

## STAFF REPORT

DATE: June 16, 2009

TO: Utilities Commission

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH INFRASTRUCTURE ENGINEERING CORPORATION IN AN AMOUNT NOT TO EXCEED \$92,160 FOR PROJECT MANAGEMENT SERVICES ON A TIME AND MATERIAL BASIS FOR A VARIETY OF PROJECTS FOR A PERIOD OF UP TO SIX MONTHS**

### **SYNOPSIS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve a professional services agreement with Infrastructure Engineering Corporation of Oceanside in an amount not to exceed \$92,160 for project management services on a time-and-material basis for a variety of Water Utilities Department projects for a period of up to six months; and authorization for the City Manager to execute the agreement.

### **BACKGROUND**

The Water Utilities Department has a project manager who will be out 2 to 6 months on a medical leave of absence. During this time a project manager is required on a short-term basis to provide adequate project management services for various existing and ongoing critical projects.

### **ANALYSIS**

On May 12, 2009, a Request for Proposal (RFP) was sent to all 6 of the Oceanside firms listed on the Water and Wastewater Consultant List (Exhibit A). The RFP requested that qualified firms provide management and oversight of projects from design through construction. The qualifications included background in the fields of water and wastewater operations, engineering and construction. Requirements included experience in project management and oversight of the review process of the California Environmental Quality Act (CEQA) guidelines and requirements; and assisting the public with information regarding water and wastewater issues affecting the community. The selected firm is to provide assistance for field operational needs, administer all contracts associated with projects, prepare project budgets, requests for proposals, reports for committees, commissions and the City Council, make oral presentations and manage emergency situations.

On May 26, 2009, the Water Utilities Department received two proposals from consulting firms proposing to perform the requested services and two letters from firms indicating they would not propose. Staff evaluated the proposals and one individual was selected from Infrastructure Engineering Corporation to provide the project management services.

The consultant will be housed at the City Operations Center and is expected to work five days a week. The exact schedule will be arranged by the Water Utilities Department but will be flexible enough to respond to seasonal needs or to increased demands by customers and client departments. The consultant will be paid on a time and material basis for actual work performed. The \$92,160 figure is based on full-time employment over a six-month period, which will not be expended if the City employee returns early.

### **FISCAL IMPACT**

The Water and Wastewater Capital Improvement Projects (CIP) accounts have incidental funds available to be used for these expenditures. The costs of the project management services will be paid out of the individual CIP accounts that utilize those services. Budgeted funds are available for the project management services.

### **INSURANCE REQUIREMENTS**

The City's standard insurance requirements will be met.

### **COMMISSION OR COMMITTEE REPORT**

The Water/Sewer Committee approved staff's recommendation at its regularly scheduled meeting on June 9, 2009.

### **CITY ATTORNEY'S ANALYSIS**

The referenced documents are being reviewed by the City.

### **RECOMMENDATIONS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve a professional services agreement with Infrastructure Engineering Corporation of Oceanside in an amount not to exceed \$92,160 for project management services on a time-and-material basis for a variety of Water Utilities Department projects for a period of up to six months; and authorization for the City Manager to execute the agreement.

PREPARED BY:

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Greg Blakely  
Administration Manager

Exhibit A: RFP Mailing List

# STAFF REPORT

DATE: June 16, 2009

TO: Utilities Commission

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND APPROVAL OF CLOSING CHANGE ORDER 1 IN THE AMOUNT OF \$5,767.36 AND ACCEPTANCE OF IMPROVEMENTS CONSTRUCTED BY EXCEL COMMERCIAL CONSTRUCTORS OF SAN MARCOS FOR THE ST. MALO SEWER REPLACEMENT PROJECT**

## **SYNOPSIS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve closing Change Order 1 in the amount of \$5,676.36 and accept the improvements constructed by Excel Commercial Constructors of San Marcos for the St. Malo Sewer Replacement Project, and authorize the City Clerk to file a Notice of Completion with the San Diego County Recorder.

## **BACKGROUND**

A portion of the existing St. Malo Sewer system was identified for immediate replacement. The cast iron pipe was originally installed in the mid 1960's; this sewer segment had reached and exceeded its useful lifespan.

Several residential backups and subsequent investigations had determined that this segment needed to be replaced in order to avoid future spills and backups. This segment is entirely within the residential streets in the St. Malo Subdivision and services the entire development.

On February 10, 2009, City Council awarded a construction contract for the St. Malo Sewer Replacement Project to Excel Commercial Constructors of San Marcos in the amount of \$142,256.

## **ANALYSIS**

Closing Change Order 1 included a City requested change to the existing sewer connection near the entrance to the St. Malo subdivision, additional work performed on a T&M Basis, and the final contract adjustment in unit quantities installed. Closing Change Order 1 resulted in a contract increase of \$5,676.36 (Exhibit A).

