

MINUTES

Oakdale, California
April 20, 2010

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Regular Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors: Al Bairos, Jr., President
Frank B. Clark, Vice President
Jack D. Alpers
Herman Doornenbal

Absent: Steve Webb

Staff Present: Steve Knell, General Manager/Secretary
Gary Jernigan, Contract/Special Projects Manager
John Davids, District Engineer
Jason Jones, Support Services Manager
Kathy Cook, Chief Financial Officer

ADDITION OR DELETION OF AGENDA ITEMS

There were no additions or deletions of Agenda Items.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

There were no items taken out of sequence.

At the hour of 9:01 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

There being no Public Comment; Public Comment closed at 9:01 a.m. and the Board Meeting continued.

Directors Clark and Bairos stated that they would like to discuss Consent Item No. 7

CONSENT ITEMS
ITEM NOS. 2, 3, 4, 5, 6, 7, 8

ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES
OF THE REGULAR MEETING OF APRIL 6, 2010
AND RESOLUTION NOS. 2010-21 AND 2010-22

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of April 6, 2010 and Resolution Nos. 2010-21 and 2010-22.

ITEM NO. 3
APPROVE THE OAKDALE IRRIGATION
DISTRICT STATEMENT OF OBLIGATIONS

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the Oakdale Irrigation District Statement of Obligations.

ITEM NO. 4
APPROVE ASSIGNMENT OF
CAPITAL WORK ORDER NUMBERS

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the following assignment of Capital Work Order Numbers:

<u>Facility</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>WO No.</u>
Campbell Lateral	Install and upgrade new 16" Fresno 101C slide gate.	\$2,800	2010-025

ITEM NO. 5
APPROVE PURCHASE OF TWO (2) NEW
WACKERS, RAMMER MODEL BS60-4S FROM AHERN RENTALS

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the purchase of two (2) new Wackers, Rammer Model BS60-4S from Ahern Rentals.

ITEM NO. 6
APPROVE CHANGE ORDER NO. 05 TO FLOYD JOHNSON
CONSTRUCTION FOR ITEMS IDENTIFIED IN FINAL PUNCH
LIST REVIEW FOR THE NORTH SIDE REGULATING RESERVOIR PROJECT

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve Change Order No. 05 to Floyd Johnson Construction for items identified in final punch list review for the North Side Regulating Reservoir Project.

ITEM NO. 7
APPROVE WORK RELEASE NO. 004 – AMENDMENT NO. 01 TO
PROFESSIONAL SERVICES AGREEMENT 2009-PSA-015 TO
GIULIANI & KULL TO INCREASE CONSTRUCTION MANAGEMENT
SUPPORT FOR CASHMAN DAM REHABILITATION PROJECT

Director Clark asked for further explanation on this work release. Contracts and Special Projects Manager Gary Jernigan stated that TCB had filed a claim against the District for the final closeout billing because the District was disputing the final amount. Giuliani and Kull are assisting the District in this review.

Director Bairos asked if TCB never submitted the supporting documents for this time and the District was not aware of these charges until they were submitted at the end of the job why is the District even considering paying these charges. Contracts and Special Projects Manager Gary Jernigan stated that if the District ended up in Court over the claim the Judge would ask if the District received any benefit from this project and if the answer were yes, the District would be responsible for the charges. The Court looks more favorably upon an issue when there is a showing of a good faith attempt to negotiate the issue.

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve Work Release No. 004 – Amendment No. 01 to professional Services Agreement 2009-PSA-015 to Giuliani & Kull to increase construction management support for Cashman Dam Rehabilitation Project.

ITEM NO. 8
APPROVE WORK RELEASES AND AMENDMENTS TO
PROFESSIONAL SERVICES AGREEMENT
2009-PSA-001 TO PROVOST AND PRITCHARD
FOR GENERAL ENGINEERING AND DESIGN SERVICES

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve Work Releases and Amendments to Professional Services Agreement 2009-PSA-001 to Provost and Pritchard for General Engineering and Design Services.

PRESENTATION
ITEM NO. 9

ITEM NO. 9
PRESENTATION BY CONDOR ON SOUTH MAIN
CANAL AND TUNNELS IMPROVEMENT PROJECT

Ron Skaggs of Condor Earth Technology gave a PowerPoint Presentation on the recently completed South Main Canal and Tunnels Improvement Project

**ACTION CALENDAR
ITEMS NOS. 9, 10**

ITEM NO. 9

**REVIEW AND TAKE POSSIBLE ACTION TO AWARD BID
FOR PURCHASE OF FRONT END LOADER WITH ATTACHMENTS**

Staff solicited bids from five (5) vendors; Tri-West Tractor, Inc., Mecom Equipment, LLC, Holt of California, Volvo Rents, and Pape Machinery. Three (3) vendors responded; Tri-West Tractor, Inc., Mecom Equipment, LLC, and Pape Machinery. Holt of California and Volvo Rents did not submit a bid. This bid was opened at 3:00 pm on Wednesday, April 14, 2010.

