

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

JANUARY 22, 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 Vice-Chairman John Withers on January 22, 2020 at 6:06 p.m. in the Administration Building. Director Tim Shaw delivered the invocation and led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF QUORUM

1. **APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS** [2019-853](#)

Originator: Kelly Lore

Clerk of the Board Kelly Lore announced that Late Communication from member agencies had been received regarding the item.

WITHOUT OBJECTION AMENDED ACTION TAKEN TO:

Receive and file minute excerpts of member agencies relating to appointments to the Orange County Sanitation District Board of Directors:

<u>Agency</u>	<u>Director</u>	<u>Alternate Director</u>
City of Anaheim	Lucille Kring	Denise Barnes
City of Buena Park	Fred Smith	Connor Traut
City of Irvine	Christina Shea	Anthony Kuo
City of Los Alamitos	Richard Murphy	Dean Grose
City of Newport Beach	Brad Avery	Joy Brenner
City of Placentia	Chad Wanke	Ward Smith
City of Seal Beach	Sandra Massa-Lavitt	Schelly Sustarsic
City of Stanton	David Shawver	Carol Warren
City of Tustin	Allan Bernstein	Charles Puckett
Costa Mesa		
Sanitary District	James Ferryman	Bob Ooten
Irvine Ranch		
Water District	John Withers	Doug Reinhart
Yorba Linda		
Water District	Brooke Jones	Phil Hawkins

Additional minute excerpts of member agencies were received and filed related to appointments to the Orange County Sanitation District Board of Directors as follows:

<u>Agency</u>	<u>Director</u>	<u>Alternate Director</u>
City of Brea	Glenn Parker	Cecilia Hupp
City of Fountain Valley	Cheryl Brothers	Patrick Harper
City of Fullerton	Jesus J. Silva	Jan Flory
City of Garden Grove	Steve Jones	John O'Neill

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, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

ABSENT: David Shawver

STAFF MEMBERS PRESENT: Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Kelly Lore, Clerk of the Board; Jennifer Cabral; Raul Cuellar; Mike Dorman; Brian Engeln; Al Garcia Yolanda Herrera; Jim Kavalec; Tina Knapp; Jeff Mohr; Cindy Murra; Shahrzad Namini; Wally Ritchie; Eros Yong; and Ruth Zintzun.

OTHERS PRESENT: Brad Hogin (General Counsel)

PUBLIC COMMENTS:

None.

Clerk of the Board Kelly Lore read additional Late Communication into the record regarding a change to the term of the agreement in the recommendation for Item No. 5.

SPECIAL PRESENTATIONS:

None.

REPORTS:

Vice-Chair Withers reported that Chair Shawver is at the CASA Winter conference today representing OCSD.

Vice-Chair Withers announced that an updated *Board of Directors' Guide to Business Book for 2020* and a brief survey titled *Proposed Informational Item Presentations for 2020* were distributed to all Board members. He asked that questions be referred to the Clerk of the Board after the meeting.

Vice-Chair Withers reminded the Board that Wednesday, February 12 and Monday, February 17 are official OCSD holidays and Administrative offices would be closed; and that the Administration Committee meeting regularly scheduled for February 12 was rescheduled to February 19th.

General Manager Herberg reported that he had attended the CASA Winter conference during

the week where he presented results of the Climate Resiliency Study and discussed OCSD's approach for implementing the recommendations.

Mr. Herberg also stated that his Work Plan mid-year update was included in the agenda; seven of the individual goals have already been completed; and the remainder are scheduled to be completed by June 30th.

Mr. Herberg reported a correction to the quantity of biosolids generated over the last six months, in his monthly GM report. He stated that it was initially reported at 3,400 tons when it should have read 104,000 tons. He further stated that OCSD created 770 million cubic feet of biogas, 49.5 gigawatts hours of electricity, and 23.4 billion gallons of water for OCWD reuse.

CONSENT CALENDAR:

2. APPROVAL OF MINUTES

[2019-665](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held December 18, 2019.

