

MINUTES OF THE BOARD OF DIRECTORS CORRECTED 3-21-13  
ZONE 7  
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
REGULAR MEETING

February 20, 2013

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

DIRECTORS: SANDS FIGUERS  
JOHN GRECI  
A J MACHAEVICH  
SARAH PALMER  
RICHARD QUIGLEY  
ANGELA RAMIREZ HOLMES  
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER  
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING  
TOM HUGHES, ASSISTANT GENERAL MANAGER, ADMINISTRATION  
RHETT ALZONA, SENIOR ENGINEER, FACILITIES ENGINEERING  
COLLEEN WINEY, ASSISTANT GEOLOGIST, GROUNDWATER  
JUDY RECTOR, BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

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**Item 3 – Citizens Forum** - None.

**Item 4 - Minutes of the Regular Meeting of January 16, 2013**

Director Quigley moved and Director Stevens seconded approval of the minutes. The minutes were approved by a voice vote of 5-0 with Directors Figuers and Ramirez Holmes abstaining.

**Item 5 - Consent Calendar**

Director Quigley asked that Consent Item 5(a) be pulled for discussion. He asked about the location of the outfall structure and if there are plans to pull the structure out and change it? Kurt Arends, Assistant General Manager, Engineering, confirmed the location and that there are no plans to take it out.

Director Ramirez Holmes moved to approve Item 5 (a) and Director Greci seconded the motion. Resolution No. 13-4253 accepting an easement (B-2-1) from the City of Pleasanton for an outfall structure and Resolution No. 13-4254 approving the quitclaim of a storm drain easement (B-2-5) were both approved by a voice vote of 7-0.

President Palmer moved to pull Consent Item 5(b) for comment. She noted that this security contract is an example of how important it is for Zone 7 to have control over contracts and purchasing. Potentially Zone 7 could have been without security during this period because of dependence on Alameda County to approve contracts. If Zone 7 had control over our contracts, that kind of “scrambling” would not have happened.

Director Ramirez Holmes asked if Zone 7 staff could request bids instead of Alameda County GSA Purchasing? Tom Hughes, Assistant Manager, Administration, confirmed that Zone 7 staff is starting to negotiate contracts and General Counsel David Aladjem added the clarification if the contract affects the Agency only and not the County.

Director Quigley noted the second bullet in the agenda item concerning the County terminating the agreement for breach of contract and only notifying Zone 7 five days prior to the effective date of the termination.

Director Quigley moved to approve Item 5 (b) and Director Figuers seconded. Resolution 13-4255 was approved by a roll call vote of 7-0.

### **Item 6 - Staffing Updates**

#### **Item 6a – Employee of the Month Recognition**

Ms. Duerig congratulated Karen Newton, Assistant Engineer in the Water Quality Engineering Section at Del Valle WTP, on becoming the December Employee of the Month. Ms. Newton was commended for taking on the responsibility of responding to urgent requests by the Regional Water Quality Control Board concerning NPDES permits and site-specific BMPs plus Standard Operating Procedures (SOPs). The Board recognized and applauded Ms. Newton in absentia.

#### **Item 7 – Award of Contract for the 2012 DVWTP and PPWTP Filter Media Replacement/Replenishment Project**

Mr. Arends gave a brief description of the project and explained how filter media material is lost over time and more than usual last season due to treatment problems. In order to replenish the filter media and return it to the original design depth, this project is necessary before the summer demand for water.

One bid for \$435,732.58 was received. Four other contractors attended the mandatory pre-bid meeting but did not bid. The lowest responsive and responsible bidder, ERS Industrial Services, Inc., has the material in stock, is very efficient, and is highly experienced with water treatment plant filter media projects.

Directors Quigley asked about the filter media model that Zone 7 has and suggested that it be brought back to the Zone 7 North Canyons’ lobby for possible public viewing. Director Figuers reminded Director Quigley that the unit is rather large and not very portable.

Director Ramirez Holmes questioned the advertisement for bid dates (December 26 and January 2) and since those are not work days for the general public, is that normal practice during holidays?

