventing state raids of local government and transportation funds, this initiative will protect the vital services that Californians rely on most in their communities like police and fire protection, 9 1 1 emergency response services, public transit and transportation improvements like road safety repairs and traffic congestion relief.

The Local Taxpayer, Public Safety and Transportation Protection Act, scheduled for the November 2010 statewide ballot, would:

Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.

Wednesday 1/13- Attended Alameda County Special Districts (CSDA) chapter meeting at EBMUD headquarters in Oakland. The EBMUD GM and several board members, along with a room of about 40 leaders from 17 County special agencies, were also present. Speaker #2 was Alice Lai –Bitker Pres. Alameda County Board of Supervisors. – “Challenges facing Alameda County in 2010”. Speaker #2 was Erich Figueroa, Calif. League of Cities, “An Overview of Proposals to Restructure California State Government”. A Resolution was passed to support explicitly excluding Special Districts as part of any Constitutional Convention Delegate Process. From the Tri Valley: Jim Kohnen, ACMD; Dan Scannel, DSRSD; Ayn Wieskamp EBRPD; Tim Barry, David Furst, and Mary Alice Faultings were participants. Next event is Thursday, March 25, the annual Banquet in Pleasanton (always a good event to participate in.) Let Jill or I know if would like to attend.

Take Away *Local public agencies and cities are interested and concerned about Cal water issues, legislation and bonds. In order to get the money, the focus may be to first have a united message and a clear, very credible historical story of water and associated resources.*

Other Business- I have visited with Jill D, John G, Steve K (Zone-7) and Tim Barry, David Furst, and Scott Kamena (LARPD) regarding a Liaison ad hoc committee meeting which may happen in the near future. The agenda would be discussing joint issues of mutual concern in these economic times.

If there are any questions on this report please give me a call.

Thanks!

Dick Quigley

ORIGINATING SECTION: ADMINISTRATION

CONTACT: Jill Duerig

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: GENERAL MANAGER'S REPORT

SUMMARY: The following highlights a few of the key activities which occurred during the month of December. Also attached is a list of the GM contracts executed during the month.

Operations:

- The South Bay Pump Station remained offline for the entire month of December. For most of the month, the Del Valle plant was on 100% lake water. With slightly better source water less caustic soda (sodium hydroxide) was needed for corrosion control, which could save some treatment costs. However, later in the month, coagulant doses (ferric chloride) had to be increased to maintain required removal levels of total organic carbon (TOC). This increases both treatment costs and sludge generation. With Patterson Pass Water Treatment Plant offline, the Altamont Pipeline is on line and flowing eastward, to supply portions of the system.
- On December 22nd failure of a 60-inch SBA "surge tank spur line" caused flooding of a vineyard and parking lot at the Wente Brothers Winery. The pipeline rupture occurred on a hillside just above the winery; the water and associated mud slide damaged part of a golf course cart path (pictures attached below). DWR engineers believe water from recent rainstorms or a small pipeline leak saturated earth supporting the pipe, leading to the failure. Unfortunately, the failure also caused a complete interruption of imported state project water to all South Bay Contractors since other portions of the SBA were already offline for the expansion and improvement project. DWR cannot at this time provide an estimated time or cost for the repairs to the damaged section but the scheduled completion of the SBA enlargement and improvement project is still on time and resumption of surface supplies from the aqueduct (not the lake) is anticipated no later than January 11th.
- Following the pipeline failure, both Patterson Pass and Del Valle Water Treatment Plants were offline later in the month and Zone 7 supplied all of its customers with 100% groundwater.
- Frost early in the month caused leaks on the emergency fire pump system as well as one eyewash station at Del Valle. Both the fire system and eyewash station were quickly repaired and placed back in service.

Engineering and Flood Control:

- Progress was made on the sewer hookup between the Patterson Pass Water Treatment Plant and the City of Livermore's wastewater collection system. The sewer agreement is now fully executed and is being processed by the city. This will greatly enhance management of membrane cleaning wastes from the UF plant.

