

CONSIDER REQUEST FROM SOMIL GANDHI, OWNER OF THE SHELL GAS STATION AND CAR WASH, FOR PARTIAL RELIEF FROM ASSESSED SEWER SERVICE CHARGES FOR FY 2010/11

BACKGROUND: A request has been received from Somil Gandhi, owner of the Shell Gas Station and Car Wash, for the Board to consider providing partial relief from the sewer service charges that were levied on his parcel, identified as APN 063-151-06. Mr. Gandhi asserts that the summer 2009 water consumption data is incorrect.

Staff spoke with representatives of Marin Municipal Water District regarding Mr. Gandhi's summer 2009 water usage, which measured 1215 ccf. Staff was advised that his water meter was checked by a MMWD technician and found to be in proper working order. MMWD advised me that Mr. Gandhi had been asked to submit proof of a repair to explain the unusually high water consumption for the period and that they did not receive the requested documentation from him. Staff was advised by MMWD that Mr. Gandhi paid the MMWD summer 2009 water bill without adjustment.

Mr. Gandhi disputed the usage numbers with MMWD, which he contends are incorrect. He advises that he had never had such high usage at the site since he has owned the business. In addition, he asserts that the car wash volume had been decreasing, so by that very fact alone, he feels the usage numbers were not accurate. After speaking with MMWD, Mr. Gandhi had found out that a new meter had been installed during the timeframe in question, and he feels this new meter was most likely the reason for the spike in water usage. MMWD disputed the fact that the meter could possibly be the culprit and made no adjustment to his bill. Mr. Gandhi felt he had no choice but to pay the water bill for fear of his water being shutoff and without water, he would be out of business. Mr. Gandhi's contention is that there was an issue with the new meter and that is the reason for the incorrect usage figures.

MMWD sent Mr. Gandhi an official dispute form that he intends to submit to MMWD during the week of April 25th.

In staff's review of Mr. Gandhi's summer, two month water consumption data for 2008 (750 ccf), 2009 (1215 ccf), and 2010 (586 ccf), it does appear that his 2009 water consumption is unusually high. The District's methodology of calculating sewer service charges for commercial customers is to average the summer and winter, two month water consumption data and then annualize it. Because the 2009 summer water usage was unusually high, the annualized consumption is skewed

and turns out to be significantly greater than Mr. Gandhi's actual metered water consumption over the 12 month period.

Staff believes that there may be justification for the Board to consider changing the method of calculating Mr. Gandhi's 2010/11 sewer service charge from averaging and annualizing the summer/winter water data to basing the charge on Mr. Gandhi's actual metered water consumption data for the 12 month period. If the Board approves the change, Mr. Gandhi would receive a refund in the amount of \$5,272.27 on his 2010/11 sewer service bill of \$22,999.76.

RECOMMENDATION: Consider the matter and provide direction to staff.

AGENDA ITEM: VI.B
DATE: MAY 2, 2011

APPROVE EXECUTION OF A PURCHASE ORDER CONTRACT WITH CALCON SYSTEMS, INC. FOR FABRICATION, INSTALLATION, PROGRAMMING AND RELATED SERVICES TO PROVIDE A FULLY OPERATIONAL CONTROL PANEL IN CONNECTION WITH THE TEMPORARY PUMP SYSTEM PROJECT

BACKGROUND: Emergency pipe gallery rehabilitation requires the construction of a temporary pump station to provide flow to Fixed Film Reactors (FFR) during construction. This pump station is to mirror current operations such that effluent quality is maintained. It will include three (3) 35 HP pumps to maintain firm capacity. These will be operated with VFD's and redundant level sensors using the existing thickener structure as a wet well. The VFD's are to be oversized to support reuse with the existing FFR pumps and future, higher capacity FFR pumps that will be needed to increase the secondary treatment capacity of the plant to 9.0 MGD.

