

Orange County Sanitation District

MINUTES

BOARD MEETING

September 17, 2008



ADMINISTRATIVE OFFICES

10844 ELLIS AVENUE

FOUNTAIN VALLEY, CALIFORNIA 92708-7018

ROLL CALL

A regular meeting of the Board of Directors of the Orange County Sanitation District was held on September 17, 2008 at 6:30 p.m., in the Administrative Offices. Following the Pledge of Allegiance and invocation, the roll was called and the Clerk of the Board reported a quorum present as follows:

ACTIVE DIRECTORS

ALTERNATE DIRECTORS

X	Doug Davert, Chair		Jim Palmer
X	Larry Crandall, Vice Chair		Gus Ayer
X	Charles Antos		Gordon Shanks
X	Don Bankhead		Sharon Quirk
X	Bill Dalton		Steven Jones
A	Jon Dumitru		Carolyn Cavecche
X	Rose Espinoza		James Gomez
X	James M. Ferryman		Bob Ooten
X	Don Hansen		Jill Hardy
X	Phil Luebben		Prakash Narain
X	Patsy Marshall		Jim Dow
	Darryl Miller	X	Douglas Reinhart
X	Roy Moore		Ron Garcia
X	Joy Neugebauer		Al Krippner
X	Chris Norby		Janet Nguyen
X	Ken Parker		Catherine Driscoll
X	Brad Reese		W. Richard Ulmer
X	David Shawver		David Cadena
X	Christina Shea		Steven Choi
A	Harry Sidhu		Lucille Kring
X	Sal Tinajero		David Benavides
X	Constance Underhill		Joseph Aguirre
X	Mark Waldman		Henry Charoen
X	Don Webb		Leslie Daigle
X	Jim Winder		John Anderson

STAFF MEMBERS PRESENT: Jim Ruth, General Manager; Bob Ghirelli, Assistant General Manager; Lilia Kovac, Associate Clerk of the Board; Jim Herberg; Ed Torres; Lorenzo Tyner; Rich Castillon; Michelle Chewing; Bret Colson; Natasha Dubrovski; Michael Gold; Ryal Wheeler; Paula Zeller

OTHERS PRESENT: Brad Hogin, General Counsel; Art Perry; Jay Mehta; Drew Kolosky

PUBLIC COMMENTS

Comments by Jay Mehta of MMC, Inc., were considered under Agenda Item 9.

REPORT OF THE CHAIR

Chair Doug Davert acknowledged Ryal Wheeler as OCSD's volunteer of the year for 2007/08 donating the most hours working numerous outreach events and conducting public tours, most of them during his non-working hours. . Chair Davert also announced the Strategic Plan meeting is scheduled for October 15, 2008 from 5:00 p.m. to 7:00 p.m. for active and alternate directors, and Ethics Training certificates are required to be on file by the end of the year with the Clerk of the Board to satisfy AB1234 requirements.

Chair Davert reported that in recognition of OCSD's partnership with Orange County Water District for the GWRS project, awards are being accepted from Coastkeepers, California Special Districts Association, WateReuse, and WEFTEC.

REPORT OF THE GENERAL MANAGER

Jim Ruth, General Manager, acknowledged Legislative Affairs Liaison, Michael Gold, who presented an overview of the proposed state budget submitted to the governor for approval, with no provision to affect state funding to special districts.

REPORT OF THE GENERAL COUNSEL

Brad Hogin, General Counsel, reported that the District Court granted a motion to award over \$1 million for attorneys' fees to biosolids application agents, defined as non-governmental plaintiffs by federal law. The award is expected to be appealed at the 9th Circuit Court.

RATIFICATION OF PAYMENT OF CLAIMS

MOVED, SECONDED AND DULY CARRIED: Ratify payment of claims set forth on Exhibits "A" and "B", attached hereto and made a part of these minutes.

<u>ALL DISTRICTS</u>	<u>08/15/08</u>	<u>08/30/08</u>
Totals	\$14,267,264.39	\$19,461,337.28

Director Crandall abstained from discussion and voting on Warrant No. 13971. Director Luebben abstained from discussion and voting on Warrant Nos. 13232, 13555, 13606, and 13834. Director Norby abstained from discussion and voting on Warrant No. 13936. Director Shawver abstained from discussion and voting on Warrant Nos. 13670 and 13872. Directors Hansen and Shea abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

CONSENT CALENDAR

2. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on August 27, 2008, to be filed and deemed approved, as mailed.

