

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
NOVEMBER 1, 2023**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on November 1, 2023, was called to order by Chairperson Nelson at 3:30 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. Chairperson Nelson, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Member Marnett, Member McKesson, Member Nelson, Member Gasca.

Also Present: Executive Assistant Washburn, Information Technology Manager Khattab, Operations Manager Gutierrez, Engineering and CIP Program Manager Williams.

Absent: General Manager Wiley, Alternate Largent.

Also Present Via Teleconference or Video Conference:

Senior Project Manager Tamimi, Senior Project Manager Parra, Administrative Analyst Barrow, Administrative Analyst Rubio, Administrative Assistant Montano, Construction and Meters Supervisor Lagunas.

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

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

There were no members of the public in attendance via teleconference or video conference; therefore, the instructions were not read aloud.

5. **SEATING OF ALTERNATES**

No alternates were seated.

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

There were no amendments to the agenda.

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

There were no comments.

***8. APPROVAL OF MINUTES**
A. September 6, 2023

Motion:

To approve the minutes.

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

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 4).

Ayes: Member Gasca, Member Marnett, Member McKesson, Member Nelson.

9. GENERAL MANAGER COMMENTS

There were no comments.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams provided an update on the ongoing study regarding Morro Tank noting movement has been indicated and how this will continue to be monitored over the next twelve months. He pointed out this tank will be run at 50% and that staff will be working with the appropriate firms to get recommendations as to what actions may need to be taken should movement continue to be detected.

Mr. Williams clarified some confusion that may have been created at the September Board meeting related to an agreement for the Beck Reservoir solar program. He stated although he could not speak on behalf of the consultant who encouraged approval from the Board, there was no such agreement.

Mr. Williams reported although the pipeline replacement program has been put on hold, positive responses are being shown as a result of other efforts. Discussion followed.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez reported after reanalyzing the original list of meters with zero reads, staff discovered an additional 269 meters need to be replaced for the same reason. He talked about the ongoing efforts taken to correct this issue including how the meters that have been replaced are showing positive results.

Mr. Marnett suggested there must be some failures or design defects with these meters. Mr. Gutierrez explained what was causing the meters to blow apart. Mr. Marnett inquired as to whether there was a policy being formulated to charge customers for the maintenance of these meters when more water is being pushed through than permitted. Mr. Gutierrez stated this was actively being looked into as a means of recovering some of the lost revenue.

Mr. Gasca asked how many meters have been replaced. Mr. Gutierrez stated staff were approaching 300 completed out of the 769 found. Mr. Marnett asked if there was a way to predict when a meter may start decouple as part of advance planning. Mr. Gutierrez explained data points will be monitored to predict eminent failures.

Mr. Nelson asked if the data is going to show a substantial number of customers whose monthly service charge is exceeding the quantity of water by a significant amount which in turn would imply those customers should be a different rate structure as well as be required to have a larger meter. Mr. Gutierrez stated this has been discussed; however, right now the first step is to get the meters with zero reads replaced first. Mr. Marnett expressed concern there may be a great deal of money involved; therefore, it seems as though it should be a high priority. Mr. Gutierrez explained the issue is that the meter readers need to make the exchange in the billing software; therefore, a new process has been put in place where a meter reader has been teamed up with a member of the construction crew so that they are able to make the exchange in the software at the same time the meter is being replaced. Discussion followed.

Mr. Nelson strongly suggested staff give this situation a more global approach as to how to proceed even if that involves an amendment to the Administrative Code, especially when it is a matter for which other rate payers are paying the price. Mr. Gasca recommended the pain of blowing out a meter should be painful enough to keep them from doing such. Mr. Nelson encouraged those working on this matter to embrace a more global and strategic approach in addressing this matter to prevent abuses in the system.

Discussion ensued.

Mr. Gutierrez clarified the leaks RMWD experiences are not abnormal for a water agency and how although he sends out text messages and updates to the committee members, he may not have opportunity to send these out in a timely manner when emergency leaks occur. Mr. McKesson stated he appreciates these updates and finds the information very helpful.

12. COMMITTEE MEMBER COMMENTS

Mr. Marnett stated the work on the Hutton antennas was still in progress and well as inquired as to whether the consultant had provided RMWD with the clearinghouse information related to microplastics so that the committee members could do their own reading. Mr. Williams stated he received the information and will forward it to Ms. Washburn to send to the committee members.