Mr. Arends said that normally they would not advertise for bids during the holidays but they had to push due to timing to get the work done before the end of May when demand picks up for the summer so had to start the process for the project.

Rhett Alzona, Senior Engineer, Facilities Engineering, said that word about the bid went out before the holidays and they had four contractors show up for the mandatory pre-bid meeting so Zone 7 staff did not feel that the timing of advertising affected the bid results.

Mr. Arends also reassured Director Ramirez Holmes that the money was allocated in the Capital Improvement Fund, Fund 72, for regular maintenance planning.

Director Greci moved to approve and Director Quigley second the motion. Resolution No. 13-4256 was approved by a roll call vote of 7-0.

**Item 8 - Committees:** Liaison Committee - January 14, 2013 - minutes  
Water Resources Committee - February 5, 2013 - minutes

Director Ramirez Holmes commented on the Water Resources Committee and the East Pleasanton Specific Plan Task Force. The East Pleasanton Specific Plan Task Force vision addresses water development not water as a resource. Zone 7 Assistant Geologist Colleen Winey is a member of that committee and perhaps she can remind that committee that Zone 7 is overseeing the Chain of Lakes development.

Director Stevens advised that the schedule for a mini Chain-of-Lakes Master Plan is being pushed up to accommodate preparation of staff comments on the Specific Plan.

**Item 8 - Reports - Directors**

a. Verbal comments by President

President Palmer described the difference between an Ad Hoc and a Standing Committee meeting in regards to having a posted agenda, minutes available to the public, and following the Brown Act. Ad Hoc committees meet a few times for a specific purpose and are then dissolved so can dispense with the formalities of the Brown Act. There cannot be a majority of the board on either type of committee or it would be considered a board meeting.

b. Written report by Director Quigley

Director Quigley reported on his February 14<sup>th</sup> ACWA Board meeting at the offices of the San Francisco Public Utilities Commission. The building is LEED (Leadership in Energy and Environmental Design) certified in design with solar, wind turbines, a rain water capture system, recycling of all water that touches the building, and it consumes 55% less energy along with a blend of artwork and educating the public regarding San Francisco water.

ACWA Region 5 has a vacancy and Director Quigley is looking for names of potential candidates.

Director Quigley reported that Region 5 will host a meeting with Region 3, Eastern Sierra, in the spring regarding a watershed approach to management. A Coca-Cola plant at the headwaters of the Mokulume may reveal an interesting story concerning drinks, jobs, and environmental stewardship.

The fall venue may involve Silicon Valley business leadership groups on the importance of water for manufacturing and innovation. Livermore I-Gate and the Labs were mentioned as potential interesting venues. The ACWA strategic plan and regional support on water bond financing was discussed. John Coleman, Vice Chair of ACWA, shared that a September 12<sup>th</sup> Energy Water Summit is being put on by the Bay Water Coalition and that EBMUD now favors storage in the California solution, a new position.

c. Other Directors' Verbal reports

Director Ramirez Holmes attended the California Special District Association's "How to be an Effective Board Member" workshop which included a review of the Brown Act and Ethics Training along with transparency and communication but good discussion on the Board's role and responsibilities.

She was also invited by Daniel Smith, City of Pleasanton's Director of Operations, to tour the Pleasanton Operations Center. He showed her how they do water quality testing in their lab, the state-of-the-art computer maintenance management system, GIS and their ability to use their Smartphones with it as well as real time data and a mobile citizen project.

As a member of the Ad Hoc Communications Committee, Director Ramirez Holmes attended a webinar on "Must Have Communication Protocols - Board & Staff" along with Director Quigley and Acting Employee Services Manager Tom Pico.

She also reported on attending Pleasanton Mayor Jerry Thorne's first State of the City address. One of the Council's priorities is recycled water, especially for expanding landscaping in parks and medians in the commercial districts, and depending less on Zone 7 water.

