

NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
January 7, 2014

CALL TO ORDER

President Rodoni called the regular meeting of the Board of Directors of North Marin Water District to order at 7:30 p.m. at the District headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Fraites, Stephen Petterle, Dennis Rodoni and John Schoonover. Also present were General Manager Chris DeGabriele, District Secretary Katie Young and Auditor-Controller David Bentley and Chief Engineer Drew McIntyre.

Novato Resident Josh Thomas, District employees Robert Clark (Operations/Maintenance Superintendent) and Tony Arendell (Construction/Maintenance Superintendent) were in the audience.

MINUTES

On motion of Director Schoonover, seconded by Director Baker and unanimously carried the Board approved the minutes from the previous meeting as presented.

GENERAL MANAGER'S REPORT

MMWD Interconnection Agreement

Mr. DeGabriele advised the Board that on Friday the 10th, he and District legal counsel Bob Maddow will be meeting with Marin Municipal to resolve the final wording on the proposed Interconnection Agreement.

Board Workshop

Mr. DeGabriele reminded the Board that Tuesday, January 14th is the Board Workshop at 6 p.m.

City of Novato

Mr. DeGabriele informed the Board that he and David Bentley will be meeting with the City of Novato and the Golden Gate Bridge District next Wednesday to discuss the city's interest in relocating the District.

Public Policy Facilitating Committee

Mr. DeGabriele informed the Board that on Friday, the 17th, he and Director Petterle will be attending the Public Policy Facilitating Committee meeting.

Oceana Marin Homeowner's Association Meeting

Mr. DeGabriele advised the Board that on Saturday, the 18th, he will be attending the Oceana Marin Homeowner's Association Meeting to review sewer operations and plans for the next fiscal year.

OPEN TIME

President Rodoni asked if anyone in the audience wished to bring up an item not on the agenda and there was no response.

STAFF / DIRECTORS' REPORTS

President Rodoni asked if staff or Directors wished to bring up an item not on the agenda and the following items were discussed:

Mr. McIntyre informed the Board that the District held a pre-bid meeting for the next phase of the Aqueduct Energy Efficiency Project. He noted that there was a good attendance, about 25 contractors, and that there could be 10 potential prime contractors. He stated that he is hoping to get five competitive bids. Mr. McIntyre provided the Board with a quick overview of the next phase and stated that tomorrow the southern aqueduct relocation, near Birkenstock, will have a tie-in shut-down. He advised the Board that District crews and contractors are working well together and there were no surprises with the first tie-in.

Director Baker asked if there have been any issues or glitches with the project. Mr. McIntyre answered none and hopes that it continues to work as well as it has been.

President Rodoni introduced Tony Arendell to the Board and welcomed him to his first official Board meeting as the Construction/Maintenance Superintendent.

CONSENT CALENDAR

On the motion of Director Petterle, seconded by Director Baker and unanimously carried, the following items were approved on the consent calendar:

WINTER 2014 NOVATO WATERLINE TEXT AND LAYOUT

The Board approved the draft text and design for the winter 2014 *WaterLine*, Volume 15, Issue 31. This issue of water line will inform customers of the extremely dry weather conditions persisting since January 2013 causing severely low water storage levels in Lake Mendocino and low water shortage levels in Stafford Lake, and advise customers of the need to reduce water use this winter. It is expected that the winter 2014 Novato *WaterLine* will be mailed in the mid January.

PILOT DISTRIBUTION PROGRAM FOR ULTRA HIGH EFFICIENCY TOILETS

The Board authorized implementation of a Pilot Ultra High Efficiency Toilet Distribution Program. The Pilot Distribution Program will provide a free toilet to replace toilets installed prior to the year 2000. Customers will be asked to call or email to be considered/reviewed for eligibility, placed on an interested customer list, and then contacted with the date and time of the distribution.

ACTION CALENDAR

AEEP/MSN B3 TREE REMOVAL CONTRACT

Mr. McIntyre advised the Board that the next phase of the Aqueduct Energy Efficiency Project requires the District to remove trees along Hwy 101 corridor from the south end of San Antonio Road to Kastania Road to lessen potential sites for nesting birds during the spring and summer. He stated that the District advertised bids in December and received three bids. Mr. McIntyre informed the Board that The Professional Tree Care Company's bid (\$179,975) came in 3% lower than the engineers estimate. He noted that District staff checked out references and looked at The Professional Tree Care Company's experience and everything checked out well. Mr. McIntyre advised the Board that the trees are required to be cut down within four weeks. He stated that staff recommends awarding the contract to The Professional Tree Care Company.

