

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

REGULAR MEETING
August 19, 2015

The following were present:

DIRECTORS: SANDS FIGUERS
JOHN GRECI
JIM McGRAIL
SARAH PALMER
RICHARD QUIGLEY
ANGELA RAMIREZ HOLMES
BILL STEVENS

DIRECTORS ABSENT:

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
OSBORN SOLITEI, ASSISTANT GENERAL MANAGER, FINANCE
RHETT ALZONA, SENIOR ENGINEER, FACILITIES ENGINEERING
ELKE RANK, WATER RESOURCES PLANNER
LINDA VAN BUSKIRK, ACTING BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

Item 1 - Call Meeting to Order

President Palmer called the regular meeting to order at 7:01 p.m.

Item 2 - Pledge of Allegiance

President Palmer led a salute to the flag.

Item 3 – Citizens Forum – None.

Item 4 - Minutes of the Regular Meeting of July 15, 2015

No changes were made to the minutes of July 15, 2015. Director Greci moved that the minutes be accepted and approved. Director Quigley seconded the motion. The minutes were approved by a voice vote of 6-0, with Director Stevens absent.

Item 5 - Consent Calendar

Director Quigley moved for approval of Consent Items 5(a) through 5(c) and Director Greci seconded the motion which was approved by a voice vote of 6-0, with Director Stevens absent.

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| Resolution No. 15-77 | Authorized the General Manager to cast Zone 7's vote for the slate recommended for the Association of California Water Agencies (ACWA) Region 5 Nominating Committee. (Item 5a) |
| Resolution No. 15-78 | Endorsed a task order to conduct polling for advanced water recycling under the Tri-Valley Intergovernmental Reciprocal Services Master Agreement. (Item 5b) |
| Resolution No. 15-79 | Directed the General Manager to negotiate and execute a Memorandum of Understanding (MOU) with the San Luis & Delta Mendota Water Authority (SLDMWA) to delegate authority provided by the Sustainable Groundwater Management Act. (Item 5c) |

Item 6 - Staffing Update

Ms. Duerig introduced two new employees:

Andy Chamberlain is our new Junior Engineer in Flood Control. His recent work includes being a Graduate Student Instructor Assistant at U.C. Berkeley. He has been a Research Technician at the University of Alaska, Fairbanks, and a Team Leader Heavy Equipment Operator with the U.S. Army Reserves. He holds a B.S. in Civil Engineering with a Water Resources emphasis from University of Alaska, Fairbanks and a M.S. in Environmental Engineering with a Hydrology Fluid Mechanics emphasis from U.C. Berkeley. Mr. Chamberlain was present and the Board welcomed him.

Osborn Solitei, AGM of Finance, comes to us from the City of Oakland where he was the Director of Finance and Controller. Prior to that, he worked with Contra Costa County, so he has experience with county and city government. He is currently working on obtaining his CPA credential. Mr. Solitei was present and the Board welcomed him.

Ms. Duerig announced that the June Employee of the Month is Alfonso Yasonia, one of our treatment plant operators. He was nominated not just because he has been a reliable operator for 12 years, but because he is always willing to pitch in, and to keep the plant clean and tidy. The Board applauded Mr. Yasonia in absentia.

Director Stevens arrived at 7:21 p.m.

Item 7 – CEQA Compliance for Stream Maintenance – Priority Projects 2015

Elke Rank, Water Resources Planner in the Water Resources Section, gave a presentation about CEQA compliance for a set of five priority stream maintenance projects which the Flood Control section wants to complete this year. Zone 7 conducts routine stream maintenance every year and many of these require compliance with the California Environmental Quality Act (CEQA) and some of them also require regulatory approvals, meaning permits. The reason these five were identified as priority projects is mainly because of their proximity to structures, such as houses, commercial

property or otherwise.

Site #1 is Line B-5, on the Pleasanton Canal in Pleasanton;
Site #2 is Line G or Arroyo Mocho in Pleasanton;
Site #3 is Line G-1 or Chabot Canal in Pleasanton;
Site #4 is the South San Ramon Creek in Dublin, adjacent to Dublin High School.
Site #5 is Line B, Arroyo de la Laguna in Pleasanton, just downstream of the confluence with Arroyo Valle.

All five of these are bank repairs. They range from about 30 linear feet to 120 linear feet, and in all five cases these are engineered designs. The environmental planners' version of what that means is the failed or eroded material is going to be excavated down to where it still is compacted. Key-ins and boulders will be installed to give it some structural integrity, and then at least a foot of soil will be placed back on top so that it can be replanted with some native grasses or possibly some shrubs. The idea is that in 6-12 months you won't even know that we were there. That type of design is what is required by the regulators.

