

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

November 23, 2009

PLEDGE OF ALLEGIANCE

CALL TO ORDER 5:00 P.M., Board Room, District Office
15600 Sand Canyon Avenue, Irvine, California

ROLL CALL Directors Matheis, Swan, Withers, LaMar and President Reinhart

NOTICE

If you wish to address the Board on any item, including Consent Calendar items, please file your name with the Secretary. Forms are provided on the lobby table. Remarks are limited to five minutes per speaker on each subject. Consent Calendar items will be acted upon by one motion, without discussion, unless a request is made for specific items to be removed from the Calendar for separate action.

COMMUNICATIONS TO THE BOARD

1. A. Written:
- B. Oral: Mrs. Joan Irvine Smith relative to the Dyer Road Wellfield.

2. **ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

Recommendation: Determine that the need to discuss and/or take immediate action on item(s) introduced come to the attention of the District subsequent to the agenda being posted.

CONSENT CALENDAR

Next Resolution No. 2009-32

Items 3-15

3. **MINUTES OF REGULAR BOARD MEETINGS**

Recommendation: That the minutes of the November 9, 2009 Regular Board Meeting be approved as presented.

4. **RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS**

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Mary Aileen Matheis, Douglas Reinhart, Peer Swan and John Withers.

5. STRATEGIC MEASURES DASHBOARDS

Recommendation: Receive and file the Strategic Measure Dashboard and Information items.

6. OCTOBER 2009 FINANCIAL REPORTS

Recommendation: Receive and file the Treasurer's Investment Summary Report and the Monthly Interest Rate Swap Summary for October 2009; approve the October 2009 Summary of Wire Transfers and ACH payments in the total amount of \$17,890,361.35; and approve the October 2009 Warrants Nos. 304714 through 305736, workers' compensation distributions and voided checks in the total amount of \$8,417,226.56.

7. ELECTION OF NATION WATER RESOURCES ASSOCIATION (NWRA) CALIFORNIA CAUCUS POSITIONS

Recommendation: That the Board supports Wayne A. Clark (Municipal Water District of Orange County), e.g. Jerry" Gladbach (Castaic Lake Water Agency), Lawrence M. Libeu (Rancho California Water District), Adrienne "Ann" J. Matthews (Kern County Water Agency), and Dr. Betty H. Olson (Santa Margarita Water District) for five positions on the National Water Resources Association California Caucus and recommend election of those candidates.

8. UPCOMING PROJECTS STATUS REPORT

Recommendation: Receive and file.

9. DESTRUCTION OF WELL NOS. 14, 68, AND 74 FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the destruction of Well Nos. 14, 68, and 74, project 10285; authorize the General Manager to file a Notice of Completion; and authorize the payment of the retention 35 days after the date of recording the Notice of Completion

10. WELLS 21 AND 22 DESIGN VARIANCE NO. 7

Recommendation: That the Board authorize the General Manager to execute Variance No. 7 in the amount of \$75,556 with RBF Consulting for Wells 21 and 22, project 10285.

CONSENT CALENDAR – Continued	Next Resolution No. 2009-32	Items 3-15
11. <u>IRVINE DESALTER PROJECT – MANGANESE REMOVAL SYSTEM FINAL ACCEPTANCE</u>		
Recommendation: That the Board accept construction of the Irvine Desalter Project – Manganese Removal System, project 10376; authorize the General Manager to file a Notice of Completion; and authorize the payment of the retention 35 days after the date of recording the Notice of Completion.		
12. <u>TWO-YEAR REIMBURSEMENT AGREEMENT BETWEEN IRWD AND THE CITY OF IRVINE FOR THE ADJUSTMENT/RELOCATION OF MISCELLANEOUS FACILITIES RELATED TO CITY STREET PROJECTS, 2010/11</u>		
Recommendation: That the Board authorize the General Manager to execute a Two-year Reimbursement Agreement between IRWD and the City of Irvine for the installation of miscellaneous facilities (2010/11); authorize an increase to the Fiscal Year 2009/10 Capital budget in the amount of \$330,000, from \$90,200 to \$420,200 for project 11254; in the amount of \$45,000, from \$120,000 to \$165,000 for project 20543; and in the amount of \$27,500, from \$60,500 to \$88,000, for project 30325; and approve Expenditure Authorizations in the amount of \$330,000 for project 11254, in the amount of \$45,000 for project 20543, and in the amount of \$27,500 for project 30325.		
13. <u>MANNING WATER TREATMENT PLANT UPGRADES DESIGN VARIANCE NO. 3</u>		
Recommendation: That the Board approve an Expenditure Authorization in the amount of \$109,000 and authorize the General Manager to execute Variance No. 3 with Water 3 Engineering/RMC Water and Environment, in the amount of \$60,962, to provide engineering design services for the Manning Water Treatment Plant upgrades, project 11161.		
14. <u>CEQA COMPLIANCE FOR A SUPPLEMENTAL WATER SUPPLY PROJECT</u>		
Recommendation: That the Board authorize the General Manger to approve Variance No. 2 in the amount of \$29,631 for the on-call California Environmental Quality Act (CEQA) Consultant Services Agreement with ESA; authorize an increase to the Fiscal Year 2009/10 Capital budget for project 11459 by \$39,700, from \$13,387,000 to \$13,426,700, for related CEQA services; and approve an Expenditure Authorization for project 11459		

