

**Orange County Sanitation District**  
**MINUTES**  
**BOARD MEETING**  
**August 26, 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 August 26, 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:

<b>ACTIVE DIRECTORS</b>		<b>ALTERNATE DIRECTORS</b>	
X	Doug Davert, Chair		John Nielson
X	Larry Crandall, Vice Chair		Steve Nagel
X	John Anderson		Jim Winder
X	Charles Antos		Gordon Shanks
A	Tom Beamish		Rose Espinoza
X	Keith Bohr		Don Hansen
X	Bill Dalton		Andrew Do
X	Jon Dumitru		Denis Bilodeau
X	Troy Edgar		Ken Stephens
X	James M. Ferryman		Bob Ooten
X	Phil Luebben		Prakash Narain
X	Patsy Marshall		Fred Smith
X	Roy Moore		Ron Garcia
X	Joy Neugebauer		Al Krippner
X	Chris Norby		Janet Nguyen
X	Sharon Quirk		Pam Keller
X	Brad Reese		Bill Mac Aloney
X	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
A	Don Webb		Leslie Daigle
A	John Withers		Douglas Reinhart

**STAFF MEMBERS PRESENT:** Bob Ghirelli, Assistant General Manager; Penny Kyle, Clerk of the Board; Nick Arhontes; Jim Herberg; Ed Torres; Lorenzo Tyner; Lilia Kovac; Norbert Gaia; Michael Gold; Wes Bauer; Jeff Reed; Mike Moore; Paula Zeller; Simon Watson; Chuck Forman; Phil Cordova; Ryal Wheeler; Chuck Winsor

**OTHERS PRESENT:** Brad Hogin, General Counsel; Alternate Director Bob Ooten; Randy Fuhrman; Drew Kolosky

PUBLIC COMMENTS

There were no comments.

REPORT OF THE CHAIR

Doug Davert, Board Chair, reported that Jim Ruth would be honored on September 18<sup>th</sup> with the 2009 Spurgeon Award. He requested Vice Chair Crandall to provide the members with a brief report on the CASA Conference held earlier that month in San Diego. Nick Arhontes came forward and recognized Phil Cordova for 20 years and Chuck Forman for 30 years of employment with the Sanitation District.

The meetings for September were announced, as well as the Strategic Plan Workshop which will be held on October 21<sup>st</sup> at 5:00 p.m. Alternate Directors are also invited to attend.

The Clerk of the Board reported on modifications to the agenda. It was noted that Item 2, the July 22, 2009 Board Minutes, had been corrected; Item 11(b) added Addendum No. 3; and, Item 12(d) and (e) were corrected to reflect lower amounts for contract award and contingency.

REPORT OF THE GENERAL MANAGER

Bob Ghirelli, Assistant General Manager, recognized Nick Arhontes and Simon Watson who provided a report on the progress made on the District's Asset Management Program.

REPORT OF THE GENERAL COUNSEL

Brad Hogin, General Counsel, reported that the motion to dismiss filed in November 2008 on behalf of the South Coast Air Quality Management District regarding emission offsets had been granted.

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>07/15/09</u>	<u>07/31/09</u>
Totals	\$ 24,849,758.68	\$ 49,658,154.98

Director Crandall abstained from discussion and voting on Warrant No. 22820. Director Dalton abstained from discussion and voting on Warrant Nos. 22613 and 22973. Director Luebben abstained from discussion and voting on Warrant Nos. 22340, 22548, 22841, 22902, 23073 and 23253. Director Shawver abstained from discussion and voting on Warrant Nos. 21951 and 22292. Directors Bohr, Norby, Shea and Sidhu abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

**CONSENT CALENDAR (2 - 7)**

2. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on July 22, 2009, to be filed and deemed approved, as corrected.

Director Shea abstained.

