



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

REGULAR MEETING

February 20, 2019

The following were present:

DIRECTORS: SANDS FIGUERS  
DENNIS GAMBS  
SARAH PALMER  
RICHARD QUIGLEY  
ANGELA RAMIREZ HOLMES  
OLIVIA SANWONG  
BILL STEVENS

ZONE 7 STAFF: VALERIE PRYOR, GENERAL MANAGER  
OSBORN SOLITEI, TREASURER/ASSISTANT GENERAL MANAGER,  
FINANCE  
JARNAIL CHAHAL, ENGINEERING MANAGER  
RHETT ALZONA, PRINCIPAL ENGINEER, FACILITIES ENGINEERING  
SECTION  
JOE SETO, PRINCIPAL ENGINEER, FLOOD CONTROL SECTION  
BRANDON WOODS, ASSOCIATE CIVIL ENGINEER, FACILITIES  
ENGINEERING SECTION  
KERRI SMYTH, JUNIOR ENGINEER, FLOOD CONTROL SECTION  
ELKE RANK, ASSOCIATE PLANNER, INTEGRATED PLANNING SECTION  
ALEXANDRA BRADLEY, COMMUNICATIONS SPECIALIST  
AMANDA ROGERS, ACTING EXECUTIVE ASSISTANT  
MARIA GAN, BUYER

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

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**Item 1 - Call Meeting to Order**

President Ramirez Holmes called the meeting to order at 6:00 p.m. and the Board went into Closed Session immediately.

**Item 2 – Closed Session**

- (a) Conference with Labor Negotiators pursuant to Government Code section 54954.5:  
Agency Negotiator: Valerie Pryor  
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 - Existing litigation pursuant to Government Code §54956.9(d)(1): 1 case
  - (1) Edwin Belshe and Ginger Belshe v. Alameda County Flood Control and Water Conservation District, Zone 7, et al., Alameda County Superior Court Case No. RG17868354
- (c) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (4): 2 cases
- (d) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (2): 2 cases

### **Item 3 – Open Session and Pledge of Allegiance**

President Ramirez Holmes called the meeting back into session at 7:09 p.m. and led the Salute to the Flag.

### **Item 4 – Report Out of Closed Session**

President Ramirez Holmes reported that the Board met in Closed Session on the items on the agenda and no reportable actions were taken.

### **Item 5 – Citizen's Forum**

There were no public comments.

### **Item 6 – Minutes**

- a. Regular Board Meeting of January 16, 2019
- b. Special Board Meeting of February 6, 2019

Director Gambs proposed a change to the January 16, 2019, minutes on page 7, second to the last paragraph. He wanted a new sentence added after the last sentence, which should read, "Director Gambs added that Lakes H and I are available in the near term."

Director Stevens moved that the minutes of January 16, 2019, be accepted and approved with the proposed changes, and Director Quigley seconded the motion. The minutes were approved by a voice vote of 7-0.

Director Palmer proposed a change to the February 6, 2019, minutes on page 7, paragraph 5. She wanted "on a rotating basis" added to the end of the sentence so that the sentence should read, "Director Palmer stated that it would be valuable for each director to attend **on a rotating basis.**"

Director Gambs moved that the minutes of February 6, 2019, be accepted and approved with the proposed changes, and Director Quigley seconded the motion. The minutes were approved by a voice vote of 7-0.

### **Item 7- Consent Calendar**

- a. Declaration of "Fix-a-Leak Week"
- b. Amendment to Easement Agreement for Arroyo Mocho Bridge at El Charro Road and License Agreement Providing Access to Zone 7 to Busch Road
- c. Personnel Action: Transportation & Supply Coordinator, Zone 7

- d. Time Extension for Professional Services for Planning, Environmental Permitting, and Engineering Design of Emergency Flood Control Repairs

Director Palmer moved to approve Items 7a, 7b, 7c, and 7d. Director Quigley seconded the motion. The items passed with a roll call vote of 7-0.

- Resolution No. 19-14** Declaration of March 18-24, 2019, as Fix a Leak Week (Item 7a)
- Resolution No. 19-15** Amendment to Easement Agreement for Arroyo Mocho Bridge at El Charro Road (Item 7b)
- Resolution No. 19-16** Amendment to License Agreement for Access to Busch Road via Haul Road between El Charro Road and Busch Road (Item 7b)
- Resolution No. 19-17** Personnel Action: Transportation & Supply Coordinator, Zone 7 (Item 7c)
- Resolution No. 19-18** Time Extension for Professional Services for Planning, Environmental Permitting, and Engineering Design of Emergency Flood Control Repairs (Item 7d)

**Item 8 – Presentation by Dublin San Ramon Services District Director Georgan Vonheeder-Leopold to Provide an Update on the State of DSRSD**

Georgan Vonheeder-Leopold, Director from Dublin San Ramon Services District, gave a presentation on the state of DSRSD in 2018. She talked about the challenges when their administration building flooded, the services they provide and the areas they serve, the tasks they perform to protect public health and the environment, their efforts to be fiscally responsible, and their goals.

