

# **BOARD PACKET**

For the Board Meeting of

# Thursday, October 13, 2022

1.	AGENDA <u>Agenda+2022-10.13.pdf (montsan.org)</u>
2.	MINUTES – SEPTEMBER 8, 2022
3.	MINUTES – SEPTEMBER 16, 2022
4.	MINUTES – SEPTEMBER 22, 2022
5.	RESOLUTION 2022-957: REMOTE MEETINGS ADOPTION
6.	DRAFT ORDINANCE NO. 20 – DIRECTOR COMPENSATION
7.	STAFF REPORT – ROUNDABOUTS SEWER RELOCATION PROJECT UPDATE16
8.	STAFF REPORT – HWY 101 SEWER CROSSING PROJECT19



# **MINUTES**

For the Regular Meeting of the Board on:

# September 8, 2022

# 1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 2:03 pm on Thursday September 8, 2022. The meeting was also broadcast using Zoom teleconferencing.

# ATTENDANCE

**Board Members Present:** 

Director Newquist, Vice President Woody Barrett, and President Dorinne Lee Johnson

# **Board Members Absent:**

Director Hogan

# Also Present and Participating:

Stephen Williams, MSD District Administrator Carole Rollins, MSD Laboratory Manager Ricardo Larroude, MSD Collections & Maintenance Superintendent Marco Felix, MSD Treatment Superintendent/Chief Plant Operator Shawn Koorn, HDR Inc. Craig Murray, Member of the Public

# 2. <u>PUBLIC COMMENT</u>

No members of the public addressed the board.

# 3. <u>COMMITTEE REPORTS</u>

It is recommended that the Board receive and file a report provided by the following committee(s):

i) Director Johnson gave a summary of the Joint Strategic Planning Committee with Montecito Water District held on August 30, 2022.

# 4. <u>APPROVAL OF MINUTES</u>

Director Barrett had to abstain from voting on the approval of minutes for the August 11, 2022 and August 25, 2022 meetings as he was not in attendance. Since a quorum was unable to be achieved, those meeting minutes will be brought at the August 25, 2022 Board meeting for approval.

ON MOTION by Director Newquist, Second by Director Johnson, the Board voted to approve the minutes for the Board meeting of August 5, 2022.

AYES:	Directors Barrett, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Hogan

#### 5. OLD BUSINESS

#### A. <u>RESOLUTION 2022-955 REMOTE MEETINGS ADOPTION</u>

ON MOTION by Director Barrett, Second by Director Newquist, the Board voted to adopt Resolution 2022-955 continuing remote meetings.

AYES:	Directors Barrett, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Hogan

#### 6. <u>NEW BUSINESS</u>

#### A. BOARD ORGANIZATION

ON MOTION by Director Barrett, Second by Director Johsnon, the Board voted to appoint Director Newquist as the Interim Treasurer after the resignation of Director Eversoll who previously held that position.

AYES:	Directors Barrett, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Hogan

#### B. SEWER RATE AND CONNECTION FEE STUDY

The Board received a report from District Administrator Stephen Williams about the selection process, criteria, and results for the District's Sewer Rate and Connection Fee Study. No action was taken and the Board tabled the discussion to the Sepember 22, 2022 Board meeting.

#### 7. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Board Meeting on September 22, 2022. No items were discussed for future agendas.

### 8. <u>ADJOURNMENT</u>

The meeting adjourned at 3:07 p.m. ON MOTION by Director Newquist, seconded by Director Johnson.

These minutes were presented for approval at the General Board Meeting on October 13, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams District Administrator/Clerk of the Board



# **MINUTES**

For the Special Meeting of the Board on:

# September 16, 2022

# 1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a special meeting at 2:12 p.m. on Thursday, September 16, 2022. The meeting was also broadcast using Zoom teleconferencing.

# ATTENDANCE

**Board Members Present:** 

President Dorinne Lee Johnson, Vice President Woody Barrett, and Director Dana Newquist

# Board Members Absent:

Director Hogan

# Also Present and Participating:

Brad Rahrer, P.E. MSD General Manager Stephen Williams, MSD District Administrator Edward Martin, Member of the Public John, Member of the Public

# 2. <u>PUBLIC COMMENT</u>

No members of the public addressed the board.

# 3. <u>OLD BUSINESS</u>

# A. <u>APPOINTMENT HEARING</u>

The District received one application for the vacant Director position. The Board received a brief summary from the sole applicant Edward Martin on his desire to serve on the Board of Directors and how his professional experience can assist the District in its future endeavours.

ON MOTION by Director Newquist, Second by Director Barrett, the Board voted to recommend appointment of Edward Martin to the Board of Directors at the September 22, 2022 meeting.

AYES:	Directors Barrett, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Hogan

# 4. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a regularly scheduled board meeting on September 22, 2022 at 2:00 pm. Topics may include, but are not limited, to the following:

• Discussion of Compensation for Directors

#### 5. <u>ADJOURNMENT</u>

The meeting adjourned at 2:28 p.m. ON MOTION by Director Newquist, seconded by Director Barrett.

These minutes were presented for approval at the General Board Meeting on October 13, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams District Administrator/Clerk of the Board



# **MINUTES**

For the Regular Meeting of the Board on:

# September 22, 2022

# 1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 2:01 pm on Thursday September 22, 2022. The meeting was also broadcast using Zoom teleconferencing.

# ATTENDANCE

**Board Members Present:** 

Treasurer Dana Newquist, Director Hogan, Director Martin, Vice President Woody Barrett, and President Dorinne Lee Johnson

# **Board Members Absent:**

None

### Also Present and Participating:

Brad Rahrer, P.E. MSD General Manager Stephen Williams, MSD District Administrator Ricardo Larroude, MSD Collections & Maintenance Superintendent Marco Felix, MSD Chief Plant Operator/Treatment Specialist Bryce Swetek, MSD Engineering Manager Aleks Giragosian, Colantuono, Highsmith & Whatley, PC Nic Turner, MWD General Manager Nic Kunstek, Montecito GSA Adam Kinold, MWD Assistant General Manager/Engineering Manager Amanda Antonelli, Rincon Consultants Kiernan Brtalik, Rincon Consultants Ken Coates, Member of the Public MB, Member of the Public

# 2. <u>PUBLIC COMMENT</u>

No members of the public addressed the Board.

# 3. <u>CEREMONIAL SWEARING IN OF NEW DIRECTOR</u>

Director Johnson swore in new Director Edwin Martin to his seat on the Board of Directors.

# 4. ORGANIZATIONAL DECISIONS

This item was moved to after Item 10C on the Agenda.

### 5. <u>PRESENTATION</u>

The Board received a presentation from the Montecito Groundwater Sustainability Agency staff regarding a proposed groundwater monitoring well located on Montecito Sanitary District property.

#### 6. <u>CONSENT CALENDAR</u>

A. Board Meeting Minutes of August 11, 2022

B. Board Meeting Minutes of August 25, 2022

ON MOTION by Director Hogan, Second by Director Newquist the Board voted to approve the Consent Calendar.

AYES:	Directors Hogan, Newquist, and Johnson
NAYS:	None
ABSTAIN:	Directors Barrett and Martin
ABSENT:	None

#### 7. <u>REMOTE MEETINGS ADOPTION</u>

ON MOTION by Director Newquist, Second by Director Hogan the Board voted to adopt Resolution 2022-956 continuing remote meetings.

AYES:	Directors Barrett, Hogan, Martin, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	None

#### 8. <u>COMMITTEE REPORTS</u>

It is recommended that the Board receive and file a report provided by the following committee(s):

i) Director Barret and Director Johnson gave a summary of the Finance Committee meeting held on September 20, 2022.

#### 9. <u>APPROVAL OF PAYABLES</u>

ON MOTION by Director Hogan, Second by Director Barrett, the Board voted to approve the District payables for checks dated August 1 through August 31, 2022.

Accounts Payable	\$ 219,745.02
Capital Improvement Projects	\$ 58,216.28
Payroll	\$ 175,599.63
TOTAL	\$ 453,586.58

Directors Barrett, Hogan, Martin, Newquist, and Jonson
None
None
None

#### 10. DISTRICT BUSINESS ITEMS

### A. PROCEDURE FOR REVIEWING CONSULTANT PROPOSALS

The Board discussed the procedures for reviewing and ranking consultant proposals for services rendered to the District in an effort to incorporate into the District's Purchasing Policies. No action was taken and no clear indication of changes to the process were discussed or agreed upon by the Board members for inclusion into the revised Purchasing Policies.

Director Jonson left the Board Meeting at 3:04 p.m.

#### B. <u>SEWER RATE AND CONNECTION FEE STUDY</u>

ON MOTION by Director Newquist, Second by Director Martin, the Board voted reject all proposals for the District's Sewer Rate and Connection fee study and resubmit a new Request for Proposals incorporating cost as a selection criteria.

AYES:	Directors Barrett, Hogan, Martin, and Newquist
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Johnson

# C. DIRECTOR COMPENSATION

ON MOTION by Director Hogan, Second by Director Newquist, the Board voted to modify Ordnance No. 20 by striking sections 2, 3, and 4 and updating the verbiage in Section 1 pursuant to Legal Counsel's recommendation and to bring back to the Board for adoption at the next Board Meeting.

AYES:	Directors Barrett, Hogan, Martin, and Newquist
NAYS:	None
ABSTAIN:	None
ABSENT:	Director Johnson

#### Director Newquist left the Board Meeting at 4:31 p.m.

NOTE: No decision was made on the Organizational Decisions prior to the conclusion of the meeting and will be moved to a later meeting date due to the absence of two Directors.