A final inspection has been performed and it was determined that the project was complete per the plans and specifications.

## **FISCAL IMPACT**

The Miscellaneous Sewer Projects fund (722.869780) has a balance of \$\$800,000 in FY 2008-09 carry forward funds. The final construction costs for the St. Malo Sewer Replacement project is \$147,932.36. Therefore adequate funds are available for the project close out.

## **INSURANCE REQUIREMENTS**

Does not apply

## **CITY ATTORNEY'S ANALYSIS**

The referenced documents are being reviewed by the City Attorney.

## **COMMISSION OR COMMITTEE REPORT**

The Water/Sewer Committee approved staff's recommendation at its regularly scheduled meeting on June 9, 2009.

## **RECOMMENDATIONS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve closing Change Order 1 in the amount of \$5,676.36 and accept the improvements constructed by Excel Commercial Constructors of San Marcos for the St. Malo Sewer Replacement Project, and authorize the City Clerk to file a Notice of Completion with the San Diego County Recorder.

PREPARED BY:

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Greg Blakely  
Administration Manager

Exhibit A – Closing Change Order 1

# STAFF REPORTS

DATE: June 16, 2009

TO: Utilities Commission

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND ADOPTION OF A RESOLUTION AMENDING THE BYLAWS OF THE UTILITIES COMMISSION AND APPROVAL OF THE WORK PLAN FOR FY 2008-2010**

## **SYNOPSIS**

Staff recommends that the Utilities Commission recommend that the City Council adopt a resolution amending the Bylaws of the Utilities Commission and approve the Utilities Commission Work Plan for FY 2008-2010.

## **BACKGROUND**

The Commission and some of its subcommittees meet monthly to review the projects and staff reports before they are submitted to Council. Commission members are well informed about statewide water and wastewater issues that may impact the City of Oceanside. The Commission members are strong advocates of water conservation and, over the years, have campaigned for ultra low-flow toilets, low-flow showerheads, hot water recirculation devices, and storm water issues. They review and make recommendations on water/wastewater projects and the bi-annual budget. Adoption of a resolution to change Section 4.1, Regular Meetings and Section 5.3, Presentation of Annual Work Plan of the bylaws is requested and attached as Exhibit A. The revised bylaws for the Utilities Commission are attached as Exhibit B. The Work Plan for Fiscal Years 2008-2010 has been prepared for City Council review and approval, and is attached as Exhibit C. The bylaws follow the City's Standardized Bylaws for City Commissions and Committees.

## **ANALYSIS**

On an annual basis, the Utilities Commission submits its annual work plan to the City Council for review and approval. Since the Commission's work plan changes very little from year to year, the Commission requests that its bylaws be amended to allow for a two-year work plan matching the City's two-year budget cycle. The Utilities Commission meets regularly on the third Tuesday of each month at 7:00 p.m. These changes will

not impact the Commission's activities or restrict its ability to fulfill its purpose in service to the community. Any amendments to the bylaws must be approved by the City Council.

**FISCAL IMPACT**

The commission does not have its own budget. There is no fiscal impact beyond the staff cost to support the commission.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

**CITY ATTORNEY'S ANALYSIS**

City Attorney analysis does not apply.

**RECOMMENDATION**

Staff recommends that the Utilities Commission recommend that the City Council adopt a resolution amending the Bylaws of the Utilities Commission and approve the Utilities Commission Work Plan for FY 2008-2010.

PREPARED BY:

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Greg Blakely  
Administration Manager

- Exhibit A: Resolution amending Bylaws of the Utilities Commission
- Exhibit B: Bylaws of the Utilities Commission with proposed amendments
- Exhibit C: Utilities Commission Work Plan for FY 2009-2010

BYLAWS OF THE CITY OF OCEANSIDE  
UTILITIES COMMISSION

ARTICLE I. THE COMMISSION

Section 1.1 Name of Commission

The name of the Commission shall be the City of Oceanside, Utilities Commission (hereinafter referred to as "Commission").

Section 1.2 Purpose

The primary responsibility of the Commission is to advise and make recommendations to the City Council pertaining to City programs and services within the Water Utilities Department's area of concern and programs and services regarding drainage.

ARTICLE 11. MEMBERSHIP

Section 2.1 Composition

The Commission shall consist of nine (9) regular voting members and an unspecified number of non-voting alternate members who shall be appointed by the City Council. All commission members shall be residents of the City of Oceanside.

