AGENDA FOR A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE VALLECITOS WATER DISTRICT
WEDNESDAY, MARCH 7, 2012 AT 4:00 P.M.
AT THE DISTRICT OFFICE
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

CALL TO ORDER – PRESIDENT GENTRY

PLEDGE OF ALLEGIANCE – DIRECTOR POLTL

ROLL CALL

In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. An emergency is defined as a work stoppage; a crippling disaster; or other activity which severely imperils public health, safety, or both. Also, items which arise after the posting of the Agenda may be added by a two-thirds vote of the Board of Directors.

ADOPT AGENDA FOR THE REGULAR MEETING OF MARCH 7, 2012

ORAL COMMUNICATIONS

Persons wishing to address a matter not on the Agenda may be heard at this time; however, no action will be taken until the matter is placed on a future agenda in accordance with Board policy.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar will be voted upon by one motion. There will be no separate discussion of these items, unless a Board member or member of the public requests that a particular item(s) be removed from the Consent Calendar, in which case it will be considered separately under Action Items.

CONSENT CALENDAR

1.1 APPROVAL OF MINUTES

A. REGULAR BOARD MEETING – FEBRUARY 15, 2012

*Approved minutes become a permanent public record of the District.*

Recommendation: Approve Minutes

1.2 WARRANT LIST THROUGH MARCH 7, 2012 - $1,603,211.09

Recommendation: Approve Warrant List

*****END OF CONSENT CALENDAR*****
ACTION ITEMS

2.1 RESOLUTION OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT EXPRESSING APPRECIATION FOR THE SERVICES OF GEORGE "RICH" ARRANT

Rich Arrant is retiring after serving 24 years with the Vallecitos Water District.

Recommendation: Adopt Resolution

2.2 ADOPTION OF AMENDED ENCINA WASTEWATER PRETREATMENT ORDINANCE

The Ordinance sets forth uniform requirements for discharges into the Encina Wastewater Authority’s sewage system.

Recommendation: Approve Ordinance

2.3 AWARD OF CONSTRUCTION CONTRACT FOR SAN MARCOS INTERCEPTOR PHASE 1A

The overall project consists of replacing the existing 21” sewer interceptor with approximately 5,000 LF of 36” to 42” diameter sewer pipe between Twin Oaks Valley Road and Lift Station #1.

Recommendation: Award construction contract

2.4 AWARD OF CONSTRUCTION CONTRACT FOR MEADOWLARK TANK NO. 2 REFURBISHMENT

The District’s steel tanks require major maintenance on a recurring basis. Meadowlark Tank No. 2 is scheduled to be refurbished this fiscal year.

Recommendation: Waive irregularities, reject protest, and award contract

*****END OF ACTION ITEMS*****

REPORTS

3.1 GENERAL MANAGER

3.2 DISTRICT LEGAL COUNSEL

3.3 SAN DIEGO COUNTY WATER AUTHORITY
   - Summary of Formal Board of Directors’ Meeting – February 23, 1012
3.4 ENCINA WASTEWATER AUTHORITY

3.5 ACWA/REGION 10

3.6 LAFCO

3.7 DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

*****END OF REPORTS*****

OTHER BUSINESS

4.1 MEETINGS

CASA Spring Conference
April 25 - 27, 2012 – Marriott, Napa Valley, CA

ACWA Spring Conference
May 8 – 11, 2012 – Monterey Conference Center, Monterey, CA

*****END OF OTHER BUSINESS*****

5.1 ADJOURNMENT

*****END OF AGENDA*****

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the Executive Secretary at 760.744.0460 ext. 264 at least 48 hours prior to the meeting.

AFFIDAVIT OF POSTING

I, Diane Posvar, Executive Secretary of the Vallecitos Water District, hereby certify that I caused the posting of this Agenda in the outside display case at the District office, 201 Vallecitos de Oro, San Marcos, California by 3:00 p.m., Friday, March 2, 2012.

Diane Posvar
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE VALLECITOS WATER DISTRICT
WEDNESDAY, MARCH 7, 2012, AT 4:00 PM AT THE DISTRICT OFFICE,
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

President Gentry called the Regular meeting to order at the hour of 4:00 p.m.

Director Poltl led the pledge of allegiance.

Present: Director Ferguson
          Director Poltl
          Director Shell
          Director Gentry

Absent: Director Hernandez

Staff Present: General Manager Lamb
              Legal Counsel Scott
              Finance Manager Scaglione
              Administrative Services Manager Caudle
              District Engineer Gerdes
              Risk Management Supervisor Janus
              Executive Secretary Posvar

ADOPT AGENDA FOR THE REGULAR MEETING OF MARCH 7, 2012

12-03-01 MOTION WAS MADE by Director Shell, seconded by Director Poltl, and carried unanimously, with Director Hernandez absent, to adopt the agenda for the Regular Board Meeting of March 7, 2012.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

12-03-02 MOTION WAS MADE by Director Ferguson, seconded by Director Poltl, and carried unanimously, with Director Hernandez absent, to approve the Consent Calendar as presented.