Calcon Systems proposal was solicited on a sole source basis to provide a control panel for the temporary pump station based on their intimate knowledge of existing controls and plant requirements and their proven ability. Calcon Systems submitted a bid in the amount of \$87,582 to provide all material, equipment and programming required for the completion and startup of the temporary pump station control panel and associated instrumentation. The bid also includes operator training and technical support for the length of its operation.

The cost proposal has been submitted to Robert Schmidt, Electrical/Mechanical Technician III and DTN Engineers, Inc. for review. A report will be provided to the Board at its May 2nd meeting regarding the reasonableness of the Calcon cost proposal.

RECOMMENDATION: Authorize execution of a purchase order contract in the amount of \$87,582 with Calcon System Inc. to fabricate, supply, install and program a control panel for the Temporary Pumping System project and related work as described in their proposal dated April 25, 2011.

PRIMARY EFFLUENT BOX, RECYCLE BOX, DIGESTER GAS PIPING AND VALVE REHABILITATION PROJECT – AUTHORIZATION TO ADVERTISE THE NOTICE INVITING BIDS AND PROJECT SUMMARY REPORT

DESCRIPTION: Kennedy/Jenks Consultants, Inc was retained to provide design services for the subject project. Final design contract documents are currently 95% complete. Delivery of final design documents is anticipated in early May. There are four main components of work to be included as outlined below:

Primary Effluent Box: Work inside concrete primary effluent box includes demolition of existing concrete baffle, demolition of corroded concrete, sandblasting of concrete surfaces, new reinforcement bars, and construction of cast in place PVC liner.

Recycle Box: Construction of an automated temporary recycle box pumping system located in the existing thickener, and routing temporary piping into thickener to support critical processes. Work inside concrete recycle box includes the complete removal of existing pump system, demolition of corroded concrete, sandblasting of concrete surfaces, construction of a retrofit PVC liner, reinstallation of existing pump system, and startup testing.

Secondary Valve Rehabilitation: Install replacement 24-inch knife gate valves and flange coupling adapters in the pipe gallery, rehabilitation of existing 24-inch knife gates with new valve packing material, and installation of new lift assemblies for existing sluice gates in the diversion boxes.

Pipe Rehabilitation and Other Work: Concrete pipe encasements and rip-rap on beach to complete risk mitigation subsequent to encasement of clarifier bypass line, pipe coating in secondary gallery, and new digester gas piping and rehabilitation of flare.

COST ESTIMATE: The engineer's estimated cost for construction of all work described, as provided by Kennedy/Jenks Consultants, is \$807,300.

SCHEDULE: The bid opening for the project is to be early June. Construction activities shall commence upon completion of emergency pipe gallery plug valve replacement, scheduled for July 15th, 2011.

Primary Effluent Box and Secondary Valve Rehabilitation work shall be completed by September 30th, 2011 to ensure wet weather operations are not impacted. Recycle Box and miscellaneous pipe rehabilitation work shall be completed by December 1st, 2011. This work should not be impacted by wet weather.

FUNDING: The funding source for the temporary pumping system project and this project will be the remaining proceeds from the 2008 City National Bank loan, estimated at \$1,130,000 and capital reserves estimated to be \$650,000. Additional bank loan or other financing is anticipated to be needed to fund future capital projects.

RECOMMENDATION: Authorize the advertisement of the notice inviting bids for subject project upon receipt of completed design documents.

PRIMARY EFFLUENT BOX, RECYCLE BOX, DIGESTER GAS PIPING AND FFR PUMP GALLERY VALVE REHABILITATION PROJECT - APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KENNEDY/JENKS CONSULTANTS FOR ENGINEERING SERVICES DURING CONSTRUCTION

BACKGROUND: In February 2011, Kennedy/Jenks Consultants was retained to provide design and bid assistance services for the Temporary Pumping System and Valve Replacement Project and the Primary Effluent Box, Recycle Box, Digester Gas Piping and FFR Pump Gallery Valve Rehabilitation Project. The temporary pumping system project is under construction and bids for the remainder of the rehabilitation work are planned to be opened in May 2011. Staff plans to present to the Board a recommendation to award the construction contract for Primary Effluent work and other repair work at its June meeting. The not-to-exceed cost of the design and bid assistance services was \$125,300.