Director Fraites asked what the ratio of trees removed to restored would be. Mr. McIntyre stated that the ratio would be 1:1 for native trees removed.

Director Baker asked if just the trees were being removed or the stumps as well. Mr. McIntyre stated that the stumps will be removed as part of the pipeline project contractor.

President Rodoni asked if this project will be reimbursed by CalTrans. Mr. McIntyre said most of the tree removal will be reimbursed.

On motion of Director Fraites, seconded by Director Schoonover and unanimously carried, the Board approved award of contract to The Professional Tree Care Company and authorized the General Manager to execute an agreement with The Professional Tree Care Company.

CHANGE ORDER NO. 6 – ESA FOR BIOLOGICAL MONITORING SERVICES

Mr. McIntyre informed the Board with the approval of the tree removal contract for the Aqueduct Energy Efficiency Project, a condition of the regulatory permits is to have a biological monitor on-site primarily to insure that no-red legged frogs are negatively impacted as a result of the tree removal project. He stated that since the District already has Environmental Science Associates (ESA) under contract for various environmental consulting work, staff requested a cost

proposal from ESA to provide a biological monitor. Mr. McIntyre advised the Board that staff is requesting an additional \$30,000 to the current contract with ESA for this effort.

On motion of Director Schoonover, seconded by Director Baker and unanimously carried the Board authorized the General Manager to execute Change Order No. 6 to ESA to perform biological monitoring services for the AEEP/MSN B3 Tree Removal project in the amount of \$30,000.

RECYCLED WATER EXPANSION PROJECT – APPROVE CONTRACT AMENDMENT NO. 2 – THE COVELLO GROUP

Mr. McIntyre informed the Board that The Covello Group has been providing construction management services for the South Service Area Phase 2 construction Project and staff is requesting a second Amendment to cover Covello's remaining cost for front-end specification review. He noted that additional cost for the services would be \$9,500.

On motion of Director Schoonover, seconded by Director Fraites and unanimously carried the Board approved Amendment No. 2 to The Covello Group's Contract for Construction Management of the Recycled Water Expansion Project in the amount of \$9,500.

RECYCLED WATER EXPANSION SOUTH SERVICE AREA PHASE 1B PROJECT – APPROVE CONTINGENCY INCREASE TO \$210,100

Mr. McIntyre informed the Board that when staff was closing out the Recycled Water Expansion South Service Area Phase 1B project staff approved Change Order No. 31 to Disney Construction prior to obtaining Board approval since the sum of the approved cumulative change orders exceed the Board approved contingency limit. He noted that the total project cost including change order no. 31 was including with the final project cost given to the Board in August. Mr. McIntyre advised the Board that the change order is for additional pavement striping that occurred and the contingency would now be \$210,100. Mr. McIntyre stated that the Disney dispute has been slowed down in communication because there has been discussion between legal counsel that reconciliation might occur with no mediation but nothing has been decided yet.

On motion of Director Petterle, seconded by Director Schoonover and unanimously carried the Board approved the contingency increase to \$210,100 for Change Order No. 31.

President Rodoni asked if the Board could receive a report on the Disney Construction settlement. Mr. McIntyre stated that he does not have any new information currently, but as soon as staff has new information he will bring it back to the Board.

AGREEMENT WITH NUTE ENGINEERING FOR PREPARATION OF THE MARIN COUNTY CLUB GOLF COURSE RECYCLED WATER FEASIBILITY STUDY UPDATE – 2014

Mr. McIntyre reminded the Board of the Recycled Water feasibility study completed over 10 years ago for service to the Marin County Club Golf Course (MCGC) He said with the lack of rain this fall the golf club has renewed interest to update the study to reflect the best information regarding recycled water and what the terms, costs and options would be. Mr. McIntyre stated that staff asked Nute Engineering for a cost proposal, which would be paid by the Marin County Club, to update the Recycled Water Feasibility Study. Mr. McIntyre believes that if the Marin County Club goes forward with obtaining recycled water it would happen in 5-10 years.

Director Baker asked if there has been dialogue with MCGC representatives regarding paying or sharing the eventual construction costs to provide recycled water.