1.1 Approval of Minutes

   A. Regular Board Meeting – February 15, 2012

1.2 Warrant List through March 7, 2012 - $1,603,211.09
ACTION ITEMS

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT EXPRESSING APPRECIATION FOR THE SERVICES OF GEORGE "RICH" ARRANT

General Manager Lamb expressed appreciation for Rich’s 24 years of service with the District and President Gentry presented Rich Arrant with the Resolution.

12-03-03 MOTION WAS MADE by Director Ferguson, seconded by Director Shell, and carried unanimously, with Director Hernandez absent, to approve the Resolution.

Resolution No. 1392 - The roll call vote was as follows:

AYES: Ferguson, Poltl, Shell, Gentry
NOES: 
ABSTAIN: Hernandez
ABSENT: Hernandez

ADOPTION OF AMENDED ENCINA WASTEWATER PRETREATMENT ORDINANCE

General Manager Lamb stated that Encina Wastewater Authority’s (EWA) pretreatment ordinance sets forth uniform requirements for discharges into EWA’s sewage system. The District, as a member agency of EWA, was requested to adopt EWA’s pretreatment ordinance. Pretreatment regulations require a Publicly Owned Treatment Works (POTW) to develop technically based local discharge limits to protect treatment plant operations, health and safety of the plant personnel, and the ability to reclaim wastewater byproducts, as well as to ensure compliance with all regulatory requirements. These limits must be re-evaluated every five years.

A Local Limits Study was completed for both Meadowlark Reclamation Facility (MRF) and Encina Water Pollution Control Facility (EWPCF). The results of the Local Limit Study were presented at the District’s Board Committee meeting on November 8, 2010. Based on the results of the Local Limit Study, changes in the current local limits were recommended. EWA held a public workshop on October 26, 2011 to discuss the proposed changes to the local limits for MRF and EWPCF. On February 22, 2012, EWA issued Resolution No. 2012-06, adopting amendments to the pretreatment ordinance. The amended ordinance includes the revised local limits for MRF and EWPCF and changes that incorporated requirements/recommendations from EWA’s pretreatment compliance audit including improved administrative efficiencies.

The District utilizes EWA for industrial waste source control. The pretreatment ordinance provides EWA with the means to regulate discharges to EWA’s sewage
system through the issuance of Discharge Permits to certain non-domestic users and through enforcement of general requirements for other non-domestic users; authorizes monitoring and enforcement activities; requires user reporting; and provides for the setting of fees, fines, costs and deposits. The ordinance applies to EWA, member agencies and to persons/entities outside the member agencies who are, by contract of agreement with a member agency, users of the Encina sewage system.

The Regional Water Quality Control Board (RWQCB) is the regulatory agency with authority to approve the local limits studies. The studies for MRF and EWPCF were reviewed by RWQCB staff and deemed approvable. EWA’s Board has approved the amended pretreatment ordinance which includes the local limits for both MRF and EWPCF. Upon the District’s adoption of EWA’s amended pretreatment ordinance, it will be presented to the RWQCB for approval on March 14, 2012.

Staff recommended adoption of the ordinance which adopts EWA’s amended pretreatment ordinance and repeals Ordinance No. 116.

12-03-04 MOTION WAS MADE by Director Ferguson, seconded by Director Poltl, and carried unanimously, with Director Hernandez absent, to approve the Ordinance.

Ordinance No. 174 - The roll call vote was as follows:

AYES: Ferguson, Poltl, Shell, Gentry
NOES:
ABSTAIN:
ABSENT: Hernandez

AWARD OF CONSTRUCTION CONTRACT FOR SAN MARCOS INTERCEPTOR PHASE 1A

General Manager Lamb stated that the overall project consists of replacing the existing 21" sewer interceptor with approximately 5,000 LF of 36" to 42" diameter sewer pipe between Twin Oaks Valley Road and Lift Station #1. A portion of the project was completed in 2002 between Highway 78 and Grand Avenue, in advance of the City’s Creekside Development Project at the southeast corner of San Marcos Boulevard and Grand Avenue. Another portion of the project was completed in 2005 as an experimental pipe burst project between Twin Oaks Valley Road and Johnston Lane. Phase 1A extends from Bent Avenue to Grand Avenue.

