

Orange County Sanitation District

MINUTES

BOARD MEETING

April 22, 2009



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 April 22, 2009 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		John Nielson
X	Larry Crandall, Vice Chair		Steve Nagel
X	John Anderson		Jim Winder
A	Charles Antos		Gordon Shanks
X	Tom Beamish		Rose Espinoza
X	Keith Bohr		Don Hansen
X	Bill Dalton		Andrew Do
	Jon Dumitru	X	Denis Bilodeau
X	Troy Edgar		Ken Stephens
X	James M. Ferryman		Bob Ooten
X	Phil Luebben		Prakash Narain
	Patsy Marshall	X	Fred Smith
X	Roy Moore		Ron Garcia
X	Joy Neugebauer		Al Krippner
X	Chris Norby		Janet Nguyen
X	Sharon Quirk		Pam Keller
A	Brad Reese		Bill Mac Aloney
A	David Shawver		Carol Warren
X	Christina Shea		Steven Choi
X	Harry Sidhu		Lucille Kring
A	Sal Tinajero		David Benavides
X	Constance Underhill		Joseph Aguirre
X	Mark Waldman		Henry Charoen
X	Don Webb		Leslie Daigle
X	John Withers		Douglas Reinhart

STAFF MEMBERS PRESENT: Jim Ruth, General Manager; Bob Ghirelli, Assistant General Manager; Penny Kyle, Clerk of the Board; Nick Arhontes; Ed Torres; Lorenzo Tyner; Tod Haynes; Lilia Kovac, Bret Colson, Ann Crafton; Michael Gold; Norbert Gaia; Jeff Reed; Juanita Skillman; Ryal Wheeler, Chuck Winsor; Paula Zeller; Jean Bettenhausen; Victor Salinas; Paul Spassoff; Joan Parker-Frey; Bea Mitchell; Mark Kawamoto; Mila Kleinbergs.

OTHERS PRESENT: Brad Hogin, General Counsel; Jack Evans; John Green; Lou Bautista

PUBLIC COMMENTS

There were no comments.

REPORT OF THE CHAIR

Doug Davert, Board Chair, reported that the Steve Anderson Lift Station dedication was held on April 17th. He advised that nominations would be open for the Board Chair and Vice Chair positions at the May board meeting. He also reported that he would be traveling to Washington, D.C. to meet with congressional delegation members and to attend two GWRS award ceremonies.

Ed Torres, Director of Technical Services, and alternate Director Bilodeau presented an award to representatives from Marcel Electronics Inc. for their success in reducing pollutants into sewer discharge.

Service awards were presented to Paul Spassoff for 15 years of service; Victor Salinas, Jean Bettenhausen, and Joan Parker-Frey for 20 years of service; and, Chuck Winsor for 25 years of service.

Directors were also reminded that the Steering and Board meeting would be held on May 20th, the third Wednesday of the month due to a conflict with the League of Cities conference..

REPORT OF THE GENERAL MANAGER

Jim Ruth, General Manager, provided updates on the Kings County property sale status; North County Maintenance Yard progress; current negotiations of outstanding operating issues with IRWD; and compliance with Ocean Discharge Permit requirements.

REPORT OF THE GENERAL COUNSEL

Brad Hogin, General Counsel, did not give a report.

RATIFICATION OF PAYMENT OF CLAIMS

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

<u>ALL DISTRICTS</u>	<u>03/15/09</u>	<u>03/31/09</u>
Totals	\$15,908,962.74	\$14,441,045.66

Director Bohr abstained from discussion and voting on Warrant Nos. 19123, 19168, 19339, and 19537. Director Crandall abstained from discussion and voting on Warrant No. 19123.

Director Dalton abstained from discussion and voting on Warrant Nos. 19085 and 19283. Director Luebben abstained from discussion and voting on Warrant Nos. 18989, 19168, 19537 and 19611. Directors Norby, Shea, Sidhu and Smith 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 March 25, 2009, to be filed and deemed approved, as mailed.
3. **MOVED, SECONDED AND DULY CARRIED:** Adopt Resolution No. 09-03, Establishing an Identity Theft Prevention Program.
4.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve a budget increase of \$457,418 for Rehabilitation of District Siphons, Contract No. 2-68, for a total budget of \$8,141,518;
 - b) Approve a budget increase of \$75,000 for Fire Suppression for Servers and Related Equipment at Plant Nos. 1 and 2, Job No. J-96, for a total budget of \$1,039,718; and,
 - c) Approve a budget increase of \$300,000 for P1 Multiple Locations Office Modifications, Project No. SP-127, for a total budget of \$800,000.
5.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve Change Order No. 1 to the sole source Purchase Order No. 103324-OB, issued to U.S. Peroxide LLC, for the application of Bioxide for odor and corrosion control, authorizing an increase of \$0.12 per gallon for a total unit price of \$2.19/gallon delivered, plus tax, for an additional amount of \$180,000, for a total amount not to exceed \$276,000 for the period October 15, 2008 through June 30, 2009; and,
 - b) Approve a 10% unit cost escalation contingency.