- The latest soil testing results on Line F-4 following the Dublin gasoline spill and cleanup (using three separate applications of a biodegradation augmentation agent) show soil concentrations are still as high as 3000 ppm but with the rainy season upon us, no more work can be accomplished until the spring. Additional testing will be scheduled then.
- DWR's Dyer Reservoir contractor continued reservoir and general excavation, spoil pile and access road construction, and began concrete construction for the settling pond drainage outlet structure. Earthwork operations have been on hold for the majority of the month while the Contractor developed a dewatering plan.
- Staff is reviewing a technical memorandum that explores the alternatives and costs for capturing up to 6000 acre-feet of Vulcan's discharge in Cope Lake and conveying it to Lake I. The least cost alternative utilizes a siphon to convey the water. The estimated costs for the siphon are \$142,000 in capital with \$11,000 annually in operations and maintenance costs.
- During a recent inspection, staff discovered a section of 24-inch RCP storm drain pipe that was separated at the joint near the concrete outfall structure. Some erosion has already taken place around the structure along the Arroyo Mocho near Marilyn Court in Pleasanton. Repairs were completed December 23rd.

Finance & Administration

- The chemical supplier for caustic soda (sodium hydroxide) and sodium hypochlorite announced a downward adjustment of 57.9% for the first six months of 2010. Recently, these chemicals have had the most volatile prices of any used at the Zone.
- During December, staff distributed the first employee newsletter. Contributions were received from each work section and some behind-the-story notes of interest were included. The current plan is to distribute such newsletters at least quarterly.

ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: BONI BREWER

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Recent & Upcoming Public Outreach Activities

Recent Public Outreach Activities

Christmas Bird Count, December 18

Zone 7 provided access to its Chain of Lakes property, as well as some volunteer staff assistance, as part of the first annual Eastern Alameda County Christmas Bird Count, hosted by the Ohlone Audubon Society and the Alameda Creek Alliance. A total of 70 different bird species were identified in the Chain of Lakes area during this event. Birds also were counted at several of the area's regional parks, SFPUC watershed lands, and birding hotspots including lower Mines Road, Sunol Wilderness and Springtown Preserve. Though it was the first Christmas Bird Count for our Valley, it marked the 110th year of an annual nationwide volunteer-based bird survey effort coordinated by the Audubon Society to promote bird conservation and assess long-term trends in winter bird populations. Each count attempts to identify and tally the birds within a defined 15-mile diameter circle during one calendar day.

DWR Road Closure Presentation, Jan. 13

Zone 7 has continued to support DWR's public outreach efforts in connection with this summer's planned road closures related to the South Bay Aqueduct Improvement & Enlargement Project. DWR made a second presentation to the county's Rural Roads Group on Jan. 13 at the Martinelli Event Center. Additional outreach, including to affected property owners, is planned for the closures, which will require permits from Alameda County. The current schedule is for 1) the stretch of Patterson Pass Road from Greenville Road east to S. Flynn Road to be closed to through traffic from June 15-21, 2010, 2) the stretch of Tesla Road from South Vasco Road east to Greenville Road to be closed to through traffic from June 23-29, 2010, and 3) a stretch Mines Road 1.6 miles south of Tesla Road to have a temporary bypass lane for a period of about five weeks following the July 4, 2010 weekend.

Upcoming Public Outreach Activities

"Tooth Fairy" Movie Toothbrush Giveaway, January 23

Outreach staff, along with our popular "Drippy" mascot, will have a water-conservation table set up during the opening Saturday of the new PG-rated children's film, "Tooth Fairy," at Regal Hacienda Crossings 20 in Dublin. We will distribute toothbrushes reminding kids and adults to turn off the water while they brush, along with other water-conservation information. Theater staff invited us to participate in this event following our successful co-sponsorship of the summertime Family Film Festival in 2008 and again in 2009. The "Tooth Fairy" film is expected to run for at least four weeks, and it's possible that we'll be out at the theater on a second date during that period.