#### D. <u>1508/1510/1516 E. MOUNTAIN DRIVE PRIVATE SEWER MAIN</u> EXTENSION

ON MOTION by Director Hogan, Second by Director Martin, the Board voted to accept the sewer main extension and direct staff to provide owners written notice of the District's acceptance.

AYES:	Directors Barrett, Hogan, and Martin
NAYS:	None
ABSTAIN:	None
ABSENT:	Directors Johnson and Newquist

### 11. DISTRICT OPERATIONS AND MAINTENANCE

#### A. INFORMATION ITEMS

General Manager Brad Rahrer P.E. provided informational, nonactionable updates regarding matters before the District.

# **B.** AGREEMENTS TO BE SIGNED

None.

C. <u>OPERATIONS AND MAINTENANCE REPORTS – SEPTEMBER 2022</u> The operational data was presented for the month of September.

### 12. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Board Meeting on October 13, 2022 at 2:00 pm. Items for the next meeting may include, but are not limited, to the following:

- Organizational Decisions
- Director Compensation Ordinance No. 20
- Presentation overview on the previous Rate Study prepared by a member of the public.

#### 13. ADJOURNMENT

The meeting adjourned at 4:53 pm. ON MOTION by Director Hogan, second by Director Martin.

These minutes were presented for approval at the Board Meeting on October 13, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams District Administrator/Clerk of the Board

#### **RESOLUTION NO. 2022-957**

#### RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT FOR THE PERIOD OF 30 DAYS PURSUANT TO THE BROWN ACT PROVISIONS.

WHEREAS, the Montecito Sanitary District ("District") is a sanitary district duly organized and existing pursuant to the Sanitary District Act of 1923 codified in Health & Safety Code section 6400 et seq.; and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's governing body are open and public, as required by the Ralph M. Brown Act, codified in California Government Code section 54950 et seq. ("Brown Act"), so that any member of the public may attend, participate, and watch the District's governing body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution No. 2021-935, on September 30, 2021, finding that the requisite conditions exist for the Board of Directors of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District's jurisdiction, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the jurisdiction of the District, specifically, a State of Emergency remains active as proclaimed by Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020; and

284902.v1 Montecito Sanitary District Board Meeting October 13, 2022 Page 11 of 30 WHEREAS, State and Local Officials have imposed and recommended social distancing measures and allowing legislative bodies to meet via teleconferencing to avoid risks to the health and safety of members of the public who would like to participate in meetings of the legislative bodies; and

WHEREAS, the Board of Directors does hereby find that Governor Gavin Newsom's Proclamation of State of Emergency and Social Distancing Orders and other conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the jurisdiction of the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California and ratify State and Local orders for social distancing; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the District's governing body shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District shall continue to provide notice as otherwise required by the Brown Act of all public meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. <u>Recitals</u>. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. <u>Affirmation that Local Emergency Persists</u>. The Board of Directors hereby considers the conditions of the state of emergency in the jurisdiction of the District and proclaims that a local emergency persists throughout the jurisdiction of the District and allowing remote access and participation in the District's board meetings will reduce health and safety risks to attendees.

Section 3. <u>Ratification of Governor's Proclamation of a State of Emergency</u>. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. <u>Remote Teleconference Meetings</u>. The General Manager or designee and the Board of Directors of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. <u>Effective Date of Resolution</u>. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 12, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the Montecito Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Montecito Sanitary District this 13th day of October 2022, by the following vote:

AYES: NAYS: ABSENT: ABSTAIN:



Board President Dorinne Lee Johnson

ATTEST:

Clerk of the Board Stephen Williams

#### **ORDINANCE NO. 20**

#### ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO SANITARY DISTRICT ESTABLISHING COMPENSATION OF DIRECTORS AND REPEALING ORDINANCE NO. 17

WHEREAS, Health and Safety Code section 6489 authorizes the Board of Directors to adopt an ordinance pursuant to Water Code sections 20200 et seq. in order to compensate each director above the amount established in Section 6489; and

WHEREAS, on March 11, 2021, Ordinance No. 17 established the compensation to be paid to directors; and

WHEREAS, Ordinance No. 17 authorized the Board to adopt an ordinance to increase compensation in an amount not to exceed five percent of current compensation for each calendar year after the operative date of the last adjustment; and

WHEREAS, director compensation has not increased since the adoption of Ordinance No. 17; and

WHEREAS, the duties and responsibilities of the Board, thus of each director, require and will continue to require substantial and increased time to be expended by each director in order to carry out District business; and

WHEREAS, the Board has elected to fix the compensation of directors pursuant to Water Code sections 20200 et seq.; and

WHEREAS, notice of a public hearing as a part of the Board's regular meeting held on October 13, 2022, was published pursuant to Government Code section 6066 and Water Code section 20203; and

WHEREAS, proof of publication of said notice on September 28, and October 5, 2022, in the Santa Barbara News-Press has been filed with the records of the regular meeting of October 13, 2022; and

WHEREAS, the public hearing on the adoption of this ordinance was held on October 13, 2022, as required by Water Code section 20203.

NOW, THEREFORE, BE IT ORDAINED that:

1. Pursuant to section 20202 of the Water Code and section 6489 of the Health and Safety Code, the standard and maximum compensation of each director of the Board shall be \$231.00 per day for each day of attendance at a regular or special meeting of the Board, a meeting of a standing or ad hoc committee of the Board, or for each day's service rendered as a Director by request of the Board, not exceeding a total of six days in any calendar month.

2. Henceforth, the amount of director compensation may be increased upon adoption of an ordinance in an amount not to exceed five percent of the then current compensation for each calendar year after the operative date of the last adjustment under Water Code section 20202.

3. This ordinance repeals prior action providing for compensation as of its effective date, including Ordinance No. 17.

4. Immediately following adoption, the Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the District.

5. If any section of this ordinance is held to be invalid or unconstitutional, the remaining sections shall remain valid. The Board hereby declares that it would have adopted this ordinance regardless that particular sections may be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Governing Board of Montecito Sanitary District on this 13th day of October 2022, to become effective sixty days thereafter by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:



Donnie Lee Johnson President of the Governing Board of the MONTECITO SANITARY DISTRICT

Dana Newquist Secretary of the Governing Board of the MONTECITO SANITARY DISTRICT



# MONTECITO SANITARY DISTRICT

# **STAFF REPORT**

DATE:	October 13, 2022			
TO:	Board of Directors			
FROM:	Bradley Rahrer, General Manager			
PREPARED BY:	Bryce Swetek, Engineering Manager			
SUBJECT:	Roundabouts Sewer Relocation Project – Update			
SUMMARY:	Update on the construction status of the District's project to relocate sewer facilities in conflict with the proposed roundabouts at San Ysidro/North Jameson and Olive Mill/North Jameson intersections.			

# **RECOMMENDATION:** Information only.

#### **DISCUSSION:**

#### Olive Mill/N. Jameson/Coast Village Road Intersection Relocation Work:

On September 21, 2022, the District received its approved Santa Barbara County encroachment permit for the proposed sewer relocation work and construction for the work began on September 26, 2022. The work includes installing two manholes and 12-inch diameter pipe outside of the future roundabout footprint. Existing District facilities within the footprint will be abandoned in place.

Some of the noteworthy challenges encountered during the construction phase include:

- Additional Traffic Control Measures In response to Tierra's proposed traffic control plan, the County and City added additional traffic control and reduced working hours to alleviate traffic congestion through the intersection. The County required an additional flagger while the City added a provision prohibiting work on Fridays.
- Water main relocation conflict A Montecito Water District water main was located within 18 inches from the proposed new manhole, preventing the manhole from being constructed as designed. To resolve the conflict, District staff worked with Montecito Water District engineering staff to offset a small portion of the

water main to accommodate the new manhole and achieve public health and safety standards.

• Additional unforeseen utility crossings – Several additional communication and electrical conduits were encountered requiring design modifications in the field.

Despite the challenges and additional scope of work, this phase of construction has progressed in accordance with Tierra's estimated schedule and is on track to be completed by October 14, 2022.

#### San Ysidro/N. Jameson Intersection Relocation Work:

This work is awaiting an approved Santa Barbara County Encroachment Permit. Tierra is prepared to begin work as soon as one is issued. Per Caltrans/County schedule, the relocation work must be done before their roundabout construction work begins in May 2023.

**Public Notification** – The following public outreach methods have been used to notify the public of upcoming construction work for this project:

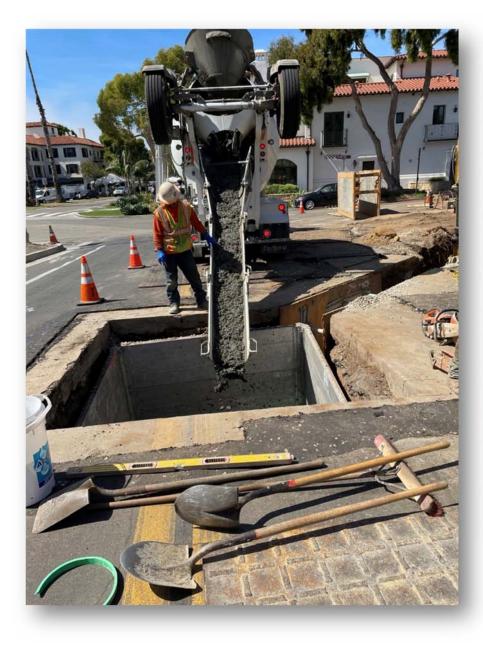
- Montecito Journal Article an article was released in the September 22 edition of the Montecito Journal informing its subscribers of the proposed project and potential impacts to traffic in the area. Additionally, the article is linked on the District's website under News.
- Changeable Message Boards one week prior to the project, Tierra positioned three message boards on main arterial roads adjacent to the intersection notifying motorists and pedestrians about the project
- Door hangers door hangers were delivered to residences and businesses within the immediate proximity of the project.
- Coast Village Road Business Association District staff spoke with president to inform membership of the impacts from the project
- Montecito Association Staff updated the Montecito Association on the status of the project throughout the summer
- Schools Mt. Carmel was notified prior to the start of the project. Cold Springs and Montecito Union schools were informed via the Montecito Association meetings and notifications by Tierra.

