

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
JANUARY 5, 2022**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on January 5, 2022, was called to order by Chairperson Nelson at 3:32 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* Chairperson Nelson, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Member Brazier *(via teleconference)*, Member Marnett *(via teleconference)*, Member Nelson *(via video conference)*, Member Gasca *(via video conference)*.

Discussion went to Item #12.

Discussion returned from Item #12.

Also Present: Executive Assistant Washburn.

Also Present Via Teleconference or Video Conference:

General Manager Kennedy, Project Manager Tamimi, Project Manager Parra, Associate Engineer Powers, Alternate Largent, Operations Manager Gutierrez, Engineering Technician Rubio, Information Technology Manager Khattab.

Two members of the public were present in person, via teleconference or video conference.

Discussion went to Item #4.

4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

Mr. Nelson read aloud the instructions for those attending the meeting via teleconference or video conference.

Discussion returned to Item #12.

5. **SEATING OF ALTERNATES**

There were no alternates seated.

6. ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)

Mr. Nelson pointed out Julie Johnson was present at this meeting and how she has expressed a desire to join this committee.

Discussion returned to Item #12.

Discussion returned from Item #12.

Mr. Gasca pointed out there was discussion held at the December committee meeting related to a design build project and how it was noted in that meeting's minutes there was no engineer's estimate. He requested an item be added to this agenda so this could be discussed at today's meeting. Mr. Nelson agreed. (There was no motion to add the agenda item; therefore, the discussion was taken up under Item #12.)

Discussion went to Item #7.

Discussion returned from Item #6.

Motion:

To add an item to the agenda to add the appointment of Ms. Johnson to this committee.

Action: Approve, Moved by Member Gasca, Seconded by Member Nelson.

Vote: Motion failed (summary: Ayes = 2, Noes = 0, Abstain = 1).

Ayes: Member Nelson, Member Gasca.

Abstain: Member Marnett.

Absent: Member Brazier.

Mr. Nelson stated Ms. Johnson's appointment would be placed on the February committee meeting agenda for consideration. Ms. Johnson stated she would like to join the committee only if there is a consensus of all members because she would not be comfortable serving if a member was uncomfortable with her serving.

Discussion went to Item #8.

7. PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)

Ms. Johnson stated she would like to be considered by this committee to join; therefore, she was present to answer any questions.

Mr. Kennedy inquired as to whether Ms. Johnson's appointment should be added to this agenda. Ms. Washburn explained it could be added to today's agenda and then presented to the Board for consideration at their January 25th meeting or placed on the February committee agenda and presented to the Board in February. Mr. Marnett pointed out traditionally interested members would attend a few meetings prior to being considered for appointment. Mr. Kennedy agreed; however, since Ms. Johnson has served on RMWD committees for quite some time, it may not be necessary that she attend a few meetings prior to being considered for appointment.

Mr. Gasca stated taking into consideration Ms. Johnson's experience, he would like to see the appointment process move as expeditiously as possible.

Discussion returned to Item #6.

***8. APPROVAL OF MINUTES**

A. December 1, 2021

Motion:

To approve the minutes.

Action: Approve, Moved by Member Nelson, Seconded by Member Gasca.

Vote: Motion passed (summary: Ayes = 2, Noes = 0, Abstain = 1).

Ayes: Member Nelson, Member Gasca.

Abstain: Member Marnett.

Absent: Member Brazier.

Discussion returned to Item #12.

9. GENERAL MANAGER COMMENTS

Mr. Kennedy explained the reason for this meeting being held with virtual attendance is due to the Omicron waive which has seriously impacted things throughout the area and among District staff and how steps have been taken to keep the District operational ready as much as possible.

Mr. Kennedy provided an update on the detachment noting the report being produced by LAFCO's consultant has not yet been made available.

Mr. Kennedy also noted staff has been working on updating the District's policies related to backflow devices and that it was decided the District's backflow program should be made part of the Administrative Code. He explained one matter to consider would be whether to require customers with backflow devices to be enrolled in the District's backflow program or if those customers should be permitted to hire their own contractor to test their devices. He pointed out should the customers be allowed to hire their own contractors for testing, there would still be a great deal of administrative work to be conducted by the District. He mentioned Legal Counsel has been consulted on this matter and how it was permissible to compel these customers to utilize RMWD's testing services; therefore, it becomes a policy question for the committee and Board members to consider. He noted Mr. Gutierrez will most likely share more details later in this meeting; however, he would like the committee to give this matter some thought and share their preference with staff when it is brought to the committee for consideration.