Staff recommends the purchase of the front end loader with attachments from Mecom Equipment, LLC for \$135,349.54.

Amount budgeted for this purchase is \$137,500.

A motion was made by Director Alpers, seconded by Director Doornenbal, and unanimously supported to award the bid to Mecom Equipment, LLC in the sum of \$135,349.54.

ITEM NO. 10

**REVIEW AND TAKE POSSIBLE ACTION
ON CHANGING THE MAY 4 2010 BOARD MEETING**

The ACWA/JPIA Conference in Monterey is Monday, May 3rd of which Director Webb will be in attendance. The ACWA Conference in Monterey is Tuesday through Thursday, May 4th – 6th. OID must have its display booth for the Convention set up prior to 3:00 p.m. on Tuesday the 4th and the only staff available to set up the booth is Lori Presley and General Manager, Steve Knell. Lori cannot lift any weight due to her recent shoulder surgery and hence the General Manager will not be in attendance at the Tuesday Board meeting, nor will Director Webb.

A motion was made by Director Alpers, seconded by Director Clark, and unanimously supported to cancel the May 4, 2010 Board Meeting.

ITEM NO. 12

COMMUNICATIONS

A. **GENERAL MANAGERS REPORT**

Safety Activities

1. 463 days without a lost-time injury accident.
2. Quarterly Safety BBQ held Friday, April 9th.

Administration Activities

1. Director Frank Clark will receive the Senior Award at the County Board of Supervisors meeting on May 18th. Director Clark is the Supervisorial District 1 recipient and receives the award for, "...volunteer work in community service, humanitarianism, leadership, political advocacy and being a good neighbor". Congratulations Director Clark.
2. Water Operations Manager second interviews held April 8th and 9th.
3. Stanislaus Annual Farm Bureau Dinner was held April 15th at the SOS Club in Modesto.
4. Reviewed Rubicon Systems proposal with Engineering and will schedule Rubicon to meet with Water Committee.
5. Employee insurance meetings occurring during April. All employees to be enrolled in an insurance plan by May 1. Meetings have gone very well.
6. San Joaquin River Group meeting held on April 7th;
 - VAMP water to move mid April to mid May.
 - Winter tending to move to dry side of predictions so expect water demand from ID's to be about 40-60K for VAMP
 - Bubble curtain may be "confusing" fish not helping them
 - No NM Ops Plan is available to judge BOR compliance
 - Predator issue in VAMP Tech Committee-FWS and CDFG seem to play down the issue while technical group sees merit in its evaluation.
 - Biological Criteria Committee looking at using methods to judge whether a watersheds flow criteria is "beneficial". Looks to be another way to get around water right holders rights.
 - BiOp emails on Prelim. Injunction hearing – don't get too excited
 - October 25th is hearing on merits of BiOp.
 - Something in 2011 Wanger to issue his opinion on above.
 - Illegal Delta Diversions: May 5th 3-suits to be heard; July 1-suit and August 1-suit to be heard.
7. Legal Activities:
 - Knights Ferry-April 30th court date
 - Mangante-no change
 - Lubbers-no change
 - Honchariw-no change
 - ID52 case management conference rescheduled for April.

Contract and Special Project Activities

1. South Main Canal and Tunnel Projects – Magorian Mine Services has responded to all requests from the Foundation for Fair Contracting (FFC) and has received a verbal notice of acceptance but have not received written confirmation. A written notice is being drafted and mail to the Contractor and OID on April 5, 2010. On April 2, 2010, OID received from the FFC another request for payroll documentation from Condor Earth Technologies.
2. 2-Mile Bar Tunnel (CEQA & Engineering) – CH2MHILL continues with the CEQA process compiling the necessary documentation for the CEQA document. A Rare Plant survey, one of four, was conducted on April 12, 2010 by the Biologist. The good news is nothing was found that could impact the schedule. More Rare Plant surveys will be conducted during the spring growing season. CH2MHILL and OID are awaiting USFWS comments on the Technical Memo sent to them in March. The tunnel survey was completed on March 24, 2010 for the landowners to review the tunnel route.

