

**CONTRA COSTA WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING  
August 19, 2020**

**MINUTES**

***CALL TO ORDER***

President Borba called to order a regular meeting of the Board of Directors of the Contra Costa Water District (District) at 6:33 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board.

President Borba announced that the teleconference was being held pursuant to Governor Newsom’s Executive Orders and that she was participating telephonically. The meeting facilitation procedure was provided.

***SAFETY BRIEFING***

Mr. Welch provided a COVID-19 safety briefing.

***ROLL CALL***

Directors Present:	Lisa M. Borba, President (6:33-7:00 p.m.) Connstance Holdaway, Vice President Ernesto A. Avila Bette Boatmun John A. Burgh
Directors Absent:	None
General Manager:	Stephen J. Welch
Legal Counsel:	Douglas E. Coty
District Secretary	Mary A. Neher
Executive Management Analyst	Jamie Elsberry

***PLEDGE OF ALLEGIANCE***

President Borba led the pledge of allegiance.

***ADOPTION OF AGENDA***

The Board adopted the agenda by rule.

***PUBLIC COMMENT (Please observe a three-minute time limit)***

President Borba asked for public comment. There were none.

**CONSENT CALENDAR**

1. Approve Directors' Service/Business and Travel Expenses
  - a. Future Services – August/September 2020
  - b. Expenses – July 2020
  - c. Compensation – July 2020
2. Approval of July 15, 2020 meeting minutes.
3. Approve the warrant register dated August 20, 2020.
4. Authorize execution of an agreement with Water Works Engineers, LLC for professional services for the Water Treatment Plant Improvements Program in the amount of \$150,000 in FY21, with an option for continued services in the amount of \$423,000 in FY22, for a total amount not to exceed \$573,000.
5. ~~Adopt Resolution No. 20-014 authorizing execution of a temporary construction easement to State Route 4 Bypass Authority and a non-exclusive perpetual easement to the City of Brentwood over the Los Vaqueros Pipeline near milepost 2.38.~~
6. Authorize execution of an agreement with AARC Consultants, LLC, to complete the development of a Business Continuity Program Plan and Emergency Operations Plan Update for a total amount not to exceed \$159,985.
7. Authorize execution of an agreement with Anchor QEA for consulting services for the Mallard Slough Dredging Project in the amount of \$365,000.

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. President Borba removed Agenda Item No. 5 regarding the Los Vaqueros Pipeline near milepost 2.38 for separate consideration.

President Borba asked for Board comments. There were none. President Borba asked for public comment. There were none.

Mr. Welch apologized for the audio difficulties experienced during the meeting.

**MOTION:** Boatmun/Burgh to approve the consent calendar, except for Agenda Item No. 5. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

5. Adopt Resolution No. 20-014 authorizing execution of a temporary construction easement to State Route 4 Bypass Authority and a non-exclusive perpetual easement to the City of Brentwood over the Los Vaqueros Pipeline near milepost 2.38.

Due to a potential conflict of interest with this matter for her employer, President Borba recused herself from the meeting and her telephone was muted at 6:42 p.m. Vice President Holdaway assumed the meeting facilitator role for President Borba.

Vice President Holdaway asked for Board questions and comments. There were none. Vice President Holdaway asked for public comment. There were none.

**MOTION:** Burgh/Avila to adopt Resolution No. 20-014 authorizing execution of a temporary construction easement to State Route 4 Bypass Authority and a non-exclusive perpetual easement to the City of Brentwood over the Los Vaqueros Pipeline near milepost 2.38. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Noes: None; Abstain: Borba; Absent: None).

At 6:44 p.m. President Borba's phone was unmuted, and she resumed the meeting facilitator role.

**ACTION**

8. Authorize execution of Amendment No. 2 to the Multi-party Cost Share Agreement for the Phase 2 Los Vaqueros Reservoir Expansion (LVE) Project