Discussion went to Item #10.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Tamimi noted he would be sitting in for Mr. Williams today and deferred any comments to the agenda items.

Discussion went to Item #11.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez reported there as a 12" main line break on Reche Road recently which put 42 customers out of service. He noted the repair went well with water service restored as quickly as possible. He pointed out RMWD's water system has not experienced any issues related to the recent rain events.

Mr. Gutierrez added to Mr. Kennedy's earlier comments related to backflow testing. He reported staff tested has tested all RMWD customer backflows just prior to the end of December 2021 which totaled just over 5,000 devices. He explained staff has now been working on updating RMWD's current backflow policy specifically in terms of what mechanisms should be put in place should a backflow fail testing and the customer remains out of compliance after receiving a letter notifying them of such failure. He pointed out RMWD's current policy does not address this matter; therefore, staff was in the process of finding out what other districts are doing in this regard. He added RMWD literally tests all its customer's backflow devices for a cost of \$4.81 per month for 2" meters and below which equates to \$57.72 per year which is a great deal less than what contractors are charging. He noted more will follow regarding updates to the backflow policy.

Discussion returned to Item #12.

12. COMMITTEE MEMBER COMMENTS

Ms. Brazier stated she was at odds with why the committee was meeting when there was nothing to be voted on or even discussed and how there was nothing in the Administrative Code authorizing the committee to meet or covers this at all. She expressed concern with the committee merely receiving updates on things authorized by the Board. She asked should the Board not get the updates as opposed to the committee. Mr. Gasca called for point of order noting the subject being discussed is out of order and should take place after roll call has been completed. Mr. Nelson said he would complete the roll call then if there was a conversation to be had, he was willing to hear input from the committee members on this matter. Ms. Brazier confirmed she was still in attendance.

Discussion returned to Item #3.

Mr. Nelson noted there was a question raised by Ms. Brazier as to why the committee was meeting since there was not an action to be had and inquired as to if there were any committee members who would like to discuss or make a comment regarding this matter. Ms. Brazier stated since a quorum was present, she would leave the meeting.

Member Brazier excused herself from the meeting at 3:38 p.m.

Mr. Kennedy stated he was not aware of an Administrative Code requirement that there must be some item that requires an action to hold a meeting; therefore, he was unsure where Ms. Brazier's comment derived.

Mr. Nelson pointed out it is part of the committee's obligation or responsibility to oversee what is transpiring in the operations and engineering departments in some measure. He noted this would not be from a management perspective, but if the committee has questions or concerns about things, certainly the chairperson can report such at the next Board meeting, especially if there was a disagreement of some type the Board should consider. He concluded with noting he has

been under the impression over the last several years that oversight is a part of this as well as making recommendation on specific calendar items to the Board.

Mr. Marnett stated he has been to plenty of meetings at which action items were not discussed, but rather briefs were provided by staff.

Mr. Gasca noted over the course of one or more months, there are a great deal of actions that take place that only Mr. Kennedy would be privy to; therefore, being provided updates is very important in providing the transparency and visibility to the community. He said to shut down just because there is no actionable item, you would lose that transparency at which time issues start to arise with the community and the ratepayers. He stated whether there are twenty people or nobody in attendance, the door must remain open to provide that opportunity and never let it lapse.

Mr. Kennedy agreed noting these meetings are not just for the committees, but also as a vehicle to allow an openly scheduled public meeting for anybody who has any type of concern to come in and let the District know.

Mr. Nelson asked for the minutes to reflect this discussion including the viewpoints that were raised as to why it is appropriate for the committee to meet even when there are no action items in hopes of benefiting and providing some consolation to Ms. Brazier related to her earlier comments.

Mr. Kennedy offered to give the Administrative Code a quick review and report back to the committee.

Discussion went to Item #5.

Discussion returned from Item #12.

Mr. Kennedy reported the Administrative Code indicates the Engineering Committee shall be responsible to review matters of design, construction, replacement, and repair of the District facilities and property, including: the Capital Improvement Program; contractor selection process; contractor management programs; and other engineering-related matters. He pointed out this was basically what the Engineering Committee was doing; therefore, it was unknown why Ms. Brazier raised the concern earlier.

