

**MINUTES OF THE ENGINEERING COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
APRIL 1, 2015**

1. **CALL TO ORDER** – The Engineering Committee Meeting of the Rainbow Municipal Water District on April 1, 2015 was called to order by Vice Chairperson Brazier at 3:03 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. Vice Chairperson Brazier, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Member Brazier
Member Taufer
Member Stitle
Member Prince
Member Kirkpatrick
Alternate Member Kennedy

Absent: Member Strapac
Member Rhyne

Also Present: Assistant Rubio

Kevin Knowles and Lee Kirby were the two public members present.

4. **PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA**

Ms. Brazier invited the two public members to introduce themselves. Mr. Knowles stated he was here to discuss the Moosa Mitigation Bank. Mr. Kirby said he was interested in being on the Engineering Committee and added he worked for Vallecitos Water District as the Inspection Supervisor. He said he lives off of Old River Road and was interested in filling his civic duty by volunteering his assistance to this committee. Ms. Brazier pointed out the Engineering Committee was advisory only providing recommendations to the Board. Mr. Kennedy explained the Engineering Committee reviews various functions related to engineering in detail providing a final iteration to the Board.

COMMITTEE ACTION ITEMS

*5. **APPROVAL OF MINUTES**
A. March 4, 2015

Action:

Moved by Member Prince to approve the minutes as written. Seconded by Member Taufer.

After consideration, the motion CARRIED by the following vote:

AYES: Member Brazier, Member Taufer, Member Stittle, Member Kirkpatrick, Member Prince, and Alternate Kennedy.
NOES: None.
ABSTAINED: None.
ABSENT: Member Strapac and Member Rhyne.

Discussion went to Item #8.

6. DISCUSSION AND POSSIBLE ACTION REGARDING MORRO TANK

Mrs. Kirkpatrick said Morro Tank has 4MG capacity and was built in the late 1970's. She pointed out the District observed an uplift of the tank floor plate relative to the surrounding grade in the early 1990's, which has progressively increased. She said consultant services were retained with Kennedy/Jenks Consultants to conduct a study to determine the causes of the observed distress and develop alternative solutions. She noted the study was conducted in two phases:

- Phase one consisted of recording observed distress, reviewing previous site record drawings and geotechnical reports, structural inspection (visual) of tank, analysis of survey data of survey points collected by the District over the past 5 years, geotechnical investigations, determine causes of distress, and develop site retrofit alternatives.
- Phase two consisted of hydraulic analysis of Moro Tank zone for evaluating required Morro Tank capacity and BPS #5 upgrades. This analysis was to evaluate whether the tank could be eliminated from the system by upgrading BPS #5.

Mrs. Kirkpatrick stated the final study summarized five alternatives for Morro Tank. Mr. Kennedy provided a brief background of the Morro Tank. He said it sits next to the Morro Reservoir and there was a small pump station pumping water into the tank, which serves a small zone. He noted when the tank was down for rehabilitation the zone was fed through the Pala Mesa zone. He then recommended conducting a sixth alternative to upsize the piping from the Pala Mesa zone to feed the customers currently being served by the Morro Tank and eliminate the tank. He stated the five alternatives from the study were too costly.

- Alternative 1, \$2,660,000: Replacement of Morro Tank with a hydro-pneumatic tank and upgrade of BPS #5.
- Alternative 2, \$4,460,000: Providing minimal storage at the tank site (0.22 MG).
- Alternative 3, \$3,730,000: Moderately sized replacement of Morro Tank and pump upgrade for BPS #5 (0.4 MG).
- Alternative 4, \$5,560,000: Resembles the existing conditions (1.9 MG).
- Alternative 5, \$1,440,000: Site Retrofits without any other improvements to BPS #5.

Mr. Kennedy noted once the additional report was completed it would be brought to the committee. Discussion ensued.

7. DISCUSSION AND POSSIBLE ACTION REGARDING ENGINEERING FEES

Mrs. Kirkpatrick provided a summary of the Engineering Department's proposed fee modifications to be adopted. She explained the District noticed some discrepancies with fees and deposits in relation to staff time both high and low, and wanted to take a closer look at the current fee schedule. She said the District contracted J.C. Heden and Associates to evaluate internal processes, required staff time in addition to surveying other local agencies. She pointed out that plan checking and inspection services would always be deposits.

Mrs. Kirkpatrick stated the goal of reevaluating the engineering fees was to cover the costs associated with the engineering services and staff time and be consistent with other north county agencies. She noted these fees would be re-evaluated in the next five years after actual tracking of staff time was collected.

Action:

Moved by Member Brazier to recommend to the Board to consider the updated Engineering Department fees and deposits. Seconded by Member Stitle.

After consideration, the motion CARRIED by the following vote:

AYES: Member Brazier, Member Taufer, Member Stitle, Member Kirkpatrick, Member Prince, and Alternate Kennedy.

NOES: None.

ABSTAINED: None.

ABSENT: Member Strapac and Member Rhyne.

Discussion went to Item #9.