#### Previous Related Action –

November 29, 2021 – Received Relocation Claim Letter from Caltrans December 9, 2021 – Notified the Board regarding potential conflict January 13, 2022 – Provided status update on the design work April 28, 2022 – Provided status update on the design work July 14, 2022 – District awarded contract to Tierra Contracting

#### **DEPARTMENTS INVOLVED:** Collections

ATTACHMENTS: Photos of Construction Work at Olive Mill/N. Jameson Intersection







# MONTECITO SANITARY DISTRICT

# **STAFF REPORT**

DATE:	October 13, 2022			
TO:	Board of Directors			
FROM:	Bradley Rahrer, General Manager			
PREPARED BY:	Bryce Swetek, Engineering Manager			
SUBJECT:	Highway 101 Sewer Crossing Relocation Project			
SUMMARY:	Relocate District sewer facilities in conflict with the Oak Cree Bridge spanning Hwy 101 from North Jameson Lane to Posili Lane, as part of the Caltrans Hwy 101 HOV Widening Project			

**RECOMMENDATION:** STAFF RECOMMENDS THAT THE BOARD:

1. Authorize the rejection of all bids submitted for the Highway 101 Sewer Crossing Relocation Project.

#### **DISCUSSION:**

**Background** – On April 23, 2021, the District was initially notified about a Caltrans bridge widening project and potential conflict through receiving a Relocation Claim Letter from Caltrans. Additionally, this letter requests relocations plans and other measures to successfully relocate the District facilities prior to April 2023.

On July 19, 2021, the District received a Conflict Explanation Letter providing a detailed explanation why District facilities are in conflict with the Hwy 101 Widening Project. The following passage is directly from the letter:

Immediately adjacent (to the west) of the subject MSD facilities is the existing Oak Creek bridge across Hwy 101. The bridge needs to be replaced because of insufficient flood capacity. The proposed replacement bridge will have a larger span, allowing it to convey the required 100-yr flood flows. In order to construct the new creek crossing bridge, the existing bridge must be demolished, and the new bridge structure foundations (piles) must be installed to support the new structure. The footprint of the required excavation and foundation work lies directly above the subject MSD facilities resulting in the conflict. An exhibit showing the conflict is attached to this report (Attachment 1). Additionally, the letter laid out critical design criteria, including the horizontal clearance for relocated underground District facilities must be at least fifteen (15) feet from the proposed structure foundation.

### Project Design Timeline -

- On May 27, 2021, a contract was executed with Flowers & Associates to design the relocation work to resolve the conflict in the Caltrans letter.
- In late July, a proposed alignment was developed to cross Hwy 101 from Hixon Road to the existing Miramar lift station.
- In early August of 2021, it was determined the Miramar lift station would be able to accommodate flows from N Jameson.
- On September 3, 2021, the contract with Flowers & Associates was terminated due to conflicts of interest.
- On September 23, 2021, a contract for a revised design of the relocation work was executed with MNS Engineers.
- On March 4, 2022, a contract was executed with Earth Systems to provide geotechnical services to supplement the project design.
- MNS submitted final design contract documents on July 29, 2022.
- Earth Systems submitted their final geotechnical report on August 18, 2022.

#### **Bidding Process and Results –**

District staff issued a request for bids on July 31, 2022. There were 9 prospective bidders registered for the project; however, only 7 attended the mandatory pre-bid meeting. An Addendum was issued on August 25, 2022, refining the scope of work and attaching the geotechnical report. The District ultimately received three bids from local companies for the project. The bids received range as follows:

	Bidder	Bid Amount	Bid Status
1	Cedro Construction	\$2,709,920.00	Withdrawn
2	Raminha Construction	\$3,987,900.00	Lowest Bidder, Contested
3	Blois Construction	\$4,345,229.00	Highest Bidder, Contesting Lower Bids.

**Fiscal Impact** – While this project was included in the Fiscal Year 2022-23 Capital Improvement Project budget, the bid results exceed both the budgetary estimate and the engineering estimate by a significant margin. Over the course of the project design, including during the bidding process, the project required a greater scope due to complexities of the project. Staff understands these major complexities and uncertainties, along with the current bidding environment, was likely the primary reason for the cost

differential. Attachment 2 includes select plan sheets depicting some of the project challenges which include:

- Permitting from Caltrans, County of Santa Barbara, California Coastal Commission, and Union Pacific Railroad.
- Traffic control.
- Significant existing utility congestion and spatial limitations.
- Proposed design depth/shoring.
- Dewatering.
- Potential County allowable working hours restrictions, based on traffic concerns in these high traffic areas and residential noise.

Analysis – Justifications – The low bid of \$2,709,920.00 submitted by Cedro Construction was requested to be withdrawn by Cedro as a result of an accounting error on their bid. This withdrawal was accepted by the District and the District's acceptance letter is attached to this report (Attachment 3). Therefore, the lowest responsive bidder is Raminha Construction with a bid of \$3,987,900 by. While this bid was contested by Blois, the bid protest was rejected after consulted with District legal counsel as the reason for the protest was determined to be inconsequential to bid offered by Raminha.

After receiving the bids, Staff realized the burden of such a contract would have on the District. Staff reached out to local agencies and consultants seeking if these bid prices were within reason compared to the scope of work. The results of this inquiry showed while these bid prices are high, it was reasonable given the current bidding market and some agencies are receiving bids two to three times engineering estimates. Furthermore, Staff reached out to Caltrans representatives to inform them of the bid results and inquired to see if the relocation need was absolutely necessary. Caltrans representatives responded back with an exhibit detailing the conflict and is attached to this report (Attachment 4). Staff noticed the piles depicted in the letter from July 29, 2021 were no longer directly above the District's sewer facilities and inquired about a protect in place option. Staff met with Caltrans representatives and it was determined the current conflict is in regard to constructability issues and standard design policies, but not actual design limitation. The Caltrans representatives have an ongoing discussion with the design and construction team to determine of the District facilities may be protected in place.

With a potential alternate path forward to protect the District's facilities in place, Staff recommends to reject all bids.

# **Recommended Next Steps and Approach -**

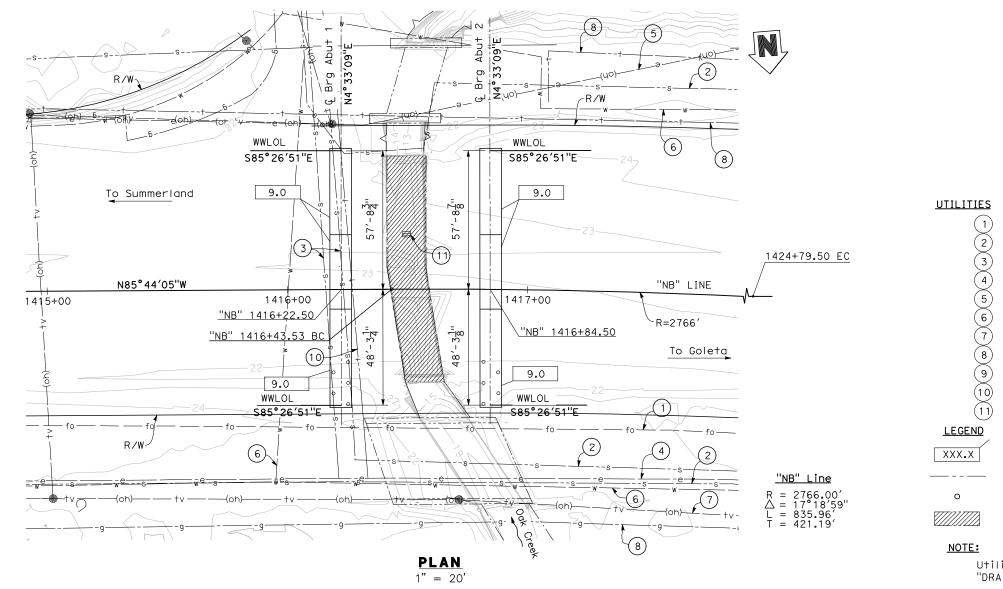
The next steps for this project include continuing communication with Caltrans representatives to determine if protecting in place is viable option.

If it is determined protect in place is not an option, the District could seek a potential joint bid agreement with Montecito Water District, as they have a Hwy 101 crossing project of their own scheduled for 2023. A joint bid agreement could allow a single contractor to work on both projects, therefore reducing mobilization costs and increasing competition due to the scope of securing two projects instead of one.

