

**CARPINTERIA SANITARY DISTRICT
IN THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

MINUTES

These are the **minutes** of the **regular** meeting of the Governing Board of the Carpinteria Sanitary District in the City of Carpinteria, County of Santa Barbara, and State of California.

The Governing Board of the Carpinteria Sanitary District held a regular meeting on **August 6, 2013**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Jeff Moorhouse – President
Mike Modugno – President Pro-Tem
Michael Damron – Treasurer
Lin Graf – Secretary
Gerald Velasco – Secretary Pro-Tem - **absent**

Staff Present: Craig Murray – General Manager
Kim Garcia – Board Clerk
Hamid Hosseini – Finance Director

Legal Counsel
Present: William Hair – Musick, Peeler & Garrett, LLP

Public Present: Dave Stone – Dudek
Doug Harris – CalProp
Fred Heidarian – Green Building Corporation
Boris Koron – Green Building Corporation
Dave Rundle – Penfield & Smith
Hillary Hauser – Heal the Ocean
Reynolds Yater

President Moorhouse called the meeting to order and asked Director Damron to lead those present in the Pledge of Allegiance.

President Moorhouse noted for the record that Director Velasco would be absent from tonight's meeting.

Board Approval of Agenda - President Moorhouse asked if there were any modifications and/or changes to the agenda. Hearing none, President Moorhouse said the agenda was approved as submitted.

Mr. William Hair introduced himself as legal counsel of record for tonight's meeting. Mr. Hair said that many years ago he had served as general counsel through a firm

previously engaged by the District. Mr. Hair has recently joined Musick, Peeler & Garrett, the District's current law firm.

Board Approval of Minutes of the Meeting of July 16, 2013 – Director Graf made a motion that the Minutes of the July 16, 2013 Regular Board meeting be approved as submitted; Director Modugno seconded the motion, and the motion was approved by a 3-0-1 vote with Director Damron abstaining.

Public Forum – None.

General Manager's Status Report – General Manager reported on the following:
Quarterly Incident Report – The Quarterly Incident Report for the period April – June 2013 was presented to the Board. This report detailed incidents, complaints and other customer interactions received during this period.
Aerobic Digester Replacement Project Update – General Manager said the project plans and specifications are pushing towards 95% completion. Blower selection and specification remains an outstanding item. General Manager said he visited the Palm Valley Water Reclamation Facility to observe an installation of hybrid positive displacement blowers manufactured by Aerzen. The design team is evaluating this equipment further.
SCAP Monthly Report – General Manager said the District's membership in the Southern California Alliance of POTWs is very beneficial. Attached was a copy of the July 2013 monthly update.
Operations Update – General Manager said the treatment plant is operating well and in full compliance with our NPDES discharge permit. On Sunday, July 28th, District staff responded to a reported sewer overflow on Via Real west of the Polo Fields. A mainline blockage caused approximately 140 gallons of wastewater to be released from a cleanout at an adjacent house. Staff cleared the blockage, and undertook cleanup and restoration activities. Follow up reporting, investigation and coordination with the homeowner was conducted the next day. Supervisory operations staff attended a full-day fall protection training/certification program held at the CSD offices.

Resolution No. R-266 – Adoption of Final Mitigated Negative Declaration West Padaro Lane Main Sewer Extension Project – General Manager said this public hearing item is for the purpose of considering the Final Mitigated Negative Declaration for the West Padaro Lane Main Sewer Extension Project.

General Manager said the project involves construction of approximately 6,100 linear feet of 8-inch diameter gravity sewer main located primarily within the paved travel lanes of Padaro Lane. The project is being proposed by CalProp, the record owner of one of the westernmost residential parcels on Padaro Lane.

General Manager said CalProp engaged Dudek, Inc. to prepare an Initial Study and Mitigated Negative Declaration for the project in accordance with CEQA. Mr. David Stone with Dudek was present. The Draft was completed in June and was sent to the State Clearinghouse, placed on the District's website, and circulated for public review. A Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the Santa Barbara County clerk and published in the local newspaper of record. A public comment period ran from June 28, 2013 to August 6, 2013 in conformance with State law.

General Manager said the District received written comments on the Draft from the Native American Heritage Commission and Mr. Patrick Tumamait. Dudek and the District collaboratively prepared responses to the comments and incorporated them into the Final document. A copy of the complete updated Final document was distributed for review.

General Manager said if approved, the Resolution will adopt the Final Mitigated Negative Declaration, adopt a Mitigation Monitoring and Reporting Program for the Project,

approve Project Findings, approve the Project and finds it to be consistent with the County General Plan, and identifies the location of the Project record as the District Administration Office.

General Manager said a Coastal Development Permit and a Conditional Use Permit from the County of Santa Barbara will be required for this project and will be obtained by CalProp. This permit process will include public hearings in accordance with Government Code requirements.