As is required by CEQA, there was a public comment period. The document was made available by mailing it to interested parties, submitting it to the state clearinghouse (which is the mechanism to get it out to all the state agencies), posting on our website, noticing it in the local newspaper, and placing a copy at the Pleasanton Library with a little more than a 30-day public comment period. Two comment letters were received from other agencies, Caltrans and the Department of Toxic Substances Control. Caltrans was particularly interested in two sites: B5 and Line B. Those areas are right near Interstate 680 and Caltrans may have been confused about whether or not the work was going to be within their right-of-way, which will not happen. Clarification was provided. They were also interested in the cultural resources, so the consultant report was made available to them.

The second letter came from the Department of Toxic Substances Control. They made a comment about testing soils that are being excavated to make sure that we know what is in those soils before they either get reused onsite or before they get hauled away to a landfill or some other location. This is a standard procedure for Zone 7, although it may not have been clear. Zone 7 made minor changes to the MND to address some of the issues raised by Caltrans and DTSC.

Ms. Rank then asked for questions about CEQA or the project.

Director Ramirez Holmes asked Ms. Rank what the plan is to notify the adjacent neighbors and the high school since we will be working behind their fence, especially considering that noise is an impact that has to be mitigated. Ms. Rank replied that the Flood Control section does put up a lot of signage to make sure that it is very clear, especially on the trails. Jarnail Chahal, Engineering Manager, added that we normally notify the neighbors with a letter and/or door hangers a few weeks before the project begins. This will include notifying Dublin High School.

Director Figuers commented that on page 9 under "Proposed Work," at the second bullet under *Construction Mobilization*, there is a statement saying that the riprap will be brought in dump trucks, steel plates will be placed on the road in order to reduce the impact of vibration on neighbors, and then the riprap will be dumped on the steel plates. He stated that just sounds really odd, because when he goes out in the field to do geophysics, if he wants to put vibrations into the ground, he puts a steel plate down and hits the steel plate because it gives very good connection. He stated he has never ever heard of anything like that. Jarnail Chahal replied that Flood Control has used that technique in the

past. Instead of a boulder hitting in one location, it spreads it out a little bit.

Director Ramirez Holmes made a motion to adopt the resolution to approve and adopt the Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, to approve the Project and direct staff to file a Notice of Determination within five days. The motion was seconded by Director Greci. The item passed by a 7-0 roll call vote.

Resolution No. 15-80	Approved a Mitigated Negative Declaration for “Stream Maintenance – Priority Projects 2015”; Adopted a Mitigation Monitoring and Reporting Program; and Approved the Project
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Item 8 – Contract Amendment for HydroMetrics Water Resources, Inc.

Kurt Arends, Assistant General Manager of Engineering, presented Item 8 to the Board, a contract amendment with HydroMetrics Water Resources, Inc. (HMWRI), the existing consultant we have under contract. HMWRI has been doing a large portion of the work updating the groundwater model that our Groundwater section uses. It is basically an underground model for the entire basin. This whole effort has been underwritten by a local agency grant from DWR for almost \$200,000, so a large portion of the cost of this project is being covered by the grant. This item is presented tonight to amend the contract by \$31,000 for additional services we would like the consultant to do. Much of this extra work was driven by changes that have occurred over time. A beta version of the software was utilized at the beginning of the project, but a lot more debugging and programming were required. There is a new version of a piece of software MODFLOW that we use that is coming out, so we want the consultant to be able to assist us in making the conversion and doing programming for the new version of the software coming out and also providing some staff training at the end of the contract to be sure that more than just one of our staff members is able to use the software, update it and put in additional data. Because of the critical dry year 2014, we have extended the amount of data that we have incorporated into the model and calibration to try to capture the extreme events that we are currently going through. Mr. Arends recommended that the Board authorize staff to add \$31,000 to the existing contract for a not-to-exceed amount of approximately \$230,000 and also to extend the time of the contract to June of 2016, which is beyond the completion of the grant work, but that is when staff will be doing the training and implementing additional software upgrades.

Director Quigley asked if Zone 7 will own the software when the project and training are done. Jarnail Chahal, Engineering Manager, said that MODFLOW is in the public domain, with an interface that is licensed.

Director Ramirez Holmes asked if this project is in the CIP and was the funding planned in the budget for this fiscal year? Mr. Arends and Mr. Chahal confirmed that the funding is in this year’s budget.

Director Greci moved for approval to authorize the General Manager to execute a contract amendment that increases the not-to-exceed contract amount to \$230,875 and extends the contract period to June 30, 2016, and Director Quigley seconded the motion. The motion was approved by a roll call vote of 7-0.