STEERING COMMITTEE

Chair Davert reported the committee was provided an overview on the following: Fuel Cell Technology; Leadership Academy; Media Outreach, and legislative update.

6. **MOVED, SECONDED AND DULY CARRIED:** Order Steering Committee Minutes for the regular meeting held on March 25, 2009 to be filed.

OPERATIONS COMMITTEE

7. **MOVED, SECONDED AND DULY CARRIED:** Order Operations Committee Minutes for the meeting held on April 1, 2009 to be filed.

8.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve a Professional Consultant Services Agreement with Lee & Ro, Inc. to provide construction support services for Replacement of the Bitter Point Pump Station, Contract No. 5-49, for an amount not to exceed \$1,493,633; and,

 - b) Approve a contingency of \$149,363 (10%).

9. **MOVED, SECONDED AND DULY CARRIED:** Approve Amendment No. 3 to Cooperative Projects Grants Program Contract No. 0503 with the City of Placentia providing for a two-month time extension.

10.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve a Purchase Agreement with Jamison Engineering Contractors, Inc. for On-Call Contractor Support Services, Specification No. CS-2009-403BD, for the period July 1, 2009 through June 30, 2010 for a total annual amount not to exceed \$229,129.70, with four one-year renewable options; and,

 - b) Approve an annual contingency of \$22,912.97 (10%).

ADMINISTRATION COMMITTEE

11. **MOVED, SECONDED AND DULY CARRIED:** Order Administration Committee Minutes for the meeting held on April 8, 2009 to be filed.

12.
 - a) **MOVED, SECONDED AND DULY CARRIED:** Approve the discharge of uncollectible debt owed by Pacific Ocean Dyeing & Finishing in the amount of \$163,164.08;

 - b) Approve the discharge of uncollectible debt owed by Hawk Industrial Uniforms in the amount of \$98,278.24; and,

 - c) Report back in six months to the Administration Committee on the status of collection of discharge debts.

NON-CONSENT CALENDAR

13. Making Findings Pursuant to Government Code Section 4217.10 et seq. in Support of an Energy Service Contract and Facility Ground Lease for an Energy Conservation Facility with Air Products and Chemicals, Inc. (Project No. SP-134):

OPEN PUBLIC HEARING: Chair Davert declared the public hearing opened at 7:09 p.m.

The Clerk of the Board announced there were no written comments.

Ed Torres, Director of Technical Services, provided an overview of the proposed project with Air Products and Chemicals, Inc. to build a fuel cell station on site as an alternative energy source station for the public and the Sanitation District.

PUBLIC COMMENTS: There were no public comments.

CLOSE PUBLIC HEARING: Chair Davert declared the public hearing closed at 7:14 p.m.

- d) 1. **MOVED, SECONDED AND DULY CARRIED:** Adopt Resolution No. OCSD 09-04, Making Findings Pursuant to Government Code Section 4217.10 et seq. in Support of an Energy Service Contract and Facility Ground Lease for an Energy Conservation Facility with Air Products and Chemicals, Inc. (Project No. SP-134); and,
2. Approve an agreement with Air Products and Chemicals, Inc., for installation and pilot testing for Fuel Cell Hydrogen Gas Generation, Project No. SP-134, at a cost not to exceed \$400,000, in a form approved by General Counsel.

Ayes: John Anderson; Tom Beamish; Keith Bohr; Larry Crandall; Bill Dalton; Doug Davert; Troy Edgar; Jim Ferryman; Phil Luebben; Fred Smith; Roy Moore; Joy Neugebauer; Chris Norby; Sharon Quirk; Christine Shea; Harry Sidhu; Connie Underhill; Mark Waldman; Don Webb; John Withers

Nays: None

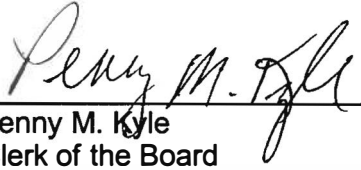
Abstentions: None

Absent: Charles Antos; Denis Bilodeau; Brad Reese; Dave Shawver; Sal Tinajero

CLOSED SESSION

There was no closed session.

ADJOURNMENT: The Chair declared the meeting adjourned at 7:20 p.m.



Penny M. Kyle
Clerk of the Board
Orange County Sanitation District