Representatives from the Hodgdon Enterprises have reviewed the tunnel route on their property but the Marie Atherton Trust Beneficiaries have not but plan to do so within the next week. The Hodgdon Enterprises has returned the offer approved by the Board February 9, 2010 with some additional comments. This will be presented to the Board for their review. The District's response to the Marie Atherton Trust Attorney's letter was sent, a response will be forthcoming after the route review on their property.

3. North Side Regulating Reservoir – The final grading has progressed but still being hampered and will not finish until the soil dries out. Floyd Johnson Construction has all of their construction equipment and support facilities off site. Their subcontractor, Foster and Sons, still has two pieces of equipment needed to complete the final grading. The fencing contractor mobilized on site March 30, 2010 to start the installation of fencing and was scheduled to complete on or before April 16, 2010 but will do so after the property dries up. The fencing was delayed due to the final grading not being completed in the area to be fenced. The final construction activity is the electrical which is dependent upon PG&E's providing power to the OID panel which is being held up due to the easement from the landowner not being provided. Discussions are still ongoing.
4. Cashman Dam Rehabilitation Project – TCB Industrial has completed the project except for the final grading. The project close out is in progress and the final Change Order is under discussion with TCB Industrial who have rejected OID's initial offer.
5. Contract Close out and Final Report writing on all winter projects continues with the final quantity measurement, Change Order Reconciliations and project narratives with pictures.
6. A Construction Project Administration and a Concrete Quality Control program continued with the Contracts and Engineering Department. Also, the development of a Construction Administration Manual continued.
7. Development of the 5-Year Capital Improvements Program for presentation to the Board is in progress but slowed down for additional review by water operations, engineering and C&M.
8. Contract Administration activities on contracts to be renewed and/or issued, Work Releases and Change Orders for all contracts.

Construction Activities

1. Processing Job Set Up Forms and preparing Request For Work Approvals.
2. Conducting routine maintenance on District Facilities.
3. Met with Charlie Smith on April 14th regarding the removal of his turnout, a District crew removed the turnout and pipeline back to the edge of the deeded right of way on April 16th.
4. Hired one (1) new C&M Worker.
5. Performance Evaluation preparation.
6. Conducting various landowner meetings.
7. Met with Tim Coleman & Erik Mendes regarding a potential borrow site on the south side of the District.
8. Assisting Mr. Jernigan regarding the specifications and bid on the replacement of the Cat 920 loader approved in the 2010 Budget.

Engineering Activities

1. V.A. Rodden – Annexation Agreement revisions complete. DRAFT LAFCO Application complete. Clarification provided from USACOE concerning necessity for Wetland delineation. Baseline biological assessment to be completed by Diane Moore. CEQA can't move forward until the baseline biological assessment has been completed. Recent rains have pushed back Ms. Moore's biological assessment.
2. Ongoing project management with Provost and Prichard. Weekly meetings held every Thursday.
3. Joslin – DRAFT LAFCO Application complete. Baseline biological assessment to be completed by Diane Moore. Work Release No. 1 under PSA approved. Recent rains have pushed back Ms. Moore's biological assessment.
4. Furtado Deep Well Site Project – Ongoing. Project taking longer than anticipated due to family (Furtado) issues and lack of communication between Chicago Title and Furtado's. Call from Shelley with Chicago Title last week letting us know that she thinks everything is squared away. OID staying in weekly contact with Chicago Title in an effort to close this project out.
5. Honolulu Bar Mitigation Project – All permit applications sent off (i.e. 401, 404, LSBAA, Corp Lease, State Lands, etc.). Project moving forward, numerous issues being addressed. Still on track for July 2010 construction start date. Critical path items include LSBAA, 401, M&M Plan and O&M Plan.
6. Continued Environmental assistance with Two Mile Bar Tunnel Project. Request for Consultation and Biological Tech Memo submitted to Maryann Owens with USFWS on 3/2/10. Currently waiting for concurrence (not expected for some time). Additional air emissions data supplied to CH last week. DRAFT MND complete and at OID for review. 1st round of rare plant surveys completed 4/12/10.
7. Willms Ranch – Recent correspondence sent to OID Counsel for review and then to Water Committee for their consideration. Meeting date yet to be determined.
8. Lev – Encroachment Agreement awaiting signature.
9. Postma – Encroachment Agreement awaiting signature.
10. Patterson Deed – Resolution approved at 3/2/10 Board Meetings. Subsequent correspondence sent out 3/19/10. Proceeding as set-forth by counsel.
11. Fringe Parcel Analysis – Met with Water Committee on 3/16/10. Have received numerous phone calls regarding correspondence and have actually met with some of the concerned parties. Standing Water Committee meeting set for today.
12. Martin Dairy Encroachments – Met with Water Committee on 3/16/10. Extension granted, Engineering Department currently working with Mr. Martin concerning structure location, etc. Numerous calls have been placed to Mr. Martin. Mr. Martin is very hard to get a hold of but has noted that they don't plan to chop the oats for another couple weeks due to the rains and as such, we have a little time.
13. Knights Ferry – TM received by P&P. To Board for review in closed session today. Wills Lateral off North Main alignment has been surveyed, pipe sized and preliminary meetings have been held with Ms. Boatright. Second meeting with Ms. Boatright and her partner was held 4/5/10. Staff working on proposal, additional mapping, etc. for Board/Water Committee review.
14. GIS – Working to install concurrent license software on additional work stations as time permits.
15. SCADA – Assisting Mr. Davis as necessary.