**Item 9 - Items for Future Agenda - Directors** - none.

**Item 10 - Staff Reports** (Information items.)

- a. General Manager's Report
- b. Outreach Activities
- c. Legislative Update
- d. Report on Water Sales and Connection Fee Revenue
- e. Toxic Sites Surveillance Program Annual Report for 2012
- f. Update Related to the Bay Delta Conservation Plan
- h. Verbal Reports

Ms. Duerig gave two verbal reports:

The Alameda County Supervisors' Transportation and Planning Committee is having a meeting March 5 at County Public Works in Dublin and one of the topics is Zone 7's independence effort. There was a discussion on whether this is a joint meeting and would Zone 7 give a presentation on the advantages and objectives of separating and why independence would be good. It was decided that since it is a public County meeting, it will be better to have individuals present to relay the results of the meeting. Director Figuers urged that there be a limit of three directors present so President Palmer, Director Ramirez Holmes and Director Stevens expressed interest in attending. Director Machaevich agreed that it is to Zone 7's benefit to let the County move forward as requested and let members report back the results of the meeting. Zone 7's e-newsletter was issued with a notice of the meeting and the location.

Ms. Duerig also reported that Zone 7 will host the first annual conference of the Bay Area Flood Protection Agencies Association (BAFPAA). Carol Mahoney is working with Carl Morrison to set up the conference. The idea was to have a conference to talk about flood protection, sedimentation, integrated water resource management and other things in the Stream Management Master Plan. The conference sign-up for attendees and vendors has snowballed and BAFPA has blossomed with Carol Mahoney as its President.

Director Figuers asked several questions regarding staff reports:

- 1) Item 11(d): Treated Water Sales he wants to see a yearly comparison of 2012 sales when compared to the projection and in the future put that comparison in the monthly staff report.
- 2) Item 11 (e): Toxic surveillance - how deep are contaminants in these areas? How wide-spread is the damage and are they below the sanitary seal of the water supply wells? He also asked about the analyses of rate and pathways of contaminate flow and who is doing the geologic models that allow them to do that analysis? Colleen Winey, Assistant Geologist, Groundwater, answered questions and said most consultants come to Zone 7 for geological information.
- 3) Item 11(a): The General Manager's staff report noted that the Department of Water Resources (DWR) would be inspecting the outlet tower and tunnel at Del Valle. Director Figuers asked if it would be possible for him to go on the inspection. Ms. Duerig said she would find out and get back to him.

Randy Werner, City of Livermore, reported under Public Comments that members of the public were grateful water rates did not go up in January.

The Board went into Closed Session at 8:30 p.m.

### **Item 11 - Closed Session**

- (a) Conference with Labor Negotiators:  
Agency Negotiator: G.F. Duerig  
Employee Organizations: 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) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d)(2): 1 case.

- (c) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d)(3): 1 case.
- (d) Conference with Legal Counsel -- Existing litigation (Gov't Code section 54956.9(d)(1). 2 cases.

*Central Delta Water Agency et al. v. California Department of Water Resources et al.*  
(Sacramento County Superior Court No. 34-2010-80000561)

*City of Union City v. Matosantos et al.* (Sacramento County Superior Court No. 34-2013-80001377).

- (e) Conference with Real Property Negotiator:  
Property: APNs 99-525-2, 99-550-2-3, 99-550-3-2, 99A-2700-2-5, 99A-2700-6-6, 99A-2700-9-8, 99A-2700-10, 99A-2700-11-3, 99A-2700-12-6, 99A-2700-12-7, 99A-2420-4-13, 96-420-2, 96-420-3, 96-429-6, 99A-2701-1, 99A-2701-2, 99A-2701-3.  
Agency negotiator: G.F. Duerig  
Negotiating parties: Patliv; PTLM, Inc.; Henry H. Patterson Trust, and Charles Edwards Engs  
Under negotiation: Price and terms of payment.

### **Item 13 - Open Session and Report Out of Closed Session**

The Board came out of Closed Session at 9:50 p.m. There was no report out of closed session.

Director Stevens moved and Director Quigley seconded a motion to approve authorizing the General Manager to negotiate and execute documents for future partnering with the East Bay Regional Park District. Resolution 13-4257 was approved by a 7-0 vote.

### **Item 14 - Adjournment**

The meeting was adjourned at 9:55 p.m.