# **DEPARTMENTS INVOLVED:** Engineering and Collections

### **ATTACHMENTS:**

- 1. Conflict Explanation Exhibit
- 2. Select Plan Sheets
- 3. District's Cedro Construction Withdrawal Acceptance Letter
- 4. Caltrans Representative's Conflict Exhibit



#### PILE DATA TABLE

	Location	Pile Type	Nominal Resistance (kips)		Design Tip	Specified Tip Elevations	Required Nominal Driving Resistance	
	LOCOTION	File Type	Compression	Tension	Elevations (ft)	(ft)	(kips)	
IΨ	Abut 1	Class 200 Alt "W"	200 AI+ "W" TBD O		TBD	TBD	TBD	
VAL DATE	Abut 2	Class 200 Alt "W"	TBD	0	TBD	TBD	TBD	

SCOUR DATA TABLE

COORDINATES

EAST

NORTH

Support Location	Long Term (Degradation and Contraction) Scour Elevation (ft)	Short Term (Local) Scour Depth (ft)	Frequency (Yea Discharge (Cut
Abut 1	13.65	0.0	Water Surface
Abut 2	13.65	0.0	Flood plain do prepared and information is

BENCHMARK AND DATUM

lain data is based upon information available when the plans were ed and is shown to meet federal requirements. The accuracy of said ation is not warranted by the State and interested or affected parties should make their own investigation.

NOTES:

1. Design tip elevations for Abutments are controlled by (a) Compression, (b) Lateral Load.

2. Do not raise specified Tip Elevation.

Į NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE

ORDERING OR FABRICAT	ING ANY MATERIAL.							
	SCALE: 1" = 20' VERT. DATUM I	NAVD88 HORZ.DATUM NAD83	DESIGN V. SHERBY	CHECKED	PREPARED FOR THE		BRIDGE NO.	
DESIGN OVERSIGHT	PHOTOGRAMMETRY AS OF : X	ALIGNMENT TIES X	BY	CHECKED	STATE OF CALIFORNIA	E FREDRICKSON	51–0350 <b>OAK</b>	CREEK BRIDGE (REPLACE)
	SURVEYED BY X	DRAFTED BY X	DETAILS J. DOTY				POST MILES	FOUNDATION PLAN
SIGN OFF DATE	FIELD CHECKED BY X	CHECKED BY X	QUANTITIES BY	CHECKED	DEPARTMENT OF TRANSPORTATION		9.66	FOUNDATION FLAN
FOUNDATION Montecito Sanitary	y Districts/14/12)			ORIGINAL SCALE IN INCHES FOR REDUCED PLANS		UNIT: X		DISREGARD PRINTS BEARING EARLIER REVISION DATES 10-16-20 24 15
Board Meeting Oc	tober 13 2022			FOR REDUCED PLANS	0 1 2 3	PROJECT NUMBER & PHASE:0518000131	CONTRACT NO.:05-0N70B	$= 4 15 \mu$
Page 23 of 30						FILE => 04_FP - OAK		
1 490 20 01 00								

MONUMENT

DIST	COUNTY	ROUTE	POST MILES SHEET TOT. TOTAL PROJECT No SHEE				
05	SB	101	9.1/12.3	481	590		
REGISTERED CIVIL ENGINEER PLANS APPROVAL DATE The State of California or its officers or agents shall not be responsible for the accuracy or completeness of scanned copies of this plan sheet.							
MARK THOMAS 2121 ALTON PARKWAY, SUITE 210 IRVINE, CA 92606							
SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS 260 N SAN ANTONIO ROAD, SUITE B SANTA BARBARA, CA 93110							

- Existing Fiber Optic (To Remain) Existing Sewer (To Remain)
- Existing Sewer (To be Relocated)
- Existing Underground Electric (To Remain)
- Existing Overhead Electric (To Remain)
- Existing Waterline (To Remain)
- Existing Overhead Telecommunications (To Remain)
- Existing Natural Gas (To Remain)
- Existing Telephone to (To Remain)
- Existing Telephone to (To be Relocated)
- Existing Drainage Inlet (To be Removed)
- Indicates Bottom of Footing Elevation (feet)
- Indicates Existing Structure
- Indicates Pile (all piles not shown)
- Indicates Bridge Removal

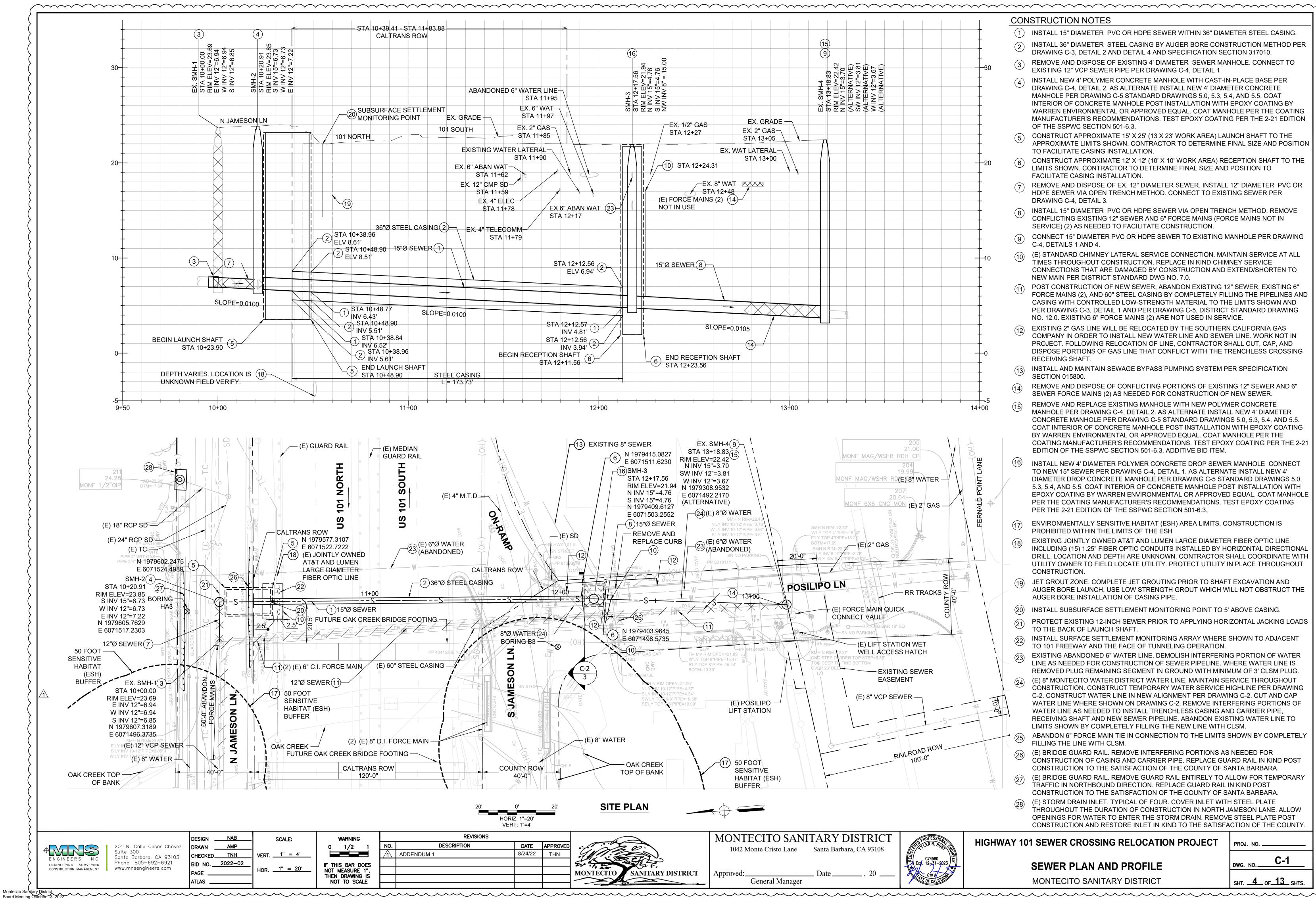
Utilities shown here are for reference only. Refer to "DRAINAGE PLANS" and "UTILITY PLANS" for specifics.