Section 2.2 Terms of Membership

The initial terms of membership for regular members shall be staggered, with the effective date of the Resolution establishing the Commission being the official date on which each term begins. Three (3) members shall serve an initial three (3) year term, three (3) members shall serve an initial two (2) year term, and three (3) members shall serve an initial one (1) year term. The initial term of membership for each commission member shall be determined by a draw of lots at the first regularly scheduled meeting of the commission. Thereafter, regular members shall serve terms of three (3) years. Initial terms for alternates shall be two years each. Thereafter, alternates terms are three years each. Commission members whose terms have expired may apply for reappointment if they wish to do so.

Section 2.3 Termination of Membership

Membership in the commission shall automatically terminate upon any of the following occurrences:

- 1) The member is no longer a resident of the City of Oceanside
- 2) The member has been absent from three (3) consecutive meetings without sufficient cause and/or without notifying the Chairperson or City staff;

3) Upon removal by a majority of the City Council, with or without cause.

#### Section 2.4 Resignation

If a vacancy shall occur otherwise than by expiration of the term, the Mayor shall appoint a new member, subject to majority approval of the City Council, to fill the unexpired portion of the term.

#### Section 2.5 Vacancy

If a vacancy shall occur otherwise than by expiration of the term, the Mayor shall appoint a new member, subject to majority approval of the City Council, to fill the unexpired portion of the term.

### ARTICLE III. OFFICERS

#### Section 3.1 Officers

The officers of the Commission shall consist of a chairperson and a vice-chairperson.

#### Section 3.2 Chairperson

The chairperson shall preside at all meetings of the Commission and shall submit such agendas, recommendations, and information at such meetings that are reasonable and proper for the conduct of business affairs and policies of the Commission.

#### Section 3.3 Vice-Chairperson

The vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson. In the event of the resignation, death, or removal of the chairperson, the vice-chairperson shall assume the chairperson's duties until such time as the Commission shall elect a new chairperson.

#### Section 3.4 Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, other rules and regulations, or duties and functions which are incidental to the offices held by such officers.

#### Section 3.5 Election

The Chairperson and Vice-chairperson shall be elected by the Commission at its initial meeting and annually at a designated regular meeting from among the Commission members, who shall each hold office for a term of one (1) year or until their successors are elected and qualified. An officer shall be prohibited from election to more than two (2) consecutive terms of office.

### Section 3.6 Vacancies

Should the office of either chairperson or vice- chairperson becomes vacant, the Commission shall elect a successor from among its members at the next regular or special meeting, and the office shall be held for the unexpired term of office.

## ARTICLE IV. MEETINGS

### Section 4.1 Regular Meetings

Regular meetings shall be held on the **third Tuesday** of each month at **4:00** p.m. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next regular date or as agreed upon by the Commission members at the prior meeting.

### Section 4.2 Special Meetings

Special meetings may be held upon call of the chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 72 hours before the time specified in the notice of the meeting. At such special meeting, no business other than that designated in the call should be considered.

### Section 4.3 Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting providing the adjournment indicates the date, time and place of the adjourned meeting. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

### Section 4.4 Meetings to be Open and Public

All meetings of the Commission and its subcommittees shall be open and public to the extent required by the California State Brown Act. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

### Section 4.5 Quorum

A majority of the Commission membership shall constitute a quorum for the purpose of conducting the Commission business, exercising its powers and all other purposes, but less than a majority of the Commission membership may adjourn the meeting from time to time until a quorum is obtained. Unless otherwise provided in the bylaws, an affirmative vote by a majority of members of the Commission shall be required for approval of any action brought before the Commission.

#### Section 4.6 Attendance at Meeting

All members of the Commission, regular and alternate, shall be required to attend all Commission meetings unless such member has been excused from participation.

#### Section 4.7 Excused Absences

A member's absence from a meeting shall be excused if, prior to the meeting from which a member will be absent, the member notifies the chairperson or City staff of his/her intent to be absent. At each meeting, after the meeting has been called to order, the chairperson shall report to the Commission the name of any member who has so notified the chairperson or staff of his or her intent to be absent.

#### Section 4.8 Absence of Regular Member

When a regular member is absent from a meeting, an alternate member shall participate in the Commission proceedings in place of the absent regular member. An alternate member shall have voting privileges only when acting in the stead of an absent regular member.

#### Section 4.9 Order of Business

The order of business shall be established by the Commission. Agendas shall be published and posted in compliance with applicable state and local laws and rules.

#### Section 4.10 Rules of Order

Unless otherwise decided by the Commission, all business and matters before the Commission shall be transacted in conformance with the Oceanside City Code, established City policy and Robert's Rules or Order (latest edition).

#### Section 4.11 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the Commission. Commission members, staff and/or the public may announce off-agenda matters of concern. Each off-agenda matter shall be automatically referred to staff for resolution or placed on the next available Commission agenda.

### ARTICLE V. RECORDS, REPORTS AND ANNUAL WORKPLAN

#### Section 5.1 Meeting Records

The Commission shall keep minutes of all meetings, which shall be open for inspection by any member of the public. Upon approval of meeting minutes by the Commission, copies of such minutes shall be distributed to the City Council and City Manager.