Resolution No. 15-81	Directed the General Manager to execute a contract amendment with HMWRI extending the contract period to June 30, 2016 and increasing the contract amount to an amount not-to-exceed \$230,875
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Item 9 – Arroyo Mocho Floodplain and Riparian Forest Restoration Project [Medieros Parkway]

President Palmer noted we have a revised version of Item 9. Ms. Duerig then introduced Rhett Alzona, Facilities Engineering Manager, who heads up our Capital Projects section. Mr. Alzona then gave a detailed presentation on the Arroyo Mocho Floodplain and Riparian Forest Restoration Project and responded to questions from the Board.

President Palmer asked if LARPD has any interest in any of this. Mr. Alzona said staff will work with them. The City of Livermore is the lead agency for the Oak Grove Reserve Master Plan, but it was sponsored by LARPD, so they are both tied in together on it. Zone 7 will have to interface with both groups.

Director Ramirez Holmes understands that the park that we want is the Medieros Parkway because that is where the arroyo is and that is our main focus for flood control. She then asked for clarification as to why would we want the Oak Grove Nature Preserve? What does it have to do with our mission at Zone 7? Mr. Alzona replied that Zone 7 is not paying for the amenities on the Oak Grove Reserve, but we do want to be consistent with the master plan. We are going to manage that site for overall flood detention and not hinder the City's efforts in implementing that master plan. The main focus of the master plan for the Oak Grove Nature Reserve is really recreation, so it will be spelled out in Amendment No. 2. Zone 7's money will be used only for creating the flood features that have been described.

Director Ramirez Holmes commented that the area adjacent to Holmes Street has a lot of litter, a lot of homeless folks at times, and a lot of graffiti. We will now be assuming responsibility for maintenance of that area as part of our ownership as we turn it into something better.

Director Quigley said that having lived and played on that turf for 40 years, he thinks it is a great project that has a long list of attributes. It's part of the Stream Management Master Plan. This kind of project would really rise to the top for getting grants. It certainly is in the floodplain and will work with the new floodplain below the airport. It also helps Zone 7 repercolate and recharge our groundwater basin. He would like to caution staff about the dead trees and asked that we check and see who is going to be responsible for them. Director Quigley also mentioned that there is the Granada Native Gardens on the Mocho right behind Granada High School which is a test case for the right foliage, the flora and fauna that can be replanted along that reach. The high school participates, so it's not only a recreational attribute, but also an educational attribute. He reiterated that this project is special and something we should do.

President Palmer commented that she would love to see this fixed up. She questioned the purpose of the \$5-6 million cost on Years 3 and 4 and if this is going to be shared by any other entity. Mr. Alzona said the bulk of the project is earth work for the detention ponds plus some revegetation. Zone 7 will probably have some levees and a couple of pathways for access. We need to maintain the Arroyo Mocho to give our flood control people access. Right now it is funded completely by Zone 7. Ms. Duerig added that is just for construction of flood related facilities on that site, it isn't the rest of the Oak Grove Master Plan items, and grant funding will be sought to reimburse for that. It is in our CIP.

Director Stevens likened this project to a miniature version of what Zone 7 staff just finished south of the outlets where staff created channel improvements and the city said you can flood our golf course. That's exactly what this is. We're doing all the channel improvements and the city is saying you can

flood our Oak Grove Park. A natural part of the habitat is floods, so it's a team effort. This really enhances our flood protection capabilities because you need to have retention ponds so you don't have that massive amount of water coming down all at one time, and that is the whole purpose of this project. Anytime you detain water upstream, it helps downstream, so even Pleasanton gets a benefit out of it.

Director Figuers and staff discussed the elevation difference between the park portion and the 40-acre parcel and the bed loads after a big storm. Director Figuers suggested that clean out costs should be taken into account. Mr. Alzona said that in the detailed design we are looking at geomorphology and where we are going to collect all the material.

Director Greci is very familiar with that area also and one of the areas on that arroyo that has the most potential to flood also has the most potential for improvement. He thinks this is going to make a lot of people living in that area happy to see something being done flood control-wise by Zone 7 and it has potential to get the most bang for your buck. He agrees with Director Figuers that the sedimentation and build up is inevitable, so there will be some sediment removal as part of the maintenance of our flood control channels. That does happen with retention ponds, that's what they're for, but it will lessen the silt that goes downstream. Director Greci concluded that this is a great project and he is excited to see it take place.

Director Greci moved for approval, and Director Quigley seconded the motion. The items passed after a roll call vote of 6-0-1-0 with Director Figuers abstaining.