Additional budget is required for engineering support services during construction of these projects. Attached is Kennedy/Jenks scope and budget proposal for services during the construction phase of the emergency temporary pump station and valve replacement project and for the primary effluent box rehabilitation and other repair work. The scopes of services provide for engineering support services during the 7-month construction period, periodic site observations of the work, including a final inspection. The budget is based on an estimated number of submittals, requests for information and clarifications, field changes, site visits, and an estimated number of hours for preparation of record drawings. Kennedy/ Jenks will track time spent against the estimate and keep the District informed on a monthly basis on the hours expended versus the number of task items completed. Also included in the cost proposal is an additional budget request for bidding services that exceeded the originally estimated level of effort. The estimated cost of the engineering support services and additional budget request is \$104,400.

RECOMMENDATION: Authorize the General Manager to execute Amendment No. 1 to the professional service agreement with the Kennedy/Jenks Consultants for support services during construction, raising the cost ceiling from \$125,300 to \$229,700.

**LOCUST STREET PUMP STATION IMPROVEMENT PROJECT – AUTHORIZE
ISSUANCE OF THE NOTICE OF AWARD TO MAGGIORA & GHILOTTI AND APPROVE
AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUTE
ENGINEERING FOR ENGINEERING SUPPORT SERVICES DURING CONSTRUCTION**

BACKGROUND: Nute Engineering was retained by the District to prepare plans and specifications, provide bid assistance and provide State Revolving Loan Fund Finance application assistance for the Locust Street Pump station Improvement Project. The project involves the replacement of the existing 50 year old Locust Street Pump Station with a new submersible pump station, construction of a new above ground structure to house electrical switchgear and controls, installation of new underground piping and the construction of new valve and meter vaults, relocation of existing utilities that would interfere with the new pump station, removal of portions of the above and below grade pump structure, backfill and restoration of the sidewalk and roadway disturbed by the construction of the new pump station. The not-to exceed cost of Nute Engineering services was \$377,499.

The Notice Inviting Bids for the project was advertised twice in the Marin Independent Journal, a newspaper of general circulation in accordance with the California Public Bidding Code. Three sealed bids were received and opened on March 30, 2011. The bid results are shown in Attachment A. Maggiora & Ghilotti of San Rafael submitted the lowest responsive and responsible bid of \$1,373,373, meeting the requirements of the specifications. The engineer's estimate for the work is \$2,000,000. Contractors may not withdrawal bids for a period of 120 days following the opening of bids. The latest date for award of the project is therefore July 28th.

A license check through the California Contractors' License Board finds that the contractor holds an active Class A, General Engineering license, which is type of license required for the work.

The project completion time is 240 days from the notice to proceed, which is expected to be issued in early August 2011.

The District's credit review application for the SRF loan was accepted as complete on April 7, 2011. The SRF project manager indicates that he expects the review of the credit application to be completed in June or July, with another month required to issue Facilities Plan Approval and the Preliminary Funding Commitment. The date when project approval and the funding commitment are expected would be early August 2011. Note that any construction work paid for by the District prior to FPA/PFC would not be reimbursable from State Revolving Loan program.

Additional budget is required for engineering support services during construction of the project. Attached is Nute Engineering's scope and budget proposal for services during the construction phase of the Locust Street Pump Station Improvement Project. The scopes of services provide for engineering support services during the 8-month construction period, periodic site observations of the work, including a final inspection. The budget is based on an estimated number of hours to review submittals, requests for information and clarifications, field changes, site visits, SRF documentation and preparation of record drawings. Nute Engineering will track time spent against the estimate and keep the District informed on a monthly basis on the hours expended versus the number hours estimated. Note that the estimated number of hours for construction observation services has been reduced from 568 hours to 160 hours. Staff intends to perform the majority of the construction observation and use Nute Engineering services only for specialty inspections, including final inspection. The estimated cost of the engineering support services is \$114,700.