Director Sanwong thanked Director Vonheeder-Leopold and DSRSD for being a good partner to Zone 7. Director Stevens expressed appreciation for Dan McIntyre’s input and regular attendance at Zone 7 meetings. Director Vonheeder-Leopold thanked the Board and staff for the use of the Parkside building.

**Item 9a – New Employee Introductions**

Ms. Pryor introduced Alexandra Bradley as the new Communication Specialist. Alexandra has over eight years of public relations experience, most recently working for a local nonprofit writing and managing grant awards.

Ms. Pryor also introduced Maria Gan, a buyer who will be working at the Del Valle Water Treatment Plant. She has over 12 years of purchasing and inventory management experience.

The Board welcomed and applauded Ms. Bradley and Ms. Gan.

**Item 10 – IS/MND CEQA Compliance for Arroyo Mocho Medeiros Reach Floodplain Reconnection Project**

Elke Rank gave a presentation on the Initial Study/Mitigated Negative Declaration for the Arroyo Mocho Medeiros Reach Floodplain Reconnection Project. She discussed the project background and description, CEQA and regulatory requirements, an overview of CEQA, impacts and mitigation, and the public comment period.

Director Stevens asked about why there was a concern regarding standing water. Ms. Rank replied that the Mosquito Abatement District was concerned about water standing for more than four days.

Director Gambs complimented staff on the thorough and easy-to-read document and congratulated the General Manager on the outreach that was done, listening to the concerns of the community and making changes based on those concerns. Director Gambs then asked about erosion concerns. Mr. Alzona replied that fabric is being used to cover the area and the spillover.

Director Gambs asked about other alternatives such as raising the channel bank or widening it. Mr. Alzona cited obstacles such as the time to get buy-in and not owning the land as reasons why Medeiros was a better choice where we could move more quickly. Ms. Pryor confirmed that this project was based on the fact that the Agency had access to the land. She added that future projects would be looked at in terms of the SMMP update. Director Gambs asked if we will be having a discussion on the other part of the SMMP and this reach. President Ramirez Holmes replied yes, there will be multiple projects and the Medeiros project is just one piece of several regional projects. Mr. Aladjem clarified that this project has independent utility and Zone 7 is reserving all rights to consider all future projects, but this one can proceed on its own because we don't have to go through the full alternatives analysis, which means we can fast-track this project.

Director Quigley asked if the downstream reach around Granada Gardens where it feeds into Stanley Reach was sized right to handle rain events. Ms. Pryor replied that staff is analyzing that as part of the SMMP update. Director Quigley expressed support for the project but also concern about unintended consequences. Director Figuers predicted that there will be results in the future that were unanticipated.

President Ramirez Holmes opened up the public hearing.

Cheri Sheets, City Engineer for the City of Livermore, expressed appreciation for the opportunity to work with Zone 7 to modify the project to get neighborhood acceptance. She said that the City is anxious to work with Zone 7 on future phases of the project. However, she expressed concern about the loss of use of the trail during storm events where the trail is impacted. She said the City would prefer that the trail not be lowered because it creates additional liability risk of it being damaged and of users not knowing that they are in an area that could be inundated. The City prefers that it be culverted under the trail. If that can't be accomplished, the City asks that Zone 7 provide an alternate trail during storm periods when the depressed trail cannot be used. The City asked that Zone 7 take on the added maintenance and operations associated with closing it off before an event. She stated that the City is appreciative that the Agency is replacing the trees and she asked that the trees be watered until established; and if there is a failure to thrive, the tree are replaced so that there is a total of 11 trees. She asked that Zone 7 share their data on the porosity of the soil because the City wants to make sure that the water drains at the rates it was intended.

President Ramirez Holmes asked if the City of Livermore closed the trail during the storm of 2017. Ms. Sheets replied that City of Livermore put up an initial barricade because the trail was washed out. That trail portion is owned by LARPD and they came in and did some enhancements to the barricade in an effort to get people to not use the trail. Even though an alternate trail was provided, people blew through the barricade and tore down the orange fencing. President Ramirez Holmes asked if the City of Livermore was responsible for putting up the fencing and signs during that storm event. Ms. Sheets replied yes, but that part of the trail is not part of a flood control system. President Ramirez Holmes disagreed and stated that it is still part of the flood control system. Ms. Sheets clarified that it is but it exists above the 25-year flood.