On February 8, 2012, at 2:00 p.m., District staff received and opened bids from eight contractors. Staff and counsel completed the evaluation of qualifications and determined that Charles King Company was the lowest responsive, responsible bidder. District staff will provide inspection and construction management services.
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Staff recommended the Board award a construction contract to Charles King Company Inc. in the amount of $1,471,091, subject to provisions of the contract.

12-03-05  MOTION WAS MADE by Director Shell, seconded by Director Poltli, and carried unanimously, with Director Hernandez absent, to award a construction contract to Charles King Company, Inc., in the amount of $1,471,091.

AWARD OF CONSTRUCTION CONTRACT FOR MEADOWLARK TANK NO. 2 REFURBISHMENT

General Manager Lamb stated that on a recurring basis the District's steel tanks require major maintenance such as painting, interior recoating or other repairs based on the age of the coating system and scheduled tank diving inspections. Meadowlark Tank No. 2 is scheduled to be refurbished this fiscal year.

On February 9, 2012, at 2:00 p.m., District staff received and opened bids from seven contractors. Staff and counsel completed the evaluation of qualifications and determined that State Painting Company was the lowest responsive, responsible bidder. Harper and Associates Engineering Inc. provided design services and will provide inspection. Construction management will be performed by District staff.

The second lowest bidder, Paso Robles Tank, has submitted a formal protest of State Painting's bid. The protest is regarding the fact that State Painting does not list a cathodic protection subcontractor for the cathodic protection portion of the project. The Public Contract Code requires the contractor to specify the subcontractor for any work that is in excess of one-half of one percent of the total bid amount, or perform the work themselves. Paso Robles contends that State Painting is unable to perform the work.

Staff has reviewed the protest and has determined that a special license or subcontractor is not required to perform the cathodic protection work identified in this project. State Painting has stated that they will perform the cathodic protection work on this project.

The irregularity with State Painting Company's bid was an error on their Bid Schedule A form (page 2 of 12) in which a Final Adjustment-Bid Schedule A Add/Deduct amount of $425,200 was listed in addition to the $425,200 being listed on page 3 on line item Total Bid Price – Bid Schedule A. Staff contacted State Painting Company and they confirmed that they did not intend an Add/Deduct amount of $425,200 and that this was listed in error.

Staff recommended the Board waive irregularities in the bid, deny the protest from Paso Robles Tank, and award the contract to State Painting Company, Inc. in the amount of $425,200, subject to the provisions of the contract.
12-03-06 MOTION WAS MADE by Director Ferguson, seconded by Director Poltl, and carried unanimously, with Director Hernandez absent, to waive irregularities in the bid, deny the protest from Paso Robles Tank, and award the contract to State Painting Company, Inc. in the amount of $425,200.

REPORTS

GENERAL MANAGER

General Manager Lamb stated that the District received a reimbursement from ACWA/JPIA’s RPA Stabilization Fund in the amount of $69,995.46. Finance Manager Scaglione explained in detail that the RPA Stabilization Fund was established in 1999 to help stabilize the fluctuating cycle of refunds and billings for prior policy years. In 2001, the Executive Committee authorized expanding the Fund to include all pooled programs.

DISTRICT COUNSEL

Legal Counsel Scott noted that due to the incredibly competitive bid environment, bid protests are being seen in almost every case. The District is in a unique situation whereby it does not have to observe the competitive bid requirements due to being a county water district. This does not preclude the District from complying with prevailing wage, subcontracting licensing laws, and processes it has to follow. For the vast majority of competitive bid protests, the District is not subject to those, which is made clear in the bid documents.

SAN DIEGO COUNTY WATER AUTHORITY

President Gentry stated that the February 23, 2012, Summary of Formal Board of Directors’ Meeting was provided in the Board agenda packet.

General Manager Lamb stated that the SDCWA announced that if it is successful in its litigation against Metropolitan Water District, member agencies will receive a refund. The District’s share was $1.45 million.

General Manager Lamb stated that a Special Board meeting is being held on March 8.

ENCINA WASTEWATER AUTHORITY

Director Poltl reported on the February 22, 2012, Board meeting.
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ACWA REGION 10

President Gentry stated that the next meeting will be held at the Spring Conference.

LAFCO

None.

DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

Director Ferguson reported on her attendance to the City of San Marcos State of City Address.

Director Poltl reported on his attendance to the City of San Marcos State of City Address.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to discuss, President Gentry adjourned the Regular Meeting of the Board of Directors at the hour of 4:40 p.m.

A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, March 21, 2012, at 4:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.

Darrell Gentry, President
Board of Directors
Vallecitos Water District

ATTEST:

Dennis O. Lamb, General Manager
Board of Directors
Vallecitos Water District