CONSENT CALENDAR – Continued	Next Resolution No. 2009-32	Items 3-15
<p>15. <u>OPERATIONS CENTER FACILITIES EXPANSION PHASE 1 EXPENDITURE AUTHORIZATION AND VARIANCE NO. 2</u></p> <p>Recommendation: That the Board approve Expenditure Authorizations for projects 11422, 21422 and 31422 for \$63,100 each; and approve Variance No. 2 with RRM Design Group in the amount of \$178,788 for additional engineering design services for the Operations Center Facilities Expansion Phase 1 project.</p>		

ACTION CALENDAR

<p>16. <u>NEWPORT COAST CATHODIC PROTECTION CONSTRUCTION AWARD</u></p> <p>Recommendation: That the Board approve Expenditure Authorizations for project 10917 in the amount of \$1,041,400, project 20410 in the amount of \$237,600 and project 30917 in the amount of \$1,041,400; and authorize the General Manager to execute a Construction Contract with American Construction and Supply, Inc. in the amount of \$1,962,095 for the Newport Coast Cathodic Protection projects 10917, 20410, and 30917.</p>		
<p>17. <u>ORANGE PARK ACRES TRANSMISSION MAIN DESIGN VARIANCE NO. 2</u></p> <p>Recommendation: That the Board approve Expenditure Authorizations for project 11407 in the amount of \$81,400, project 11408 in the amount of \$200,200, project 11409 in the amount of \$40,700, and project 11410 in the amount of \$37,400; and authorize the General Manager to execute Variance No. 2, in the amount of \$267,850, with Stantec Consulting for the Orange Park Acres Transmission Main, projects 11407, 11408, 11408, and 11410.</p>		
<p>18. <u>RECLAIMED WATER DECHLORINATION STATIONS CONSTRUCTION AWARD</u></p> <p>Recommendation: That the Board authorized a budget reduction in the Amount of (\$277,100) for Project 30206; approve an Expenditure Authorization in the amount of \$821,500 for Project 30206; and authorize the General Manager to execute a Construction Contract with F. T. Ziebarth Company in the amount of \$627,700 for the Reclaimed Water Dechlorination Stations Project 30206.</p>		

ACTION CALENDAR - Continued

19. FOUR-AGENCY INTERCONNECTION STUDY – CONSULTANT SELECTION

Recommendation: That the Board authorize the General Manager to execute a Professional Services Agreement with RBF Consulting in the amount of \$127,700 for the Interconnection study, project 10564, and to secure proportional reimbursement totaling \$69,364 from the cities of Newport Beach, Santa Ana, and the Mesa Consolidated Water District for these agencies' share of the study.

20. BAKER WATER TREATMENT PLANT AGREEMENT AMENDMENT AND MEMORANDUM OF UNDERSTANDING

Recommendation: That the Board authorize the President to execute Amendment No. 1 to the Agreement for Construction, Operation and Maintenance of Baker Water Treatment Plant between El Toro Water District (ETWD), Irvine Ranch Water District (IRWD), Moulton Niguel Water District (MNWD), Santa Margarita Water District (SMWD), Trabuco Canyon Water District (TCWD), and Municipal Water District of Orange County (MWDOC) to increase the plant design capacity from 34.5 to 43.5 cfs and to increase IRWD's capacity share in the plant from 7.5 to 10.5 cfs subject to non-substantive changes and approval by the participating agencies; and authorize the General Manager to execute a Memorandum of Understanding (MOU) between ETWD, IRWD, MNWD, SMWD, and TCWD to allow the sale of excess IRWD capacity in the Baker Pipeline to other participating agencies that require capacity in the Baker Pipeline and will include a provision to calculate the value of the capacity transfers at the time the capacity transfers are made subject to non-substantive changes and approval by the participating agencies.

OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request the staff to report back at a subsequent meeting concerning any matter, or direct the staff to place a matter of business on future agendas. Such matters may be brought up under the General Manager's Report or Directors' comments.

21. A. General Manager's Report

OTHER BUSINESS - Continued

B. Directors' Comments

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C. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL:

- (1) EXISTING LITIGATION - Government Code Section 54956.9(a) – SEMA Construction v. City of Tustin; City of Tustin v. IRWD
- (2) EXISTING LITIGATION - Government Code Section 54956.9(a) – [Case under seal]
- (3) ANTICIPATED LITIGATION - Government Code Section 54956.9(b) – significant exposure to litigation (one potential case)

CLOSED SESSION WITH REAL PROPERTY NEGOTIATOR – Government Code Section 54956.8

- (4) Property: Various parcels - Portions of Sections 25, 26, 34, and 35 of T23S R19E MDB&M.
Negotiating Parties: Ernest Conant, Legal Counsel Representing Parties
Agency Negotiator: Paul Jones, General Manager
Purpose of Negotiations: Price and Term of Payment

D. Adjourn

OTHER BUSINESS - Continued

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Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Irvine Ranch Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance to the Board of Directors Room of the District Office.

The Irvine Ranch Water District Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.