

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
December 4, 2012**

**CALL TO ORDER**

President Petterle 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 Rick Fraites, Dennis Rodoni and John Schoonover. Also present were General Manager Chris DeGabriele, District Secretary Katie Young and Chief Engineer Drew McIntyre. Director Jack Baker arrived at 7:32 p.m.

Steve Wrightson of The Covello Group, Meadow Park Hamilton Homeowners Anne Sommer, Janis West, Anne Marie Kambly, Sherry Sweet, and Susan Derana, Meadow Park Homeowner's Association Board Member, Roger Burstrem, North Marin Water District Employee Association Representatives, Kerry Lemos, Brad Stompe, and Nancy Williamson, District employees Renee Roberts (District Secretary), Robert Clark (Operations/Maintenance Superintendent) and Doug Moore (Construction/Maintenance Superintendent) were in the audience.

**REORGANIZATION OF BOARD**

**Election of President**

On motion of Director Schoonover and seconded by Director Rodoni and carried by the following vote, the Board elected Director Fraites as President of the Board for the ensuing year:

AYES: Directors Petterle, Rodoni, Schoonover

NOES: None

ABSTAIN: None

ABSENT: Director Baker

**Election of Vice-President**

On motion of Director Schoonover and seconded by Director Petterle and unanimously carried, Director Rodoni was elected Vice-President of the Board for the ensuing year.

**Establishment of Meeting Times and Place**

On motion of Director Petterle and seconded by Director Rodoni and unanimously carried, the Board set the time and place of regular meetings to be the first and third Tuesday of each

month at 7:30 p.m. at the District office, and that the Board will hold one meeting annually in West Marin with additional West Marin meetings to be scheduled on an as-needed basis.

#### Establishes the Manner of Calling Special Meetings

On motion of Director Rodoni and seconded by Director Petterle and unanimously carried, the Board approved special meetings of the Board to be held as provided in Section 54956 of the Government Code.

#### Appointment of District Officers

On motion of Director Schoonover and seconded by Director Petterle and unanimously carried, the following District officers were appointed for the ensuing year: Chris DeGabriele, General Manager; Katie Young, District Secretary; David L. Bentley, Auditor-Controller; and Drew McIntyre, Chief Engineer.

#### Confirm Board Meeting Schedule for 2013

On motion of Director Rodoni and seconded by Director Baker and unanimously carried, the Board accepted the proposed meeting schedule for the 2013 calendar year with the understanding that the calendar may be adjusted as needed.

#### Committee Appointments

President Fraites stated that he will take committee appointments into consideration and will return to the Board with his recommendations at a future meeting.

### **MINUTES**

On motion of Director Schoonover, seconded by Director Petterle and unanimously carried the Board approved the minutes from the meeting of November 20, 2012 as presented.

### **GENERAL MANAGER'S REPORT**

#### Sexual Harassment Training

Mr. DeGabriele informed the Board that District staff participated in mandatory sexual harassment and violence in the workplace training which is required to be completed every two years.

#### ACWA Conference

Mr. DeGabriele advised the Board that he will be attending the ACWA Conference in San Diego from Wednesday through Friday and Drew McIntyre will be the acting General Manager in his absence.

### Miles Ferris Retirement

Mr. DeGabriele informed the Board that on Monday, December 10<sup>th</sup> he will be attending a farewell party for Miles Ferris who is retiring from the City of Santa Rosa.

### **OPEN TIME**

President Fraites asked if anyone in the audience wished to bring up an item not on the agenda and the following item were discussed:

District's Employee Association Representative Kerry Lemos addressed the Board regarding the Association's concerns about the salary/benefit negotiations. He asked that the Board consider not making salary package cuts because the proposal has the potential to save the District money in the future with several possible senior employees retiring.

### **STAFF / DIRECTORS' REPORTS**

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

#### Weekend Storm

Doug Moore informed the Board that the District did not have any problems occur as a result of the weekend storm.

Robert Clark stated that because of the recent storms, Stafford Lake collecting runoff and is currently at elevation 185 ft. He stated that throughout the storm there were minor PG&E impacts. Mr. Clark informed the Board that the Stafford Treatment Plant did lose communication from the storm but it has been restored.

#### Holiday Party

Director Baker expressed his appreciation for the opportunity to attend the District's Holiday Party and stated that it was a nice time celebrating Renee Roberts's retirement.