President Moorhouse said that he had one speaker slip related to this item.

Mr. Reynolds Yater introduced himself. Mr. Yater said he would like to obtain a copy of the project plans and specifications. General Manager said he would provide a copy to Mr. Yater.

Director Damron made a motion that the Board adopt Resolution No. R-266 adopting a Final Mitigated Negative Declaration for the West Padaro Lane Main Sewer Extension Project and approving the project and related actions; Director Graf seconded the motion, and the motion was approved by the following 4-0 roll call vote: Director Graf voted aye, President Moorhouse voted aye, Director Modugno voted aye, and Director Damron voted aye.

Notice of Award - Cash Contract No. 405 Rincon Point Septic to Sewer Conversion Project - General Manager said this project includes construction of a low pressure sewer system to serve the 72 existing residential properties within Rincon Point. A grinder pump tank, pump, control panel and necessary appurtenances will be installed at each home. Approximately 5,000 linear feet of 2-and 3 inch diameter force main piping will be constructed using trenchless methods.

General Manager said that on July 11, 2013 the District received four bids for the Rincon Point Septic to Sewer Conversion Project. The bids were opened publicly at the District office and it was determined that the apparent low bidder was Travis Agricultural Construction, with a bid of \$1,256,553.

General Manager said the bid package submitted was determined to be complete and Travis Ag was deemed to have submitted the lowest responsive and responsible bid. Penfield & Smith, the project engineer, reviewed the bid packages and prepared a letter recommending contract award to Travis Agricultural Construction. There were two minor mathematical errors within the bid document causing the total bid price to be adjusted from \$1,256,553 to \$1,257,557. The overall discrepancy of \$1,004 is not material in this case, as the next lowest low bid was \$1,492,990.

General Manager said on July 17th the District received a formal bid protest from Mr. Fred Heidarian of Green Building Corporation, the contractor that submitted the second lowest bid. A copy of the bid protest letter was attached for review. General Manager said the bid protest letter was reviewed and considered by District staff and legal counsel. The claims presented by Green Building Corporation were each found to lack merit. District staff prepared a response letter to Green Building Corporation. A copy of the letter was attached for review. Travis Ag. was also given an opportunity to comment, their email response was attached.

General Manager said Travis Ag is believed to be the lowest responsive, responsible bidder. If approved, a Notice of Award will be transmitted to Travis Ag with a Contract Document.

General Manager said that it was staff's recommendation that the Board reject the bid protest filed by Mr. Fred Heidarian of Green Building Corporation, waive any minor bid irregularities that may exist in the bid submitted by Travis Agricultural Construction, Inc. and approve issuance of a Notice of Award for the Rincon Point Septic to Sewer Conversion

Project to Travis Agricultural Construction of Ventura, California, who was determined to be the lowest responsive, responsible bidder for this project with a bid amount of \$1,257,557.

General Manger provided a summary of Green Building Corporation's bid protest and rationale as to why each of the claims were found to lack merit by District staff and Legal Counsel.

President Moorhouse said that he had two speaker slips related to this item. The first speaker, Mr. Boris Koron, was invited to address the Board.

Mr. Koron, a representative for Green Building Corporation, reviewed the bid protest letter, dated July 17, 2013, and supportive attachments A through H. Mr. Koron provided testimony related to the three claims asserted by Green Building Corporation, including 1) Prohibited notary used by Travis Ag due to a conflict of interest, 2) Travis Ag made an unauthorized bid modification by not initialing, and 3) Travis Ag's unit price for bid item #6 is unclear. Mr. Koron thanked the Board for their time.

President Moorhouse invited the second speaker, Ms. Hillary Hauser, to address the Board.

Ms. Hauser introduced herself as a representative from Heal the Ocean. Ms. Hauser said that Heal the Ocean has been working with the District on this important project for the last 15 years. Ms. Hauser distributed and reviewed a draft newsletter, which included a timeline of events related to Rincon project. Ms. Hauser thanked the Board for their support of the project and said she hoped that an award would be issued at tonight's meeting.

President Moorhouse asked if there was any further public comment related to the item, hearing none President Moorhouse closed public comment.

President Moorhouse asked Legal Counsel what authority the Board had related to the contract irregularities. Legal Counsel said that the Board has the authority to waive irregularities and to accept the document. Legal Counsel said the irregularities were minor and were not material. Legal Counsel said current law excludes the requirement of notarization on contract bid documents. General Manager noted for the record, page 410-3, section 6.01 of the Bid Form documents states "In case of discrepancy between the unit price and total price of an item, the unit price shall prevail provided that if the unit price is ambiguous, unintelligible, or uncertain for any case, or is omitted, it shall be the amount obtained by dividing the amount set forth as the total price by the estimated quantity of the item."