13. BOARD ACTION UPDATES

Mr. Williams reported all the items for which this committee recommended Board approval were approved at today's Board meeting.

***14. CONSIDER APPROVAL OF CHANGE ORDER #2 WITH VALLEY C.M. FOR CONSTRUCTION MANAGEMENT & INSPECTION SERVICES FOR THE LIFT STATION-1 PROJECT IN THE AMOUNT OF \$216,413 (DIVISIONS 1 & 2) (ENGINEERING)**

Mr. Williams explained this item was for construction management and inspection services as well as geotechnical support and how these are all valid extensions as a result of RMWD agreeing to extending J.W. Fowler's contractual end date. He noted staff were seeking a recommendation from this committee that the Board approve Option 1.

Mr. Marnett asked whether J.W. Fowler was paid under a separate contract. Mr. Williams confirmed J.W. Fowler is the General Contractor and Valley C.M. is the consultant.

Mr. McKesson inquired as to the confidence level in the timeline and the dollars for the extension. Mr. Williams stated the confidence was high and how the baseline schedule is valid based on the information staff has to date. He added if there continues to be changes to J.W. Fowler's schedule past the March 2024 completion date, another change order would be required.

Mr. Gasca stated since the project is now extended through the winter, he would recommend staff take into consideration the number of rain days. Mr. Williams acknowledged this suggestion.

Mr. Nelson mentioned ongoing and current concerns he has had with this contract. He stated he noticed the amount being recommended was the same amount the consultant requested; therefore, he wanted to know whether any negotiations around this matter. Mr. Williams clarified in-house staff continues to work regardless of rainy weather as well as how all extensions have been vetted.

Ms. Johnson inquired as to where the consultant was currently working. Mr. Williams stated in Old River Road, as well as near and at the lift station.

Motion:

To recommend the Board adopt Option 1 - Approve Change Order #2 with Valley Construction Management in the amount of \$216,413 and extend the contract term through March 29, 2024, authorize the General Manager to execute Change Order #2 to the existing professional services agreement, and make a determination that the action identified herein does not constitute a "project" as defined by CEQA.

Action: Approve, Moved by Member Marnett, Seconded by Member McKesson.

Vote: Motion passed (summary: Ayes = 3, Noes = 0, Abstain = 1).

Ayes: Member Gasca, Member Marnett, Member McKesson.

Abstain: Member Nelson.

***15. CONSIDER AWARD OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$X WITH X FOR THE WEST LILAC, RANCHO AMIGOS, AND DENTRO DE LOMAS PUMP STATIONS PROJECT (DIVISION 1) (ENGINEERING)**

Mr. Williams pointed out the staff memo was due prior to the bid opening. He reported three bids were received with the apparent low bidder being Pacific Hydrotech Corporation in the amount of \$5,657,500.00. He stated the engineer's estimate was \$4.3 million which was 20% less than the lowest bid. He noted the updated staff memo will include a Board recommendation to award the contract to the lowest bidder.

Mr. Marnett asked for confirmation RMWD had purchased the pump stations and upon delivery, the contractor will hook them up to the pipes and conduct all the electrical work. Mr. Williams confirmed this was correct. inquired about the pump stations as well as explained in an effort to expedite this project, these submittals included the long lead times from the beginning as well as how part of these pump stations was to procure easements for SDG&E at their nearest power site who will also conduct their own inspections in addition to RMWD's inspection work. Discussion followed.

Mr. Williams confirmed a financing issue did not exist for this project and how Ms. Largent was present at the bid opening. Mr. Marnett expressed concern with envisioning this project

amounting to this amount of money. Mr. Williams mentioned it was known there is rock at the Dentre site per the geotechnical study conducted at the site and how dealing with this matter has been included in all the bid received. Mr. Nelson asked whether this bid included a combination of unit and lump sum prices that should circumstances allow for such, RMWD could incur some savings. Mr. Williams stated there could be a deduction in cost should something not be used as well as there being a finishing early clause included to incentivize the contractors to finish early.

Ms. Johnson asked if there were any penalties for finishing late. Mr. Williams stated there would be liquidated damages for any calendar date they are late.

Motion:

To recommend the Board adopt staff recommendation Option 1 – Allocate funding and approve the Construction Agreement with Pacific Hydrotech Corporation in the amount of \$5, 567,500.00, authorize the General Manager to execute the construction contract, and make a determination that the West Lilac and Rancho Amigos pump station sites are categorically exempt Section 15303, Class 3, New Construction or Conversion of Small Structures and Class 4, Minor Alterations to Land.

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

Vote: Motion passed (summary: Ayes = 3, Noes = 0, Abstain = 1).

Ayes: Member Gasca, Member McKesson, Member Nelson.

Abstain: Member Marnett.

16. PIPELINE REHABILITATION AND REPLACEMENT PLANNING UPDATES (CHAIR NELSON)

Mr. Nelson explained he had requested this agenda item on behalf of the ratepayers being represented with the objective of suggesting a conversation take place with the management team regarding what to do about RMWD's pipeline rehabilitation and replacement program. He stated over the past several years RMWD has stated there was no money for this program and yet millions of dollars have been found for a wide variety of projects some of which started off being categorized as the so-called "ROI" projects that have somehow evolved into projects needed for the detachment. He recalled being told RMWD could detach with very little capital improvements at all; however, it appears RMWD will be spending approximately \$18M while this program has been bounded without undertaking a project of any substance to replace the infrastructure. He recalled that even when there were discussions about the rate increases that were not implemented five years ago and how it was stated the part of those rate increases were going to be allocated to part of this program. He acknowledged RMWD was now playing catch up, but his concern is that there is a great deal that could be done including starting with identifying 1-2 projects that are obviously important based on problems they are causing RMWD's operation's department and, therefore, the ratepayers, and try to find a way to get these started. He said he really wanted everyone to start thinking about how to start prosecuting the list of twenty projects totaling approximately \$21M including determining which projects could be done in-house or would need to be outsourced. He asked whether there was a plan in place, RMWD's sincerity about resuscitating these projects, as well as the money component associated with such plan. He expressed concern RMWD is stating money is an issue, yet there it seems to find funding for the things it wants to do but not those that things he would argue need or must be done. He mentioned long-term financing may be an option where RMWD could raise \$25M that would cost \$1.6M per year over thirty years which would be appropriate since the infrastructure needing to be replace or rehabilitated would last well beyond the thirty-year payoff period. He stated it was

his hope that should RMWD do any long-term financing, it would be used for a manner in which the ratepayers would benefit in a substantive and material way by bringing the infrastructure and facilities to a level of service that would serve everyone for many years into the future as opposed to being used to pay a detachment fee. He said if conversations are taking place, it would be helpful to him to know what options were being discussed because he cannot imagine feeling comfortable about allowing the list of pipeline replacement and rehabilitation program projects going unattended to as it has for several years.

Mr. Gasca explained the reasons behind his requesting the list. He stated the bottom line is that every gallon of water lost is an additional cost to RMWD, including maintenance and such when trying to extend the life of a pipeline. He pointed out if there are lines of pipe that require continuous repair that it makes it to the top 20 on the list, then that project just a high priority as is trying to get the zero-read meters replaced. He said he was glad this topic was brought forward and how RMWD needs to be looking at some type of plan where it is available to cross off some of the listed projects which in turn will give staff more time to work on other projects as opposed to continuous maintenance that will create synergies to where everything will start running smoother. He concluded with noting RMWD purchasing less water for which it is not being paid back as well as customers paying for what they are using will accelerate RMWD's ability to work through the list of pipeline replacement and rehabilitation projects as well as all the other projects that have to be done.

Mr. Williams stated while it was great to discuss this matter with this committee, he feels it would be better discussed with the Budget and Finance Committee because the only reason this list has been deferred and not tended to at this moment is due to there not being allocated funds to do so. Mr. Nelson begged to differ, asking whether there was a plan for prosecuting this list. Mr. Williams said there are virtually no pipeline replacement projects in the current five-year Capital Improvement Plan that are presented at both the mid-year and end of fiscal year. He explained the reasons for this have nothing to do with engineering or operations departments not being prepared to proceed with projects, but the money has to come from somewhere and it is not currently allocated.

Mr. McKesson asked what the committee members can do to help. Mr. Williams suggested attending the Budget and Finance Committee meetings to hear the financial aspects. He explained the importance of considering the financial aspects of this matter and how if the Board was comfortable with the dollar amounts presented recently being lower, the first thing engineering and operations would do is update the ranking of the projects and then begin working on getting them crossed off the list. Mr. McKesson asked whether it would be helpful for representatives of this committee to express concern and risk to the Budget and Finance Committee as a means of possibly putting some thought behind the budget. Mr. Williams agreed it may assist with getting some funds allocated for this program.

Mr. Nelson pointed out to be comfortable in proposing utilizing money sitting in a reserve as opposed to being put to work replacing badly needed infrastructure would be a policy decision of the Board. He asked if engineering and operations were told there was funding available for this program, would they have the corporate capability of immediately moving forward on some number of projects. Mr. Williams confirmed this was correct. Mr. Gutierrez pointed out the financial aspect may be subject to GASB requirements in terms of minimum reserves.

Mr. Gutierrez recalled how a pipeline project worked on three years prior was utilized to track costs as a means of determining whether it would be less costly to conduct the work in-house. He explained that although it was found that using in-house crews to do the construction work involved with the pump stations that went out to bid recently would be at least one-third less the cost, RMWD would need to hire more crew members to get the work done due to having to have

crews out repairing pipelines at the same time. Mr. Nelson said this was the conversation he wanted to have in terms of who and how it will be decided how to best prosecute such a body of work including putting a plan in place to ensure RMWD has the corporate capability to conduct the work. Discussion ensued.

Mr. Gasca suggested staff produce a list of regularly repetitive pipeline repairs and rehabilitation which in turn would provide rationale as to why certain pipeline replacements should be ranked higher on the list of priorities than they were positioned originally with the costs included. He said in trade, the Board taking into all the regulatory accounting, would need to determine how far down RMWD can go budding up to that lower floor and what funds could be utilized to start addressing some of these projects as means of making progress in decrease the water loss. Mr. Nelson asked how long it would take under the existing scoring system to come up with a prioritized list of \$20M-\$25M worth of work. Mr. Williams answered approximately one month. Discussion followed.

Ms. Johnson recommended this list of pipeline replacement and rehabilitation program projects be presented and reviewed as part of the mid-year budget workshop scheduled for January at which time the Board, general manager, finance manager, representatives from the committees, etc. can be present and collectively come up with an action plan. She agreed there are things that need to be repaired.

Mr. Stewart said he saw the list when he was serving on the Board and how it appears the only reason there is no road map in place is due to two great big variables; the detachment from SDCWA as well as water sales. He pointed out this was the first time that staff have been able to collect enough data to substantiate the need for these projects.

Mr. McKesson inquired as to the level of effort, if necessary, to refresh and modernize the current list of projects and was it warranted. Mr. Williams stated he would need to first receive direction from Mr. Wiley because it would take substantial effort to do and should there not be any funding available, the efforts may not be warranted. Mr. Gutierrez provided the low-cost version of how this updating the list could be accomplished; however, to do what needs to be done it would involve updating the data that was collected six years ago when the list was first created. Discussion followed.

Mr. Nelson stated it would be fair to say that this committee would like very much for Mr. Wiley to authorize such work as is appropriate to allow for the next step in the planning process to take place. He noted this topic was on the agenda for the November 14th Budget and Finance Committee meeting and how it would be helpful to convey to Mr. Wiley what was heard at this meeting in a sense that there is concern and desire from this committee for management to take actions to prioritize pipeline replacement and rehabilitation. He said should Mr. Wiley not be prepared to support moving forward, then the discussions at the Budget and Finance Committee meeting will be meaningless and the only support to channel Mr. Wiley would need to come from the Board. He expressed hope that when Mr. Wiley becomes aware of the substantial interest regarding this matter, he will be open to discussions. He encouraged staff to convey to Mr. Wiley that this committee was eager to get going and willing to help in any way possible.

***17. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

It was confirmed there was no new activity in the summary.

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

Mr. Williams stated due to the next committee meeting scheduled for the day after the December Board meeting and there being a lack of topics for discussion, staff would recommend cancelling the December committee meeting. Mr. Gasca said he was hesitant about cancelling the meeting in the event there is more discussion that needs to take place regarding the pipeline replacement and rehabilitation plan. Discussion continued.

Mr. Nelson noted the cancellation of this meeting will be decided at a later date.

19. ADJOURNMENT

The meeting was adjourned by Chairperson Nelson.

The meeting adjourned at 5:19 p.m.



Dawn M. Washburn, Board Secretary



Flint Nelson, Committee Chairperson