Assistant General Manager – Policy and External Affairs Marguerite Patil reviewed the state, federal, and local funding sources for the LVE Project. Amendment No. 2 to the Multi-party Cost Share Agreement requires additional funding from the Local Agency Partners (LAPs) and the District to continue work advancement through December 2021. The amendment will reflect the project participation change by the City of Brentwood (Brentwood). Although Brentwood will no longer be a signatory to the Multi-party Cost Share Agreement, it will pay its share through a separate agreement with CCWD. The amendment will be taken to each LAP's Board for authorization. The terms, scope of work, budget, and cost share changes included in the amendment were reviewed. Staff confirmed that the Technical Review Board (TRB) continues to review the Los Vaqueros Dam design and geotechnical information, which was now at 50% design. There are funding options included in the proforma financial model that the Joint Powers Authority may use to cover LAP cost share that could be rolled into 30-year bonds later. As the LAPs execute Amendment No. 2, CCWD will begin to invoice the LAPs, which will all be paid in full by December 2021. The financial management is ongoing to ensure that adequate cash is on hand to support ongoing work. Carryover and ongoing reimbursement from the California Water Commission (CWC) will provide funding until Amendment No. 2 is executed. The CWC is releasing the retention collected on the LVE Project to date of nearly \$600,000 due to the significant progress on the project and completion of key milestones in the scope of work. The project schedule from September through November 2020 was reviewed.

At 7:00 p.m. President Borba left the Board meeting, and Vice President Holdaway took over the meeting facilitator role. Vice President Holdaway asked for additional Board comments. There were no additional Board comments. Vice President Holdaway asked for public comments. There were none.

**MOTION:** Avila/Boatmun authorize execution of Amendment No. 2 to the Multi-party Cost Share Agreement for the Phase 2 Los Vaqueros Reservoir Expansion Project. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Noes: None; Abstain: None; Absent: Borba).

9. Authorize execution of a contract with R.J. Gordon Construction, Inc. for the construction of the Canal Liner Repairs at Mileposts 4.80, 11.15, and 44.20 Project in the amount of \$1,289,500, with a change order authority of \$128,950, for a total amount not to exceed \$1,418,450.

Mr. Welch reviewed the competitive bid request process. R.J. Gordon Construction, Inc. submitted the lowest responsive, responsible bid that is 28% lower than the engineer's estimate. The contract includes a 10% change order due to the complexities associated with the project located along the Canal.

Vice President Holdaway asked for Board comments. There were none. Vice President Holdaway asked for public comments. There were none.

**MOTION:** Avila/Boatmun to authorize execution of a contract with R.J. Gordon Construction, Inc. for the construction of the Canal Liner Repairs at Mileposts 4.80, 11.15, and 44.20 Project in the amount of \$1,289,500, with a change order authority of \$128,950, for a total amount not to exceed \$1,418,450. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Noes: None; Abstain: None; Absent: Borba).

10. Award of Contract and Professional Services Amendment – Randall-Bold Water Treatment Plant (WTP) Chemical Storage Improvements Project
  - a. Authorize execution of a contract with Pacific Infrastructure Corporation for construction of the Randall-Bold WTP Chemical Storage Improvements Project in the amount of \$1,540,000, with a change order authority of \$123,200, for a total amount not to exceed \$1,663,200; and
  - b. Authorize an amendment to the professional services agreement with Stantec, Inc. in the amount of \$68,000, for a total amount not to exceed \$954,000.

Director Avila requested for the two actions included in Agenda Item No. 10. to be considered separately. Due to a potential conflict of interest, Director Avila explained that he would recuse himself from the discussion and vote on Agenda Item Nos. 10.b. and 11, as his firm has contracts with Stantec, Inc. and AECOM Corporation.

Mr. Welch reviewed the construction work needed for the Randall-Bold WTP Chemical Storage Improvements Project included in Agenda Item No. 10.a. The competitively bid project resulted in the lowest responsive bid being submitted by Pacific Infrastructure Corporation, which is 21% below the engineer's estimate.

Vice President Holdaway asked for Board comments. There were none. Vice President Holdaway asked for public comment. There were none.

**MOTION:** Avila/Boatmun to authorize execution of a contract with Pacific Infrastructure Corporation for construction of the Randall-Bold WTP Chemical Storage Improvements Project in the amount of \$1,540,000, with a change order authority of \$123,200, for a total amount not to exceed \$1,663,200. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Noes: None; Abstain: None; Absent: Borba).

At 7:08 p.m. Director Avila recused himself and left the Board Room.

Mr. Welch reviewed the additional professional services needed by Stantec, Inc. for the Randall-Bold WTP Chemical Storage Improvements Project listed as Agenda Item No. 10.b.

Vice President Holdaway asked for Board comments. There were none. Vice President Holdaway asked for public comment. There were none.