Discussion returned to Item #6.

Discussion returned from Item #8.

Mr. Gasca noted his surprise with the statement there was no engineer's estimate associated with a design build project discussed at the December committee meeting. He explained there must have been some budgeting activity to establish the fund. He said if there was not a formal budgeting activity conducted to develop an estimate and this was not the policy, then he thinks there needs to be a policy established because he believes RMWD should always have an engineering estimate.

Mr. Kennedy clarified this was related to the Sumac Solar Backup Power System which was a very small project for which the total costs is approximately \$10,000; therefore, staff did not have formal engineering done to prepare a big design which would then provide an engineer's estimate as part of the design process. He pointed out the money was in the budget as well as part of the \$300,000 funds received from OES.

Mr. Gasca asked if RMWD has a policy that has a threshold stated below which an engineering estimate is not required. Mr. Kennedy stated there is no written policy; however, because this project was small, staff decided to put it out as a design build so that various companies would be willing to place solar panels on the batteries.

Mr. Nelson pointed out the December meeting minutes do indicate the estimated cost for this project would be approximately \$75,000. Mr. Gasca explained he did not have a problem with there not necessarily being an estimate; however, RMWD does need to recognize that projects costing a certain amount would require an engineer's estimate.

Mr. Kennedy pointed out some of the challenges RMWD faces when it comes to smaller projects. Mr. Gasca stated he understood that without having an electrical engineer on staff to perform quick engineering analysis, it may increase overall project costs; however, this stood out to him and he wanted to discuss it further.

Mr. Kennedy asked Mr. Tamimi or Ms. Parra to look into the Administrative Code in these regards and bring some proposed policy changes back to this committee so this type of situation could be addressed.

Discussion went to Item #9.

Discussion returned from Item #11.

Mr. Nelson explained how Ms. Largent presents a financial report at the end of each Budget and Finance Committee meeting which includes a list of all the capital projects over the span of several years. He stated in looking at the list for water, water efficiency, and wastewater, he has found there are a number of projects that have a few hundred dollars expended year to date through October 31st but have very substantial budget allocations for them. He requested an update on the status of those projects.

Mr. Kennedy recommended an update be placed on the next committee agenda to allow staff an opportunity to prepare and provide a report to the committee in February. Mr. Nelson offered to send an email to Mr. Williams with examples of which projects to which he is referring.

Ms. Largent mentioned she has provided the expenditures by projects through December to the Engineering team so each project can be reviewed as part of the mid-year budget process. Mr. Tamimi added the Engineering team has been meeting regularly to go through all of this and will be working collaboratively with Operations to provide a very good mid-year adjustment to be presented and worked through with Ms. Largent to determine projections for the remainder of Fiscal Year 2021-2022.

Mr. Nelson noted it would be helpful to know if projects are being pushed out and the reasons for such. He stated he would hate to see work is being postponed due to RMWD not having adequate staff resources to complete it. Mr. Kennedy confirmed this information will be included in the update.

Discussion went to Item #13.

13. BOARD ACTION UPDATES

Mr. Tamimi mentioned the North County Fire District and Cal Fire made a presentation regarding the Heli-Hydrant project and their appreciation of RMWD's role in making it possible. He also reported the Board approved a change order for the Helix Environmental contract to prepare an Programmatic Environmental Impact Report in the amount of \$65,140 as well as extend the contract term through June 30, 2022, awarded a Construction Contract to FarWest Corrosion Control in the amount of \$524,703 for the Rainbow Valley Boulevard cathodic protection project, approved a change order for Helix Environmental contract to conduct cultural and tribal monitoring for the Rice Canyon pipeline project in the amount of \$115,000, and approved Resolutions of Necessity (Resolution Nos. 21-22, 21-24, 21-25) authorizing the acquisition of easements by eminent domain for portions of the property located at 555 Mission Road, 5256 Mission Road, and APN 126-230-68 in Bonsall. He pointed out Resolution No. 21-23 was removed as part of the combined Resolutions of Necessity action item due to the easement located at 5517 Mission Road being successfully acquired just prior to this item being considered by the Board.

Mr. Nelson inquired about the cathodic protection bid being awarded to the bid that was \$200,000 more expensive than the low bidder. He asked if staff has been able to determine the reason for such a discrepancy in the bid pricing. Mr. Tamimi stated this will be addressed under Item #14.