RECOMMENDATION: Authorize award of a contract in the amount of \$1,373,373 and the issuance of the Notice of Award to Maggioria & Ghilotti for the construction of the Locust Street Pump Station Improvement Project no later than July 28, 2011 and authorize the General Manager to execute change orders up to 10% of the contract amount.

Authorize the General Manager to execute Amendment No. 3 to the professional service agreement with Nute Engineering for support services during construction, raising the cost ceiling from \$377,499 to \$492,199.

AGENDA ITEM: VI.F
DATE: MAY 2, 2011

AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS, LLC. TO DEVELOP A SEWER SERVICE CHARGE DATABASE AND PROVIDE ASSISTANCE IN LEVYING FY2011/12 RESIDENTIAL AND COMMERCIAL SEWER SERVICE CHARGES

BACKGROUND: With the unexpected leave of the Office Manager, assistance is needed to prepare and levy sewer service charges for FY 2011/12. In addition, a new sewer service charge database is needed. It is planned that the database be developed using Microsoft Excel.

Staff requested a proposal from HF&H Consultants to provide the requested services and assistance, including the development of user documentation materials and training. The proposal is attached for reference.

Recommendation: Authorize execute of a professional services agreement with HF&H Consultants to develop a sewer service charge database and provide assistance in levying FY 2011/12 sewer service charges at a cost not to exceed \$10,500.

**AGENDA ITEM: VI.G
DATE: MAY 2, 2011**

**AUTHORIZE THE GENERAL MANAGER TO RECRUIT FOR AND HIRE TWO
SUMMER INTERNS TO ASSIST OPERATION AND MAINTENANCE PERSONNEL IN
THE MAINTENANCE OF DISTRICT FACILITIES**

BACKGROUND: Staff recommends that the Board consider establishing a summer internship program, which would provide temporary assistance to O&M personnel in the maintenance of District facilities while providing valuable job experience to students of diverse backgrounds. Selection priority might be given to high school and college students that reside within the District's service area. Such a program would encourage students to consider a career in wastewater operations and other related fields. The program would run nine to ten weeks in the summer and students would be paid \$8 to \$10 per hour. More work is needed to establish the goals, objectives and administrative procedures of such a program at the District. There are sufficient funds in the salary budget to cover the cost of the program

Recommendation: Consider authorizing the General Manager to recruit for and hire two summer interns to assist staff in the maintenance of District facilities.

AGENDA ITEM: VI.H
DATE: MAY 2, 2011

CONSIDER REQUEST OF THE OPERATIONS SUPERINTENDENT FOR ASSISTANCE WITH RELOCATION EXPENSES

BACKGROUND: Craig Justice was hired on February 22, 2011 to fill the position of Operations Superintendent. Craig resides in Huntington Beach, CA and has been commuting to work via weekly air travel. He has been looking at purchasing a house in Marin County and the sale of his home has entered escrow this past week. He expecting purchase a home and move to Marin by June or July 2011. The cost of airfare to date is \$2500 and the cost of the moving company is about \$3,000. The District does not have a policy on payment of employee moving expense.

Recommendation: Consider the request from Superintendent Justice for assistance with relocation expenses.

AGENDA ITEM: VI.I
DATE: MAY 2, 2011

CONSIDER APPROVAL OF STIPEND FOR THE BOARD PRESIDENT RELATING TO SERVICES PERFORMED ON AN URGENCY BASIS IN CONNECTION WITH UNEXPECTED LEAVE OF THE OFFICE MANAGER

BACKGROUND: Director Arnott has been providing significant services relating to the financial administration of the District accounts payable function and other related duties that had previously been performed by Ms. Krueger. It is recommended that the Board consider approval of a stipend in consideration of the services performed.

Recommendation: Consider Approval of a Stipend for President Arnott in Recognition of Services Performed on an Urgency Basis.