Director Damron made a motion that the Board 1) reject the bid protest filed by Mr. Fred Heidarian of Green Building Corporation; 2) waive any minor bid irregularities that may exist in the bid submitted by Travis Agricultural Construction, Inc.; and 3) approve issuance of a Notice of Award for the Rincon Point Septic to Sewer Conversion Project to Travis Agricultural Construction, Inc. of Ventura, California; Director Graf seconded the motion and the motion was approved by a 4-0 vote.

Cash Contract No. 404- Rincon Point Offsite Improvements and Pump Station Project– General Manager said on July 16, 2013 the Board authorized a Notice of Award to Tierra Contracting. Notice was delivered to Tierra along with two copies of Cash Contract No. 404. Signed copies of the agreement were returned with required bonds and insurance certificates. Once Cash Contract No. 404, in the amount of \$1,459,771, is approved and executed by the Board, Notice to Proceed will be issued to Tierra Contracting.

General Manager said the contract performance period is 140 working days from Notice to Proceed and that the form of agreement has been reviewed by legal counsel.

General Manager said that it was staff's recommendation that the Board approve Cash Contract No. 404 between the District and Tierra Contracting, Inc. for the Rincon Point Offsite Improvements and Pump Station Project.

Director Graf made a motion that the Board approve and execute Cash Contract No. 404 between the District and Tierra Contracting, Inc. for the Rincon Point Offsite Improvements and Pump Station Project; Director Modugno seconded the motion and the motion was approved by a 4-0 vote.

Multi-Agency Agreement for Cooperative Use of a Safety and Training Officer – 2013 Update – General Manager said in 2007 the District entered into a cooperative agreement with four other local sanitary districts to jointly hire and employ a Safety and Training Officer. The program has been successful, with a dedicated safety professional providing service to the partner agencies. Our District has served as host agency and the direct employer of the Safety and Training Officer.

General Manager said the costs for the entire program are apportioned amongst each of the participating agencies. Over the last few years, two of the original agencies have elected to discontinue participation in the cooperative. Collectively, the three remaining agencies approached other local governmental agencies to find a new partner or partners.

General Manager said Ventura Regional Sanitation District showed interest in the safety co-op. After a series of meetings with managers and with the Safety and Training Officer an agreement was reached. VRSD is a larger agency, with 65 employees, and based on the agreement's cost apportionment formula they will pay a significant portion of the annual costs in the upcoming fiscal year.

General Manager said attached to the staff report is an updated Agreement for the Cooperative Use of a Safety and Training Officer between the four participating agencies. The managers felt it was appropriate to have each of the agency Boards consider the agreement.

Director Graf made a motion that the Board authorize the General Manager to enter into the proposed multi-agency agreement for the cooperative use of a Safety and Training Officer; Director Damron seconded the motion and the motion was approved by a 4-0 vote.

Contract Document Acceptance and Authorization to Solicit Bids – Collection System Rehabilitation Project Cash Contract No. 410 – General Manager said over the past several years the District has undertaken a comprehensive program to clean and video inspect its entire wastewater collection system. Review of the data culminated into a prioritized list of pipelines for repair and or rehabilitation.

General Manager said this CIP project was authorized in FY2012/2013 with a budget amount of \$750,000

General Manager said the current remedial project will involve trenchless rehabilitation of approximately 16,000 linear feet of gravity sewer pipeline, primarily cured in place pipe method. This method involves the installation of a woven felt tube impregnated with thermosetting polyester or epoxy resin that is inflated to fit tight to the interior wall of an existing pipe. Heat is used to cure the resin and the result is a pipe within a pipe that has the full structural integrity of a new pipe. A robotic cutter is used to open each lateral connection.

General Manager said copies of the contract documents are available for review at the District office. General Manager said that it was staff's recommendation that the 100% complete Contract Documents for the Collection System Rehabilitation Project be accepted and that authorization be given to advertise and solicit bids for construction.

Director Damron made a motion that the Board accept the 100% complete Contract Documents for the Collection System Rehabilitation Project and that authorization be given to advertise and solicit bids for construction; Director Modugno seconded the motion and the motion was approved by a 4-0 vote.

Finance Committee – Director Damron reported that the Finance Committee met on July 22, 2013 to review the monthly reports.

Personnel Committee – Did not meet.

Public Relations Committee – Did not meet.

CASA Legislative Committee Report – None.

LAFCO Report – None.

SBCSDA Report – President Moorhouse and Director Modugno reported on their attendance at the monthly meeting.

CSRMA Report – None.

Board Member Vacation Dates – None.

Future Agenda Items – None.

Adjournment There being no further items to discuss, President Moorhouse adjourned the meeting at 6:45 p.m.

Jeff Moorhouse
President

Lin Graf
Secretary

Mike Modugno
President Pro-Tem

Gerald Velasco
Secretary Pro-Tem

Michael Damron
Treasurer