#### Section 5.2 Reports Submitted to City Council

The Commission shall submit copies of all written reports, studies, and correspondence sent to public agencies to the City Manager and City Council upon distribution of the original document.

#### Section 5.3 Presentation of **Biennial** Work Plan

The Commission shall submit to the City Council no later than June 30 of each **following even-numbered year**, a comprehensive work plan indicating specific projects and tasks proposed for the **subsequent two** fiscal years to support the purpose and scope of responsibilities as described in Section 1.2. **The Commission will submit the two year work plan to the City Council for review and approval.**

### ARTICLE VI. REPRESENTATION BEFORE PUBLIC BODIES

#### Section 6.1 Representation

Any official representations on behalf of the Commission before the City Council, or any other public body, shall be made by the Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the Commission specifically designated by the Commission.

#### Section 6.2 Statement of Minority Views

All reports by City staff and all official representations on behalf of the Commission pursuant to Section 4.1 on matters that have been approved or disapproved by the Commission shall, in addition to a statement of the majority vote, include a brief statement of any minority opinions on the matter.

### ARTICLE VII. SUBCOMMITTEES

#### Section 7.1 Establishment

The Commission shall have the authority to and may establish subcommittees as necessary to accomplish the purposes set forth in Section 1.2 herein. Subcommittees may meet to discuss specific issues within the scope of responsibility for the Commission and to make recommendations for action by the Commission. Membership composition and terms shall be determined by the Commission for any subcommittee created; however, no subcommittee shall consist of more than four (4) Commission members, as not to cause a majority of Commission members to serve on one (1) subcommittee. In addition to a maximum of four (4) Commission members, the Commission may appoint an unspecified and unlimited number of other persons not currently serving as a Commission member.

#### Section 7.2 Appointment of Subcommittee Members

Members on a subcommittee shall be appointed by the chairperson with the approval of a majority of the Commission members.

Section 7.3 Subcommittee Reports Subcommittee(s) shall from time to time make reports, written or verbal, to the Commission as requested by the Chairperson.

## ARTICLE VIII. MISCELLANEOUS

### Section 8.1 Councilmember Advocates to Commission

The Mayor shall appoint to the Commission, subject to approval of the City Council, one (1) member of the City Council to serve as a non-voting ex-officio member of the Commission. Said ex-officio member shall serve as an advocate between the City Council and the Commission, shall from time-to-time inform the City Council of the activities and issues addressed by the Commission, and shall assist the Commission in promoting recommendations made to the City Council.

### Section 8.2 City Assistance to Officers and Commission.

The City Manager shall appoint staff to assist the Commission officers and members, as necessary in such activities as setting and conducting meetings, preparing meeting minutes, and responding to requests for assistance from Commission members.

### Section 8.3 Amendment Bylaws

The bylaws of the Commission shall be recommended for amendment upon the affirmative vote of at least two-thirds (2/3) of the total membership of the Commission at a regular or special meeting of the Commission. No such amendment shall be adopted unless at least seven (7) days written notice has previously been given to all members of the Commission. Notice of amendment shall indentify the section or the sections of the bylaws proposed to be amended. Any amendment to the bylaws shall be approved by resolution of the City Council and shall take effect as of the date of such City Council approval.

### Section 8.4 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Commission bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney's Office.

Utilities Commission Work Plan for FY 2008-2010

1. Respond to citizen concerns regarding water issues.
2. Make recommendations to City Council as needed.
3. Review and recommend annual capital improvement plans for fiscal restraint and projects priority.
4. Review and recommend annually the long term financing plans.
5. Review and recommend the bi-annual budget on an annual basis.
6. Review composition for Citizens Advisory Committees (CAC).
7. Review and recommend Water Conservation Master Plan.
8. Review and recommend Strategic Plan for developing long term local water supply and workshops for public, council and commission input
9. Review and recommend storm drain and underground master plans and unfunded mandates.
10. Review and recommend water and sewer system buy-in fees.
11. Review interfund, Harbor situation and all other charges to the Water Utilities Department. Recommend changes to the interfund method of calculation.
12. Review, discuss, evaluate and recommend on Water Utilities Department proposals to City Council.
13. Monitor San Diego County Water Authority and Metropolitan Water District rate and fee increases.
14. Review sewage spills, water main breaks and resulting expenditures.
15. Review reports and costs of City water use.
16. Explore opportunities for improvement and cost savings and make recommendations to City Council.
17. Research and make recommendations for an ordinance to regulate septic tanks within City boundaries.
18. Review the use of grey water and recommend changes.
19. Review and consider asking the City Attorney to determine if home owners can be billed for removal of tree roots blocking City sewer lines.