

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

April 27, 2009

PLEDGE OF ALLEGIANCE

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

ROLL CALL Directors LaMar, Matheis, Swan, Withers, 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.

PUBLIC HEARING

3. **2009-A AND 2009-B BOND ISSUANCE**

Recommendation:

1. Open the continued Hearing from April 13, 2009.
2. Inquire of the Secretary how the continued hearing was noticed
3. Request legal counsel to describe the nature of the proceedings
4. Inquire of the Secretary if there has been any written communications
5. Hear any person who wishes to speak relative to 2009-A and 2009-B Bond Issuance
6. Board comments/discussion
7. Close the hearing
8. Adopt the following two resolutions by title:

- a) Making findings relative to Consolidated Bonds (Series 2009-A and 2009-B); and

Reso. No. 2009-

- b) Providing for the issuance of Consolidated Bonds of said District, approving documents and authorizing the ratifying certain actions (Consolidated Series 2009-A and 2009-B).

Reso. No. 2009-

WORKSHOP

4. PROPOSED FISCAL YEAR 2009/10 OPERATING BUDGET, PROPOSED CHANGES TO THE SCHEDULE OF RATES AND CHARGES, AND THE PROPOSITION 218 NOTICING

Recommendation: That the Board authorize staff to mail the Proposition 218 Notices to the various customer groupings, and adopt a resolution approving District's Operating budget for Fiscal Year 2009/10 and determining compliance with Article XIII B of the California constitution.

Reso No. 2009-

CONSENT CALENDAR

Next Resolution No. 2009-14

Items 5-15

5. MINUTES OF BOARD MEETING

Recommendation: That the minutes of the April 13, 2009 Regular Board Meeting be approved as presented.

6. 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, Doug Reinhart, Peer Swan and John Withers.

7. STRATEGIC MEASURES DASHBOARDS

Recommendation: Receive and file.

8. MARCH 2009 FINANCIAL REPORTS

Recommendation: Receive and file the Treasurer's Investment Summary Report and the Monthly Interest Rate Swap Summary for March 2009; approve the March 2009 Summary of Wire Transfers and ACH payments in the total amount of \$5,982,309.91; and approve the March 2009 Warrants Nos. 298984 through 299745, Workers' Compensation distributions and voided checks in the total amount of \$6,618,274.37.

9. IRVINE RANCH WATER DISTRICT APARTMENT CONSULTANT- CONTRACT RENEWAL

Recommendation: That the Board approve the retention of market-think as apartment consultant for the District's apartment properties for a period of two years at a fee not to exceed \$87,850.

CONSENT CALENDAR

Next Resolution No. 2009-14

Items 5-15

10. PETERS CANYON CHANNEL WIDENING REIMBURSEMENT AGREEMENT

Recommendation: That the Board authorize the General Manager to execute a Reimbursement Agreement with Tustin Vistas Partners, LLC for the Natural Treatment System miscellaneous improvements, project 11429, subject to finalization of negotiations with Tustin Vistas Partners, LLC and non-substantive changes.

11. UNIVERSITY DRIVE PIPELINE DISCONTINUITY REPAIRS EXPENDITURE AUTHORIZATION AND CONTRACT CHANGE ORDER NO. 2

Recommendation: That the Board approve an Expenditure Authorization for project 31207 for \$127,100; and authorize the General Manager to execute Contract Change Order No. 2 in the amount of \$82,353 to American Construction for the additional University Drive Pipeline discontinuity repairs.

12. ROBERTSON'S READY MIX RECYCLED WATER CONVERSION FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Robertson's Ready Mix Recycled Water Conversion, project 30313; authorize the General Manager to file a Notice of Completion; and authorize release of retention 35 days after the filing of the Notice of Completion.

13. REIMBURSEMENT AGREEMENT BETWEEN IRWD AND THE CITY OF IRVINE FOR THE INSTALLATION AND ADJUSTMENT OF IRWD FACILITIES TO GRADE FOR ANNUAL SLURRY SEAL AND PAVEMENT REHABILITATION PROJECT, CAPITAL IMPROVEMENT PROJECTS 319060, 319040, 369040 AND 349010

Recommendation: That the Board authorize the addition of project 11451 for \$695,200, project 21451 for \$327,800, and project 31451 for \$125,400 to the Fiscal Year 2008/09 Capital budget; approve Expenditure Authorizations for project 11451 for \$695,200, project 21451 for \$327,800, and project 31451 for \$125,400; and authorize the General Manager to execute a Reimbursement Agreement with the City of Irvine for its annual slurry seal and pavement rehabilitation project, capital improvement projects 319060, 319040, 369040, and 349010.