### **ACTION CALENDAR**

#### **APPROVE: NOTICE OF COMPLETION RECYCLED WATER EXPANSION NORTH SERVICE AREA SEGMENT 2 PIPELINE CONSTRUCTION PROJECT (RANGER PIPELINES, INC.)**

Mr. McIntyre informed the Board that the Recycled Water Expansion North Service Area - Segment 2 project has been completed by Ranger Pipeline and presented the Notice of Completion

to the Board. He stated that all of the obligations including punch list items have been completed. He continued to state that once the Notice of Completion is filed, the District would make the final payment to Ranger Pipeline.

On motion of Director Petterle, seconded by Director Baker and unanimously carried, the Board authorized the General Manager to execute and file a Notice of Completion for the Recycled Water Expansion North Service Area – Segment 2 project.

**APPROVE: RECYCLED WATER EXPANSION PROJECT SOUTH SERVICE AREA- URS CONSTRUCTION MANAGEMENT SERVICES CONTRACT TERMINATION**

Mr. McIntyre reminded the Board of the problems that have occurred in the Recycled Water Expansion Project South Service project and stated that the District takes full responsibility for addressing the challenges, including addressing the customers' concerns and that the District is taking appropriate actions to make changes. He stated that URS Construction had the construction management contract with the District to complete Phases 1 and 2 of the South Service Area. He informed the Board that in order to do everything necessary to minimize the likelihood of similar situations repeating during the Phase 2 project construction, staff recommends that the contract with URS for construction management services be terminated.

On motion of Director Rodoni, seconded by Director Baker and unanimously carried, the Board authorized the General Manager to terminate the agreement between URS Corporation and the District for Phase 2 construction management services for the Recycled Water South Service Area Project.

**APPROVE: RECYCLED WATER EXPANSION TO NORTH AND SOUTH SERVICE AREA PROJECTS- AMENDEMENT TO THE COVELLO GROUP'S CONSTRUCTION MANAGEMENT CONTRACT**

Mr. McIntyre informed the Board that there were additional costs for the construction management services in the North Service area. He stated that to date The Covello Group has expended \$55,300 on additional costs above and beyond the original contract related to the North Service Area Recycled Water Expansion construction project. He continued to state that some of the additional items which resulted in extended construction duration were: Plum Street Tank corrosion, extended geotechnical and compaction testing services, night work requiring two shifts per day and contaminated soil and groundwater.

Mr. McIntyre stated that with the termination of the URS Corporation contract, the District needs another construction manager and recommends The Covello Group perform those services for the Recycled Water Phase 2 project. He said that the District has had good success with The Covello Group. Mr. McIntyre informed the Board that the additional cost for the South Service Area

tasks already performed would cost \$14,700 plus an additional \$270,386 for South Service Area Phase 2 construction management services; therefore, the total amended contract proposed for The Covello Group is \$340,386.

On motion of Director Rodoni, seconded by Director Schoonover and unanimously carried, the Board authorized the General Manager to execute Amendment No. 1 between The Covello Group and the District for Recycled Water North and South Service Area construction management services in the amount of \$340,386.

### **INFORMATION ITEMS**

#### **UPDATE- RECYCLED WATER SOUTH SERVICE AREA CONSTRUCTION CONTRACT- PHASE 1B AND IMPACT ON MEADOW PARK HAMILTON COMMUNITY**

Mr. DeGabriele informed the Board that since the last update on November 6<sup>th</sup>, the Board has awarded that Argonaut Construction the contract to complete the Phase 2- Recycled Water South construction and that the Board has authorized a consulting services contract with Data Instincts for public outreach to the Hamilton Community for the remaining Phase 2 of the Recycled Water South Service Area Project.

Mr. DeGabriele said that staff has also issued two purchase orders to Cagwin & Dorward, the Homeowners Association (HOA) landscape contractor, one to perform a systems check of irrigation zones and controllers, and another to furnish and install replacement landscaping in areas of the Meadow Park community. He informed the Board that Disney Construction is completing punch list work in the next couple of weeks and the District anticipates that the project will be closed out by end of December with the final completion notice for Phase 1b to be considered by the Board at the January 15<sup>th</sup> meeting.

Mr. DeGabriele stated that a concern of the Board was why utilities were so impacted. He stated that Mr. McIntyre and staff went through and identified unmarked and marked utilities and that most of the utilities damaged were not marked, 14 of which were the City of Novato's, and HOA irrigation lines.

Director Baker requested information on how Underground Services Alerts (USA) works. Mr. DeGabriele replied that USA is a service whereby all contractors must contact local utilities to come out and mark and locate underground service lines, pipes, etc. before construction begins.

Meadow Park resident, Anne Sommer, thanked the Board for the quick response and for Mr. DeGabriele's personal involvement in the situation. She stated that the HOA Board appointed an ad hoc committee consisting of herself Janis West, Sherry Sweet, Anne Marie Kambly, and Sue Durena. She advised the Board that she did receive an update from Mr. DeGabriele and wanted to

know what would happen if the job closed in January 2013 and there were more proposals after that date. Mr. DeGabriele stated that the project would not be closed out and released until the District is satisfied and everything is complete.