3. **MOVED, SECONDED AND DULY CARRIED:** a) Approve a Professional Consultant Services Agreement with Malcolm Pirnie, Inc. to provide construction support services for Replacement of the Rocky Point Pump Station, Contract No. 5-50, for an amount not to exceed \$897,650; and,  
b) Approve a contingency of \$89,765 (10%).
4. **MOVED, SECONDED AND DULY CARRIED:** a) Approve a Professional Consultant Services Agreement with Dudek, Inc. to provide construction support services for Bayside Drive Improvement, Contract No. 5-61, for an amount not to exceed \$149,781; and,  
b) Approve a contingency of \$14,978 (10%).
5. **MOVED, SECONDED AND DULY CARRIED:** a) Approve a budget increase of \$354,000 to Rehabilitation of College Avenue Pump Station, Contract No. 7-47, for a total budget amount of \$11,246,000; and,  
b) Approve a contingency increase of \$173,760 (3%) to the construction contract with Norman A. Olsson Construction, Inc., for Rehabilitation of College Avenue Pump Station, Contract No. 7-47, for a total contingency of \$463,360 (8%).
6. **MOVED, SECONDED AND DULY CARRIED:** a) Approve a sole source purchase order agreement with Putzmeister America, Inc., for maintenance service of the Plant 2 biosolids transfer and loading equipment, for an amount not to exceed \$320,000; and,  
b) Approve a contingency of \$64,000 (20%).
7. **MOVED, SECONDED AND DULY CARRIED:** Approve a Mutual Aid Membership Agreement with the California Water/Wastewater Agency Response Network, in a form approved by General Counsel.

**STEERING COMMITTEE (8 - 9)**

8. **MOVED, SECONDED AND DULY CARRIED:** Order Steering Committee Minutes for the regular meeting held on July 22, 2009 to be filed.

9. **MOVED, SECONDED AND DULY CARRIED:** a) Adopt Resolution No. OCSD 09-12, Approving an Amended and Restated Orange County Council of Governments (OCCOG) Joint Powers Agreement, in a form approved by General Counsel; and,  
  
b) Approve annual membership dues to OCCOG in an amount not to exceed \$5,000 per year.

**GWR SYSTEM STEERING COMMITTEE (10)**

10. **MOVED, SECONDED AND DULY CARRIED:** Approve Joint Groundwater Replenishment System Steering Committee minutes for the meeting held on June 8, 2009, to be filed.

**NON-CONSENT CALENDAR (11 - 13)**

11. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Plans and Specifications for Replacement of the Rocky Point Pump Station, Contract No. 5-50, on file at the office of the Clerk of the Board;  
  
b) Approve Addendum Nos. 1, 2 and 3 to the plans and specifications;  
  
c) Receive and file bid tabulation and recommendation;  
  
d) Award a construction contract to Kiewit/Mass, a Joint Venture for Replacement of the Rocky Point Pump Station, Contract No. 5-50, for a total amount not to exceed \$8,383,000; and,  
  
e) Approve a contingency of \$502,980 (6%).
  
12. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Plans and Specifications for Bayside Drive Improvement, Contract No. 5-61, on file at the office of the Clerk of the Board;  
  
b) Approve Addendum Nos. 1, 2, and 3 to the plans and specifications;  
  
c) Receive and file bid tabulation and recommendation;  
  
d) Award a construction contract to Colich & Sons, L.P., for Bayside Drive Improvement, Contract No. 5-61, for a total amount not to exceed \$1,385,000; and,  
  
e) Approve a contingency of \$83,100 (6%).
  
13. Ordinance No. OCSD-39, an Ordinance of the Board of Directors of Orange County Sanitation District, Establishing Wastewater Discharge Regulations, Revising Article 1, Section 104, and Repealing Ordinance No. OCSD-37:

- a. MOVED, SECONDED AND UNANIMOUSLY CARRIED: Read Ordinance No. OCSD-39 by title only and waive reading of said entire ordinance.
- b. MOVED, SECONDED AND DULY CARRIED: Introduce Ordinance No. OCSD-39, and pass to second reading and public hearing on September 23, 2009. By a showing of hands the motion was approved by a vote of 12 in support and six in opposition.

**CLOSED SESSION**

**CONVENE IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):** The Board convened in closed session at 7:30 p.m. pursuant to Government Code Section 54956.9 to discuss one matter.

**RECONVENE IN REGULAR SESSION:** The Board reconvened in regular session at 7:50 p.m.

**OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY**

Director Norby reported he was arranging for a tour of the Rialto sludge facility on September 18<sup>th</sup> and to contact him for additional information.

**ADJOURNMENT:** The Chair declared the meeting adjourned at 7:50 p.m.

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