

OTAY WATER DISTRICT

BOARD OF DIRECTORS MEETING
DISTRICT BOARDROOM

2554 SWEETWATER SPRINGS BOULEVARD
SPRING VALLEY, CALIFORNIA

WEDNESDAY
February 3, 2010
3:30 P.M.

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PRESENTATION BY THE ENGINEERING AND GENERAL CONTRACTORS ASSOCIATION THE PUBLIC AGENCY PARTNERSHIP AWARD TO THE OTAY WATER DISTRICT
5. PRESENTATION OF THE AMIGO AWARD FOR OUTSTANDING PUBLIC SECTOR/INFRASTRUCTURE PROJECT FROM THE MEXICAN AMERICAN BUSINESS AND PROFESSIONAL ASSOCIATION
7. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

CONSENT CALENDAR

8. ITEMS TO BE ACTED UPON WITHOUT DISCUSSION, UNLESS A REQUEST IS MADE BY A MEMBER OF THE BOARD OR THE PUBLIC TO DISCUSS A PARTICULAR ITEM:
 - a. ADOPT ORDINANCE NO. 519 ENACTING THE PROPOSED AMENDMENTS TO, AND RECODIFICATION, OF CERTAIN PROVISIONS OF THE CODE OF ORDINANCE
 - b. ADOPT ORDINANCE NO. 523 REMOVING FEES AND CHARGES FROM SECTIONS 9, 10, 23, 25, 28, 31, 33, 34, 53, 60 AND FROM POLICY 5 OF THE DISTRICT'S CODE OF ORDINANCES AND INCORPORATING THEM IN A NEWLY CREATED APPENDIX A; DELETING POLICY 17 AND INCORPORATING IT INTO SECTION 31; AND AMENDING SECTION 53, FEES, RATES, CHARGES AND CONDITIONS FOR SEWER SERVICES

- c) ADOPT RESOLUTION NO. 4151 TO REPEAL AND REPLACE BOARD OF DIRECTORS POLICY NO. 5, FURNISHING COPIES OF DOCUMENTS AND PREPARATION OF OTHER INFORMATION; AND ADOPT POLICY NO. 05-A, RECORDS POLICIES AND PROCEDURES, RECORDS RETENTION AND DESTRUCTION; AND POLICY NO. 05-B RECORDS POLICIES AND PROCEDURES -- ACCESSIBILITY
- d) ADOPT RESOLUTION NO. 4152 REVISING BOARD OF DIRECTORS POLICY NO. 48, ADA/FEHA DISABILITY POLICY
- e) APPROVE THE ISSUANCE OF A PURCHASE ORDER TO VILLA FORD OF TUSTIN, CALIFORNIA IN THE AMOUNT OF \$62,349.60, FOR THE PURCHASE OF THREE (3) F-150 PICKUP TRUCKS
- f) APPROVE WAIVING ALL DEFERRED AVAILABILITY CHARGES AND INTEREST PER THE AGREEMENT, "PREVENTING WATER AND/OR SEWER USE AND PROVIDING FOR DEFERRAL OF CERTAIN WATER AND/OR SEWER AVAILABILITY STANDBY CHARGES" WITH THE ENVIRONMENTAL TRUST, INC. CONCERNING FOUR OF THE PARCELS COVERED WITHIN SAID AGREEMENT (APNs 580-040-01, 580-040-41, 580-040-44 AND 580-040-46) AND DENYING THE REQUEST FOR WAIVER FOR THE REMAINING PARCELS
- g) APPROVE CONTINUING THE CURRENT LEVEL OF BANKING SERVICES WITH UNION BANK AND DIRECT STAFF TO INITIATE A REQUEST FOR PROPOSALS IN APPROXIMATELY TWO (2) YEARS
- h) APPROVE THE PROPOSED BYLAWS AND ARTICLES OF ASSOCIATION OF THE COUNCIL OF WATER UTILITIES
- i) APPROVE A REIMBURSEMENT MEMORANDUM OF UNDERSTANDING WITH HELIX WATER DISTRICT FOR COSTS ASSOCIATED WITH THE RELOCATION OF CERTAIN HELIX WATER DISTRICT FACILITIES IN CONNECTION WITH THE UPGRADE OF CWA'S FLOW CONTROL FACILITY NO. 14 AND THE DISTRICT'S JAMACHA ROAD PIPELINE PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$144,700
- j) AWARD A CONSTRUCTION CONTRACT TO WEST COAST INDUSTRIAL COATING INC. IN AN AMOUNT NOT-TO-EXCEED \$690,000 FOR THE 1296-1 AND 1296-2 RESERVOIR INTERIOR/EXTERIOR COATING AND UPGRADES PROJECT
- k) CONSENT TO THE WITHDRAWAL OF THE BID SUBMITTED BY EMPIRE PIPELINE AND AWARD A CONSTRUCTION CONTRACT TO A.B. HASHMI INC. IN THE AMOUNT OF \$91,320 FOR THE JAMACHA ROAD SEWER REPLACEMENT PROJECT
- l) APPROVE A REIMBURSEMENT AGREEMENT WITH THE CITY OF CHULA VISTA FOR CONSTRUCTION COSTS ASSOCIATED WITH THE

