



**Orange County Sanitation District
BOARD OF DIRECTORS
Regular Meeting Agenda
Wednesday, December 18, 2019 - 6:00 PM
Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433**

ACCOMMODATIONS FOR THE DISABLED: Meeting Rooms are wheelchair accessible. If you require any special disability related accommodations, please contact the Orange County Sanitation District Clerk of the Board's office at (714) 593-7433 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

AGENDA POSTING: In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted outside the main gate of the Sanitation District's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the Sanitation District's website at www.ocsd.com not less than 72 hours prior to the meeting date and time above. All public records relating to each agenda item, including any public records distributed less than 72 hours prior to the meeting to all, or a majority of the Board of Directors, are available for public inspection in the office of the Clerk of the Board.

AGENDA DESCRIPTION: The agenda provides a brief general description of each item of business to be considered or discussed. The recommended action does not indicate what action will be taken. The Board of Directors may take any action which is deemed appropriate.

MEETING AUDIO: An audio recording of this meeting is available within 24 hours after adjournment of the meeting. Please contact the Clerk of the Board's office at (714) 593-7433 to request the audio file.

NOTICE TO DIRECTORS: To place items on the agenda for a Committee or Board Meeting, the item must be submitted in writing to the Clerk of the Board: Kelly A. Lore, MMC, (714) 593-7433 / klore@ocsd.com at least 14 days before the meeting.

FOR ANY QUESTIONS ON THE AGENDA, BOARD MEMBERS MAY CONTACT STAFF AT:

General Manager: Jim Herberg, jherberg@ocsd.com / (714) 593-7300
Asst. General Manager: Lorenzo Tyner, ltyner@ocsd.com / (714) 593-7550
Asst. General Manager: Rob Thompson, rthompson@ocsd.com / (714) 593-7310
Director of Human Resources: Celia Chandler, cchandler@ocsd.com / (714) 593-7202
Director of Engineering: Kathy Millea, kmillea@ocsd.com / (714) 593-7365
Director of Environmental Services: Lan Wiborg, lwiborg@ocsd.com / (714) 593-7450

CALL TO ORDER

(Board Chairman David Shawver)

INVOCATION AND PLEDGE OF ALLEGIANCE

Christina Shea, Irvine

ROLL CALL (Clerk of the Board)

1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2019-840](#)

RECOMMENDATION:

Receive and file minute excerpts of member agencies relating to appointments to the Orange County Sanitation District Board of Directors effective January 1, 2020:

<u>Agency</u>	<u>Director</u>	<u>Alternate Director</u>
City of La Palma	Peter Kim	Nitesh Patel

Originator: Kelly Lore

DECLARATION OF QUORUM

PUBLIC COMMENTS:

If you wish to address the Board of Directors on any item, please complete a Speaker's Form (located at the table outside of the Board Room) and submit it to the Clerk of the Board or notify the Clerk of the Board the item number on which you wish to speak. Speakers will be recognized by the Chairperson and are requested to limit comments to three minutes.

SPECIAL PRESENTATIONS:

SP-1 ORANGE COUNTY BUSINESS COUNCIL PRESENTATION OF 2019 SUSTAINABLE AND GREEN DEVELOPMENT AWARD

SP-2 ANNUAL LEGISLATIVE AFFAIRS UPDATE FOR 2019 [2019-792](#)

RECOMMENDATION:

Information regarding the legislative affairs program will be provided to the Board of Directors. Orange County Sanitation District's Federal and State Lobbyists will provide an overview of the annual update for 2019.

Originator: Jim Herberg

Attachments: [Agenda Report](#)

REPORTS:

The Board Chairperson and the General Manager may present verbal reports on miscellaneous matters of general interest to the Directors. These reports are for information only and require no action by the Directors.

CONSENT CALENDAR:

Consent Calendar Items are considered to be routine and will be enacted, by the Board of Directors, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.