8. DISCUSSION AND POSSIBLE ACTION REGARDING MOOSA MITIGATION BANK

Mr. Knowles said his company Conservation Land Group specialize in land conservation and mitigation transactions. He stated he was representing the San Luis Rey Downs Enterprises' proposal regarding the mitigation bank with approximately 185 acres of the former golf course property. He pointed out the specific portions to be discussed are Phases 1 and 2, which are within the mitigation bank. He said the proposed Bank Enabling Instrument Volume I of II has been submitted and reviewed by a number of signatory agencies. He said there were in the process of submitting a grading permit application as well as a request for CEQA review to the county, although one of the outstanding items has to do with existing easements and encumbrances. He mentioned working with the District for several months regarding these site easements and has prepared a proposal for review and discussion.

Mr. Stitle asked if the intent was to acquire an Environmental Impact Report. Mr. Knowles replied the goal was to acquire a Negative Declaration or a Mitigated Negative Declaration. Mr. Stitle stated he opposed this action because he did not want the center of the community to become swamp land. Mr. Knowles explained this project was started due to a county enforcement order on the Phase 1 portion of the property.

Mr. Knowles went over the mitigation bank areas according to the categories as shown on the maps. Mr. Kennedy said it was difficult to give up easements when there are unknown requirements in the future. He pointed out the Master Plan process would be reviewing the District's requirements in this area. He mentioned the challenges of maintaining the easements would make it favorable to move the utilities out, although the cost of relocating the utilities produces another challenge. Discussion ensued.

Ms. Brazier asked who would be maintaining the standing water. Mr. Knowles replied the land owners would hire a company to maintain it for life. He pointed out even if Phases 1 and 2 were approved in order to start the phases there would have to be enough credit sales to warrant the expenditures of the construction. Discussion ensued.

Mr. Kennedy reiterated that San Luis Rey Downs was looking to the District to quitclaim certain easements, although it would be difficult to give up an asset a few months before it may be needed. He asked about the timeframe on the project and what would happen if the District did not take action. Mr. Knowles responded the intent was to submit the final report within three months and if the District does not take any action they would have to conduct analyzes of each title exception, which would affect the crediting. Mr. Kennedy stated some of the quitclaims not having pipelines could be approved.

Mrs. Kirkpatrick asked hypothetically if the District gave up an easement and then found out it was required would there be a process available to retrieve it. Mr. Knowles responded he was not sure how much time was available it depended on how long the CEQA process took during which time changes could still be made. Discussion ensued.

Mr. Kennedy referred to the north side of Camino Del Rey where the District may need easements for a pump station. He asked whether that property was owned by San Luis Rey Downs and the possibility of purchasing some of the property. Mr. Knowles responded yes, although it would have to be soon. Mr. Kennedy said the District would require 30-60 days for the preliminary design report in order to make a decision. Discussion ensued.

Mr. Kennedy asked Mr. Knowles if he was authorized to negotiate changes on the proposal. Mr. Knowles replied it depended on the items to be negotiated. He stated the intent was to submit one proposal with all the requirements, although it could be broken out in two separate proposals.

Mr. Kennedy said the other aspect being considered was related to the groundwater. He pointed out the District was more interested in the groundwater than the easements. Mr. Knowles said they probably would not need all the groundwater. Mr. Kennedy suggested meeting with Mr. Thead to discuss the amount of groundwater available for the District. Discussion ensued.

Mr. Kennedy voiced his concerns of separating the proposal in two; stating the second proposal for widening the easements may not be forthcoming in the future. Mr. Stitle suggested not doing anything until the District could approve the whole proposal. Discussion ensued.

Action:

Moved by Member Stitle not to proceed until the Master Plan Wastewater Technical Memorandum has been completed. Seconded by Member Brazier.

After consideration, the motion CARRIED by the following vote:

AYES: Member Brazier, Member Taufer, Member Stitle, Member Kirkpatrick, Member Prince, and Alternate Kennedy.
NOES: None.
ABSTAINED: None.
ABSENT: Member Strapac and Member Rhyne.

Discussion returned to Item #6.

9. LAFCO UPDATE

Mr. Kennedy said the District has a deadline of April 10, 2015 to submit evidence to LAFCO regarding the potential violation of the California's Voting Rights Act (CVRA). He mentioned conducting independent analysis of the voting history in the area for the basis of demonstrating racially polarized voting as evidenced in a number of races. He noted around the same time the Mexican American Legal Defense and Education Fund (MALDEF) submitted a demand letter to FPUD based on their own analysis concluding violation of the CVRA. He stated the District did not contact MALDEF in any way; MALDEF was aware of the situation through publicity. He mentioned a letter would be coming out next week regarding the at large system as defined by the CVRA. Discussion ensued.

Mr. Kennedy pointed out the District would like the people be able to vote, although currently LAFCO was not set up to allow the people to vote.

10. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING COMMITTEE MEETING

The following agenda items were suggested: Appoint Lee Kirby to the Engineering Committee, review of the Morro Tank Report and changing the leadership of the Engineering Committee.

11. ADJOURNMENT

Action:

The meeting was adjourned with a motion made by Member Stitle and seconded by Member Taufer to May 6, 2015 at 3:00 p.m.

The meeting adjourned at 5:10 p.m.

Helene Brazier, Committee Vice Chairperson

Dawn M. Washburn, Board Secretary