ORIGINATING SECTION: Administration
CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: State Legislature: 2010

SUMMARY:

- Zone 7 staff, with the support of the agency's lobbying firm, The Gualco Group, Inc., and the agency's legislative support consultant, Tim Hunt, monitors legislation that is being considered in Sacramento.
- Staff, with recommendations of the agency's lobbying firm, determines a number of bills of interest to Zone 7 for the legislative session.
- Of particular interest to Zone 7 are bills regarding specific water issues, such as Delta sustainability.
- The governor presented his budget on January 8th and also called the Legislature into the 8th special session of the two-year legislative session. This session calls for the Legislature to close the estimated \$6.6 billion gap between revenues and expenses in the current budget with another \$19.9 billion shortfall projected in the next fiscal year.
- Zone 7 management decided, at this time, not to pursue any changes to statute through the Senate Local Government Omnibus Bill of 2010.
- Two bills of specific interest already are before the Legislature.
 - o SB 808 (Wolk) was amended on Jan. 4 to declare the Legislature's intention to extend current law six years to reimburse local agencies for costs incurred to maintain and/or improve project or non-project levees in the Delta. Reimbursement not to exceed 75% of the costs in excess of \$1,000 per levee mile.
 - o AB 1594 (Huber, co-author Torlakson). The bill would prohibit construction of a peripheral canal (Delta conveyance) unless authorized by the Legislature; require an economic feasibility analyst by the Legislative Analyst's Office; and require that the canal's operation not diminish or negatively affect the water rights, supplies or quality of water within the Delta. This is an amendment that she introduced during the water debates last fall. A hearing likely will be scheduled in February after the bill has been published for 30 days.

FUNDING: No funding necessary.

RECOMMENDED ACTION: Information only.

ORIGINATING SECTION: Office of the General Manager
CONTACT: ROBYN NAVARRA

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Staff Report on Recent and Upcoming Conservation Activities

SUMMARY:

Compliance with Best Management Practices: As a signatory to the California Urban Water Conservation Council (CUWCC), Zone 7 made a commitment to implement the cost-effective Best Management Practices (BMPs) for water conservation. The programs included in this plan satisfy this commitment.

High-Efficiency Washer Program: One component of Zone 7's water conservation program is the High Efficiency Washing Machine Rebate Program. This program is increasing in popularity. To date (2010 fiscal year), Zone 7 has processed 204 Tier 2 and 1,340 Tier 3 rebates, which has resulted in a water savings of nearly 25 acre feet in the Zone 7 service area. This program satisfies the requirement of Best Management Practice (BMP) 10.

High-Efficiency Toilet (1.28 gallons per flush) Program: This program is expanding to include Homeowners Associations, multi-family homes and small commercial and industrial businesses and institutions (CII). To date (2010 fiscal year), Zone 7 has processed 442 residential and multi-family rebates, which has resulted in a water savings of nearly 19 acre feet in the Zone 7 service area. To streamline the application process, staff is developing an electronic fill-in rebate that can be printed and mailed or emailed to www.rebates.com. Applications, when received, will be downloaded to a master database to assist staff and our retailers in verifying and eliminating applications; and will also be utilized to produce reports meeting BMP 2 and BMP 9 reporting requirements. This tool will also reduce administrative costs and staff time.

Large Landscape Audit Support Services: Water use surveys provide technical assistance to CII customers to use water more efficiently. To date, 19 surveys are complete and three reports have been distributed to our retailers for final review. This report provides recommendations on ways to increase water efficiency. A financial incentive of up to \$5,000 will be offered to CII customers. The anticipated water savings the first year is 30 acre feet.

Schools Indoor and Outdoor Audit Support Services: Six outdoor audits have been completed. Two reports have been sent to our retailers for final review. This program provides 100 percent funding for large landscape surveys and irrigation hardware replacement, indoor surveys and plumbing fixture replacement. In addition to water savings, high efficiency irrigation equipment upgrades can result in energy savings, reduced runoff, and increased turf quality. This program includes the Weather Based Irrigation Controller rebate program. The anticipated water savings

the first year is 91.4 acre feet. This savings is based on irrigation hardware replacement and four school audits.