2. APPROVAL OF MINUTES [2019-738](#)**RECOMMENDATION:**

Approve Minutes of the Regular Meeting of the Board of Directors held November 20, 2019.

Originator: Kelly Lore

Attachments: [Agenda Report](#)
[11-20-2019 Board Meeting Minutes](#)

3. PRIMARY SEDIMENTATION BASINS NO. 6-31 RELIABILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-133 [2019-842](#)**RECOMMENDATION:**

A. Approve the Amended Professional Design Services Agreement with Carollo Engineers, Inc. to provide engineering services for Primary Sedimentation Basins No. 6-31 Reliability Improvements at Plant No. 1, Project No. P1-133, for an amount not to exceed \$1,219,667; and

B. Approve a contingency of \$121,967 (10%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[Amended P1-133 Agreement](#)
[PPP 11-6-19 Ops Committee - P1-133](#)

RECEIVE AND FILE:**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF NOVEMBER 2019 [2019-681](#)**

RECOMMENDATION: Receive and file the following:

Report of the Investment Transactions for the month of November 2019.

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[Investment Transactions for the Month of November 2019](#)

5. COMMITTEE MEETING MINUTES [2019-736](#)

RECOMMENDATION: Receive and file the following:

- A. Minutes of the Steering Committee Meeting held October 23, 2019
- B. Minutes of the Legislative and Public Affairs Committee held November 4, 2019
- C. Minutes of the Operations Committee Meeting held November 6, 2019
- D. Minutes of the Administration Committee Meeting held November 13, 2019

Originator: Kelly Lore

Attachments: [Agenda Report](#)
[10-23-2019 Steering Committee Minutes](#)
[11-04-2019 Legislative Committee Minutes](#)
[11-06-2019 Operations Committee Minutes](#)
[11-13-2019 Administration Committee Minutes](#)

OPERATIONS COMMITTEE:

**6. PROTEIN MATRIX DEMONSTRATION STUDY AT PLANT NO. 1, [2019-820](#)
PROJECT NO. RE18-02**

RECOMMENDATION:

- A. Ratify the prior Sole Source Purchases to Protein Matrix LLC for the procurement of Protein Matrix Compound PM-4 for Protein Matrix Demonstration Study at Plant No. 1, Project No. RE 18-02, for a total amount of \$148,500; and
- B. Approve a Sole Source Purchase Order to Protein Matrix LLC for the procurement of Protein Matrix Compound PM-4 for Protein Matrix Demonstration Study at Plant No. 1, Project No. RE18-02, for a total amount not to exceed \$150,000.

Originator: Kathy Millea

Attachments: [Agenda Report](#)

**7. 480 VOLT CABLE REPLACEMENT AT PLANT NO. 2 HEADWORKS, [2019-822](#)
PROJECT NO. MP-509**

RECOMMENDATION:

- A. Receive and file Bid Tabulation and Recommendation for 480 Volt Cable Replacement at Plant No. 2 Headworks, Project No. MP-509;

B. Award a Construction Contract to Mass. Electric Construction Co. for 480 Volt Cable Replacement at Plant No. 2, Project No. MP-509, for a total amount not to exceed \$434,327; and

C. Approve a contingency of \$86,865 (20%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[MP-509 Contract Agreement](#)

8. ACTIVATED SLUDGE PLANT CLARIFIER INLET GATE REPLACEMENT AT PLANT NO. 2, PROJECT NO. MP-638 [2019-823](#)

RECOMMENDATION:

A. Receive and file Bid Tabulation and Recommendation for Activated Sludge Plant Clarifier Inlet Gate Replacement at Plant No. 2, Project No. MP-638;

B. Award a Construction Contract to Innovative Construction Solutions for Activated Sludge Plant Clarifier Inlet Gate Replacement at Plant No. 2, Project No. MP-638, for a total amount not to exceed \$658,300; and

C. Approve a contingency of \$65,830 (10%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[MP-638 Contract Agreement](#)