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

RECEIVE AND FILE:

3. COMMITTEE MEETING MINUTES

[2019-737](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE:

A. Minutes of the Steering Committee Meeting held November 20, 2019

B. Minutes of the GWRS Steering Committee Meeting held October 14, 2019

4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF DECEMBER 2019

[2019-800](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE:

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

OPERATIONS COMMITTEE:

5. AWARD OF CORROSION MANAGEMENT SUPPORT SERVICES, SPECIFICATION NO. CS-2019-1071BD [2019-821](#)

Originator: Kathy Millea

Late communication was provided by Assistant General Manager Rob Thompson which amended staff's recommendation for the terms of the item's agreement.

An amended motion was made.

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Consultant Services Agreement with Corpro Companies, Inc. for Corrosion Management Support Services, Specification No. CS-2019-1071BD, for the period of February 1, 2020 through January 31, 2021 for a total annual amount not to exceed \$600,000, with four (4) one-year renewal options; and

B. Approve an annual contingency of \$60,000 (10%).

A. Approve a Professional Consultant Services Agreement with Corpro Companies, Inc. for Corrosion Management Support Services, Specification No. CS-2019-1071BD, for the period of January 1, 2020 through December 31, 2020, for a total annual amount not to exceed \$600,000, with four (4) one year renewal options; and

B. Approve an annual contingency of \$60,000 (10%).

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

None.

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

None.

STEERING COMMITTEE:**6. REQUEST FOR FUNDING - WASTEWATER FLOW & LOADING STUDY [2020-881](#)**

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Orange County Sanitation District's on-going participation in the California Association of Sanitation Agencies wastewater flow and loading study and the Participating Agency Contribution Pledge of \$410,676.

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

7. GENERAL MANAGER'S FISCAL YEAR 2019-2020 WORK PLAN MID-YEAR UPDATE [2020-882](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the General Manager's Fiscal Year 2019-2020 Work Plan Mid-Year Update and Memorandum.

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

NON-CONSENT:**8. HEADWORKS MODIFICATIONS AT PLANT NO. 2 FOR GWRS FINAL EXPANSION, PROJECT NO. P2-122** [2019-677](#)

Originator: Kathy Millea

Director of Engineering Kathy Millea provided a brief presentation regarding the item .

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Headworks Modifications at Plant No. 2 for GWRS Final Expansion, Project No. P2-122;
- B. Award a Construction Contract to Shimmick Construction Co., Inc. for Headworks Modifications at Plant No. 2 for GWRS Final Expansion, Project No. P2-122, for a total amount not to exceed \$14,487,735; and
- C. Approve a contingency of \$1,448,773 (10%).

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

9. HEADWORKS MODIFICATIONS AT PLANT NO. 2 FOR GWRS FINAL EXPANSION, PROJECT NO. P2-122 [2019-854](#)

Originator: Kathy Millea

Director of Engineering Kathy Millea provided a brief presentation regarding the item .

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Construction Services Agreement with CDM Smith Inc. to provide construction support services for Headworks Modifications at Plant No. 2 for GWRS Final Expansion, Project No. P2-122, for an amount not to exceed \$2,200,000; and
- B. Approve a contingency of \$220,000 (10%).

AYES: Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: David Shawver

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Ferryman stated that his committees were dark last month, but he wanted to report that longtime employee of Costa Mesa Sanitation District Rob Hamers had recently passed away.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(4) & 54956.8:

The Board convened in closed session at 6:24 p.m. to discuss one item. Item No. CS-2 was not heard. Confidential minutes of the Closed Session have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session Meetings.

CS-1 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2020-873](#)

CONVENED IN CLOSED SESSION:

Voted unanimously to: Reject the City of Fountain Valley's offer to "Rent" airspace over Ellis Avenue.

Number of Potential Cases: 1

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

- AYES:** Allan Bernstein, Cheryl Brothers, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Joy Brenner (Alternate) and John O'Neill (Alternate)
- NOES:** None
- ABSENT:** David Shawver
- ABSTENTIONS:** None

**CS-2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS - [2020-874](#)
GOVERNMENT CODE SECTION 54956.8**

CONVENED 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

RECONVENE IN REGULAR SESSION.

The Board reconvened in regular session at 6:50 p.m.

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

General Counsel Brad Hogin stated that in Closed Session the Board voted unanimously to reject the offer from the City of Fountain Valley to "Rent" airspace over Ellis Avenue.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 6:41 p.m., Vice-Chair Withers adjourned the meeting until the Regular Meeting of the Board of Directors to be held on February 26, 2020 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board