#### HYDROLOGIC SUMMARY

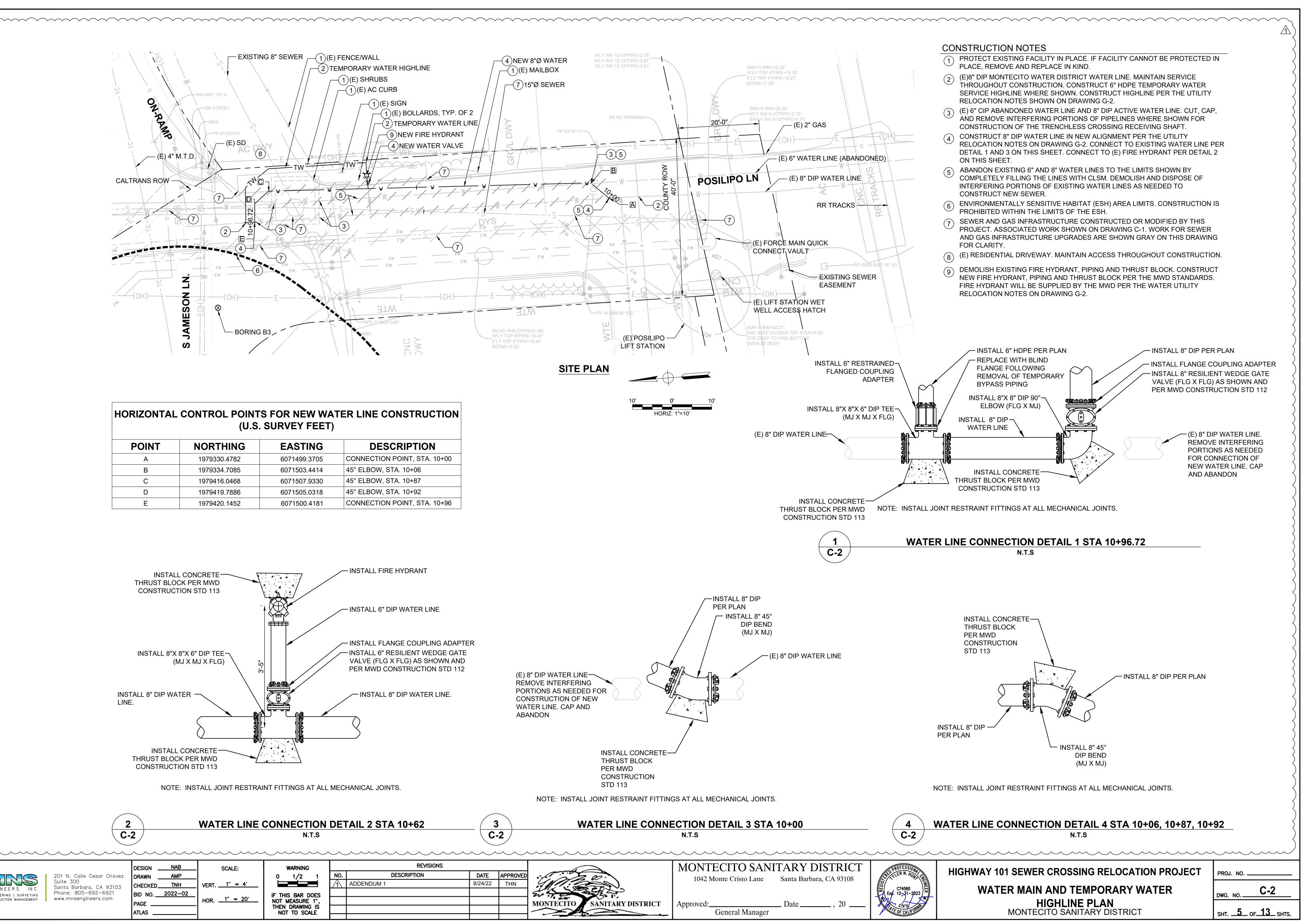
Drainage Area: <u>1.5</u>	Square Mi	les	
ears)	10	50	100
ubic Foot per Sec)	660	2,710	3,810
e (Elevation at Bridge)	N/A_	24.3	24.0

K AND	DATUM
ELEVATION	DESCRIPTION/LOCATION

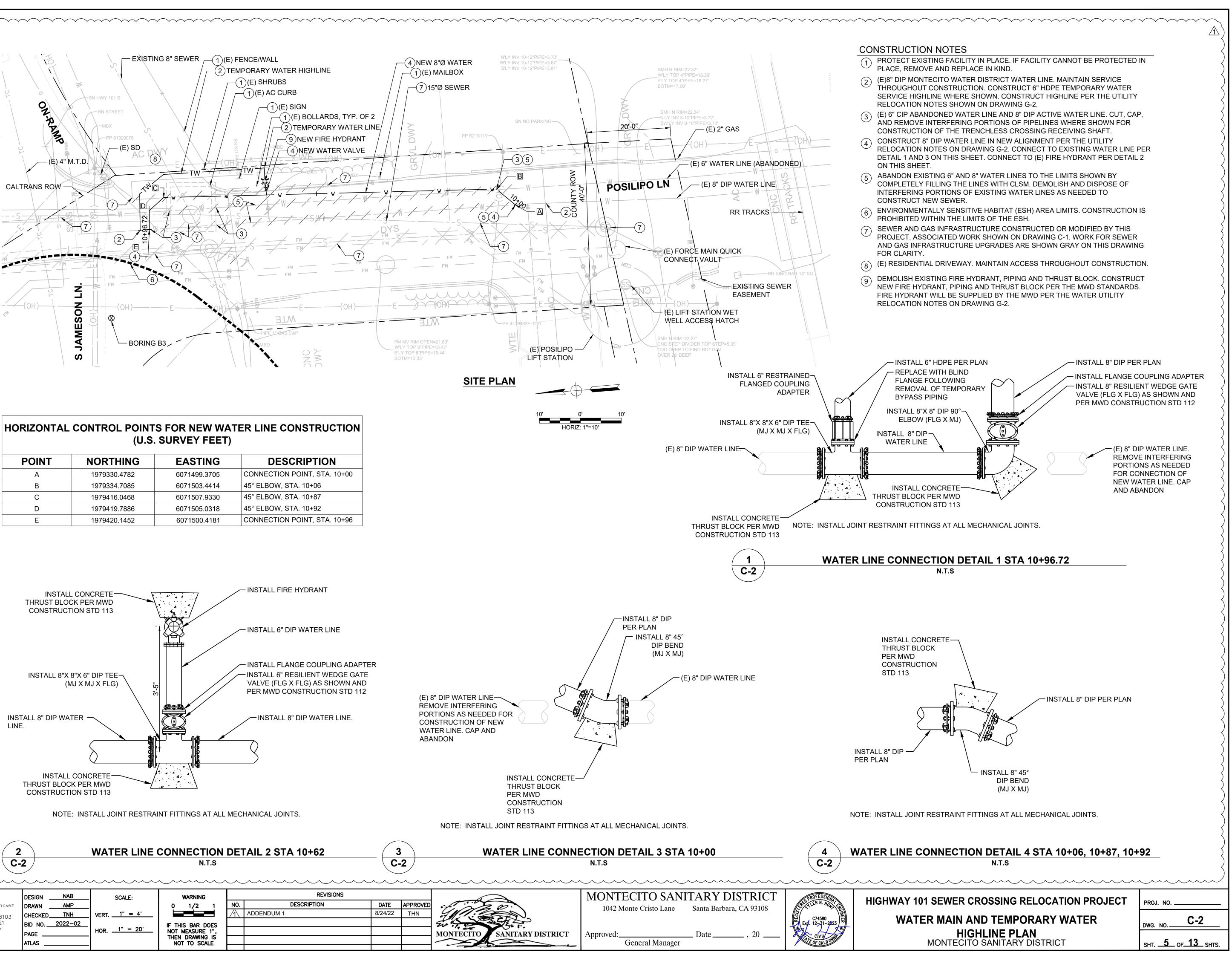
DRAFT 65% PLANS

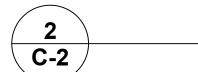


Page 24 of 30



POINT	NORTHING	EASTING	DESC
А	1979330.4782	6071499.3705	CONNECTION F
В	1979334.7085	6071503.4414	45° ELBOW, ST
С	1979416.0468	6071507.9330	45° ELBOW, ST
D	1979419.7886	6071505.0318	45° ELBOW, ST
E	1979420.1452	6071500.4181	CONNECTION F

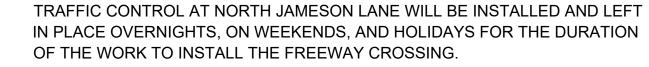




			1				<del></del>	
			DESIGN _	NAB	SCALE:	WARNING		
		201 N. Calle Cesar Chavez	DRAWN _	AMP		0 1/2 1	NO.	
	+ MIRS	Suite 300 Santa Barbara, CA 93103	CHECKED_	TNH	VERT. <u>1" = 4'</u>		/1	ADDENDUM '
	ENGINEERS INC ENGINEERING   SURVEYING CONSTRUCTION MANAGEMENT	NG   SURVEYING Phone: 805-692-6921 BID N ON MANAGEMENT www.mnsengineers.com	BID NO.	2022-02	IF THIS	IF THIS BAR DOES		
			PAGE		HOR. $1'' = 20'$	NOT MEASURE 1",		
						THEN DRAWING IS		

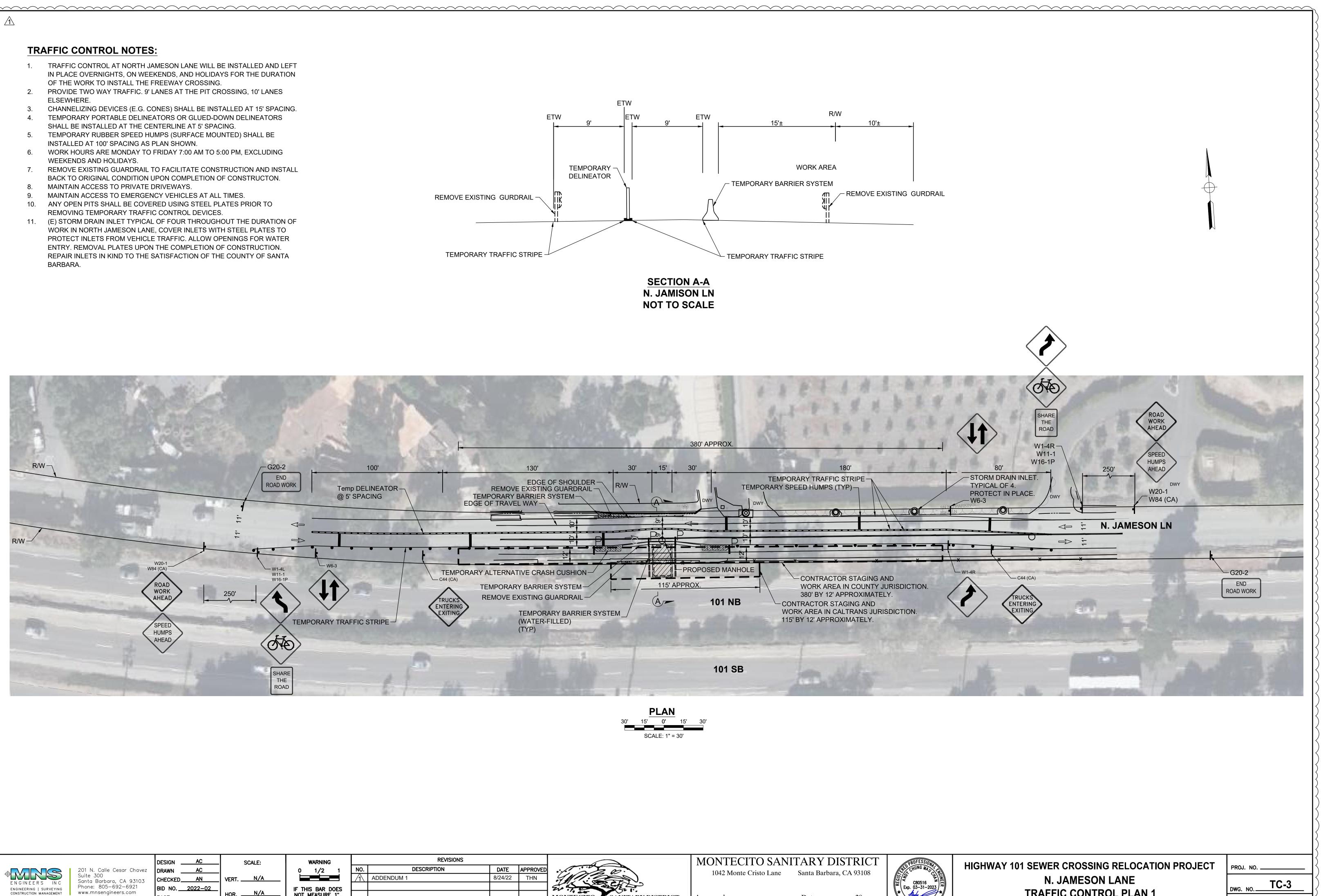
HIGHLINE PLAN
MONTECITO SANITARY DISTRICT



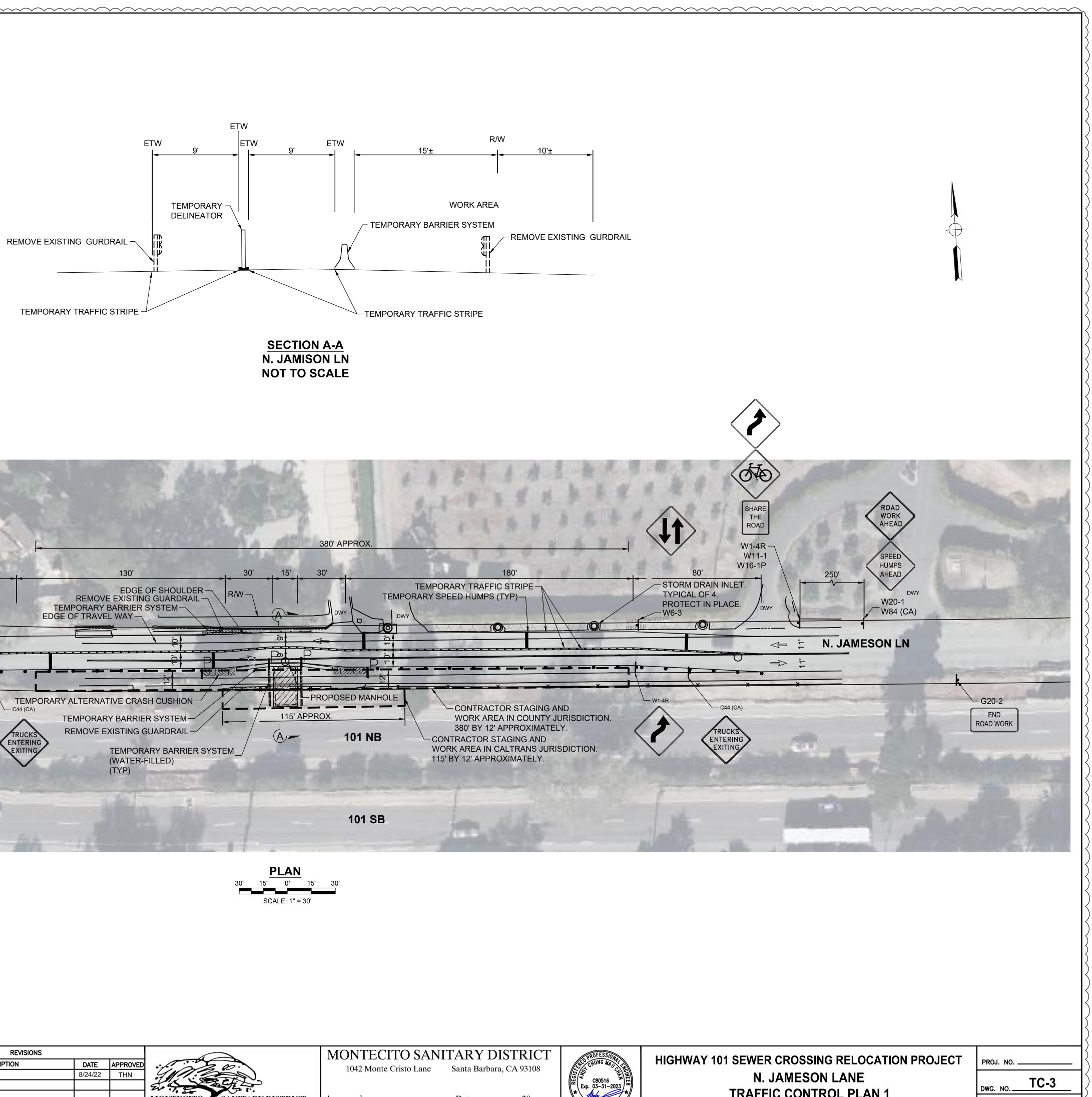


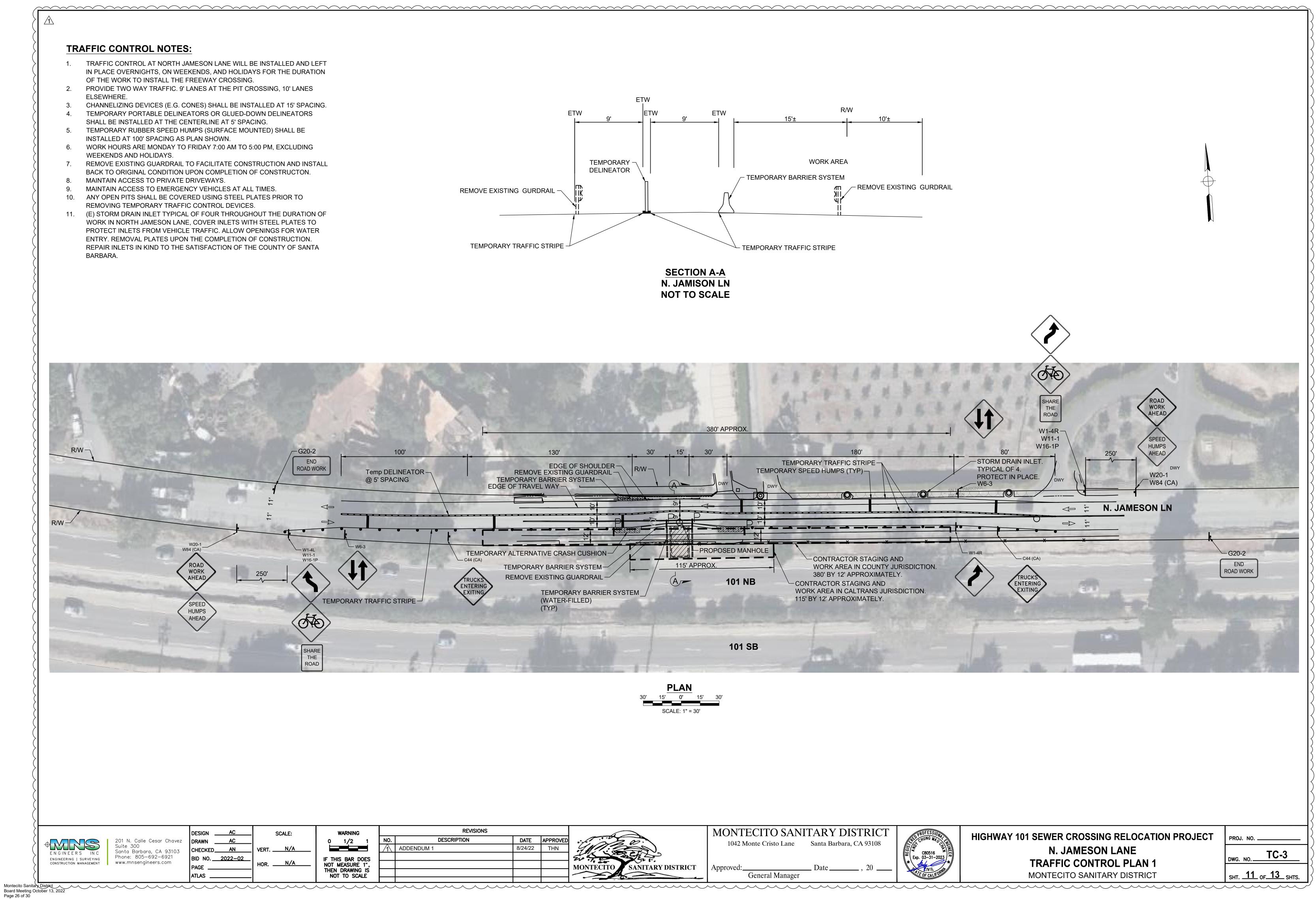
- ELSEWHERE.
- TEMPORARY PORTABLE DELINEATORS OR GLUED-DOWN DELINEATORS
- TEMPORARY RUBBER SPEED HUMPS (SURFACE MOUNTED) SHALL BE
- WEEKENDS AND HOLIDAYS.
- BACK TO ORIGINAL CONDITION UPON COMPLETION OF CONSTRUCTON.