Director Figuers asked if the City expects the in-stream section of the trail to be hard surfaced. Ms. Sheets replied that it is expected to be paved. Director Figuers asked if the ground surface of the channel was expected to remain the same during a flood event. Ms. Sheets replied that they've seen evidence that the channel moves all over the place. Director Figuers agreed and asked who was going to replace the hard surface because it will get destroyed multiple times. Ms. Sheets replied that because lowering the trail places it in a more vulnerable position, the City is asking Zone 7 to accept responsibility for the additional liability and vulnerability of the trail. Director Figuers replied that because a trail has deliberately been put in a rapidly changing area with streams, floods, and gravel, it's already vulnerable and dangerous and Zone 7 shouldn't be responsible for it.

Director Quigley asked if the City of Livermore and LARPD would be happier with a top-of-bank trail. Ms. Sheets replied yes.

President Ramirez Holmes closed the public hearing.

Director Gambs asked what the surface of the levy was. Mr. Alzona replied that the levy being lowered is an existing levy with an asphalt trail that is being lowered by two-and-half feet with a six-inch flow over the access road. Director Stevens asked if it was being repaved. Mr. Alzona replied yes. Director Gambs asked what the new surface will be. Ms. Pryor and Mr. Alzona replied that it will be another asphalt trail.

President Ramirez Holmes asked for clarification as to the reason why the Agency is doing this project. Ms. Pryor replied that it's designed to alleviate flooding at Holmes Street in the Murrieta area in the event of a 25-year storm event by letting the water flow into Oak Grove Nature Reserve. President Ramirez Holmes emphasized that, keeping this in perspective, the reason Zone 7 is doing this project is not to protect trail use but to protect people and their property. And while the recreational uses are important and Zone 7 is happy to cooperate with other agencies on recreational uses, it is not Zone 7's priority. She added that all agencies have an obligation to protect people, not just Zone 7.

President Ramirez Holmes asked what the process was for making sure the trees are established and that we get the amount of trees we promised. Ms. Rank replied that due to the permits required for this project by both the California Department of Fish and Wildlife and the Regional Water Board, staff is clearly identifying the trees that we'll need to remove and replace. Typically, permits require that trees be of a certain kind and stock; and staff will have to monitor them and send in reports for probably a minimum of five years to possibly 10 to 15 years. It's not in the CEQA document but is required by the permits.

Director Figuers apologized and said that he was under the impression that everyone was talking about an in-stream trail and not a little dip at the top of the bank. He said he has no problem with a little dip at the top of the bank.

Director Sanwong asked if we operate and maintain any trails. Ms. Pryor answered that we do not.

President Ramirez Holmes asked for more detail regarding license agreements with entities that use the streams we own. She wondered who is generally responsible when the trails are under water. Ms. Pryor explained that we have separate recreational use license agreements with various entities. We allow those entities to use our facilities for recreation and they are responsible for operations and maintenance of the recreation facilities.

Director Stevens felt that it was not the responsibility of Zone 7 to maintain the trail on the project's bank.

Director Palmer pointed out that some areas of the trail go under bridges. She wondered if those areas were higher than the area we would be lowering. Mr. Alzona replied that the areas under the bridges are lower. Director Palmer stated there should be no more liability for Zone 7 regarding the Medeiros project than there is for the parts of the trail that are under bridges.

Director Gambs expressed concern that if the asphalt erodes it will erode our spillway and cause other problems. He said there may be some self-interest in making sure that area is maintained. Mr. Alzona stated that the spillover is not the turbulent flow that is going down the channel and that fabric and reinforcements will be added to the embankment.

Director Sanwong said that she does not support Zone 7 taking responsibility for operations and maintenance of the recreation facilities, but wondered if there was an alternative that would be agreeable to all parties. Ms. Pryor replied that because we are trying to do construction during the dry season, any delay could push us out of that window. Any of the options that have been suggested by the City of Livermore would require us to redo the CEQA document. Furthermore, those options would require a lot of either importing or excavating materials, which could cause truck traffic issues.

Director Sanwong asked if the vote tonight was for approval to lower the trail. Ms. Pryor confirmed that it was, but that the construction contract would have to come back to the Board for award. President Ramirez Holmes clarified that we are approving the entire project of which lowering the trail is a part.

