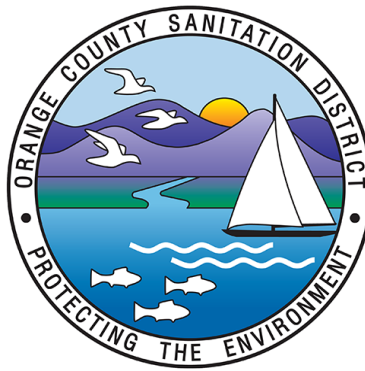


ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

NOVEMBER 18, 2020



**Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433**

CALL TO ORDER

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman David Shawver on November 18, 2020 at 6:02 p.m. in the Administration Building. Director Andrew Nguyen delivered the invocation and led the Pledge of Allegiance. Clerk of the Board Kelly Lore announced that the meeting was being held telephonically and via audio/video teleconferencing in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19).

ROLL CALL AND DECLARATION OF QUORUM

The Clerk of the Board declared a quorum present as follows:

PRESENT: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

ABSENT: Brad Avery

STAFF MEMBERS PRESENT: Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; and Brian Engeln were present in the Board Room. Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Director of Environmental Services Lan Wiborg, Director of Human Resources Celia Chandler, Jennifer Cabral, Tina Knapp, Jeff Mohr, and Thomas Vu participated telephonically.

OTHERS PRESENT: Brad Hogin (General Counsel) was present in the Board Room.

PUBLIC COMMENTS:

Clerk of the Board Kelly Lore announced that she received a request to speak from Fountain Valley City Manager Rob Houston who requested to speak during Item No. 17.

SPECIAL PRESENTATIONS:

Chair Shawver acknowledged this month's Employee Service Awards - 20 Years: Dave Yager, Source Control Inspector II; and 25 Years: Wanda Hagerty, Contract/Purchasing Assistant; Pinky Burke, Data Management Tech II; and Chung M. Nguyen, Principal Info Tech Analyst.

1. COMMENDATIONS TO OUTGOING BOARD MEMBERS[2020-1276](#)

Originator: Kelly Lore

Chair Shawver presented Commendations to the 13 Outgoing Board Members.

ITEM RECEIVED AS A:

Special Presentation

Outgoing Board Members & Alternate Members

| CITY | DIRECTOR | ALTERNATE DIRECTOR |
|------------------------------|-----------------|---------------------------|
| Anaheim | Lucille Kring | Denise Barnes |
| Buena Park | Fred Smith | |
| Cypress | Mariellen Yarc | |
| Fountain Valley | Steve Nagel | |
| Fullerton | | Jan Flory |
| Huntington Beach | | Lyn Semeta |
| La Palma | Peter Kim | |
| Los Alamitos | Richard Murphy | |
| Costa Mesa Sanitary District | James Ferryman | |
| Tustin | Allan Bernstein | Chuck Puckett |

REPORTS:

Chair Shawver announced that a Board Member Survey requesting feedback and the Board Member talking points would be provided tomorrow.

General Manager Jim Herberg provided a COVID-19 update and stated that since the last Board meeting one additional employee tested positive for COVID-19; and that his weekly email with the regular updates would be provided tomorrow.

Mr. Herberg stated that he attended the Fountain Valley City Council meeting for the first reading of the Development Agreement for the Headquarters Building project where the City Council approved the various action items for this project. The second reading will be December 1st.

Mr. Herberg provided a brief update on progress of the Interim Food Waste Receiving Facility project, with construction scheduled to begin in the summer.

Mr. Herberg reminded the Board that OCSD Administration offices are closed on Thursday November 26 and Friday November 27 in observance of Thanksgiving.

Directors Chaffee, Ferryman, S. Jones, R. Murphy, Nguyen and Yarc appeared disconnected for the remainder of the meeting.

Directors Chaffee, Ferryman, S. Jones, R. Murphy, Nguyen, and Yarc appeared disconnected for the remainder of the meeting.

CONSENT CALENDAR:

2. APPROVAL OF MINUTES

[2020-1298](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held October 28, 2020 and the Special Meeting of the Board of Directors - State of the District held October 30, 2020.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

**3. PROPOSED BOARD OF DIRECTORS & COMMITTEE MEETING [2020-1226](#)
DATES FOR CALENDAR YEAR 2021**

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the calendar of meeting dates for the 2021 calendar year for the Board of Directors and the following Committees: Administration, Legislative and Public Affairs, Operations, and Steering.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

RECEIVE AND FILE:

**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH [2020-1101](#)
OF OCTOBER 2020**

Originator: Lorenzo Tyner

WITHOUT OBJECTION, ACTION TAKEN TO: Receive and file the following:

Report of the Investment Transactions for the month of October 2020.