Mr. McIntyre stated that the Marin County Club would most likely piggyback on the Central Service Area Expansion which should be completed in 4-5 years.

On motion of Director Schoonover, seconded by Director Petterle and unanimously carried, the Board authorized the General Manager to execute an agreement with Nute Engineering in the amount of \$10,000 for preparation of Marin County Club Golf Course Recycled Water Facilities Study Update.

REVISED REGULATION 6

Robert Clark reminded the Board that Regulation 6 – Cross Connection and Backflow Protection for Potable Water Service was reviewed initially on November 19th. He noted that District legal counsel has reviewed the revised regulation as well. Mr. Clark stated that the revised regulation includes reference to Title 17 of the California Department of Public Health Code of Regulations and a paragraph describing non-compliance and device tampering penalties plus discussion of customer responsibilities and updated installation costs.

President Rodoni stated that it is unclear how this revised change applies or doesn't apply to a device that is currently serviced by the District.

Mr. Clark said that the District has inspected all District owned devices and if a device fails testing the device is repaired or replaced and charged to the customer. He noted that if the customer owns the device, they would have 45 days to repair it.

President Rodoni stated that he believes most customers do not realize they are responsible for the backflow device and that the District should notify the customer if they own the device and are responsible for maintaining it.

Mr. Clark stated that District staff has developed a manual for the backflow devices and the manual includes a paragraph that will notify the customer about the device, who owns it, why it's there and that a letter is required to be signed and returned to the District stating their compliance.

Director Baker asked how many devices were in Novato. Mr. Clark stated about 3,000 devices. Director Baker asked how many of the 3,000 devices are District owned. Mr. Clark stated about 50%.

On motion of Director Petterle, seconded by Director Fraites and unanimously carried, the Board approved the revisions to Regulation 6 – Cross Connection and Backflow Protection for Potable Water Service.

INFORMATION ITEMS

PREPARING FOR DRY YEAR CONDITIONS

Mr. DeGabriele provided the Board with an extensive report on preparing for dry year conditions. He stated that rainfall in Novato this fiscal year through December 31st is at just over 2" and on Lagunitas Creek rainfall at the Kent Lake rain gauge is just under 3". Mr. DeGabriele provided the Board with a chart that included a table comparing rainfall in 1976/77 and 2013/14. He stated that there is still time for a "miracle March" to occur although there are no visible changes in ocean conditions and the long range forecast does not predict rain until mid-February. Mr. DeGabriele informed the Board that Lagunitas Creek is now under dry year conditions and beginning April 1st, North Marin must inform customers of a water shortage emergency public hearing and contingency measures in the West Marin *WaterLine*. He stated that from April 1st through June 30th, the District will request a 15% voluntary reduction in water use, and from July 1st through November 1st, the District is to request a 25% mandatory reduction in water use. Mr. DeGabriele advised the Board of an alternative method to address West Marin and Lagunitas Creek reductions where the District can purchase water from Marin Municipal Water District for release and diversion downstream.

President Rodoni asked if request would impact the contingency plan.

Mr. DeGabriele stated that it would add more flexibility and would allow for better operations. He asked that the Directors get familiar with the contingency plans and if the Board and staff need to make adjustments they can do that.

Mr. DeGabriele advised the Board that the Russian River water supply system is currently designated as normal pursuant to the State Water Resources Control Board Decision 1610, yet Lake Mendocino storage has dropped so low that the State Board has authorized lower stream flows. He informed the Board that through December 31st, Lake Sonoma holds just over 167,000AF, which the water contractors believe is ample to supply the regions needs this summer. Mr. DeGabriele advised the Board that the Sonoma Marin Saving Water Partnership has issued a press release requesting community members to eliminate all unnecessary outdoor irrigation, promoting a new outreach program and designed new advertisements which will be seen in the newspapers in the coming weeks.

Mr. DeGabriele informed the Board that staff has made a proposal to Marin Municipal to back feed Russian River water into Stafford Lake. Mr. DeGabriele mentioned to the Board that it might be worthwhile to suggest to Marin County Parks and Indian Valley Golf Course to backfeed Stafford Lake as well.

Director Baker asked when the last time the District backfed into the Lake. Mr. DeGabriele stated in February 2009. He noted that once the District started backfeeding it began to rain.

Mr. DeGabriele stated that he believes the District is doing a good job so far having a message on the District's website, Facebook page, news releases have gone out and the winter *WaterLine* will be going out next week asking customers to turn off all unnecessary irrigation.