Ms. Sommer's stated that she had completed a walk through with the property manager and the repairs made were substandard, sprinklers were crooked, etc. She stated that the landscape Manager, Doug Gordon, has a list of repairs, and he does not want to fix anything that is on Disney Construction's punch list. Mr. DeGabriele stated that the punch list is for Disney Construction and that the District is relying on Mr. McIntyre to make sure the issues on the punch list are not being incorporated with the landscaping issues and that Mr. Gordon has had good communication with the District. Ms. Sommer requested that all emails and correspondence be forwarded to the ad hoc committee as well so everyone is on the same page.

Mr. Roger Burstrem, Board member of the Meadow Park HOA, asked whether or not the Board of the HOA's was responsible for knowing and understanding where all of the underground pipes and irrigation lines are even though the City of Novato owns a part of the land.

Director Baker stated that all the utilities work together through USA must have a point of contact to request marking underground utilities. He continued to state that the HOA would likely be the point of contact, but does typically to mark and locate the lines.

The Meadow Park homeowners and Mr. Wrightson left the meeting.

### **2012 VALUE INDEX**

Mr. DeGabriele provided the Board with a copy of a survey produced by Xylem regarding the 2012 Value of Water. He informed the Board that the survey is an interactive document which can be viewed to determine how customers feel about their water service and entities.

### **PROP 50 APPLICATION INVITATION FROM DEPARTMENT OF PUBLIC HEALTH**

Mr. McIntyre informed the Board that the District received a call from the Department of Public Health regarding potential for Proposition 50 small community water system funding. He responded that the District did submit a notice of intent to move forward with funding the Gallagher Pipeline project. Mr. McIntyre informed the Board that the application is due by February and that he is unsure of what might occur but it may be possible the District could receive some Proposition 50 grant money and that the selection process will be in the spring of 2013.

Director Rodoni asked if the District had to match funds. Mr. McIntyre responded that there would be a 50/50 match to the grant.

### **TAC MEETING- DECEMBER 3, 2012**

Mr. DeGabriele provided a brief summary of the December 3rd Technical Advisory Committee (TAC) Meeting. He stated that Glen Wright from City of Santa Rosa, was elected to be Vice Chair, Milenka Bates will be leaving the City of Sonoma and Linda Kelly, former Sonoma City Manager, is moving to the Town of Windsor.

Mr. DeGabriele stated that the TAC unanimously approved a proposal to add \$3.41/AF to the LRT2 sub charge in the next Sonoma County Water Agency budget to generate funds sufficient to reimburse Rohnert Park and Cotati next year for their LRT2 projects. He continued to state that Sonoma-Marín Saving Water Partnership's annual report has been reviewed and members will receive a hard copy after first of the year.

Mr. DeGabriele informed the Board that the first of the Dry Creek Demonstration Projects has been completed and there is a video on the Sonoma County Water Agency website showing its performance during the recent storms. He stated that there will be an update on the Fish Flow Project at the Public Policy Facilitating Committee meeting scheduled on December 20, 2012 and would like a board member to attend.

### **NBWA MEETING- DECEMBER 7, 2012**

President Fraites stated that he will attend the NBWA meeting on Friday.

### **MISCELLANEOUS**

The Board received the following miscellaneous information: Disbursements, Yuba County Water Agency Signals Intent to Sue Over Jeopardy Opinion, Public Policy Facilitating Committee Meeting 12/20/12 and Letter Agreement with MMWD RE Use of Gallagher Well Power for MMWD Fish Monitoring System.

The Board also received the following news articles: Ex-Sonoma County counsel in line for interim Marin job, Novato Fire Chief retires abruptly, former county chief takes over immediately, Record number of salmon return to Russian River, MALT announces new executive director and Bates to leave Public Works Department.

### **CLOSED SESSION**

In accordance with Government Code Section 54957.6; Conference with Labor Negotiators; District's Designated Representatives – Chris DeGabriele and David Bentley; Employee Organization – North Marin Water District Employee Association.

**OPEN SESSION**

Upon returning to regular session at 8:51 p.m., President Fraites stated that during the closed sessions the Board had discussed the issues and no reportable action had been taken.

**ADJOURNMENT**

President Fraites adjourned the meeting at 8:52 p.m.

Submitted by

A handwritten signature in black ink, appearing to read "Katie Young". The signature is written in a cursive, flowing style.

Katie Young  
District Secretary