9. AGREEMENT FOR THE PURCHASE OF LIQUID CATIONIC POLYMER, SPECIFICATION NO. C-2019-1087BD [2019-824](#)

RECOMMENDATION:

A. Approve a Chemical Supplier Agreement with Polydyne, Inc. for the purchase of Cationic Polymer, Specification No. C-2019-1087BD, for the period beginning February 1, 2020 through January 31, 2021 for a unit price of \$2.548 per active pound plus freight and applicable sales tax, for a total estimated annual amount of \$3,866,280 with four (4) one-year renewal options; and

B. Approve an annual unit price contingency of 15%.

Originator: Rob Thompson

Attachments: [Agenda Report](#)
[C-2019-1087BD Final Chemical Supplier Agreement](#)

10. SEAL BEACH PUMP STATION REPLACEMENT, PROJECT NO. 3-67 [2019-825](#)

RECOMMENDATION:

- A. Approve a Professional Design Services Agreement with Lee & Ro, Inc. to provide engineering services for Seal Beach Pump Station Replacement, Project No. 3-67, for an amount not to exceed \$5,947,850; and
- B. Approve a contingency of \$594,785 (10%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[3-67 Professional Design Services Agreement Package](#)
[Item 9 PPP 12-04-19 Operations - Seal Beach Pump Station](#)
[3-67](#)

11. WESTMINSTER BOULEVARD FORCE MAIN REPLACEMENT, [2019-826](#)
PROJECT NO. 3-62

RECOMMENDATION:

- A. Approve a Professional Construction Services Agreement with Stantec Consulting, Inc. to provide construction support services for Westminster Boulevard Force Main Replacement, Project No. 3-62, for a total amount not to exceed \$1,183,000; and
- B. Approve a contingency of \$118,300 (10%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[3-62 Professional Construction Services Agreement](#)
[Item 10 11 PPP 12-04-19 Operations - Westminster](#)
[Boulevard Force Main 3-62](#)

12. WESTMINSTER BOULEVARD FORCE MAIN REPLACEMENT, [2019-827](#)
PROJECT NO. 3-62

RECOMMENDATION:

- A. Receive and file Bid Tabulation and Recommendation for Westminster Boulevard Force Main Replacement, Project No. 3-62;
- B. Award a Construction Contract to Teichert Energy & Utilities Group, Inc. for Westminster Boulevard Force Main Replacement, Project No. 3-62, for a total amount not to exceed \$27,743,000; and
- C. Approve a contingency of \$2,774,300.

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[3-62 Contract Agreement Package](#)
[Item 10 11 PPP 12-04-19 Operations - Westminster](#)
[Boulevard Force Main 3-62](#)

ADMINISTRATION COMMITTEE:

13. **PAYMENT OF ANNUAL NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES) PERMIT FEES** [2019-848](#)

RECOMMENDATION:

Approve payment of \$653,081 for annual NPDES (ocean discharge) permit fees.

Originator: Lan Wiborg

Attachments: [Agenda Report](#)

14. **INVEST AND/OR REINVEST ORANGE COUNTY SANITATION DISTRICT'S FUNDS AND ADOPT INVESTMENT POLICY STATEMENT** [2019-849](#)

RECOMMENDATION:

Adopt Resolution No. OCSD 19-21, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Orange County Sanitation District's Treasurer to Invest and/or Reinvest Orange County Sanitation District's Funds, Adopting the Orange County Sanitation District's Investment Policy Statement and Performance Benchmarks, and Repealing Resolution No. OCSD 18-23".

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[OCSD Calendar Year 2020 Investment Policy Statement \(Clean\)](#)
[OCSD Calendar Year 2019 Investment Policy Statement \(Redline\)](#)
[Resolution No. OCSD 19-21](#)

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

15. **PUBLIC AFFAIRS UPDATE FOR THE MONTH OF NOVEMBER 2019** [2019-836](#)

RECOMMENDATION:

Receive and file the Public Affairs Update for the month of November 2019.