16. Boundary Flow Measurement – Assisting Mr. Capdevielle and Mr. Davis as necessary. Waiting for sontek flow meter quote.
17. Honchariw – Engineering reviewing options.
18. Standard Detail – P&P updating per OID comments. Should be complete in the next week or two.
19. USCID Conference – JBD attended 3/23 and 3/24.
20. Rubicon – JBD TCC review, to SRK for further review and then to Board/Water Committee as necessary.
21. OID Scholarship Committee met on 4/14/10 and selected two very deserving candidates from a group of five (5) applicants.
22. Reviewing Springbrook Asset Management potential.

Water Operations Activities

1. Water orders are slow. Lots of passes. Rotation No. 2 started April 9th. The rain events of April 11th and 12th varied around District from .75 inches to over 2 inches in some areas. Rain scheduled for next week, if it occurs and if sufficient may have us pulling water for a few days until things dry out.
2. New employee orientation.

B. COMMITTEE REPORTS

There were no committee reports.

C. DIRECTORS' COMMENTS/SUGGESTIONS

Director Alpers

Director Alpers asked if part of the District's improvement plans included the North Main Canal from Rodden Road on down. He stated that it has some weak spots and is very narrow. Contracts and Special Projects Manager Gary Jernigan stated that an assessment has not been done on this area, but it is part of the 5-year capital projects plan which should be presented to the Board in May.

Director Doornenbal

Director Doornenbal stated that he thought the presentations given at the Board Meeting were very informative and that the District is definitely going in the right direction with the repairs and updating of the system. It adds value to the District in general.

Director Clark

Director Clark commented that everyone should take a ride up to Tulloch and see how the new generator work is progressing. He stated that you can get a really good idea of what it is going to look like and how it is going to work. General Manager Steve Knell reminded everyone to check in first at the trailer if they are going up to Tulloch.

Director Bairos

Director Bairos stated that he was in Knights Ferry over the weekend and had several comments regarding why the District is running the river the way it is running. He also stated that he received a positive comment commending the District for all of its efforts.

At the hour of 10:50 a.m. the meeting adjourned to Closed Session.

ITEM NO. 13
CLOSED SESSION

- A. **Government Code §54956.8** - Conference with Real Property Negotiator
Negotiating Parties: OID, SSJID, SLCMWA, Stockton East Water District, and Westside Interests
Property: Water
Agency Negotiators: General Manager
Under Negotiations: Price and Terms
- B. **Government Code §54956.8** – Conference with Real Property Negotiator
Negotiating Parties: Hodgdon Enterprises
Property: Two-Mile Bar Tunnel Rights of Way
Agency Negotiators: General Manager, Contracts and Special Projects Manager
Under Negotiations: Price and Terms
- C. **Government Code §54956.9** - Existing Litigation
Eakin, et al. v. Oakdale Irrigation District
- D. **Government Code §54957**- Public Employment
Water Operations Manager

At the hour of 12:22 p.m. the meeting returned to open session.

Coming out of Closed Session President Al Bairos, Jr. stated that there was no reportable action.

OTHER ACTION
ITEM NO. 14

At the hour of 12:22 p.m. the meeting was adjourned. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, May 18, 2010 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Regular Joint Board Meeting for the **Tri-Dam Project** is scheduled for **Thursday, May 20, 2010 at 9:00 a.m.** in the board room of the Tri-Dam Project, 31885 Old Strawberry Road, Strawberry, CA.

Al Bairos, Jr., President

Attest:

Steve Knell, P.E., Secretary