

OTAY WATER DISTRICT

BOARD OF DIRECTORS MEETING  
DISTRICT BOARDROOM

2554 SWEETWATER SPRINGS BOULEVARD  
SPRING VALLEY, CALIFORNIA

**WEDNESDAY**

**July 2, 2008**

**3:30 P.M.**

**AGENDA**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES OF THE REGULAR BOARD MEETING OF APRIL 2, 2008
5. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

**CONSENT CALENDAR**

6. ITEMS TO BE ACTED UPON WITHOUT DISCUSSION, UNLESS A REQUEST IS MADE BY A MEMBER OF THE BOARD OR THE PUBLIC TO DISCUSS A PARTICULAR ITEM:
  - a) ADOPT RESOLUTION NO. 4125 TO ESTABLISH THE TAX RATE FOR IMPROVEMENT DISTRICT NO. 27 AT \$0.005 FOR FISCAL YEAR 2008-2009
  - b) APPROVE AGREEMENT WITH TMO CA/NV, LLC, A NEVADA LIMITED LIABILITY COMPANY (T-MOBILE) FOR THE INSTALLATION OF A COMMUNICATIONS FACILITY AT THE PATZIG RESERVOIR SITE
  - c) CONSIDERATION TO NOMINATE A DISTRICT MEMBER TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION'S (CSDA) BOARD OF DIRECTORS REPRESENTING REGION 6 AND ADOPT RESOLUTION NO. 4124 IN NOMINATION OF THE DISTRICT'S CANDIDATE
  - d) ADOPT RESOLUTION NO. 4127 OF THE BOARD OF DIRECTORS OF OTAY WATER DISTRICT FIXING TERMS AND CONDITIONS FOR THE

ANNEXATION TO OTAY WATER DISTRICT IMPROVEMENT DISTRICT OF THOSE LANDS DESCRIBED AS "McCARTHY SEWER ANNEXATION" (APN 517-190-05) AND ANNEXING SAID PROPERTY TO OTAY WATER DISTRICT IMPROVEMENT DISTRICT NO. 18 FOR SEWER SERVICE (WO 0210-20.302)

- e) AWARD A PURCHASE ORDER TO KIRK PAVING IN AN AMOUNT NOT TO EXCEED \$190,000 FOR AS-NEEDED ASPHALT PAVING SERVICE FROM JULY 1, 2008 THROUGH JUNE 30, 2009
- f) APPROVE THE REQUEST TO REIMBURSE MCMILLIN OTAY RANCH, LLC FOR THE COMPLETED CAPITAL IMPROVEMENT PROJECT, MCMILLIN OTAY RANCH SPA 2, VILLAGE 6 DEVELOPMENT, PL 16-INCH, 711 ZONE, BIRCH ROAD AND SR 125 IN THE AMOUNT OF \$185,047,80 AND 12-INCH 944 ZONE, BIRCH AND LA MEDIA / EASTLAKE PHASES 1, 2, AND 3 IN THE AMOUNT OF \$325,383.45
- g) AWARD A CONTRACT TO PACIFIC METER SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$179,505 FOR RETROFITTING UP TO 4,500 EXISTING MANUAL READ METERS WITH NEW AUTOMATED METER READ (AMR) METERS
- h) REJECT A CONSTRUCTION CONTRACT BID FROM PRIME TIME CONSTRUCTION INC. IN THE AMOUNT OF \$225,902 FOR THE CONSTRUCTION OF THE AGENCY INTERCONNECTIONS PROJECT
- i) AWARD OF A CONSTRUCTION CONTRACT TO ARRIETA CONSTRUCTION INC. IN THE AMOUNT OF \$844,485.90 FOR THE RALPH W. CHAPMAN WATER RECYCLING FACILITY FORCEMAIN AIR/VAC REPLACEMENTS AND ACCESS ROAD IMPROVEMENTS PROJECT

#### ACTION ITEMS

#### 7. ADMINISTRATION, FINANCE AND INFORMATION TECHNOLOGY

- a) PUBLIC HEARING TO CONTINUE WATER AND SEWER AVAILABILITY CHARGES FOR FISCAL YEAR 2008-2009
  - 1) ADOPT RESOLUTION NO. 4123 TO CONTINUE WATER AND SEWER AVAILABILITY CHARGES FOR DISTRICT CUSTOMERS FOR FISCAL YEAR 2008-2009 TO BE COLLECTED THROUGH PROPERTY TAXES (HENDERSON)
- b) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO COUNTY WATER AUTHORITY (AUTHORITY) TO CONTINUE PARTICIPATION IN THE RESIDENTIAL WATER CONSERVATION PROGRAMS

8. BOARD

- a) DISCUSSION OF 2008 BOARD MEETING CALENDAR

REPORTS

9. GENERAL MANAGER'S REPORT

- a) SAN DIEGO COUNTY WATER AUTHORITY UPDATE

10. DIRECTORS' REPORTS / REQUESTS

11. PRESIDENT'S REPORT / REQUESTS

RECESS TO CLOSED SESSION

12. CLOSED SESSION

- a) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION [GOVERNMENT CODE §54956.9(b)]

1 CASE

- b) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION [GOVERNMENT CODE §54956.9(a)]

MULTIPLE CASES RELATED TO THE FENTON BUSINESS CENTER AND FILED WITH THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO (CASE NOS. 37-2007-00077024-CU-BC-SC; 37-2008-00075031-CU-PO-CTL; 37-2008-00075373-CU-PO-CTL; 37-2008-00075324-CU-PO-CTL; 37-2008-00075368-CU-PO-CTL; 37-2008-00077127-CU-PO-CTL; and 37-2008-00077950-CL-BT-CTL)

1 CASE - AMERICAN PROTECTION INSURANCE V. OTAY WATER DISTRICT, DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA, #08-CV-0662-JM-POR

RETURN TO OPEN SESSION

- 13. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION. THE BOARD MAY ALSO TAKE ACTION ON ANY ITEMS POSTED IN CLOSED SESSION

14. ADJOURNMENT

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at 670-2280 at least 24 hours prior to the meeting.

#### Certification of Posting

I certify that on June 27, 2008, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 72 hours in advance of the regular meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on June 27, 2008.

  
Connie Rathbone, Assistant District Secretary