Discussion went to Item #14.

14. CATHODIC PROTECTION PROJECT UPDATE (ENGINEERING)

Mr. Tamimi stated this update is being presented as an informational item noting staff presented the Rainbow Valley Boulevard cathodic protection project at the November Engineering and Operations Committee meeting. He explained by installing cathodic protection, the District will be able to prevent further corrosion on the existing pipeline.

Mr. Tamimi explained Corrpro prepared the design for this project. He reported the three bids received were from Corrpro (\$345,000), Farwest Corrosion Control (\$524,703), and Kay Construction (\$722,404). He noted the Engineer's estimate was \$350,000. He confirmed the District received a bid protest from Farwest Corrosion Control regarding the design engineer being able to bid on the project. He noted the Board took this protest under consideration at their December 7, 2021, meeting and decided to reject Corrpro's bid and accept the bid received from Farwest Corrosion Control. He mentioned an additional \$380,000 was appropriated in the CIP budget to cover the construction and soft costs for this project and that the contract has been executed with the pre-construction meeting was currently being coordinated by staff.

Mr. Tamimi stated staff has been unable to obtain a full answer as to why there was such a significant wide range in the bid results. Mr. Nelson asked if staff was able to compare the bids to the engineer's estimate to determine if there were a large number of bid items that were grossly off. Mr. Tamimi confirmed a comparison was conducted and offered to share a spreadsheet at the next committee meeting. Mr. Kennedy added Legal Counsel provided the Board with a great deal of information regarding this matter and recommended the Board take the action taken.

Discussion ensued.

Mr. Tamimi provided examples of where some of the aspects of the project were bid very differently among the three bidders. Mr. Nelson thanked Mr. Tamimi for this information and noted there was no need for staff to follow up with anything further.

Discussion went to item #15.

15. LIFT STATION 1 PROJECT UPDATE (ENGINEERING)

Mr. Tamimi stated staff has been working with JW Fowler to move forward with this project and that a pre-construction meeting was held on December 15th that was well-attended and very productive. He reported RMWD has received approximately 38 submittals from JW Fowler which are currently in the review process of which fifteen have been completed. He pointed out the SDGE design for power was recently issued to construction, the final bridge designs for both the Moosa Creek and San Luis Rey bridges are being reviewed by the County with final comments anticipated in early January, and the contractor will be submitting various permit applications to the County in approximately two weeks. He mentioned staff was working on attaining coverage under the NPDES General Construction Permit and should have the Notice of Intent by the end of next week as well as working with three of four property owners to acquire easements. He noted the project schedule should be finalized soon and that JW Fowler is planning to start the grubbing and minor grading on the Thoroughbred property prior to the bird nesting season which is being coordinated with both the cultural and Pala tribe monitors. He said actual construction for the lift station at RMWD's Thoroughbred parcel should begin in mid-February.

Mr. Nelson asked if staff has received the contractor's Critical Path Method (CPM) and if Valley Construction Management has received such. Mr. Tamimi confirmed the CPM has been received by Valley Construction Management. Discussion followed.

Discussion went to Item #16.

16. RICE CANYON PIPELINE PROJECT UPDATE (ENGINEERING)

Mr. Tamimi updated the committee noting the General Contractor, Cass Arrieta, started construction on December 1, 2021, and that on-site biological and cultural resource training was held for construction personnel, monitors and inspectors to review sensitive resources associated with the site. He reported the clearing and grubbing, BMP installation, as well as installation of a temporary highline was performed in the month of December, and the contractor will break ground and start laying PVC pipe starting at the top of the alignment near Rice Canyon Tank which will take three months to complete. He stated the construction is expected to take approximately 13 months and anticipated completion is the end of 2022. He mentioned staff has bi-weekly meetings with Cass Arrieta, Tri-Pointe Homes, and the environmental team to discuss project updates and that the project is currently on budget and schedule.

Discussion went to Item #17.

17. NORTH RIVER ROAD PROJECT UPDATE (ENGINEERING)

Mr. Tamimi provided an update noting this project included the rehabilitation of 53 manholes on North River Road with the installation of locking frames and covers, was complete by Sancon in December 2021, and had a change order in a net reduction in cost totaling \$29,568. He reported the Notice of Completion is scheduled to be presented to the Board in February 2022.