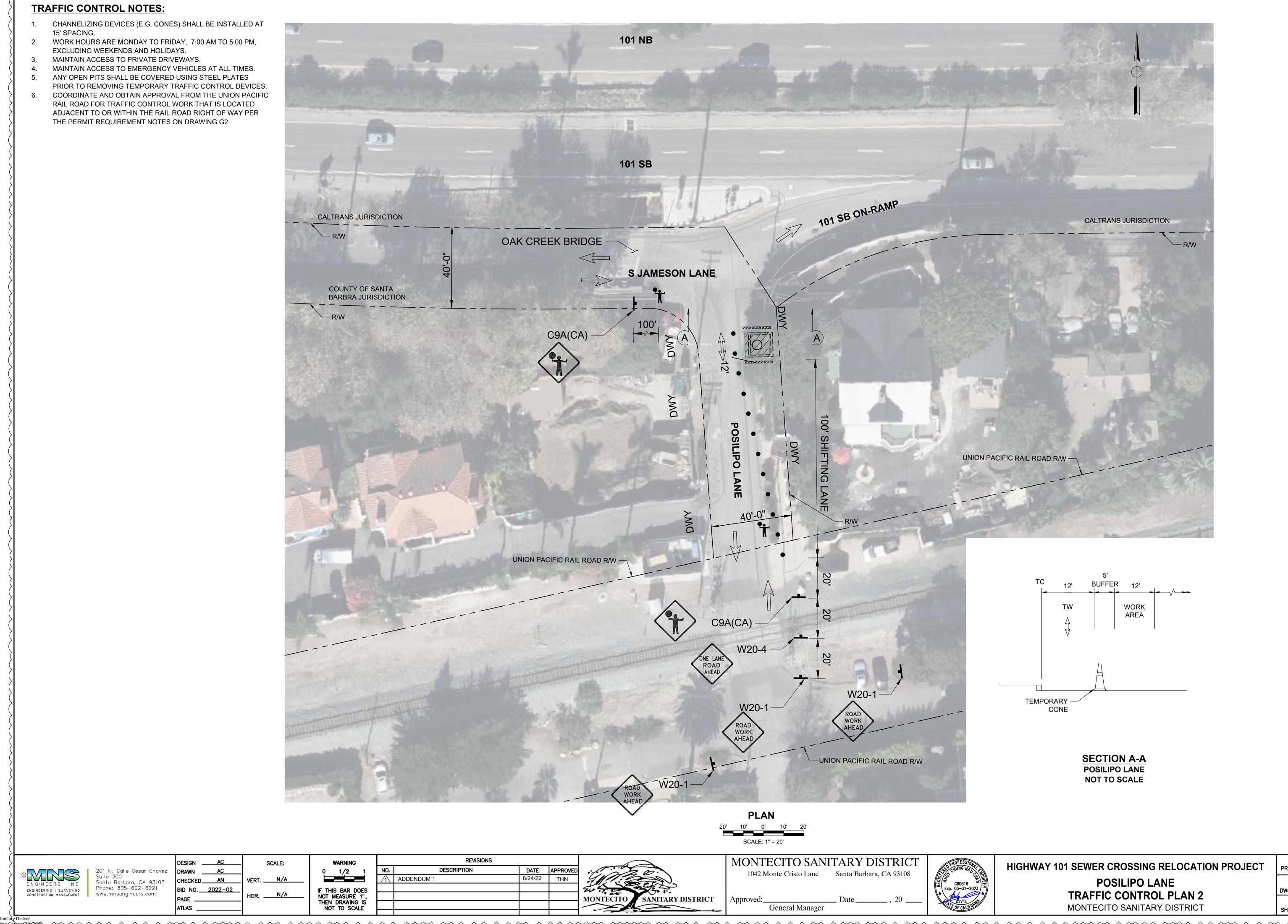
- WORK IN NORTH JAMESON LANE, COVER INLETS WITH STEEL PLATES TO PROTECT INLETS FROM VEHICLE TRAFFIC. ALLOW OPENINGS FOR WATER ENTRY. REMOVAL PLATES UPON THE COMPLETION OF CONSTRUCTION. REPAIR INLETS IN KIND TO THE SATISFACTION OF THE COUNTY OF SANTA BARBARA.



IF THIS BAR DOES NOT MEASURE 1", HOR. <u>N/A</u> PAGE THEN DRAWING IS ATLAS NOT TO SCALE







WARNING	
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 NOT MEASURE 1",	
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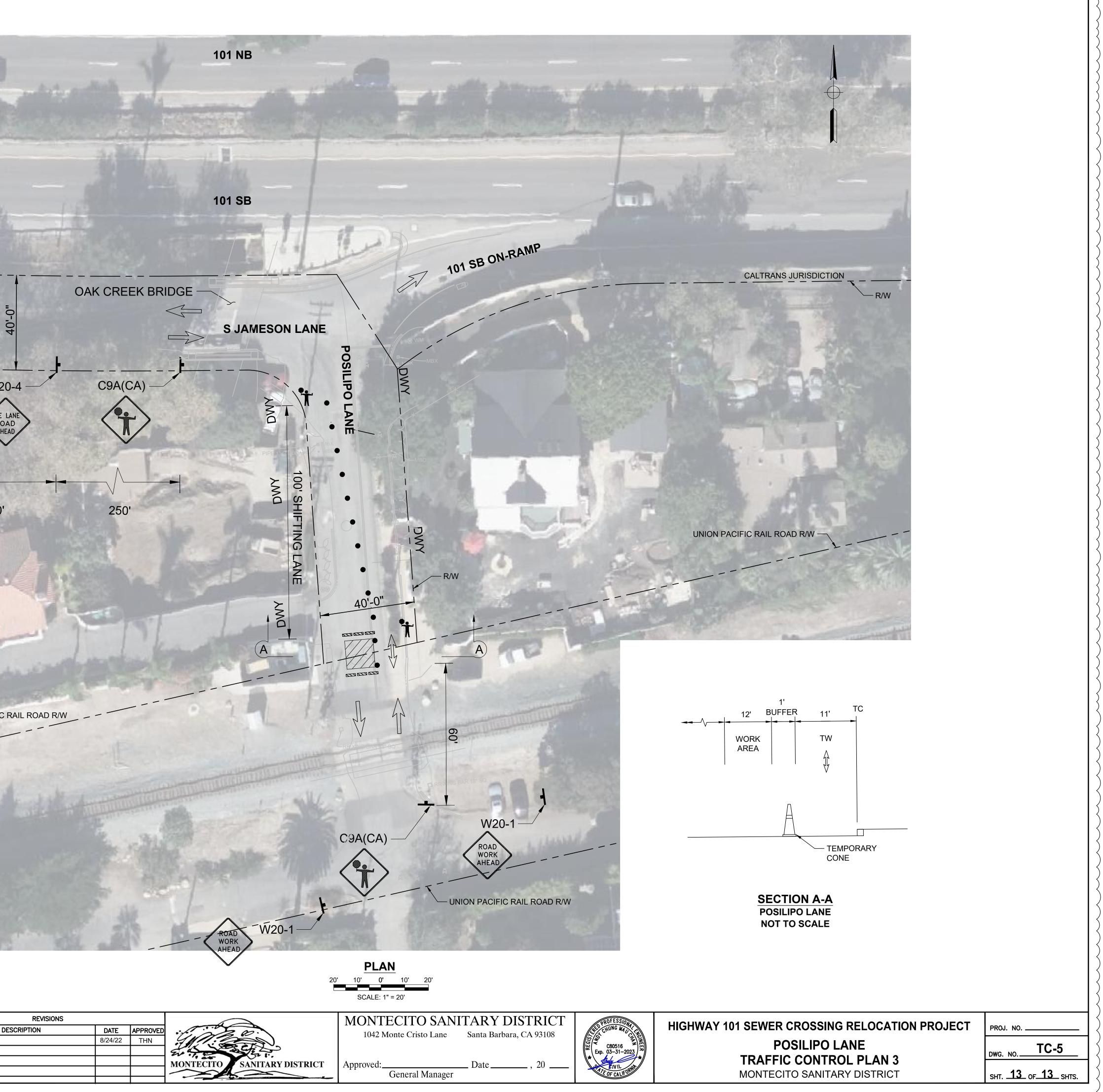
Montecito Sanitaty Distri Board Meeting October 13, 2022 Page 27 of 30

ROJ. NO	
	-
NG. NO. TC-4	
нт. <u>12</u> ог <u>13</u> shts.	