CONSENT CALENDAR	Next Resolution No. 2009-14	Items 5-15
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14. RATTLESNAKE RESERVOIR TOXICITY EVALUATION PROGRAM

Recommendation: That the Board authorize the addition of project No. 30332 to the Fiscal Year 2008/09 Capital budget for \$143,000; and authorize the General Manager to approve an Expenditure Authorization in the amount of \$143,000 for project 30332.

15. LOS ALISOS WATER RECLAMATION PLANT UPGRADES ENGINEERING SERVICES DURING CONSTRUCTION VARIANCE NO. 4

Recommendation: That the Board authorize the General Manager to execute Variance No. 4 with HDR Engineering, Inc. for engineering support services during construction in the amount of \$134,202 for the Los Alisos Water Reclamation Plant Upgrades, projects 20243 and 30134.

ACTION CALENDAR

16. BAKER REGIONAL WATER TREATMENT PLANT ADDITIONAL CAPACITY PURCHASE

Recommendation: That the Board authorize the General Manager to negotiate the purchase of up to 5 cfs additional capacity in the proposed Baker Regional Water Treatment Plant and the Baker Pipeline, project 11218, if such capacity is offered by another project participant.

17. ORANGE PARK ACRES INTERIM FIRE PROTECTION IMPROVEMENTS EXPENDITURE AUTHORIZATIONS

Recommendation: That the Board authorize the General Manager to approve Expenditure Authorizations for project 11411 in the amount of \$659,400 and for project 11412 in the amount of \$684,300 for the Orange Park Acres interim fire protection improvements, projects 11411 and 11412.

18. EAST IRVINE ZONE 3 RESERVOIRS PHOTOVOLTAIC SYSTEM CONSULTANT SELECTION

Recommendation: That the Board authorize the General Manager to execute a Professional Services Agreement with CH2M Hill in the amount of \$135,898 for the East Irvine Zone 3 Reservoirs Photovoltaic System.

ACTION CALENDAR - Continued

19. MICHELSON WATER RECLAMATION PLANT PHASE 2 EXPANSION – VARIANCE NO. 6

Recommendation: That the Board approve Variance No. 6 in the amount of \$250,200 with HDR Engineering, Inc. for additional engineering design services for the Michelson Water Reclamation Plant Phase 2 Expansion, projects 20214 and 30214.

20. ALTON PARKWAY EXTENSION REIMBURSEMENT AGREEMENT, BUDGET, EXPENDITURE AUTHORIZATION, AND VARIANCE NO. 2

Recommendation: That the Board approve the Alton Parkway Extension Reimbursement Agreement No. D08-085, subject to finalization of negotiations with the county and non-substantive changes; authorize decreases to the Fiscal Year 2008/09 Capital budget for project 11374 for \$2,178,700, from \$4,798,600 to \$2,619,900, and for project 24175 for \$601,900, from \$1,926,100 to \$1,324,200; authorize increases to the Fiscal Year 2008/09 Capital budget for project 10799 for \$346,500, from \$397,100 to \$743,600 and for project 30222 for \$737,600, from \$524,700 to \$1,262,300; approve Expenditure Authorizations for project 10799 for \$678,700, project 11374 for \$2,457,100, project 24175 for \$1,119,600, and project 30222 for \$1,117,100; and authorize the General Manager to execute Variance No. 2 with RBF Consulting in the amount of \$46,400 for the Alton Parkway Extension, projects 10799, 11374, 24175, and 30222.

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 a future agenda. Such matters may be brought up under the General Manager's Report or Directors' comments.

21. A. General Manager's Report

OTHER BUSINESS - Continued

21. B. Directors' Comments

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OTHER BUSINESS - Continued

21. C. CLOSED SESSION WITH LEGAL COUNSEL RELATIVE TO:

- (a) EXISTING LITIGATION – Government Code Section 54956.9(a) – Richard and Karen Luttrell vs. Griffith Company, L. Johnson Construction, Inc., City of Irvine, and IRWD.
- (b) EXISTING LITIGATION - Government Code Section 54956.9(a) – SEMA Construction v. City of Tustin; City of Tustin v. IRWD

D. Adjournment

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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.