

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

REGULAR MEETING
January 21, 2009

President Palmer called the regular meeting to order at 7:00 p.m. The following were present:

DIRECTORS: SANDY FIGUERS
JOHN GRECI
STEPHEN KALTHOFF
DALE MYERS
SARAH PALMER
DICK QUIGLEY
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
AMY NAAMANI, GENERAL COUNSEL
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
VINCE WONG, ASSISTANT GENERAL MANAGER, OPERATIONS
JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE
TOM HUGHES, HUMAN RESOURCES MANAGER
RHETT ALZONA, ASSOCIATE ENGINEER, WATER SUPPLY ENGINEERING
MARY LIM, ASSOCIATE PLANNER
CHERYL DIZON, ASSISTANT ENGINEER, GROUNDWATER SECTION
BARBARA MORSE, BOARD SECRETARY

Citing the need to rearrange the agenda to accommodate the schedule of Director Myers who may need to leave early, President Palmer stated that the Closed Session would be moved to the front end of the meeting.

The Board immediately went into Closed Session.

Closed Session

- a) 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
- b) Public Employee Appointment
Title: Human Resources & Safety Manager
- c) Conference with Legal Counsel - Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: 1 case
 - 1) Alameda County Flood Control & Water Conservation District, Zone 7, et al. v. California Department of Water Resources, Sacramento Superior Court Case No. 05AS0177
- d) Conference with Legal Counsel –Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 5 cases

Open Session and Report Out of Closed Session—8:30 p.m.

President Palmer stated that there was nothing to report out of Closed Session.

She further stated that in the interests of those waiting for the regular agenda, the Closed Session would resume at the conclusion of the regular agenda.

Item 3—Citizens Forum

Mrs. Margaret Tracy, Livermore resident, provided Zone 7 with an article from the Spring 2005 issue of the *Journal of the Nevada Water Resources Association*, entitled “A Study of Ancient Trees Rooted 36.5 m (120’) Below the Surface Level of Fallen Leaf Lake, California,” by John A. Kleppe. Using data derived from the study of tree rings, the author revealed a major drought which lasted from 850 AD to 1150 AD. Mrs. Tracy felt this should be added to the historical records of climate which are maintained by Zone 7.

Ms. Duerig noted that copies of the report were presented to Directors prior to tonight’s meeting.

President Palmer thanked Mrs. Tracy for the information.

Item 4—Minutes of December 17, 2008

On a motion by Director Kalthoff with second by Director Quigley, the minutes of December 17, 2008 were approved as presented.

Item 5 —Consent Calendar

Director Myers requested that Item 5d be pulled for discussion.

Director Quigley stated that Item 5d was his request to attend the ACWA Washington DC conference in February. He asked that Item 5d be withdrawn from the agenda.

Director Figuers moved for the approval of consent calendar Items 5a through 5c. The motion was seconded by Director Greci, and the following resolutions were approved by a vote of 7-0.

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|------------------------|--|
| Resolution No. 09-3267 | Approving designation of the positions of General Manager, Zone 7; Assistant General Manager Finance, Zone 7; and Accounting Manager, Zone 7, as the agents for Zone 7 in filing information and applications with Federal Emergency Management Agency (FEMA) and OES for the purpose of obtaining grants for disaster relief. (Item 5a) |
| Resolution No. 09-3268 | Approving contract in the total not-to-exceed amount of \$70,000 with The Gualco Group, Inc., to provide advocacy and legislative support services for CY 2009. (Item 5b) |
| Resolution No. 09-3269 | Approving an amendment to the 2006 Memorandum of Understanding to the Alameda Creek Fisheries Restoration Workgroup, and authorizing the General Manager to allocate funding for Zone 7’s portion of the first segment of the Phase 2 flow studies for an amount not to exceed \$40,000. (Item 5c) |

Item 6—Staffing Update. None this month.

Item 7—Arroyo las Positas (ALP) Weir Replacement Project—Adoption of Mitigated Negative Declaration

The Board heard a presentation from Ms. Mary Lim on the ALP Weir Replacement Project and the Proposed Mitigated Negative Declaration that is before the Board tonight.

Project Description:

- The Project will remove an existing concrete sill in the Arroyo Las Positas, located under the North Livermore Avenue Bridge, and replace it with a V-notched concrete weir that will improve the accuracy of the continuous stream flow measurements.
 - Staff is investigating more environmentally friendly options which may eliminate or further reduce the need for concrete.
- Accurate measurement of stream flow is needed for management of groundwater recharge operations, determination of salt loading to the groundwater basin, and calibrating hydraulic models used to evaluate flood protection and to design flood control projects.
- Pursuant to the California Environmental Quality Act (CEQA), an Initial Study/draft Mitigated Negative Declaration (IS/MND) was prepared and distributed for public comment. The IS/MND was mailed on September 5, 2008 to neighbors and interested parties.
 - Comments were received from the California Department of Transportation.
 - Encroachment permit is required to work within Caltrans right of way.
 - Need to conduct cultural resources search.
- The Initial Study found eight potentially significant impacts that can be mitigated to a less-than-significant level; these are temporary construction-related impacts: air quality, biological resources, cultural resources, geology and soils, hazards & hazardous materials, hydrology & water quality, noise, traffic.
- Documentation that this project and its potential impacts have been considered pursuant to CEQA is required for the various permits needed for this work. These permits include a Streambed Alteration Agreement with California Department of Fish & Game; Nationwide Permit from the U.S. Army Corps of Engineers; and a Section 401 Water Quality Certification from the Regional Water Quality Control Board.