Director Stevens pointed out that lowering the trail is the only solution because if a culvert with a flap gate was installed, it could get clogged and become dangerous to unclog when the channel is full.

President Ramirez Holmes moved to approve Item 10. Director Palmer seconded the motion. The items passed with a roll call vote of 7-0.

**Resolution No. 19-19** Resolution Adopting the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Arroyo Mocho Medeiros Reach Floodplain Reconnection Project (Item 10)

**Item 11 – Presentation – Del Valle Water Treatment Plant Ozonation Project Quarterly Progress**

Brandon Woods gave a presentation on the progress of the Del Valle Water Treatment Plant Ozonation Project. He discussed the benefits of the project, the status of the project, key milestones, the status of project financials, and the construction progress.

**Item 12 – Proposed General Manager Performance Evaluation Procedures**

President Ramirez Holmes introduced the item saying that it was agreed at the Board Retreat to have the Administrative Committee work out the process and policy of the evaluation. The item in front of the Board tonight is the work of two meetings of the Administrative Committee and while the General Manager evaluation happens in closed session, in open session the process and procedure of the evaluation is established.

Director Palmer explained that the Administrative Committee worked to keep this as straightforward as possible. The Committee decided to remove management skills/employee relations at this time because there would be no way of knowing that information unless an employee poll was taken but it's something that could be visited in the future.

Director Stevens said that his only complaint was that several of the evaluation topics he wouldn't know how to answer since he is not here at the Agency on a daily basis. President Ramirez Holmes stated that the evaluation is meant as a general guide to give all the Directors the opportunity to give feedback, but there is no requirement to fill it out. Director Palmer interjected that the space to enter your own comments was an important part of the evaluation. President Ramirez Holmes added that the comments section could be used to enter a comment about not knowing how to evaluate the topic.

Director Quigley asked what the Administrative Committee's goal was in developing the evaluation. He didn't think there had been a problem before and felt that making a score was distasteful. Director Palmer explained that the goal was to have a simple, easy, quick guideline that would give the Board indications if there was a need for improvement. President Ramirez Holmes added that this evaluation gives all members of the Board a chance for their comments to be submitted and heard even if they are not in attendance at the closed session discussion. It also gives a guide for discussion. It may not be perfect this first year and will probably be a work in progress, which is why the flexibility to modify it at any time was added to the procedure. President Ramirez Holmes felt that we needed a written procedure for evaluating the General Manager. She pointed out that most of the items on the evaluation are things we already do and have done for quite a while. Director Palmer added that we are not reinventing the wheel because they did look at what other agencies have done. Director Sanwong said that as we get different members of the Board of Directors and different General Managers in the future, it will give us a nice written history that we can pass on to the next leaderships at some point down the road. Also, it will help us think about how we can make Zone 7 a great place. Director Gambs added that hopefully this makes the Board's job easier and, in turn, the General Manager's easier.

Director Stevens raised the question of whether the evaluation was tied to the General Manager's salary. If so, he didn't think it was fair. President Ramirez Holmes responded saying that she didn't think the evaluation was tied closely with merit increases. Any changes to an employment contract should be done at a closed session with an agenda being created so that the public has a chance to

comment on it. Director Palmer added that this is not tied to any other type of recompense. That would be decided separately.

There were no public comments for this item.

President Ramirez Holmes pointed out a typo on page three of the form. “Adoptability” should be changed to “Adaptability.” Regarding the evaluation process timeline, President Ramirez Holmes suggested that the General Manager’s written progress report on the strategic plan and goals and objectives should be turned in by March 1. The evaluation forms should be turned in by Directors by March 15. This would give the Directors two weeks after receiving the General Manager’s report to complete the evaluation form; and it would allow staff five days to compile the Board’s feedback that is turned in by March 15. All the forms will be collected by David Aladjem.

Mr. Aladjem asked if the Board would like a summary of the evaluations circulated to the Board and General Manager the day before the Board meeting. The Directors agreed.

Director Palmer moved to adopt Item 12. Director Sanwong seconded the motion. The item passed by a voice vote of 7-0.

**Resolution No. 19-20**            Approved the General Manager Performance Evaluation Procedures (Item 12)

**Item 13 – Committees**

- a. Administrative Committee Meeting – January 24, 2019, 4:00 p.m. – notes
- b. Administrative committee Meeting – February 4, 2019, 4:00 p.m. – notes
- c. Water Resources Committee Meeting – February 6, 2019, 4:00 p.m. – notes

President Ramirez Holmes asked for comments from the Board. There were none.