OTAY LAKES ROAD 12-INCH RECYCLED WATER PIPELINE AND POTABLE UTILITY RELOCATION PROJECT IN AN AMOUNT-NOT-TO EXCEED \$1,100,000

ACTION ITEMS

9. FINANCE AND ADMINISTRATION

- a) ADOPT RESOLUTION NO. 4153 AUTHORIZING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) FOR THE OTAY WATER DISTRICT TO BECOME A MEMBER OF THE CMFA (BEACHEM)

10. ENGINEERING AND WATER OPERATIONS

- a) CERTIFY THE 2009 PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2009 WATER RESOURCES MASTER PLAN UPDATE AND APPROVE THE 2009 WATER RESOURCES MASTER PLAN UPDATE AS A FINAL PLAN AND DOCUMENT [COBURN-BOYD]

11. GENERAL MANAGER

- a) RECEIVE THE FINDINGS OF THE 2009 RESIDENTIAL CUSTOMER OPINION AND AWARENESS SURVEY REPORT CONDUCTED BY REA AND PARKER RESEARCH INC. (BUELNA)

12. BOARD

- a) DISCUSSION OF 2009 BOARD MEETING CALENDAR

REPORTS

13. GENERAL MANAGER'S REPORT

- a) SAN DIEGO COUNTY WATER AUTHORITY UPDATE

14. DIRECTORS' REPORTS/REQUESTS

15. PRESIDENT'S REPORT

RECESS TO CLOSED SESSION

16. CLOSED SESSION

- a) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION [GOVERNMENT CODE §54956.9(a)]
 - (I) INFRASTRUCTURE ENGINEERING CORP. v. OTAY WATER DISTRICT, COUNTY OF SAN DIEGO, SUPERIOR COURT, CASE NO. 37-2008-00093876-CU-BC-CTL

(II) MULTIPLE CASES RELATED TO THE FENTON BUSINESS CENTER AND FILED WITH THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO CONSOLIDATED UNDER CASE NO. 37-2007-00077024-CU-BC-SC

b) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION [GOVERNMENT CODE §54956.9(b)]

2 CASES

RETURN TO OPEN SESSION

17. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION. THE BOARD MAY ALSO TAKE ACTION ON ANY ITEMS POSTED IN CLOSED SESSION

18. ADJOURNMENT

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

The Agenda, and any attachments containing written information, are available at the District's website at www.otaywater.gov. Written changes to any items to be considered at the open meeting, or to any attachments, will be posted on the District's website. Copies of the Agenda and all attachments are also available through the District Secretary by contacting her at (619) 670-2280.

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at (619) 670-2280 at least 24 hours prior to the meeting.

Certification of Posting

I certify that on January 29, 2010, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 72 hours in advance of the regular meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on January 29, 2010.



Susan Cruz, District Secretary