**MOTION:** Boatmun/Burgh to authorize an amendment to the professional services agreement with Stantec, Inc. in the amount of \$68,000, for a total amount not to exceed \$954,000. The motion was approved by roll-call vote (Ayes: Boatmun, Burgh, Holdaway; Noes: None; Abstain: Avila; Absent: Borba).

11. Authorize execution of Amendment No. 4 with AECOM Corporation for Phase 2 Los Vaqueros Reservoir Expansion Dam Design for an amount not to exceed \$4,161,000 for a revised total contract amount not to exceed \$8,410,730.

Engineering Manager Chris Hentz reviewed that the California Division of Safety of Dams (DSOD) is required to approve the LVE Project Dam Design prior to the final CWC funding award hearing, which is currently scheduled in January 2022. AECOM has completed the 50% dam design, which has been reviewed with the DSOD and the TRB. The TRB's design review confirmed that the project is feasible, and the design is well-conceived and

robust. Dam design refinements by AECOM have provided over \$25 million of cost savings, which were driven by changing the location of the additional emergency outlet from a tunnel constructed within the left abutment to using the existing spillway. The first phase of geotechnical investigations is complete. Review of the additional work scope needed to complete the second phase of geotechnical investigations and dam design was provided. By working on the original and Phase 1 expansion, AECOM possesses unique qualifications, extensive experience, and knowledge of the geology and existing dam to support the request for this sole source amendment. The dam design schedule from September 2020 to November 2021 was reviewed. The funding for the work is through the CWC and the LAPs. The FY21-FY22 budget includes sufficient funds to cover anticipated expenditures, which will continue to be monitored to ensure costs do not exceed available funds.

Vice President Holdaway asked for Board comments. There were none. Vice President Holdaway asked for public comment. There were none.

**MOTION:** Boatmun/Burgh to authorize execution of Amendment No. 4 with AECOM Corporation for Phase 2 Los Vaqueros Reservoir Expansion Dam Design for an amount not to exceed \$4,161,000 for a revised total contract amount not to exceed \$8,410,730. The motion was approved by roll-call vote (Ayes: Boatmun, Burgh, Holdaway; Noes: None; Abstain: Avila; Absent: Borba).

At 7:17 p.m. Director Avila returned to the Board Room.

#### **REPORTS FOR DISCUSSION**

##### 12. Schedule Future Meeting Dates and Times

There were no meetings added to the schedule.

#### **REPORTS**

##### 13. General Manager

Mr. Welch reported the District had prepared for the rolling power outages and had backup generators in place at critical points within the service area. The District voluntarily shut down Old River Pump Station to help the state meet energy demands. A review of the fires in and around the Los Vaqueros (LV) Watershed was provided. The LV Watershed is closed at this time. There were no new reported cases of COVID among staff since his last report.

##### 14. Legal Counsel

Mr. Coty provided an update on lawsuits stemming from the State Water Board curtailment of water rights during the 2014-2015 drought using emergency regulations declaring certain uses of water rights as being unreasonable. The Stanford Vina Ranch Irrigation District (SVR) was a subject of these emergency regulations and challenged them. The trial court and appellate court upheld the regulations and curtailment. SVR is petitioning the California Supreme Court to review the appellate court decision. Because the use of an emergency regulation declaration is a short cut around the due process rights of California water rights holders, CCWD has joined the Association of California Water Agencies and a coalition of north and south irrigation and municipal and industrial water contractors and water right holders to request that the California Supreme Court accept the matter for review or order depublication of the appellate court decision.

15. Board

Director Avila reported that he had attended the East Bay Leadership Council (EBLC) Water Task Force (WTF) on August 18.

Director Boatman reported that she had attended the EBLC WTF on August 18 and the ACWA Business Development Committee meeting on August 19.

Director Burgh announced that the both the Other Post-Employment Benefits Plan and the Retirement Plan financial returns had beat the financial benchmarks. He attended the EBLC WTF on August 18. He reviewed an editorial about large state construction projects and requested for the Board to be provided with a copy.

Vice President Holdaway did not have a report.

**ADJOURNMENT**

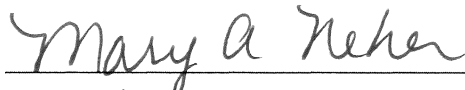
At 7:34 p.m. Vice President Holdaway adjourned the meeting. The next regular meeting of the Board of Directors will be on September 2, 2020 commencing at 6:30 p.m. and will be held by teleconference.



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Lisa M. Borba, President

Attest:



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Mary A. Neher, District Secretary