Resolution No. 15-82 Approved a contract for Phase-I services for the Arroyo Mocho Floodplain and Riparian Forest Restoration Project; and authorized accepting the Irrevocable Offers of Dedication for Medieros Parkway, and authorized Amendment No. 2 to the existing Recreational Use License Agreement with Livermore.

Resolution No. 15-83 Approved the application for grant funds for the California River Parkways Grant Program and other grant programs

Item 10 – Consider Response to the 2014/15 Alameda County Grand Jury Final Report

President Palmer continued Item 10. She reported that another board member had some serious issues on some of the items which are worth considering, so the Board will be taking some extra time on making sure that everybody gets their input to David Aladjem to make the response reflective in both a truthful and effective way of what needs to go out to the grand jury. We have at least two more meetings that we can discuss this before the response is due to the Grand Jury by September 29, 2015.

Item 11 - Committees

Water Policy Roundtable Meeting – July 22, 2015 - notes

Administrative Committee Meeting – August 11, 2015 – notes

Item 12 – Reports - Directors

- a. Verbal comments by President
- b. Written report by Director Quigley
- c. Verbal reports

President Palmer suggested that as we are looking at issues of openness and public accessibility for our information, she would like the Board to discuss holding the closed session of Board meetings prior to the open session. The Board discussed this and it was decided that beginning with the next meeting, closed session will begin at 6:30 p.m. followed by open session as close to 7:00 p.m. as possible. If more time is needed for the closed session, it can be continued after the open meeting. The Board felt this would improve communication and productivity. More importantly, holding the closed session first gives us the opportunity to report out of closed session to the public already present for the meeting instead of making them wait.

Director Quigley pointed out that there was some web data available in his written report that did not come through when converted. It consisted of information that was put together by Bert Michalczyk and Dan Gallagher at DSRSD regarding LAVWMA Exports flow information. Director Quigley also thanked Ms. Duerig for hosting the annual summer party. He said it was a very nice affair.

President Palmer reported that the Board held its retreat earlier in the week. The Board is looking into options other than what we've been doing in the usual fashion for team building. She suggested that at this point we put a hold on the meeting tentatively scheduled with Dr. Bill Mathis. Director McGrail concurred. Director Ramirez Holmes voiced a concern that a meeting to address some directors' concerns has been promised for a specific closed session item, and this needs to occur.

Director McGrail inquired about the status of Zone 7 board meetings being televised. President Palmer responded that TV30 is working on a proposal. Ms. Duerig added that we are pursuing this. TV30's proposal hadn't reached us in time for the Administrative Committee to discuss and vote on, so once it is received, another Administrative Committee will be scheduled to come up with a recommendation for the full board. Director Ramirez Holmes expressed concern that this item is going to be pushed out. President Palmer said the various proposals should be ready within the next month, and the Board feels this item is very important and it is going to happen soon.

Director Stevens reported that he met with some Sutter Gate Pleasanton people. Consultants gave a presentation on their ground movement study. This is also a City of Pleasanton issue, so Zone 7 and the City are going to work jointly on this with the Sutter Gate people. President Palmer asked Mr. Arends if staff is creating the maps of the Sutter Gate community superimposed on the areas of concern. She described the past history of the area as marshlands. Mr. Arends advised that staff actually superimposed that on the soil map. There is a pretty clear map that shows soil types which has been updated and is on the website. It shows the map with the neighborhood that Director Stevens identified as well as Sutter Gate identified within that area.

Item 13 – Items for Future Agenda - Directors

Director Ramirez Holmes said that at the Board retreat, the possibility of holding some community workshops, perhaps on flood preparedness, was discussed. Several directors mentioned that they would be interested in pursuing that. President Palmer agreed that letting the community know what

Zone 7 is doing in terms of flood preparedness before a problem or issue comes up might be a very good thing to do.

Item 14 – Staff Reports (Information items. No action will be taken)

- a. General Manager's Report
- b. Monthly Budget Report
- c. Legislative Update
- d. Outreach Activities
- e. Drought Update
- f. Verbal Reports

The Board went into closed session at 8:08 p.m.

Item 15 - Closed Session

- (a) Conference with Legal Counsel - Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 3 cases
- (b) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 2 cases
- (c) Conference with Legal Counsel - Existing litigation pursuant to Gov't Code Section 54956.9(d) (1): Alameda County Flood Control and Water Conservation District, Zone 7 v. Pleasanton Gravel Co., Alameda County Case No. HG14724177
- (d) 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.

Item 16 - Open Session and Report Out of Closed Session

The Board came out of Closed Session at 8:42 p.m. President Palmer said that no reportable action had been taken.

Item 17 – Adjournment

The meeting was adjourned at 8:44 p.m.