Originator: Jim Herberg

Attachments: [Agenda Report](#)
[Outreach Report November 2019](#)
[Media Clips November 2019](#)

16. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF NOVEMBER 2019 [2019-837](#)

RECOMMENDATION:

Receive and file the Legislative Affairs Update for the month of November 2019.

Originator: Jim Herberg

Attachments: [Agenda Report](#)
[Federal Update - ENS Resources.pdf](#)
[Federal Legislative Matrix - ENS Resources.pdf](#)
[State Update - Townsend Public Affairs.pdf](#)
[State Legislative Matrix - Townsend Public Affairs.pdf](#)
[Grant Matrix](#)
[CASA Coalition Wipes Support Letter](#)
[PowerPoint 12-09-19 LaPA - ENS](#)
[PowerPoint 12-09-19 LaPA - TPA](#)

17. 2020 LEGISLATIVE/REGULATORY PLAN [2019-838](#)

RECOMMENDATION:

Approve the Orange County Sanitation District 2020 Legislative and Regulatory Plan.

Originator: Jim Herberg

Attachments: [Agenda Report](#)
[2020 Legislative Regulatory Plan](#)

STEERING COMMITTEE:

18. MEMORANDUM OF UNDERSTANDING WITH ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM REGARDING PAYMENT OF UNFUNDED ACTUARIAL ACCRUED LIABILITIES [2019-843](#)

RECOMMENDATION:

Adopt Resolution No. OCSD 19-20 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the Execution of the Memorandum of Understanding with the Orange County Employees Retirement System establishing the terms to recognize and apply the Orange County Sanitation District's satisfaction of its Unfunded Accrued Actuarial Liability and deferred Unfunded Accrued Actuarial Liability.

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[Resolution No. OCSD 19-20](#)
[Exhibit "A" Memorandum of Understanding](#)

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

This item allows Board members to provide a brief oral report regarding the disclosure of outside committees, conferences, training, seminars, etc. attended at the Agency’s expense, per Government Code §53232.3(d).

CLOSED SESSION:

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

CONVENE IN CLOSED SESSION.

CS-1 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2019-844](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Initiation of litigation regarding development fees and conditions at Project OCSD Headquarters Building: City of Fountain Valley

Attachments: [Agenda Report](#)
[Memo re Anticipated Litigation Headquarters Building](#)

CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2019-845](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Claim received from Shimmick Construction pertaining to Project No. J-117B - Outfall Low Pump Station Ocean Outfall System Rehabilitation

Attachments: [Agenda Report](#)
[Memo re Anticipated Litigation Shimmick Construction](#)

CS-3 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2019-846](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Claim received from Terra Insurance Company pertaining to insurance requirements for Orange County Sanitation District Project No. PS17-03 - Active Fault Location Study at Plant No. 2

Attachments: [Agenda Report](#)
[Memo re Anticipated Litigation Terra Insurance Company](#)

CS-4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE SECTION 54956.8 [2019-847](#)

RECOMMENDATION: Convene in Closed Session:

Property: 18475 Bandilier Cir. Fountain Valley, CA - APN No.156-163-15;

Agency negotiators: General Manager, Jim Herberg; Assistant General Manager, Lorenzo Tyner; Assistant General Manager, Rob Thompson; and Director of Engineering, Kathy Millea.

Negotiating parties: Sukut Real Properties II, LLC

Under negotiation: Price and terms of payment

Attachments: [Agenda Report](#)
[Memo re Real Property](#)

RECONVENE IN REGULAR SESSION.

CONSIDERATION OF ACTION, IF ANY, ON MATTERS CONSIDERED IN CLOSED SESSION:

OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY:

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

At this time Board members may request staff to place an item on a future agenda.

ADJOURNMENT:

Adjourn the Board meeting until the Regular Meeting of the Board of Directors on January 22, 2020 at 6:00 p.m.