**Item 14 – Reports - Directors**

President Ramirez Holmes announced that she is dissolving the Ad Hoc Committee on policies. She said that Ms. Pryor is devising a new strategy regarding policy and so a new committee will be formed at a later date.

President Ramirez Holmes stated that the Board wanted a process for reviewing General Counsel so the General Manager will be getting back to the Board on a process for reviewing Counsel at a later date.

Director Palmer gave a verbal report on the Delta Conveyance Design and Construction Authority (DCDCA) meetings she attended on January 17 and 31. The DCDCA Board awarded cloud-based engineering download management. DWR uses the same company so there will be an interconnection between the two agencies. Also, Kathryn Mallon was appointed as Executive Director. Because of the recent reduction in the scope of the tunnel system, the DCDCA is holding off scheduling the next meeting for now.

Director Palmer announced that she was made Vice President of ACWA Region 5. She attended the ACWA Board Workshop and Meeting on January 24 and 25. On February 4, the Administration Meeting was held.

Director Palmer also attended a Water 101 Workshop. She recommended it and said it was quite interesting. She said she learned a lot about legislation and water rights. All of the presentations are available on the Water Education Foundation website.

Director Palmer stated that she attended a water quality webinar. She said that the minutes for that are available on the ACWA website.

On February 19, Director Palmer attended a workgroup conference call on PFOA-PFOS, which Mr. Chahal also attended. She said it was a sharing of information regarding where we might be in terms of potential legislation coming up because we need a lot of information before legislators can create restrictions regarding maximum contamination levels. She learned that the state water tax will be back on the agenda again. There is also talk about setting up a trust fund that would potentially be a one-time input of money, which would be a sustainable source as opposed to having to tax people. They proposed that the source of this come from general funds so that it would be based on income taxes as opposed to a tax which would hurt the lower-income people that it's supposed to help.

President Ramirez Holmes, referencing the recent news about the California WaterFix approvals being rescinded, stated that Zone 7's position is that this is a long-term project. Zone 7 is monitoring the project and has a seat on two different WaterFix committees. The public will get updates as things progress. Ms. Pryor added that she is serving on the Delta Conveyance Finance Authority Board and Director Palmer is serving on Delta Conveyance Design Construction Authority Board; and the last five months of minutes from those board meetings have been attached to this month's General Manager's Report. In the future, there will be just two set of minutes attached. This will allow people to keep up to date with the activities of those two organizations. Director Quigley expressed appreciation for the updates. President Ramirez Holmes suggested contacting Director Palmer or Ms. Pryor regarding any questions about their work on those committees.

### **Item 15 – Items for Future Agenda - Directors**

President Ramirez Holmes asked for items for future agendas. There were none.

### **Item 16 – Staff Reports**

Ms. Pryor highlighted several items from the staff reports:

- DWR increased the State Water Project allocation to 35 percent.
- Swift water training was recently given to our Flood Control, Groundwater, Operations and Maintenance staff.
- Staff has been updating our Storm Central website to assist the public in understanding the flood risk. Flow and CFS was changed to stage height; and the colors were changed to be in line with what is typically seen.

President Ramirez Holmes asked if we can have some communications around that. Ms. Pryor responded yes.

President Ramirez Holmes asked for an update on the storm damage from last week. Ms. Pryor replied that we had approximately a dozen bank slides as well as erosion in the Pleasanton and Dublin areas. Staff did an emergency repair but most of these items are not going to require major engineering repairs so we will be able to repair them this summer. President Ramirez Holmes asked if there was any damage to the recent Arroyo de La Laguna repair. Ms. Pryor reported that there was no damage there.

Director Sanwong asked how the agenda item approved earlier to extend professional services for emergency flood control repairs integrated into some of the other projects that are being worked on. Ms. Pryor explained that the item is for general engineering services to help staff design repairs. Director Sanwong asked if new problems surface, would they be addressed right away or would they come back to the Board. President Ramirez Holmes answered that they would be included. The agenda item is for any design work that happens in the next three years that didn't get repaired, plus any additional new work over the next three years. Staff generally has a work plan ready by early spring that outlines what repairs they're hoping to accomplish over the summer and the permits they are applying for.

President Ramirez Holmes announced that there is a Liaison meeting with DSRSD on February 26, at 4:00 p.m. Also, an additional closed session Board meeting has been added for March 6, for which the time has yet to be determined.

### **Item 17 – Adjournment**

President Ramirez Holmes adjourned the meeting at 9:17 p.m.