1.	CHANNELIZING DEVICES (E.G. CONES) SHALL BE INSTALLED AT	
2.	15' SPACING. WORK HOURS ARE MONDAY TO FRIDAY, 7:00 AM TO 5:00 PM,	
	EXCLUDING WEEKENDS AND HOLIDAYS.	
3. 4.	MAINTAIN ACCESS TO PRIVATE DRIVEWAYS. MAINTAIN ACCESS TO EMERGENCY VEHICLES AT ALL TIMES.	Take water the
5.	ANY OPEN PITS SHALL BE COVERED USING STEEL PLATES PRIOR TO REMOVING TEMPORARY TRAFFIC CONTROL DEVICES.	
6.	COORDINATE AND OBTAIN APPROVAL FROM THE UNION PACIFIC	and the second second second
	RAIL ROAD FOR TRAFFIC CONTROL WORK THAT IS LOCATED ADJACENT TO OR WITHIN THE RAIL ROAD RIGHT OF WAY PER	and service and the service of the s
	THE PERMIT REQUIREMENT NOTES ON DRAWING G2.	
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		Carl Color Barris
		No. of Concession, Name of
		COUNTY OF SANTA BARBRA JURISDICTION
		<u> </u>
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		CALE: WARNING
M	DESIGN <u>AC</u> 201 N. Calle Cesar Chavez Suite 300 Santa Barbara, CA 93103 DESIGN <u>AC</u> DRAWN <u>AC</u> CHECKED <u>AN</u> VERT.	CALE: WARNING 0 1/2 1 NO. N/A /1 ADD

CONSTRUCTION MANAGEMENT WWW.MISSINGERS.COM	PAGE ATLAS	HOR. <u>N/A</u>	NOT MEASU THEN DRAW NOT TO S
Montecito Sanitary District			
Board Meeting October 13, 2022		~~~~~	
Page 28 of 30		<b>C</b> -	

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A Public Service Agency

Phone: (805) 969-4200 www.montsan.org

September 29, 2022

Cedro Construction, Inc. 120 E. Santa Maria Street Santa Paula, CA 93060

SUBJECT: HIGHWAY 101 SEWER CROSSING RELCOATION PROJECT

Dear Mr. Verner,

The District received your letter dated September 15, 2022 requesting to rescind your bid submitted on September 12, 2022 for the subject project. The letter states that the request was made pursuant to Public Contract Code 5100, et seq. In addition to the clerical/typographical error and mistake not including the shoring subcontractor's bid as noted in the letter, the District also found the following mistakes/concerns in Cedro's bid documents:

1. In Section A3 – Contractor's Proposal, the total for Bid Schedule A, Bid Schedule B and Total of Bid Schedule A and B Price in numerals and words for the project was not written out as required by the bid specifications.

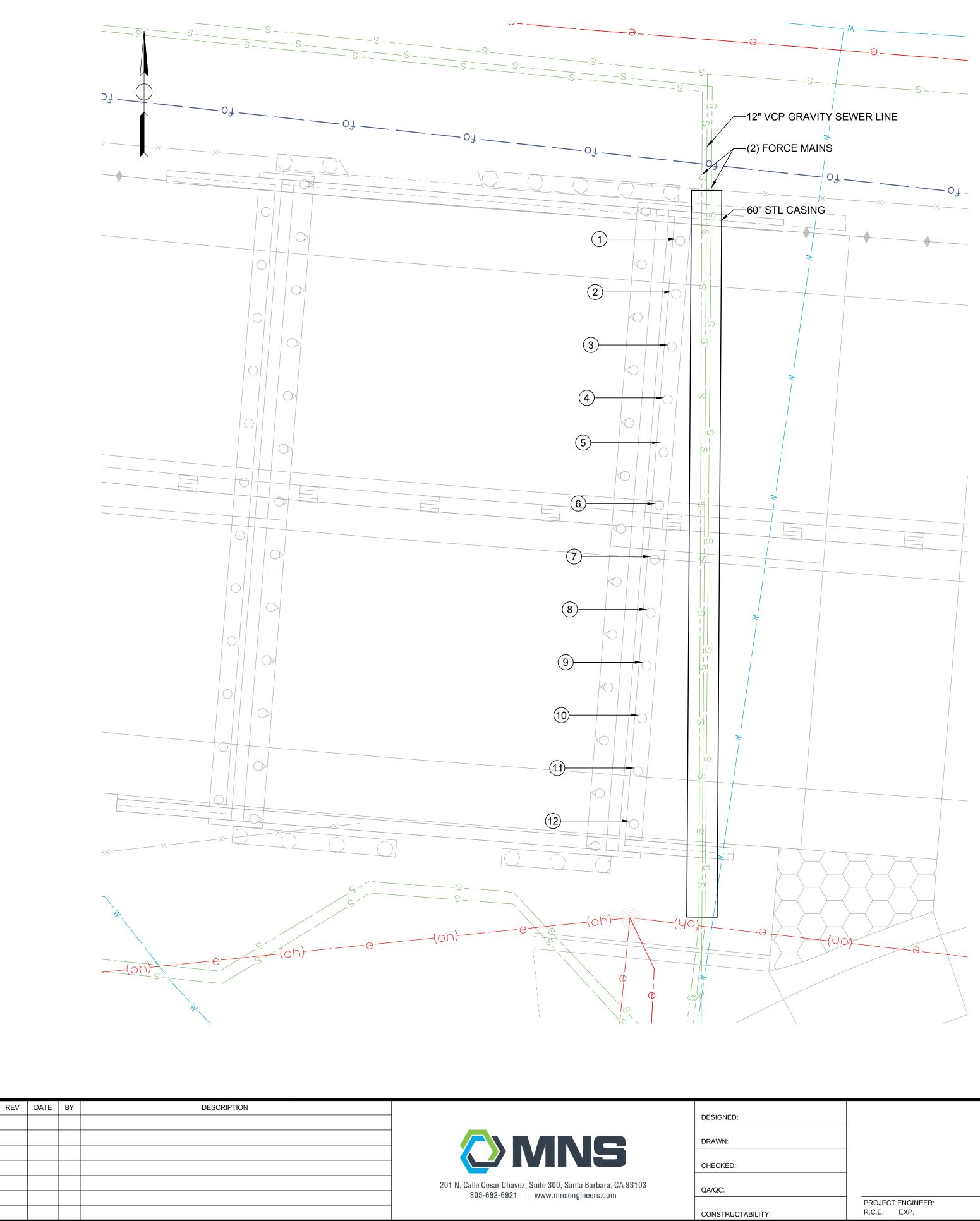
Based on the letter noting that \$503,000 was not included in the bid Item No. 3 in calculating the lump sum cost for the sheeting, shoring and bracing and providing an incomplete proposal, the District finds that these are material mistakes and will grant relief to Cedro Construction from their bid. Therefore, the District Staff will recommend the bid not be considered when the Board of Directors considers awarding the contract and/or the disposition of the bids on the October 13, 2022 regular meeting.

If you have any questions regarding this review, please contact the District office at (805) 969-4200.

Sincerely,

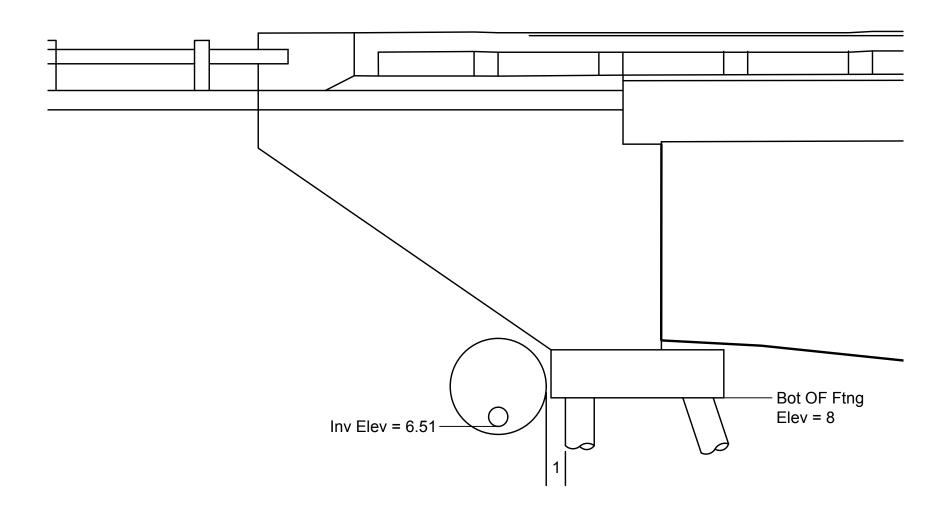
Bradley Rahrer, P.E. **General Manager** 

cc: Bryce Swetek, P.E., Engineering Manager



Montecito Sanitary District Board Meeting October 13, 2022 Page 30 of 30

MSD CROSSING v ABUTMENT PILES				
ABUTMENT PILE No.	Dist TO CASING	SEWER Inv Elev	STAGE	
1	1	6.51		
2	1.7	6.40	NORTHBOUND	
3	2.3	6.30		
4	2.9	6.19	LANES	
5	3.5	6.10		
6	4.2	5.97		
7	4.8	5.87		
8	5.5	5.76	SOUTHBOUND LANES	
9	6.1	5.65		
10	6.8	5.54		
11	7.4	5.43		
12	8	5.33		



DESIGNED: DRAWN:			0 1/2 1 2 THIS BAR IS 2 INCHES AT FULL SCALE. IF NOT 2 INCHES, THEN SCALE ACCORDINGLY.
CHECKED:			SCALE:
QA/QC:			1"=10'
CONSTRUCTABILITY:	PROJECT ENGINEER: R.C.E. EXP.	DATE	

CROSS SECTION AT PILE #1