3.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Award a purchase order contract to Adco Roofing, Inc. for Plant 1 Control Center Roof and Roof Drains Removal and Replacement, Specification No. R-2008-384 BD, for an amount not to exceed \$131,793 and,

 - b) Approve a contingency of \$13,179 (10%).

STEERING COMMITTEE

Chair Davert reported discussions on the status of the SARI Line agreement; award acceptance protocol resolution, and received an update from the federal lobbyists.

4. **MOVED, SECONDED AND DULY CARRIED:** Approve Steering Committee Minutes for the meeting held on July 23, 2008 to be filed.

OPERATIONS COMMITTEE

5. **MOVED, SECONDED AND DULY CARRIED:** Approve Operations Committee Minutes for the meeting held on September 3, 2008, to be filed.

6.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve a Professional Design Services Agreement with RBF Consulting for Upgrades to Plant Security Barriers, Project No. J-108, in an amount not to exceed \$321,415; and,

 - b) Approve a contingency of \$32,142 (10%).

7. **MOVED, SECONDED AND DULY CARRIED:** Approve a budget increase of \$128,100 for Rehabilitation of District Siphons, Contract No. 2-68, for a total budget amount of \$7,684,100.

8.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve Amendment No. 4 to the Professional Design Services Agreement with RMS Engineering & Design, Inc., for services related to Facilities Engineering

projects, extending the contract from July 1, 2008 through June 30, 2009;
and,

- b) Authorize the General Manager to increase the Delegation of Authority limit (Section 7.02) to Task Order FE05-07-02 issued to RMS Engineering & Design, Inc., approving an increase of \$75,000, for a total amount not to exceed \$175,000 (Job No. FE05-07).
9. Item pulled for discussion.
10. a) **MOVED, SECONDED AND DULY CARRIED:** Ratify Change Order No. 4 to the Purchase Order Contract (P.O. No. 102131-OB) issued to Pro-Pipe Professional Pipe Services for Sewerline Cleaning For City of Tustin and Unincorporated County Property, Specification No. S-2004-209, authorizing an addition of \$50,000, increasing the total amount not to exceed \$300,699, for the contract period June 13, 2007 through June 12, 2008, and for all subsequent authorized renewal periods; and,
- b) Approve an annual contingency of \$30,000 (10%).
11. a) **MOVED, SECONDED AND DULY CARRIED:** Approve Change Order No. 1 to the Purchase Order Contract (P.O. No. 102964OA) issued to Walker Centrifuge Services, LLC, for Digester Cleaning and Debris Disposal, Specification No. S-2007-343, authorizing an addition of \$1,885,001, increasing the total contract to an amount not to exceed \$2,981,100 per year, and for all subsequent authorized renewal periods; and,
- b) Approve an annual contingency of \$298,100 (10%).
12. **MOVED, SECONDED AND DULY CARRIED:** Approve a contingency increase of \$272,357 (11%) to the Professional Design Services Agreement with Malcolm Pirnie, Inc. for the Rocky Point Pump Station Replacement, Contract No. 5-50, for a total contingency of \$470,435 (19%).
13. a) **MOVED, SECONDED AND DULY CARRIED:** Approve a Professional Design Services Agreement with PBS&J, Inc. for the Dover Drive Trunk Sewer Relief, Contract No. 5-63, providing for engineering design services for an amount not to exceed \$956,431; and,
- b) Approve a contingency of \$95,643 (10%).
14. **MOVED, SECONDED AND DULY CARRIED:** Adopt Resolution No. OCSD 08-16, Approving the Seventh Amended Joint Powers Agreement Confirming the Creation of An Agency Known as Southern California Coastal Water Research

Project Authority (SCCWRPA), in a form approved by General Counsel, providing for continuation of SCCWRPA for four years from July 1, 2009 through June 30, 2013, and approving an annual payment of \$400,000.

NON-CONSENT CALENDAR

9. Jay Mehta of MMC, Inc, spoke in opposition to the award of a construction contract, Continuous Emissions Monitoring Systems, Contract No. J-79-1A, to Morrow-Meadows Corporation.