President Rodoni asked if there were current restrictions on the Marin County Parks and Indian Valley Golf course where they are unable to take more water from Stafford Lake.

Mr. DeGabriele stated that the park intake has bottomed out and they have trouble with irrigation but the golf course made an improvement with their well and pump system making it more reliable.

President Rodoni asked if there was a limit to what they can pump. Mr. DeGabriele stated that the District has the authority to impose restrictions on pumping.

Josh Thomas, Novato resident, stated that in the view of the present drought conditions he believes the District should make the water restrictions mandatory instead of voluntary and asked the reasoning behind not making it mandatory.

President Rodoni asked if Mr. Thomas wanted mandatory restrictions to be immediate.

Mr. Thomas stated that the District needs to deal with the conditions currently and immediately request mandatory restrictions.

Mr. DeGabriele stated that it is still early January and Lake Sonoma still holds 167,000AF of water supply and that it would be able to provide water for all contractors from Windsor to MMWD if needed.

Director Petterle stated as a consumer he is a strong water conservation advocate and he believes that customers are not hearing the message the District is sending and the restrictions get imposed and the customers don't conserve.

Mr. Thomas stated that according to the Marin Independent Journal the county is in severe drought conditions and he doesn't believe customers would have an outrageous reaction to impose mandatory restrictions as long as the Board emphasizes the need to protect a continued water supply.

President Rodoni asked if the water use was typical for the winter. Mr. DeGabriele replied that it was higher than typical winter uses.

Director Petterle reminded the Board that the District has a plan in effect.

Director Schoonover stated that the District cannot rely on Lake Sonoma and the District needs to do more outreach to the public letting them know what the District is planning on doing.

Mr. DeGabriele advised the Board that staff will continue to keep the Board apprised as the weeks proceed.

TAC MEETING – JANUARY 6, 2014

Mr. DeGabriele provided a quick summary of the January 6, 2014 Technical Advisory Committee Meeting. He stated that David Guhin from the City of Santa Rosa is the new TAC Vice Chair and Damien O'Bid is now the budget subcommittee chair. He informed the Board that there was a budget subcommittee and TAC ad hoc meeting where they spoke about the storage conditions and he requested an allocation model on how the water would be distributed to the various contractors should there be a water shortage.

Director Petterle requested updates on the water shortage issue at every meeting.

NBWA MEETING – JANUARY 3, 2014

Director Fraites informed the Board that Carrie Pollard presented the Sonoma Marin Saving Water Partnership annual report and other speaker spoke about the Corte Madera sea level rise and how the Bay Area can deal with the sea level rise and what damages may occur. He noted that several organizations are coordinating efforts to study ways to deal with this issue for the future.

CITY OF NOVATO PAVING MORATORIUM, MEASURE A GROUP 5

Mr. McIntyre reminded the Board that the District sends out notices once a year regarding the city or county paving improvement projects. He noted that over 600 letters were sent out this year.

Director Baker asked if the City of Novato sent out a letter as well.

Mr. McIntyre stated that the City did send a letter as well, but the District sent out another letter to have a better form of communication.

MISCELLANEOUS

The Board received the following miscellaneous information: Disbursements and CDPH Grant Letter.

The Board also received the following news articles: County retool of water policy, Public Meeting slated on 15-Year Russian River Plan, Robert Giacomini Dairy Honored for Love of its Land, Dry year spurs new conservation orders for 2014, State Water Resources Board Approves Temporary Urgency Change Petition, PD Editorial: Time for action on saving water, and Water officials cut Russian River releases from Lake Mendocino.

Mr. DeGabriele advised the Board that the District received really good news from the California Department of Public Health stating that the District was granted \$1.486M for the Gallagher Pipeline Project. He congratulated Drew McIntyre and staff for the hard work and effort to obtain the grant.

Mr. DeGabriele recommended adjourning the meeting in memory of Bill Melson a retired District employee.

Director Baker stated that he was a dedicated, generous, wonderful person.

ADJOURNMENT

President Rodoni adjourned the meeting in memory of Bill Melson at 8:56 p.m.

Submitted by

A handwritten signature in black ink, appearing to read "Katie Young". The signature is fluid and cursive, with the first name "Katie" written in a larger, more prominent script than the last name "Young".

Katie Young
District Secretary