

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

APRIL 27, 2022



**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 John Withers on Wednesday, April 27, 2022 at 6:01 p.m. in the Administration Building of the Orange County Sanitation District. Chair Withers stated that the meeting was being held telephonically and via Internet accessibility in accordance with new provisions in California Government Code Section 54953 and Resolution No. OC SAN 22-12, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines. Director Kim Nichols delivered the invocation and led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

STAFF PRESENT: Kelly Lore, Clerk of the Board, and Mo Abiodun were present in the Board Room. 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; Riaz Moinuddin, Director of Operations and Maintenance; Lan Wiborg, Director of Environmental Services; Janine Aguilar; Stephanie Barron; James Cabral; Jennifer Cabral; Mortimer Caparas; Tanya Chong; Raul Cuellar; Thys DeVries; Mike Dorman; Brian Engeln; David Haug; Tina Knapp; Anni Larkins; Laura Maravilla; Rob Michaels; Jeff Mohr; Andrew Nau; Wally Ritchie; Thomas Vu; Eros Yong; and Ruth Zintzun were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, was present in the Board Room. Chief Negotiator Laura Drottz Kalty, Liebert Cassidy Whitmore; Katie Kaneko and Alyssa Thompson, Koff and Associates; Jeff Tucker, CWEA; and Jack Gundalahalli were in attendance telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:**1. EMPLOYEE SERVICE AWARDS**

[2022-2239](#)

Originator: Kelly Lore

Chair Withers recognized the following:

20-year Service Awards

Dave Andrade, Lead Mechanic - Division 820
Jennifer Cabral, Administration Manager - Division 110

**2. CALIFORNIA WATER ENVIRONMENTAL ASSOCIATION (CWEA) [2022-2243](#)
PRESENTATION OF AWARDS**

Originator: Kelly Lore

Chair Withers introduced CWEA President Elect Jeff Tucker who presented the awards for:

Operator of the Year: Anthony Chang - Division 830

Plant Safety of the Year - Large

REPORTS:

Chair Withers stated that, in accordance with OC San rules of procedure, nominations for Chair and Vice-Chair of the Board will be held at the May Board meeting. General Counsel Brad Hogin provided a brief explanation of the nomination and election process.

Chair Withers stated the Resolution to continue teleconferencing of public meetings, which is based on legal counsel's review and the Orange County's Health Officer's Orders, is on the Board agenda and, if adopted, the Resolution will be in effect for the next 30 days.

Chair Withers reminded the Board that talking points regarding OC San activities for use while reporting out to your councils, boards, and community groups will be provided to the Directors and Alternate Directors.

General Manager Jim Herberg reported that on April 26th at 2:30 p.m., OC San staff was bypassing the College Avenue Pump Station to assess the wet well for corrosion and liner damage. As staff was transitioning back to normal operations, a cup link came apart allowing an estimated 1,000 gallons to spill, and an estimated 250 gallons entered the storm drain. He confirmed that all required reporting was completed and there will not be a beach closure as a result of this spill.

Mr. Herberg announced the second of five vendor workshops which will take place next Tuesday, May 3.

Mr. Herberg reported on the planned ocean outfall assessment and study which was put on hold due to the oil spill off the coast of Huntington Beach. He stated that with the rainy season officially over, the assessment and study, which includes an ocean outfall shut down to remove and replace a manhole cover to evaluate the condition of the asset, may now proceed. This assessment is critical for the continued operation of the ocean outfall and future repairs that may be needed. The shutdown is scheduled for May 11.

On Thursday, May 12 the first session of OC San's Wastewater 101 Citizens Academy will begin. Mr. Herberg stated that the academy is intended to give community members insight into OC San. Registration will be accepted through May 11.

Mr. Herberg noted that included in this month's GM report are the performance metrics tied to OC San's levels of service. He reported that all targets are in range with the exception of the injury rate which is above OC San's set goal of 4.4 and is due to COVID related recordable events that were received in January.

Mr. Herberg provided an updated to SB 1157 (Hertzberg) which proposes to reduce indoor water usage from 47 gallons per capita per day (GPCD) to 42 GPCD in 2030. He stated that OC San joined water/wastewater associations and agencies on a Senate alert and staff will be attending a workshop held by the State Water Resources Control Board on May 11 to discuss this issue.

CONSENT CALENDAR:

3. APPROVAL OF MINUTES

[2022-2240](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Board of Directors Meeting held March 23, 2022 and the Special Board of Directors Meeting held April 13, 2022.

AYES: Ron Bates, Art Brown, Kim Carr, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: Rose Espinoza

RECEIVE AND FILE:

4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF MARCH 2022

[2021-2014](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of March 2022.

5. COMMITTEE MEETING MINUTES[2022-2059](#)**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held January 10, 2022
- B. Minutes of the Steering Committee Meeting held February 23, 2022
- C. Minutes of the Administration Committee Meeting held March 9, 2022
- D. Minutes of the Legislative and Public Affairs Committee Meeting held March 14, 2022
- E. Minutes of the Special Operations Committee Meeting held March 16, 2022

OPERATIONS COMMITTEE:**6. INTERSTATE 405 WIDENING PROJECT IMPACTS ON OCSD SEWERS, PROJECT NO. 3-66**[2022-2251](#)**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve the First Amendment to Utility Agreement No. UK204650, between the Orange County Sanitation District and the Orange County Transportation Authority for Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66; and
- B. Approve the First Amendment to Utility Agreement No. UK201113, between the Orange County Sanitation District and the Orange County Transportation Authority for Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66.