5. COMMITTEE MEETING MINUTES [2020-1334](#)

Originator: Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO: Receive and file the following:

- A. Minutes of the Administration Committee Meeting held September 9, 2020
- B. Minutes of the Legislative and Public Affairs Committee Meeting held September 14, 2020
- C. Minutes of the Steering Committee Meeting held September 23, 2020
- D. Minutes of the Operations Committee Meeting held October 7, 2020

OPERATIONS COMMITTEE:

**6. BAY BRIDGE PUMP STATION VALVE REPLACEMENT, PROJECT [2020-1335](#)
NO. FRC-0002**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Bay Bridge Pump Station Valve Replacement, Project No. FRC-0002;
- B. Award a Service Contract to Innovative Construction Solutions for Bay Bridge Pump Station Valve Replacement, Project No. FRC-0002, Specification No. S-2020-1192BD, for a total amount not to exceed \$598,000; and
- C. Approve a contingency of \$59,800 (10%).

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

7. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2020-1336](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending September 30, 2020.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

**8. INDUSTRIAL CLEANING SERVICES, SPECIFICATION NO. [2020-1337](#)
S-2020-1184BD**

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Award a Service Contract to Performance Pipeline Technologies Inc. dba Sanitation Systems for Industrial Cleaning Service, Specification No. S-2020-1184BD, for a total amount not to exceed \$694,500 for the period of January 1, 2021 through December 31, 2021, with four one-year renewal options; and

B. Approve an annual contingency of \$69,450 (10%).

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

**9. ORANGE-WESTERN SUB-TRUNK REHABILITATION, CONTRACT [2020-1338](#)
NO. 3-64A**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Orange-Western Sub-Trunk Rehabilitation, Contract No. 3-64A; and

B. Reject all bids and direct staff to combine the work for Orange-Western Sub-Trunk Rehabilitation, Contract No. 3-64A, into a single bid package with Los Alamitos Trunk Sewer Rehabilitation, Contract No. 3-64B.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

10. WAREHOUSE, ELECTRICAL SUBSTATION, AND 12KV SERVICE CENTER REPLACEMENT AT PLANT NO. 2, PROJECT NO. P2-126 [2020-1339](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Design Services Agreement with Stantec Consulting Services, Inc. to provide engineering services for Warehouse, Electrical Substation, and 12kV Service Center Replacement at Plant No. 2, Project No. P2-126, for an amount not to exceed \$4,876,455; and

B. Approve a contingency of \$487,646 (10%).

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

11. CONSOLIDATED FINANCIAL REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2020 [2020-1351](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District First Quarter Financial Report for the period ended September 30, 2020.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

12. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2020-1352](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file District purchases made under the General Manager's authority for the period of July 1, 2020 to September 30, 2020; and
- B. Approve the following additions to the pre-approved OEM Sole Source List for the period of July 1, 2020 to September 30, 2020:
- CHEVROLET - Chevrolet Truck Engine Replacements
 - SANS - Vouchers for Cyber Security Trainings
 - TOTAL RESOURCE MANAGEMENT - IBM Maximo Level 3 Support
 - WATSON MARLOW - Pumps

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

13. PFAS INVESTIGATIVE ORDER [2020-1353](#)

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Services Agreement to CDM Smith Inc. (CDM Smith) to provide PFAS Sampling and Analysis Services, Specification No. CS-2020-1178BD, for a total amount not to exceed \$369,006; that will begin upon the effective date of the Notice to Proceed and continue for the period of one year; and
- B. Approve a contingency in the amount of \$55,351 (15%).

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

14. ORANGE COUNTY SANITATION DISTRICT COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE YEAR END JUNE 30, 2020 [2020-1354](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District's Comprehensive Annual Financial Report for the year ended June 30, 2020, prepared by staff and audited by Macias Gini & O'Connell LLP (MGO), Certified Public Accountants, along with the following reports prepared by MGO:

1. Report to the Board of Directors; and
2. Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**15. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020**[2020-1349](#)**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of September and October 2020.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers**NOES:** None**ABSENT:** Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc**ABSTENTIONS:** None**16. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020**[2020-1350](#)**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of September and October 2020.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers**NOES:** None**ABSENT:** Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc**ABSTENTIONS:** None**STEERING COMMITTEE:**

None.

NON-CONSENT:**17. APPROVAL OF FOUNTAIN VALLEY DEVELOPMENT AGREEMENT [2020-1356](#)**

Originator: Jim Herberg and Kathy Millea

Fountain Valley City Manager Rob Houston spoke in favor of the agreement and provided positive remarks regarding the project.

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Development Agreement with the City of Fountain Valley and authorize its execution and implementation.

AYES: Allan Bernstein, Robert Collacott, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke and John Withers

NOES: None

ABSENT: Brad Avery, Doug Chaffee, James Ferryman, Steve Jones, Richard Murphy, Andrew Nguyen and Mariellen Yarc

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

None.

CLOSED SESSION:

None.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

Director Kring requested that Mr. Herberg invite the outgoing Board Members back for an in-person meeting to formally say goodbye once the pandemic is over.

ADJOURNMENT:

At 6:55 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on December 16, 2020 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board