

**CONTRA COSTA WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING  
OCTOBER 6, 2021**

**MINUTES**

***CALL TO ORDER***

President Borba called to order a regular meeting of the Board of Directors of the Contra Costa Water District (District or CCWD) at 6:30 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board. The public may participate in the meeting in-person at the Board Room or through the teleconference.

***SAFETY BRIEFING***

The safety protocols completed by the Board and staff participating in-person were provided.

***ROLL CALL***

Directors Present:	Lisa M. Borba, President Ernesto A. Avila, Vice President John A. Burgh Connstance Holdaway Antonio Martinez
Directors Absent:	None
General Manager:	Stephen J. Welch
Legal Counsel:	Douglas E. Coty
District Secretary	Veronica Sepulveda
Executive Management Analyst	Shelly Wise

***PLEDGE OF ALLEGIANCE***

Director Burgh led the pledge of allegiance.

***ADOPTION OF AGENDA***

General Manager Welch reported there was an update to item 11a. The Board adopted the agenda by rule.

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

Bird Morningstar, a Concord resident, welcomed Director Martinez to the Board; expressed appreciation to FEMA for their support in rebuilding his home after the Butte wildfires in 2020; reported his Happy Gardener clients continue to reduce water usage; announced his retirement and stated he plans to be more involved with the District due to his passion for water conservation and management.

***HOLDING OF PUBLIC HEARINGS***

1. Adopt Resolution No. 21-017 authorizing teleconference meetings, pursuant to Brown Act Provisions provided under Assembly Bill 361, effective through November 4.

General Manager Welch reported the Governor's emergency order, allowing Brown Act exemptions for public meetings, expired on September 30. Assembly Bill (AB) 361 allows the extension of the provisions by adoption of a resolution, which must be renewed every 30 days.

President Borba expressed support for the item; stated it allows flexibility for Board Members to join via teleconference when ill.

President Borba asked for Board Comments. Director Holdaway spoke in support of the item and asked for clarification on the 30-day renewal. Legal Counsel Coty stated it is a prerequisite under AB361.

Vice President Avila spoke in support of the item; stated it is a stop gap measure until normalcy can be achieved and stated the process works well for public engagement.

Director Burgh spoke in support of the item; stated the 30-day renewal will become routine business.

President Borba asked for public comment; there were none.

**MOTION:** Martinez/Holdaway to adopt Resolution No. 21-017 authorizing teleconference meetings, pursuant to Brown Act Provisions provided under Assembly Bill 361, effective through November 4. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

#### **CONSENT CALENDAR**

2. Approve Directors' Services/Business and Travel Expenses
  - a. Future Services – October 2021
3. Approval of September 1, 2021 meeting minutes.
4. Approve the warrant register dated October 7, 2021.
5. Authorize execution of an agreement with Marcus G. Faust for government relations services for FY22 in an amount not to exceed \$220,000.
6. Authorize execution of Amendment No. 2 to the consulting services agreement with ICF for Phase 2 Los Vaqueros Reservoir Expansion Project permitting services for an amount not to exceed \$100,000 for a revised total agreement amount not to exceed \$200,000.
7. Authorize a conditional Modified Pressure Service Agreement with the owner of 1250 North Gate Road, Walnut Creek in compliance with the Code of Regulations.
8. Authorize Construction and Repair Services Task for Los Vaqueros Water Treatment System Improvements and Backup Power Project.
  - a. Authorize execution of a task order in the Construction and Repair Services Agreement with GSE Construction for the Los Vaqueros Water Treatment System Improvements and Backup Power Project in the amount of \$668,700, with 10 percent change order authority of \$66,870, for a total amount not to exceed \$735,570; and
  - b. Authorize an amendment to the professional services agreement with Water Works Engineers, LLC in the amount of \$35,000, for a total amount not to exceed \$608,000.

President Borba asked the Board if any item should be removed from the Consent Calendar for separate consideration; Vice President Avila asked to remove item number six, due to a conflict of interest.

President Borba asked for Board and Public Comments; there were none.

**MOTION:** Avila/Holdaway to approve Consent Calendar with the exemption of item number six. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

Vice President Avila left the Board room. President Borba asked for Board and Public Comments; there were none.

**MOTION:** Martinez/Holdaway to approve item number six on the Consent Calendar. The motion was approved by roll-call vote (Ayes: Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: Avila; Absent: None)

**ACTION**

9. Award of Contract - Canal Liner Repairs at Milepost 23.48
  - a. Deny the bid protest by R.J. Gordon Construction, Inc.;
  - b. Authorize execution of a contract with Con-Quest Contractors, Inc. for the Canal Liner Repairs at Milepost 23.48 Project in the amount of \$1,173,000, with a change order authority of \$117,300, for a total amount not to exceed \$1,290,300; and
  - c. Authorize an amendment to the Fiscal Year 2021 and 2022 Untreated Water Facilities Improvements Program professional services agreement with GEI Consultants, Inc. in the amount of \$47,000, for a total revised amount not to exceed \$971,000.

Principal Engineer Luis Llamas provided project background on the canal liner repairs, stating the project will replace 300 feet of failed Contra Costa Canal liner at Milepost 23.48, and will address an ongoing leak into a 30-inch storm water culvert below the canal.

Seven competitive bids were submitted for the project, resulting in Con-Quest Contractors as the lowest bidder. A bid protest submitted by the second lowest bidder, R.J Gordon Construction, Inc., stated the bid was nonresponsive due to the lowest bidder's failure to list a subcontractor for bid items seven and eight. Con-Quest responded that under Public Contract Code, subcontractor listing is not required when the value of the work in question is less than one half of one percent of their bid. Staff concurs and recommends rejection of the bid protest.