Jim Herberg, Director of Engineering, reviewed the steps staff took in an attempt to recommend the lowest bidder, MMC Inc., but were unable to receive appropriate documentation as required within the stipulated timeframe, deeming MMC, Inc. as legally non-responsive.

It was then MOVED, SECONDED AND DULY CARRIED:

- a) Approve plans and specifications for the Continuous Emissions Monitoring Systems, Contract No. J-79-1A, on file at the office of the Clerk of the Board;
- b) Approve Addendum No. 1 to the Plans and Specifications;
- c) Receive and file bid tabulation and recommendation;
- d) Reject the low bid from MMC Inc. as non responsive;
- e) Award a construction contract to Morrow-Meadows Corporation for the Continuous Emissions Monitoring Systems, Contract No. J-79-1A, for a total amount not to exceed \$3,958,700; and,
- f) Approve a contingency of \$366,178 (9.25%).

Directors Luebben and Waldman opposed.

ADMINISTRATION COMMITTEE

15. MOVED, SECONDED AND DULY CARRIED: Approve Administration Committee Minutes for the meeting held on September 10, 2008, to be filed.
16. MOVED, SECONDED AND DULY CARRIED: Adopt Resolution No. OCSD 08-17, Adoption of District's 2008 Conflict of Interest Code, and Repealing Resolution No. OCSD 06-23.
17. MOVED, SECONDED AND DULY CARRIED: Approve a pay grade change for the Senior CIP Project Manager classification from pay grade 90 to pay grade 92.

18. **MOVED, SECONDED AND DULY CARRIED:** Approve the Debt Financing Policy dated September 17, 2008.

19.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve an agreement with OCB Reprographics for Reprographics and Related Services, Specification No. S-2008-385BD, for a three-year period from October 1, 2008 to September 30, 2011, for an amount not to exceed \$400,000 per year;

 - b) Approve the option of two additional one-year renewals for an amount not to exceed \$400,000 per year; and,

 - c) Authorize a \$40,000 contingency (10%) per year.

GWR SYSTEM STEERING COMMITTEE

20. **MOVED, SECONDED AND DULY CARRIED:** Approve Joint Groundwater Replenishment System Steering Committee Minutes for the meeting held on August 11, 2008, to be filed.

NON-CONSENT CALENDAR

21. Jim Herberg stated that the SARI line between the OC line and SAVI is subject to catastrophic failure if Santa Ana River flows undermine the pipeline where it crosses under the river. He indicated that from 2005-2007 our survey indicated that soil cover protecting the line had increased as a result of the installation of protective rock grade stabilizers following heavy storm flows in 2005. However, this year's annual survey shows that we have experienced a loss of earth cover over the pipe and undercutting of the rock grade stabilizer which has left the pipeline vulnerable to failure in three locations. Mr. Herberg indicated that consultation with the U.S. Army Corps of Engineers resulted in a recommendation to install additional rock to protect the pipeline prior to November 15th which requires that the Board grant emergency purchasing authorization in lieu of the normal bidding process.

Mr. Herberg also noted that SAWPA is responsible for 76% of this maintenance cost and OCSD is responsible for the remaining 24%. Director Ferryman asked staff to look into the availability of FEMA funding for this work. It was then,

- a) **MOVED, SECONDED AND DULY CARRIED:** Approve a budget increase of \$800,000 for Santa Ana River Interceptor, 2006 Protection Repair, Contract No. 2-41-5, for a total budget amount not to exceed \$1,000,000;

- b) Authorize the General Manager to enact the emergency provision of the Delegation of Authority Resolution No. 07-04, Section 6.03, Subsection J, to award a construction contract for Santa Ana River Interceptor, 2006 Protection Repair, Contract No. 2-41-5, for an amount not to exceed \$600,000; and,
- c) Approve a contingency of \$60,000 (10%).

CLOSED SESSION: There was no closed session.

- 23. Director Norby presented photos taken of his recent trip to Kern County biosolids processing and application locations, accompanied by Directors Shea and Neugebauer.

ADJOURNMENT: The Chair declared the meeting adjourned at 7:08 p.m.



Lilia Kovac
Associate Clerk of the Board
Orange County Sanitation District