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman**NOES:** None**ABSENT:** Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke**ABSTENTIONS:** Patrick Harper**8. PRIMARY SEDIMENTATION BASINS NO. 3-5 REPLACEMENT AT PLANT NO. 1, PROJECT NO. P1-126**[2022-2253](#)**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Design Services Agreement with Black & Veatch Corporation to provide engineering services for Primary Sedimentation Basins No. 3-5 Replacement at Plant No. 1, Project No. P1-126, for an amount not to exceed \$14,163,000; and

B. Approve a contingency of \$1,416,300 (10%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: None

9. **SANTA ANA TRUNK SEWER REHABILITATION, PROJECT NO. 1-23** [2022-2254](#)

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 Santa Ana Trunk Sewer Rehabilitation, Project No. 1-23, for an amount not to exceed \$3,880,000; and

B. Approve a contingency of \$388,000 (10%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: None

10. **SUPPLEMENTAL ENGINEERING SERVICES, CONTRACT NO. PSA2021-002** [2022-2255](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Professional Services Agreements to provide Supplemental Engineering Services, Contract No. PSA2021-002, for a three-year period commencing May 1, 2022, through April 30, 2025, with two one-year renewal options, for an amount not to exceed \$29,700,000 per individual agreement with the following two firms:

- AECOM Technical Services, Inc.
- Jacobs Project Management Co.

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: None

**11. PROFESSIONAL PROGRAMMING SERVICES, CONTRACT NO. [2022-2256](#)
PSA2021-001**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Professional Services Agreements to provide Professional Programming Services, Contract No. PSA2021-001, for a three-year period commencing May 1, 2022, through April 30, 2025, with two one-year renewal options, for an amount not to exceed \$4,900,000 per individual agreement with the following two firms:

- Enterprise Automation
- Maverick Technologies, LLC

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: None

Item No.7 was pulled and heard separately.

**7. SANTA ANA TRUNK REHABILITATION AT PLANT NO. 1, PROJECT [2022-2252](#)
NO. FE20-07**

Originator: Kathy Millea

In response to a question from Director Bates, Director of Engineering Kathy Millea provided explanation as to the reason for only one bidder and the requested 20% contingency.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Santa Ana Trunk Rehabilitation at Plant No. 1, Project No. FE20-07;
- B. Award a Construction Contract to Sancon Technologies, Inc. for Santa Ana Trunk Rehabilitation at Plant No. 1, Project No. FE20-07, for an amount not to exceed \$395,082; and
- C. Approve a contingency of \$79,016 (20%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones and Chad Wanke

ABSTENTIONS: None

Director Anthony Kuo appeared to be away at approximately 6:45 p.m.

ADMINISTRATION COMMITTEE:

12. FINANCIAL INFORMATION SYSTEM PURCHASE ORDER RENEWAL [2022-2268](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a five-year Sole Source Purchase Order with Oracle America, Inc. for an annual amount of \$95,828, with a total not to exceed \$479,140, commencing July 1, 2022, through June 30, 2027; and
- B. Approve a contingency in the amount of \$47,914 (10%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

13. SEWER SERVICE RATE STUDY

[2022-2269](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Consultant Services Agreement to HDR Engineering, Inc. to provide a Comprehensive Cost of Service Rate Study Specification No. CS-2021-1287BD, for a total amount not to exceed \$234,950; and

B. Approve a contingency of \$23,495 (10%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

14. REPLACE CAMPUS ACCESS NETWORK SWITCHES AND INDOOR WI-FI ACCESS POINTS

[2022-2270](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Purchase Order to Saitech Inc. for the procurement of campus networking equipment hardware and software to update and replace end-of-life equipment operating in the Orange County Sanitation District communications and computing environment, Specification No. E-2022-1305BD, for a total amount not to exceed \$549,050 plus sales tax and freight; and

B. Approve a contingency in the amount of \$54,905 (10%).

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke
ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**15. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF MARCH 2022 [2022-2260](#)**

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of March 2022.

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

16. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF MARCH 2022 [2022-2261](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of March 2022.

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

STEERING COMMITTEE:**17. SERVICE CONTRACT FOR PLANT NOS. 1 AND 2 CENTRAL GENERATION FACILITIES' CARBON MEDIA CHANGE-OUT [2022-2285](#)**

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Sole Source Purchase Order Contract to Carbon Activated Corporation to change out granular activated carbon media for Biogas Cleaning Systems at Plant Nos. 1 and 2 Central Generation (Cen-Gen) Facility, for a total amount not to exceed \$236,500 through June 30, 2022.

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: None

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

NON-CONSENT:

18. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS

[2022-2249](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-13 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the continuation of Remote Meetings pursuant to Government Code Section 54953".

AYES: Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

NOES: Sandra Massa-Lavitt

ABSENT: Brad Avery, Stephen Faessel, Ryan Gallagher, Steve Jones, Anthony Kuo and Chad Wanke

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Dave Shawver provided a report from his recent attendance at the OCCOG Board meeting.

CLOSED SESSION:**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 549567.6.**

The Board convened in closed session at 6:56 p.m. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Section 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 LABOR NEGOTIATORS - GOVERNMENT [2022-2275](#)
CODE SECTION 54957.6****CONVENED IN CLOSED SESSION:**

Designated Representatives: General Manager James Herberg, Assistant General Managers Lorenzo Tyner and Rob Thompson, Director of Human Resources Celia Chandler, and Chief Negotiator Laura Kalty.

Employee Organizations: (3)

International Union of Operating Engineers, Local 501; Orange County Employees Association; and the Supervisors and Professionals Group.

Director Kuo returned to the meeting, during Closed Session, at approximately 7:45 p.m.

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 7:50 p.m.

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

General Counsel Brad Hogin stated there was no reportable action taken by the Board .

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:51 p.m., Chair Withers adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, May 25, 2022 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board