The fiscal impact includes the construction contract, 10 percent change order authority and design services during construction resulting in a total of \$1,337,300. Funding is available in the FY22 Untreated Water Facilities Improvement Program budget. The project is expected to start in December and be completed in March 2022.

President Borba asked for Board and public comments; there were none.

**MOTION:** Holdaway/Martinez to deny the bid protest by R.J. Gordon Construction, Inc.; authorize execution of a contract with Con-Quest Contractors, Inc. for the Canal Liner Repairs at Milepost 23.48 Project in the amount of \$1,173,000, with a change order authority of \$117,300, for a total amount not to exceed \$1,290,300; and authorize an amendment to the Fiscal Year 2021 and 2022 Untreated Water Facilities Improvements Program professional services agreement with GEI Consultants, Inc. in the amount of \$47,000, for a total revised amount not to exceed \$971,000. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

**DISCUSSION AND INFORMATION**

10. Receive and comment on the PSPS Program Update.

Acting Water Operations Manager James Larot reported the Pacific Gas and Electric (PG&E) Public Safety Power Shutoff (PSPS) program was developed three years ago to address the increase of wildfire risk in California. This program proactively de-energizes high voltage transmission lines to protect public safety during high-risk fire conditions.

During these events, the District may lose power at pumping plants and impact the ability to replenish water storage. To minimize the impact, the District took proactive measures by mobilizing portable emergency generators at sites with a high risk of being affected and refined preparations for the FY22 fire season.

In 2019, PG&E improved its PSPS event forecasting, planning and notification processes by creating a PSPS Portal, which provides partners access to PSPS planning and event information. It also provides specific information regarding circuits and meters that will be impacted, which is important for preparation. By utilizing the portal and by the lessons learned from previous PSPS events, the District continues to ensure that service to drinking water customers will not be impacted by future PSPS events.

President Borba asked for Board comments. Director Martinez asked if a relationship has been made with PG&E to communicate priorities for restoring power in District facilities. Acting Water Operations Manager Larot responded relationships have developed and improved with PG&E and East Bay Municipal Utility District (EBMUD).

Director Burgh stated it is delightful to see the progress made each year.

Vice President Avila asked about fuel for the generators and spoke about a battery system with a storm watch feature that automatically charges. Acting Water Operations Manager Larot responded a refueling program was implemented.

Director Holdaway commented on the improvement of the program.

President Borba expressed appreciation for PG&E making the program easier to access for the public.

President Borba asked for Board and public comments. Bird Morningstar asked if the District plans to put exposed lines underground. General Manager Welch responded it has not been an issue, but it is considered for new developments.

#### **REPORTS FOR DISCUSSION**

11. Committee Report(s):
  - a. Joint Retirement and OPEB Post-Meeting Report (08/19/2021)
  - b. Finance Committee Post-Meeting Report (08/27/2021)

President Borba asked for Board and public comments; there were none.

12. Schedule Future Meeting Dates and Times

Director Martinez reported he will be attending a Contra Costa Special District Association (CCSDA) meeting every first Wednesday of each month to plan the CCSDA 30<sup>th</sup> Anniversary event in 2023.

President Borba asked for Board and public comments; there were none.

#### **REPORTS**

13. General Manager

General Manager Welch reported the Joint Powers Authorities (JPA) Agreement for Los Vaqueros Expansion was signed and will be filed with the State on October 7 and thanked everyone involved who made the JPA agreement happen. In addition, General Manager Welch reported the COVID-19 testing program will go into effect next week, for employees who have not provided vaccination status; and reported the intertie with EBMUD was tested and water will be moved beginning in October through November.

14. Legal Counsel

Legal Counsel Coty had no report.

15. Board Members

Vice President Avila commended General Manager Welch and all staff involved for the success of the JPA; reported attendance to the East Bay Leadership Council (EBLC) Water and Environment Task Force meeting on September 21; reported his reelection to the ACWA Region 5 Board of Directors; and commended staff on the presentations.

Director Burgh reported the CCSDA awarded Stan Caldwell the 2021 William Hollingsworth Award of Excellence and provided history on the 1992 recycled water master plan, in which his company was a part of executing. He thanked staff for finding the document in archives for review.

Director Holdaway reported attendance to a meeting with the General Manager on September 23 and the EBLC Water and Environment Task Force meeting on September 21; and commended staff on the signing of the JPA.

Director Martinez reported attendance and comments to the CCSDA meeting on September 20; the CCSDA Adhoc meeting on October 6; the Pittsburg Women's Community League presentation on September 27; and the District facilities tour on September 21, where he stated he is committed to replacing the canal system.

President Borba reported attendance to an EBLC Board meeting; met with the General Manager on September 21, 28, and October 5; attended a presentation by Congressman DeSaulnier on September 22; and presented to Dana Estates on September 27.

**CLOSED SESSION**

16. Conference with Labor Negotiator as allowed under Government Code Section 54957.6
  - a. Agency Negotiator: General Manager; Employee Organization: Local 39 Employees; and
  - b. Agency Negotiator: General Manager; Employee Organization: Local 21 Employees.

At 7:24 p.m. President Borba announced the Board would move into a closed session regarding labor negotiations; three additional attendees included District Labor Council, Joe Wiley; Assistant General Manager, Jeff Quimby; and Human Resources and Risk Manager, Kristen Cunningham.

**RECONVENE FROM CLOSED SESSION**

17. Report on Closed Session

At 8:13 p.m. President Borba announced the Board had returned from closed session and did not take a reportable action.

**ADJOURNMENT**

At 8:14 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on Wednesday, October 20, 2021 commencing at 6:30 p.m. in the Board Room located at 1331 Concord Ave. and via teleconference.



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Lisa M. Borba, President

Attest:



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Veronica Sepulveda, District Secretary