Indoor audits will begin later this month. The goal is to complete a minimum of six indoor audits this fiscal year. Implementing water conservation in schools offers two-fold benefits: water is saved at the facility and the students receive practical education and experience on the merits of water conservation. The goal is to evaluate the site and install tamper proof fixtures such as faucet aerators and low-flow showerheads which are proven, inexpensive water saving devices. Offering these to schools in conjunction with site audits will result in significant water savings. The indoor audit and hardware replacement water savings is estimated at 15.6 acre feet.

GreenPlumbers Certification Program: GreenPlumbers classes begin February 16, 2010. The first class is Water Efficient Technologies. GreenPlumbers® is an innovative, national training and accreditation program that assists plumbers in understanding their role in the environment and public health. The organization's goal is to train and deploy a green army of thousands of plumbers to promote the benefits of water conservation and the reduction of GHG emissions. The focus is on changing consumer and plumbing behavior through the use of energy efficiency and water-saving technologies.

Green Business Certification: Staff is working with Alameda County Green Business Program for restaurants and Cafes. The goal is saving energy, water and raw materials; and developing a positive, proactive relationship with local compliance inspectors. The program promotes Green Businesses to the public and other businesses. Recently, staff performed an on-site indoor audit at Wente Vineyard Restaurant & Event Center. Wente has applied for Green Business certification. Currently, Wente meets the energy and raw materials certification. Zone 7 staff is working with Wente to offer incentives and assist their staff in completing the certification.

Alameda County Master Gardeners Training: - Staff has scheduled the five-month weekly classes at Parkside (Thursdays; January 28 – May 13, 2010). Master Gardeners are required to provide minimum hours of volunteer community service each year to maintain certification. Providing Parkside, the training center will support development of a local resource of experts for gardening, water conservation and habitat protection. In addition, the Gardeners could possibly defray the cost for a significant update to the drought-tolerant demonstration garden at Parkside. All classes are 1:30 pm – 6:30 pm and Zone 7 staff will be present at each of the classes. Master Gardeners' Mission: To develop, adapt and extend research-based horticultural information and educational programs to the residents of Alameda County.

FUNDING:

Funding is available in Fund 72–Renewal & Replacement and Fund 73–Capital Expansion.

RECOMMENDED ACTION:

Informational

ATTACHMENTS: None

ORIGINATING SECTION: ENGINEERING
CONTACT: KURT ARENDS/CAROL MAHONEY

AGENDA DATE: January 20, 2010

ITEM NO.

SUBJECT: Status Report on Anticipated Partnership Agreement regarding the
City of Livermore's El Charro Specific Plan

SUMMARY:

- Since late 2006, Zone 7 and the City of Livermore have been discussing the City's plans to develop the area east of El Charro Road, now known as their "El Charro Specific Plan." Around that same time, Zone 7 staff began examining an implementation strategy for our Stream Management Master Plan (SMMP) projects. Many SMMP projects, especially those associated with the Chain of Lakes (R.5-2 and R.5-3), were being evaluated in more detail to identify priorities and evaluate opportunities for partnerships.
- In early 2007, Zone 7 Staff, and subsequently our consultants, began meeting with the City to discuss project alternatives that mutually meet the goals of the SMMP and the El Charro Specific Plan. Zone 7 has spent a considerable amount of staff and consultant time working to this end.
- The City, also, has modified its initial project in terms of scope and size to more collaboratively meet the requirements of Zone 7 for the purposes of financial participation. While the City's project does not directly facilitate stormwater flow into the Chain of Lakes, it does provide a potentially cost-effective alternative to portions of Project R.5-3 proposed in the SMMP.
- Staff anticipates bringing a partnership agreement between Zone 7 and the City of Livermore before the Board in the near future; however, there are still some outstanding items that are being negotiated.
- Attached is a memo providing more detail.

FUNDING:

Fund 76 and Fund 50.

RECOMMENDED ACTION:

Information only.