Mr. Kennedy pointed out this would be the completion of the third phase of the three phases of the North River Road project; therefore, this pipeline is ready to go for another fifty years.

Mr. Nelson asked for confirmation that the pipeline, manholes, and work conducted in this area has held up well during the recent rain activity. Mr. Gutierrez confirmed the work mitigated a great deal of I&I of ground loggers which has assisted in keeping the flow numbers down at Stallion.

Discussion went to Item #18.

18. DISTRICT HEADQUARTERS PROJECT UPDATE (ENGINEERING)

Mr. Tamimi reported the ad-hoc committee meetings for this project will resume on a quarterly basis with the first meeting scheduled for January 19, 2022, at which time the findings from previous studies will be reviewed, project opportunities and constraints will be discussed, opportunities to partner with other agencies will be introduced, and the next steps will be outlined. He pointed out to date, the Master Craft contract is approximately 98% expended with \$3,258.10 remaining; however, all scope of work services has been completed and the contract is closed. He noted the District recently executed a contract with Marlene Irmirizian & Associates in the amount of \$12,000 to perform a preliminary site analysis of the Caltrans property located just east of Highway 395 and SR-76 as well as mentioned a space summary has been developed to outline the needs of each agency for a joint use facility and a site diagram has been established to depict the relationship between the new district headquarters and future plans for the current RWMD property. He said the next steps will be presenting this diagram to other agencies to see who may be interested in a Joint Use Facility.

Mr. Kennedy added he has been in quite a bit of contact with the Fire Chief at North County Fire who was very interested in this project and that a meeting will be scheduled to discuss it further with Cal Fire. He mentioned the Sheriff participation may not make a great deal of sense to the current Board of Supervisors; therefore, some of the calculations shown in the schematic may change. He pointed out one of the options the ad-hoc committee may consider at their first meeting is to not wait around and try to make this deal with everybody, but rather move forward with a general plan amendment on the District's site. He explained the way to unlock the value of the District's property is a general plan amendment; therefore, the main goal is to get a general plan amendment in the fastest manner possible.

Mr. Nelson asked if having a siren facility located directly across the street from these fairly tightly bunched residential homes would in any way potentially diminish the value of RMWD's site. Mr. Kennedy acknowledged this concern and that this should be something the ad-hoc committee discusses.

Discussion went to Item #19.

19. AS-NEEDED SERVICES EXPENDITURES SUMMARY

Mr. Nelson asked if there were any new engagements. Mr. Tamimi stated there was one to add \$23,090 in additional services for the Wilt Road Water Pipeline Design Project, as well as two others for Helix Environmental in the amount of \$46,603 the Hutton and Turner Pump Stations CEQA process and \$111,400 for the Rice Canyon Pipeline Project cultural and tribal monitoring.

Mr. Nelson inquired as to whether RMWD was close to the seam on Helix Environmental. Mr. Tamimi confirmed this was true; therefore, the work might need to be spread out a little more. Mr. Nelson suggested it may be essential to reallocate some of the funds by moving some from an unused fund to a used fund if and when deemed necessary.

Discussion went to Item #21.

20. WATER SERVICE UPGRADE PROJECT (WSUP) PROGRAM UPDATE (OPERATIONS)

Mr. Gutierrez reported the project was 89% complete with 1,008 meters remaining. He stated the project was staying very consistent and that progress was minimally impacted by the recent rains. He said based on calculations, this project is on track to be completed in late February or early March.

Mr. Nelson asked how many of the remaining meters were more complicated to upgrade. Mr. Gutierrez stated staff has been addressing these as time permitted and that the number of troublesome meters was very low.

Discussion went to Item #22.

21. REDISTRICTING UPDATE

Mr. Kennedy stated there was not much to report except that the demographic work has been completed. He mentioned some of the Census taking categories have changed quite a bit which has challenged the data analysis some; however, after looking at it both district-wide and for each division, there were no significant changes. He pointed out this would be brought to the Board for consideration in January.

Discussion went to Item #20.

22. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING

It was noted the appointment of Ms. Johnson to the committee, project status, and backflow program and policy review should be on the next committee agenda.

Discussion went to Item #23.

23. ADJOURNMENT

The meeting was adjourned by Chairperson Nelson.

The meeting adjourned at 4:49 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary