

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
AUGUST 3, 2022**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on August 3, 2022, was called to order by Chairperson Nelson at 3:31 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 video conference)*, Member Gasca *(via video conference)*, Member Marnett, Member Johnson *(arrived at 3:37 p.m.)*, Member McKesson, Member Nelson.

Also Present: General Manager Kennedy, Executive Assistant Washburn, Alternate Largent, Operations Manager Gutierrez, Engineering and CIP Program Manager Williams, Project Manager Tamimi, Information Systems Specialist Espino.

Also Present Via Teleconference or Video Conference:

Associate Engineer Powers, Project Manager Parra, Engineering Technician Rubio, Water Operations Supervisor Coffey.

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**

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

5. **SEATING OF ALTERNATES**

No alternates were seated.

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

Mr. Williams mentioned staff was requesting for Item #18 to be deferred to the September committee meeting in the interest of time due to the full agenda before the committee today. There was no objection from the committee.

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

There were no comments.

***8. APPROVAL OF MINUTES**

A. July 6, 2022

Motion:

To approve the minutes of July 6, 2022.

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

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

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

Absent: Member Johnson.

9. GENERAL MANAGER COMMENTS

Mr. Kennedy provided an update on some of the activity along the Colorado River. He noted he, Ms. Largent, and three Board Members attended an ACWA event where the speaker shared what was happening with the Colorado River as well as agreed something needed to happen. He said the speaker talked at some length about the Bureau of Reclamation's deadline given to the basin states to cut 2-4 million acre feet off annual deliveries. The plan is due in mid-August, otherwise the federal government will step in to implement a plan. He shared various options the Bureau of Reclamation could possibly implement to meet this cut back.

Member Johnson arrived at 3:37 p.m.

Mr. Kennedy pointed out there is a challenge with assumptions related to Lake Powell. It is extremely unlikely that urban folks will run out of water, but more likely certain farming operations will cease. Discussion followed.

Mr. Gasca inquired as to RMWD's plan if there are going to be cutbacks. Mr. Kennedy answered it is more likely the Governor will impose restrictions before the District receives them from Metropolitan Water District.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams deferred his comments to the engineering agenda items.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez deferred his comments to Items #14 and #20.

12. COMMITTEE MEMBER COMMENTS

Mr. Nelson explained the committee has decided to defer Item #18 due to the important matters that must be addressed before being presented to the Board for consideration.

Mr. Marnett mentioned the concern he raised at the last meeting regarding being charged for \$9.62 per month for backflow testing when the rate sheets show it should be \$4.81 per month. Mr. Kennedy explained Mr. Marnett was individually being incorrectly billed due to a mistake

made by a staff member presuming there were two separate backflow devices due to a fire meter on the property; however, it has since been verified there is only one backflow device. Ms. Largent stated Mr. Marnett should see a credit issued on his bill.

13. BOARD ACTION UPDATES

Mr. Williams reported the Board awarded a Construction Contract with Ortiz Corporation for the Rainbow Water Quality Improvement Project for \$839,850, a Professional Services Agreement with Hoch Consulting for the San Luis Rey Imported Return Flow Project not to exceed \$600,000, approved a Quitclaim of an easement near Via Puerta Del Sol, as well as an amendment to Administrative Code Section 1.02.020 – Conflict of Interest.

***14. NOTICE OF COMPLETION FOR THE RAPID AERIAL WATER SUPPLY (RAWS) (OPERATIONS)**

Mr. Gutierrez noted this was a formality notifying the County that the project has been completed. He stated although it has not been used as of yet; however, it stands ready in the event it is needed.

Mr. Marnett inquired as to whether it has been fully tested with aircraft. Mr. Gutierrez confirmed it has been tested with aircraft as well as set conditions to increase the water volume in the District tanks whenever red flag warnings are received. He explained part of these conditions is to have this tank full so that by the time helicopters come to retrieve water, it is available to them immediately.

Motion:

To recommend to the Board the adoption of Option 1 – Make a determination that the action defined herein is statutorily exempt from CEQA per Section 21080(b)(4) of the CEQA Statute, accept the RAWS Project, approve filing the Notice of Completion, and add installation costs to the Districts total valuation.

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

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 6).

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

***15. PEIR UPDATE PRESENTATION (ENGINEERING)**

Mr. Williams stated RMWD has been working with Helix Environmental going back to approximately 2019 on the preparation of the District's Program Environmental Impact Report ("PEIR). He noted the PEIR is intended to help streamline the environmental process for future District projects subject to CEQA. He recalled Helix Environmental provided an update presentation to the Engineering and Operations Committee in April 2021 and how the presentation and staff's innovative approach to preparing the PEIR was well received. He said, Joanne Dramko from Helix Environmental was here today to present the final PEIR that will be presented to the Board at their August Board meeting. He shared a summary of Ms. Dramko's background prior to introducing her to the committee.

Ms. Dramko shared a presentation titled "Rainbow Municipal Water District Water and Sewer Facilities Plan Program Environmental Impact Report". She reviewed a summary of milestones noting the steps taken for each and how the final milestone will be certification by the Board.

Ms. Dramko recapped the objectives of both the PEIR and Water and Sewer Facilities Plan, respectively, as well as shared a map of all the pipelines covered in the PEIR, and issues requiring mitigation and those with less significant impacts.

Ms. Dramko reported there were comments received from the California Department of Fish and Wildlife, Caltrans as well as the County of San Diego which were all included in the final PEIR along with all the responses.

Ms. Dramko reviewed the tools for PEIR project implementation noting the which items correlate with the different color-shaded areas. She pointed out they were able to screen out 75% of the District's pipeline projects would not need extensive biological mitigation and how the other 25% would only require direct impact mitigation such as permitting or habitat replacement.

Mrs. Dramko noted the displayed flow chart is a sort of visual representation of the roadmap that the PEIR provides and how once the PEIR is certified as these subsequent projects arise, the first question to ask is whether they are included as described in the PEIR and any follow-up steps following the respective response.

Mr. Nelson asked whether it was this project that identified and helped RMWD address the Rice Canyon \$50,000 bird. Mr. Kennedy answered this was under the EIR conducted by the Tri Pointe development.

Ms. Dramko continued her presentation with reviewing examples of RMWD's Capital Improvement Program projects noting the type of mitigation that may be associated with each. She concluded with talking about the summary of benefits of the PEIR (i.e., RMWD saving money and time while allowing for projects to be built faster) as well as the proposed committee recommendation to the Board of Directors.

Mr. Gasca stated it would be helpful if Ms. Dramko could provide an explanation of what a categorical exclusion may entail. Ms. Dramko explained a categorical exemption is a part of the CEQA guidelines which means that a project would not be subject to the California Quality Environmental Act (CEQA). She stated one type of exemption would be statutory exemptions which is when a project is clearly not subject to CEQA. She mentioned there are numerous categorial type exemptions which means a project is eligible to be excluded from CEQA; however, with the proviso that there are no biological cultural hazard impacts.

Mr. Gasca asked whether there is a good handle on which RMWD projects potentially fall under this category. Ms. Dramko explained once a project is covered by an EIR, filing for an exemption under CEQA is no longer necessary. She stated Helix Environmental would provide a checklist for RMWD to document that a project has been reviewed under the PEIR which is kept on file as part of the District records only.

Mr. Gasca inquired as to all other new projects that were not on the list that was used for the PEIR need to be handled. Ms. Dramko replied in the event it is a pipeline project, it would be fully covered under the PEIR, be documented as such, and implement any mitigation measures that would apply. She added if it is another type of project that was not described, the PEIR could still be utilized through a very streamlined process.

Mr. Gasca asked questions related to the potential new headquarters complex including whether RMWD would have to prepare additional environmental paper for its portion. Mr. Kennedy explained the PEIR was really looked at during the Condition Assessment process for all the existing facilities plus the CIP the District had on the books at the time. He clarified the headquarters project it is required to first get a General Plan Amendment for the current headquarters location which may entail preparing a separate EIR or quite lengthy amendment to this PEIR.

Mr. Marnett requested a copy of the presentation be sent to each of the committee members. Mr. Williams agreed to provide a copy in PDF format.

Ms. Johnson commended staff for implementing this and getting the process started as well as for the very thorough report. Mr. Williams mentioned Mr. Tamimi was the staff member who took the lead.

Motion:

To recommend the Board adopt staff recommendation Option 1 – Adopt Resolution No. 22-23 Certifying the PEIR and MMRP and approving the Water and Sewer Facilities Plan.

Action: Approve, Moved by Member Johnson, Seconded by Member Brazier.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 6).

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

***16. HUTTON AND TURNER PUMP STATIONS DESIGN CHANGE ORDER (ENGINEERING)**

Mr. Williams noted the committee has received a copy of the draft action letter that will be presented to the Board for consideration. He pointed out the contract amount was a little over \$166,000. He explained after closer review, it was determined there were several differences that when this was originally put out as a Request for Proposal. He mentioned what changed the District's previous hydraulic model which resulted in staff working with the consultant to work through the District-driven changes. He clarified staff issued a no cost change order reallocating the existing monies to allow the consult to go forth and proceed with working on the hydraulic model. He stated this process has opened numerous doors to various scenarios.

Mr. Williams explained the change order to be presented to the Board in August will be in the amount of \$299,061 which was originally over \$400,000. He stated staff has gone back and forth with the consultant to streamline and narrow what their responsibility will be as well as how Mr. Tamimi will be taking on a great deal of work the consultant was going to do initially. He summarized some notable items, including this was the first time where a civil engineer, hydraulic modeler, and operations department were all in agreement and how in doing so, the Weese Pump Station and Dentro de Lomas Pump Station (formerly known as Bonsall Oaks Pump Station) have been identified as critical. Discussion followed.

Mr. Nelson stated he found the action letter to be quite fair, including the changes in the scope of work.

Motion:

To recommend the Board approve staff recommendation Option 1 - Authorize the General Manager to execute a Change Order to the Professional Services Agreement with Hoch Consulting to provide additional scope of services in the preparation of the design plans for three pump stations in the amount of \$299,061, extend the contract term from June 30, 2022 to February 24, 2023, make a determination that the action identified herein does not constitute a “project” as defined by CEQA.

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

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 6).

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

***17. RICE CANYON TRANSMISSION MAIN PROJECT - PARTICIPATION AGREEMENT AMENDMENT NO. 3 (ENGINEERING)**

Mr. Williams pointed out the matter of whether this could be signed under the General Manager’s authority was currently under legal review for confirmation and how based on that decision, this may or may not be presented to the Board in August. He also explained the exact dollar amount will be provided once the action letter is finalized.

Mr. Williams noted the main driver for this change order is the rock. He acknowledged the gnat catcher was extremely expensive, but rock continues to be encountered.

Mr. Williams mentioned the pressure reducing station is scheduled for delivery and that it is the consensus of all parties that this will be the third and final amendment to this contract.

Mr. Nelson inquired as to the percent this project is complete. Ms. Parra answered it is approximately 75%. She mentioned all the pipe in the tank inlet piping has been installed, there are some electrical components on the Rice Canyon tank that still need to be involved, and the pressure reducing station is expected to be delivered early next week. Mr. Nelson said it was his understanding that this change order is going to be somewhere in the vicinity of \$80,000. Mr. Williams confirmed this was correct.

Ms. Johnson requested the slide number in the PowerPoint be provided for each project for the committee members to easily reference. Ms. Largent stated it is helpful to include the project numbers in the action letters so it can be tied to the PowerPoint and financials. Mr. Williams acknowledged the requests.

Mr. McKesson inquired as to whether the dollar amount had been received by staff. Mr. Williams clarified staff received preliminary numbers which the developer has stated would be approximately \$80,000. It was recommended the committee take action with a not-to-exceed amount of \$100,000 in their motion.

Motion:

To recommend the Board approve staff recommendation Option 1 - Make a determination that the action defined herein does not constitute a “project” as defined by CEQA, approve Amendment No. 3 to the Participation Agreement for the construction of the Rice Canyon Tank Transmission Main Project to increase the total project cost from

\$5,502,373 to \$5.5800,000 (plus or minus) thus authorizing a change order in the amount somewhere in the vicinity of \$80,000 (plus or minus) and a budget increase of a similar amount, and authorize the General Manager to execute Amendment No. 3 on behalf of the District.

Action: Approve, Moved by Member Johnson, Seconded by Member Brazier.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 6).

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

18. RMWD GRANT RESEARCH & COORDINATION (FINANCE)

This item was deferred to the September committee meeting per Item #6.

***19. DISTRICT SOLAR ENERGY OPPORTUNITIES UPDATE (ENGINEERING)**

Mr. Kennedy stated staff wanted to provide an update since this matter of exploring solar opportunities does arise periodically. He noted the Bonsall Reservoir was evaluated during which it was found an electric meter does not exist at the site and how SDG&E would not provide one for the sole purpose of solar. He also mentioned he had contacted an individual with whom he has worked with previously to review the situation. He explained it was found there were not any options for RMWD to do any type of large-scale solar unless the RESPCT program opens more which staff will continue to monitor through the District's contacts at SDG&E. He said if the Board wanted to proceed and take an economic loss, it could be done, there would just need to be balance.

Ms. Johnson said it was her understanding that there was something before the Senate that has been passed and going to the House regarding increasing solar. Mr. Kennedy stated it was unclear how those Federal Bills will translate to the State, to the PUC, and to the utility level.

Mr. McKesson asked whether it was available to place panels on top of every RMWD tank, etc. Mr. Kennedy explained the challenge is that most of the tanks do not have power connections. Discussion followed.