Interoffice Memo

Date: January 20, 2010
To: Jill Duerig, General Manager
From: Carol Mahoney, Associate Engineer
Subject: Status of Negotiations Between Zone 7 and City of Livermore Regarding Partnership Agreement for Flood Protection Elements in the El Charro Specific Plan

BACKGROUND:

In late 2006, the City of Livermore came to Zone 7 to discuss their plans for developing in the vicinity of the Chain of Lakes as a part of their upcoming El Charro Specific Plan (ECSP). Around the same time, Zone 7 Staff began examining the projects in the recently-adopted Stream Management Master Plan (SMMP), especially those associated with the Chain of Lakes. Meetings between City and Zone 7 staff have since been taking place and have focused on identifying collaborative opportunities. Staff have worked to incorporate the goals of the SMMP projects R.5-2 and R.5-3 with the needs and planned improvements of the City. While the City's project does not directly facilitate stormwater flow into the Chain of Lakes, it does provide a potentially cost-effective alternative to Project R.5-3 as originally proposed in the SMMP.

DISCUSSION:

In the SMMP, Project R.5-3 envisioned a widened Arroyo Las Positas through the golf course area and replacing the existing fish ladder with an at-grade channel. The modified channel was to have the capacity to carry 100-year ultimate flows and contain a diversion with side weir and flow control structure directing water into a diversion channel that would convey flood flows into the Chain of Lakes for temporary detention. Once the storm had passed, a pump station would then pump water back into the Arroyo Mocho channel, a portion of which would need to be widened to handle bypass and pump-back flows. In contrast, the ECSP proposes installation of the flood protection improvements over several phases and would retain the Las Positas Golf Course as a part of the natural floodplain, but would expand its capacity through construction of berms, in lieu of widening the channel in this area.

As mentioned, incorporating SMMP flood protection elements into the City's ECSP would result in completion of the work in phases. Those phases can generally be described as:

- **Pre-Phase 1 Activities:** In advance of the construction of the Jack London Blvd (JLB) extension, a redesign of up to three holes on the Las Positas Golf Course is necessary. This activity will precede the other Phase 1 elements by several months to allow the turf to be established on the redesigned golf course holes. Spoils from this grading activity would be placed along the south side of the golf course (Phase 1 Berm).
- **Phase 1:** Grading would begin on the extension of JLB and the associated flood protection elements. These elements include the excavation of the south conveyance channel, the cast-in-place culverts to carry flows under JLB, and the placement of the north over-back fill (Phase 1 fill).
- **Phase 2:** Completion of the floodwall and levee just south of the golf course to protect the airport from flood flows.
- **Phase 3:** Desiltation of the Arroyo Las Positas between Kitty Hawk Road and Airway Blvd. This phase would also include the locating and construction of a sediment management facility upstream of Kitty Hawk Road.

- Phase 4: Connection of the southern conveyance channel to the Chain of Lakes and installation of the appurtenances, such as a pump station, in conjunction with flood protection operations.

The City's proposed phases ultimately represent the combined efforts of the City and Zone 7 Staff to create a collaborative set of flood protection improvements that meet both the needs of Zone 7 and the City. Although great strides have been made in developing the plans for Phase I, staff is still working to fill in data gaps, craft agreement language, and verify outstanding issues.

This is not a typical reimbursement agreement where a developer builds Zone 7 specified improvements and is then reimbursed the direct cost of those improvements. By working with the City to develop a project that meets the needs of Zone 7 as well as the City and future development, there are many compromises and creative solutions being considered to meet the varying needs of the parties. This may raise policy questions for the Board's consideration and also makes it much more challenging to identify the level of financial contribution warranted by the benefits of the overall project.

Staff is working to draft a Partnering Agreement which will identify the financial commitment of Zone 7 and in turn the facilities to be built by the City, respective maintenance responsibilities, right-of-way considerations, and other conditions of the agreement. While there are still conditions of the agreements which need to be resolved in order to be acceptable to Zone 7 staff, staff anticipates bringing forward a final agreement for the Board's consideration in the near future.