Recommended Action:

- Approve resolution which will adopt the Final Initial Study / Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program and authorize the project.
- Following board action, a Notice of Determination will be prepared and filed. This will also mark the beginning of a 30-day period during which the public has a chance to protest this action.

Comments/questions:

In response to a question from Director Kalthoff, Ms. Cheryl Dizon, Project Engineer, stated that the estimated construction cost for this project is \$75,000.

Director Quigley stated that he supported this project. He remarked that he thinks it is important to get pre-1962 data on flow measurements in this area which he believes will show periods when the ALP was dry.

There were no further questions.

Director Figuers moved for the adoption of Resolution No. 09-3270 which will adopt the Final Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program and authorize the Arroyo las Positas Weir Replacement Project. The motion was seconded by Director Greci and passed by a vote of 7-0.

Item 8—Altamont Pipeline Livermore Reach Project Status Report

The Board heard an update from Mr. Alzona on the Altamont Pipeline Livermore Reach Project. The Altamont Pipeline Livermore Reach is a 42-inch diameter pipeline project which will connect the existing Cross Valley Pipeline (near Kitty Hawk Road) to the existing Vasco Pipeline (near N. Front Road). This project represents approximately half of the total Altamont pipeline that will tie into the future Altamont Water Treatment Plant. In addition to connecting the new Altamont Water Treatment Plant, the Livermore Reach also creates a loop within the delivery system, which improves Zone 7's ability to deliver water to eastern Livermore from its existing water supply facilities.

- Construction Contract Awarded to Ranger Pipelines in April 2008 for \$22,800,078.
- Construction started in July 2008, and is on track for substantial completion by June 2009.
- Construction highlights to date:
 - All microtunneling, boring and jacking operations, and carrier pipe installation are complete.
 - Pipeline installations on all off-road areas except for the 400 foot section by Portola (Land Factors – Kent property) are complete.
 - Pipeline installation on Las Positas Road is complete.
 - Pipeline installation is currently being undertaken on Airway Boulevard near Sutter Street.
 - Construction of Vasco and Airport rate control stations is underway.
- As of the end of December, we are approximately 53% through the contract time and approximately 52% of the contract amount has been paid.

Questions/comments:

In response to a question, Mr. Alzona confirmed that the contractor is on target for substantial completion at the end of June 2009 with final completion by early September 2009. He noted that challenges do exist related to utilities in the vicinity of Airway Boulevard, and some redesign may be needed to ensure proper clearance around the pipeline.

Mr. Randy Werner, City of Livermore, stated that while he was pleased with the project, he was concerned with the progress. June is the start of higher summer water demand period, and the City could have difficulties serving water to parts of north and east Livermore if the pipeline is not completed sooner. The City would like to see the pipeline completed sooner and go on line before September.

Mr. Alzona responded that there are approximately 1,200 feet of pipeline remaining to lay provided there are no weather delays. He added that the pipeline could be operational by the end of June 2009 if there are no delays.

Mr. Myers commented that the project seems to be going well, and he congratulated the project team for their good work.

There were no further questions.

Item 9—Committees

- a. Ad hoc Strategic Planning Committee of January 8, 2009. Minutes are available.

Ms. Duerig recapped the meeting. The committee heard a report on how to “plan the strategic plan.” The two options were to use in-house staff or an outside consultant. After hearing the pros and cons of time involvement, cost, etc., the committee decided on option 2, using an outside consultant. The Committee agreed to meet again to review the top two or three proposals which are received and to make a recommendation to the full Board regarding selection of a consultant. Once the consultant has been selected, the Committee agreed that the full Board should receive updates and give direction regarding the strategic planning process.

Item 10—Items for Future Agendas—Directors

Director Stevens requested a future update on the steelhead restoration study to see what we’re spending our money on.

Director Myers requested an item to discuss and clarify which items are appropriate for discussion in closed session.

Ms. Duerig responded that those topics would appear on future agendas.

Director Quigley thanked Mr. Arends and his staff for the recent tour of the demineralization facility under construction in Pleasanton. The facility is nearly finished, and this is an exciting project.

Item 11—Reports—Directors

- a. Written report by Director Quigley
- b. Verbal reports--none

Item 12—Staff Reports (Information items. No action taken.)

- a. General Manager’s Report
- b. Recent & Upcoming Public Outreach Activities

Item 12c—Verbal Reports

Mr. Arends reported on the water supply picture and distributed graphs showing information on Northern Sierra precipitation and California snow water content as of January 20, 2009. Snow water content averages only 55% of normal. The next snow survey is February 1. Precipitation is also well below normal. Our current allocation of 15 percent from the state could go down if there is no more rain.

Item 13—Closed Session

The Board went back into Closed Session at 9:10 p.m.

- a) 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;
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Item 14—Open Session and Report Out of Closed Session

There was nothing to report out of Closed Session.

Upcoming Board Schedule

- a. Regular Board Meeting: February 18, 2009, 7:00 p.m.

There was no further business and the meeting was adjourned at approximately 10:00 p.m.