

STAFF REPORT

DATE: November 13, 2007

TO: Water/Sewer Committee

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN SAN DIEGO COUNTY CO-PERMITTEES OF THE SAN DIEGO COUNTY NPDES MUNICIPAL PERMIT ORDER NO. R9-2007-0001**

SYNOPSIS

Staff recommends that the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve a Memorandum of Understanding (MOU) between San Diego County Copermittees of the San Diego County National Pollutant Discharge Elimination System (NPDES) Municipal permit (Permit) that establishes the shared program responsibilities of each party with respect to compliance with the Permit regulations for the five year cycle of the permit, and authorize the Mayor to execute the MOU.

BACKGROUND

The San Diego Regional Water Quality Control Board (Board) adopted Order No. 2007-0001 (Order) on January 24, 2007, which renews the municipal NPDES permit first issued in July 1990. This permit establishes rules and regulations that the 21 copermittees in San Diego County must follow to reduce and/or eliminate urban discharge into city receiving waters. This new permit requires that the Co-permittees cooperate in the implementation of various Urban Runoff Management Plans and execute a Memorandum of Understanding. The Copermittees are required to sign an MOU for joint activities before December 31, 2007, when the first amendment to the previous MOU dated December 3, 2001 will expire. The NPDES permit is for a five year cycle and the life of the MOU will run the live of the current Permit plus twelve months.

ANALYSIS

Twenty-one Copermittees in San Diego County are required to cooperate in the implementation of various Urban Runoff Management Plans and share costs for regional programs related to the Permit. A Regional Management Committee (RMC), which consists of one participant from each Copermittee, will develop, approve, and coordinate urban runoff management programs. Underneath the RMC are several committees and workgroups that will spearhead the development of regional urban runoff programs and report to the RMC.

The City of Oceanside will serve the as the lead watershed Copermittee for the San Luis Rey Watershed providing overall coordination of program reports and plans, provide leadership in the development of programs within the watershed. See attached flow chart. (Exhibit A)

FISCAL IMPACT

Prior to the allocation of shared costs for each proposed program and its associated budget the Copermittees sharing that cost shall be identified and costs shall be divided among participating Copermittees as described below:

The default formula for the allocation of shared costs is based on 45% population, 45% urbanized land area, and 10% equal division among all participating Copermittees. The same formula was used in the MOU of December 3, 2001. The formula will be used for regional, watershed, or any other shared programs, unless the Copermittees participating in those programs decide otherwise. Copermittees shall each pay a yearly assessment into the Regional General Program operations fund for their assigned portion of any Regional Shared Costs Budget approved pursuant to this agreement.

A special formula for the Hydromodification Plan Development has been developed. 10% of the total cost will be divided equally between all Copermittees. 90% of the cost will be divided based on the estimated number of developable parcels within each Copermittees jurisdiction.

The Regional General Program operations fund shall be managed by the Regional Principal Permittee, which is designated as the County of San Diego in the MOU. In addition, any Copermittee performing contract administration tasks is entitled to receive 5% of the contract amount for their services.

Any Copermittee performing tasks other than contract administration or serving as Working Body Chair, Co-chair, or Secretary, is entitled to reimbursement of the direct costs of performing those services.

Before January 31st of each year, the Management Committee will approve and provide to each Copermittee a work plan and estimated budget for the following fiscal year.

CITY ATTORNEY'S ANALYSIS

The documents are being reviewed by the City Attorney.

RECOMMENDATIONS

Staff recommends that the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve a Memorandum of Understanding (MOU) between San Diego County Copermitees of the San Diego County National Pollutant Discharge Elimination System (NPDES) Municipal permit (Permit) that establishes the shared program responsibilities of each party with respect to compliance with the Permit regulations for the five year cycle of the permit, and authorize the Mayor to execute the MOU.

SUBMITTED BY:

Greg Blakely
Water Utilities Division Manager

DATE: November 13, 2007

TO: Water/Sewer Committee

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH INFRASTRUCTURE ENGINEERING CORPORATION FOR INSPECTION SERVICES DURING RELOCATION OF THE SECOND AND THIRD AQUEDUCTS**

SYNOPSIS

Staff recommends that the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve a professional services agreement with Infrastructure Engineering Corporation for inspection services during relocation of the second and third aqueducts' located at the intersection of Osborne and Hutchinson Streets and authorize the City Manager to execute the agreement.

BACKGROUND

San Diego County is conducting sight alignment improvements to enhance visibility on Osborne Street. At the intersection of Osborne Street and Hutchison Street, a hillside in the line of sight will be cut down five feet. The City's two 24-inch aqueduct pipelines are in the hill section that is being removed and each must be lowered twelve feet for approximately 450 feet on each line. (Exhibit A)

ANALYSIS

On August 16, 2007, staff solicited proposals from eleven (12) engineering firms (Exhibit B) to provide inspection services during construction of this project. The firms were selected from a list compiled by the City of Oceanside's Engineering Department using the City's selection procedures for professional services. Included in the solicitation were all Oceanside firms that provide these services.

On August 30, 2007, four (4) proposals were received by the Water Utilities Department. In accordance with the City's procedure, a panel was selected to evaluate the proposals. The panel unanimously recommended that Infrastructure Engineering Corporation of Oceanside be selected to provide the construction management and inspection services.

Infrastructure Engineering Corporation's inspection duties to performed preconstruction phase services including coordination with contractor, coordination for special construction requirements, preconstruction meeting, respond to requests for information, submittal/shop drawing review, field observation/inspections, weekly progress and coordination meetings, shutdown/tie-in coordination and project close-out tasks.

On July 18, 2007 City Council approved a Utility Construction Agreement with the County of San Diego for the Osborne-Hutchison Sight Distance Improvement project relocating the second and third aqueducts. The project is out to bid by San Diego County. In a short period of time the Water Utilities Department has designed the relocation of the second and third aqueducts. The County will notify the Water Utilities Department when a contractor is selected.

FISCAL IMPACT

The engineer's estimate for the relocation of the aqueducts is \$400,000. In Fiscal Year 2007-2008, Council approved an appropriation of \$1,165,319 plus an estimated carry forward of \$116,960 for a total budget of \$1,282,279 for Miscellaneous Water (712.858240) Capital Improvement Projects. There are budgeted funds available for the request.

COMMISSION OR COMMITTEE REPORT

The Utilities Commission approved staff's recommendation at its regular scheduled meeting on June 19, 2007.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

INSURANCE REQUIREMENTS

The City's standard insurance requirements will be met.

RECOMMENDATIONS

Staff and the Utilities Commission recommend that the City Council approve a utility construction agreement with the County of San Diego for the second and third aqueducts' relocations located at the intersection of Osborne and Hutchinson Streets and authorize the Mayor to execute the agreement.

PREPARED BY:

Greg Blakely
Administration Manager

Exhibit A - Site Map
Exhibit B - Request for Proposal Mailing List