Mr. Marnett inquired as to whether there was anything prohibiting RMWD from selling Beck Reservoir land. Mr. Kennedy explained the expenses associated with developing this land would cost millions of dollars.

20. WHOLESALE WATER EFFICIENCY PROJECT UPDATES PRESENTATION (ENGINEERING/OPERATIONS)

Mr. Nelson explained his primary interest was to know more about the two projects RMWD intends to perform inhouse which in turn will assist in evaluating the corporate capacity for long-term commitment to doing certain types of pipeline projects inhouse, savings, economies of scales, and savings of time associated with such.

Mr. Gutierrez gave a presentation titled "Wholesale Water Efficiency Projects Discussion Gird Road and Wilt Road". He noted when talking about the Wholesale Water Efficiency Projects, it includes the Gird Road, Wilt Road, and installation of pump stations, as well as the Olive Hill Estates transmission main. He mentioned the transmission line at Olive Hill made it available

for RMWD to flow more water into the Morro Reservoir which is key to getting most of the water moving south.

Mr. Gutierrez shared details related to the progress, status, and funding for the Gird Road Water Main project.

Ms. Johnson inquired as whether there was a plan to prevent vandalism of the equipment and such. Mr. Gutierrez said the goal was to put everything on the other side of the ridge so that when passing by it will be out of sight. Mr. Gasca added theft may also be something to consider as well noting several homes have been burglarized in this exact area recently. Ms. Johnson agreed there has been an increase in odd vandalism happening in this area. Mr. Gutierrez said the plan was to basically hide in plain sight.

Mr. Gutierrez talked about the coordination, day-to-day operations, and tracking associated with this project. He also reviewed the proposed schedule.

Mr. Nelson stated when reviewing the project schedule, he observed a minor amount of “critical path sequencing” with a substantial number of parallel timeframes; therefore, he was interested in learning more about how this would be possible. Discussion ensued.

Mr. Gutierrez explained some of the challenges as well as noted there will most likely be unknowns encountered. He announced the start date for this project is scheduled for August 21st once staff receives the permits from the County.

Ms. Johnson recommended staff gather information related to the school zones so they can anticipate when school buses, parents, and students will be traveling through this area to help alleviate some frustration of the community members. She also expressed appreciation for those starting the documentation process for grant writing.

Mr. Gasca inquired as to the time of day the crews will start work at the site. Mr. Gutierrez stated most likely 7:30 a.m. until approximately 3:30 p.m. unless there are exigent circumstances. Mr. Gasca clarified he was suggesting starting the work as early as possible to easily segment the work during high traffic times. Mr. Kennedy pointed out it would all come down to balance and efficiency of the project. Mr. Gutierrez added the intent was to keep two lanes open as opposed to having traffic control out there every day which would cost approximately \$40,000.

Mr. Nelson asked if there were benefits with prosecuting the project from 9:00 p.m.-4:00 a.m. Mr. Gutierrez stated although this would be a great opportunity, the amount of noise generated from the work would not be tolerated by the surrounding residents. He also pointed out by having crew members work a night shift, it would leave minimal crews to work the regular day shift or if an emergency arose. Mr. Kennedy pointed out there were also concerns with crew members not getting appropriate rest which could lead to injuries; however, staff will explore this option as well as other aspects of the job, resources, management, etc.

Mr. Nelson recommended the Wilt Road project be deferred to the next committee meeting. He stated he would like to learn from staff how they intend to conduct the work on this project considering it is located on a windy road.

21. REVIEW THE DISTRICT’S ANNUAL REPORT (FINANCIAL IMPACTS AND HUMAN RESOURCES SECTIONS)

Ms. Johnson recommended this item be deferred to the next committee meeting in the interest of time. Ms. Largent noted this was something Ms. Harp was going to present to the committee per Ms. Johnson’s request and should have possibly been removed from the agenda.

Discussion returned from Item #23.

Ms. Johnson clarified she would like to receipt an update as to the overtime situation, especially on the crew members, as part of this report.

Discussion went to Item #24.

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

Mr. Kennedy confirmed there was one new task.

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

It was noted the RMWD Grant Research and Coordination presentation, Wilt Road project, RMWD’s annual report (Item #21), as well as a proposed schedule for committee member site visits should be on the next committee agenda.

Mr. Gasca recommended the tour be focused on the division in which the respective committee member resides followed by visiting some of the other key facilities. Mr. Marnett recommended staff create small project packets for committee members to reference. Mr. Kennedy agreed this would be good to have available as well as noted the benefits of physically visiting facilities.

Discussion returned to Item #21.

24. ADJOURNMENT

The meeting was adjourned by Chairperson Nelson.

The meeting adjourned at 5:29 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary