

# **ORANGE COUNTY SANITATION DISTRICT**

## **MINUTES**

### **BOARD OF DIRECTORS**

**DECEMBER 18, 2019**



**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 December 18, 2019 at 6:02 p.m. in the Administration Building. Director Christina Shea 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:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)
- ABSENT:** Phil Hawkins

**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; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Jennifer Cabral; Raul Cuellar; Mike Dorman; Brian Engeln; Dean Fisher; Lisa Frigo; Al Garcia; Tom Grant; Tina Knapp; Rebecca Long; Laura Maravilla; Josh Martinez; Cory Mayne; Tom Meregillano; Jeff Mohr; Cindy Murra; John Preston; Roy Reynolds; Wally Ritchie; Sharon Yin and Ruth Zintzun

**OTHERS PRESENT:** Brad Hogin (General Counsel); and Alternate Board Member Bob Ooten (CMSD); Connor Medina, OCBC; Eric Sapirstein, ENS; and Eric O'Donnell, TPA.

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

**Originator:** Kelly Lore

Chair Shawver announced that Late Communications from member agencies had been received regarding the item.

**WITHOUT OBJECTION ACTION TAKEN TO:**

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

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

The Clerk of the Board received late communication after the publication of the agenda

regarding Item No. 1. Additional minute excerpts of member agencies were received and filed relating to appointments to the Orange County Sanitation District Board of Directors effective as follows:

<b><u>Agency</u></b>	<b><u>Director</u></b>	<b><u>Alternate Director</u></b>
City of Cypress	Mariellen Yarc	Stacy Berry (effective 12/09/2019)
City of Huntington Beach	Erik Peterson	Lyn Semeta (effective 01/01/2020)
City of La Habra	Tim Shaw	Rose Espinoza (effective 12/16/2019)
Midway City		
Sanitary District	Andrew Nguyen	Margie L. Rice (effective 12/10/2019)

Chair Shawver acknowledged and thanked Alternate Director Marshall Goodman for his service as an active Alternate Director on the OCSD Board of Directors.

### **PUBLIC COMMENTS:**

None.

### **SPECIAL PRESENTATIONS:**

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

Government Affairs Specialist Connor Medina presented the Orange County Business Council's 2019 Sustainable and Green Development Award for OCSD's Food Waste Diversion Project to OCSD's Board Chair Shawver and the project team.

Vice-Chair Withers departed the meeting at 6:07 p.m.

#### **SP-2 ANNUAL LEGISLATIVE AFFAIRS UPDATE FOR 2019**

[2019-792](#)

**Originator:** Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE:

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.

### **REPORTS:**

Chair Shawver stated that prior to the Board meeting, the Orange County Fire Authority picked up over 300 toys that were donated to the Spark of Love Toy Drive by OCSD staff, so that disadvantaged children in Southern California can have a joyous Christmas.

He also stated that all Committee meetings would be dark in January, but the Steering and Board meeting would be held on the regularly scheduled meeting date of January 22.

General Manager Jim Herberg reported that the Headworks Modification project at Plant No. 2 received five construction bids on Tuesday with the lowest bid \$10 million under the engineers estimate. He stated this item will be coming directly to the January Board for award.

Mr. Herberg reported on the progress of the Headquarters Building design stating that the project is currently on schedule with 95% design completion; and meetings continue with the City of Fountain Valley.

Mr. Herberg stated that he attended a celebration for former Board member Pier Swan and Vice-Chairman John Withers for their 30 years of service at IRWD; and presented Mark Lewis, Public Works Director for the City of Fountain Valley a commendation for his 30 years of service.

### **CONSENT CALENDAR:**

#### **2. APPROVAL OF MINUTES**

[2019-738](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

#### **3. PRIMARY SEDIMENTATION BASINS NO. 6-31 RELIABILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-133**

[2019-842](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- 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%).

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**RECEIVE AND FILE:**

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

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE:

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

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

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE:

- 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

**OPERATIONS COMMITTEE:**

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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- 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.

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- 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%).

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- 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%).

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- 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%.

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

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**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

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%).

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

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%).

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None



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

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- 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.

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**ADMINISTRATION COMMITTEE:**

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

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

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".

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

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

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

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

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**STEERING COMMITTEE:**

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

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

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.

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Marshall Goodman (Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** Mariellen Yarc

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** Cecilia Iglesias

**NON-CONSENT:**

None.

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

None.

**CLOSED SESSION:**

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

The Board convened in closed session at 6:46 p.m. to discuss four items. 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)**

[2019-844](#)

Alternate Director Harper recused himself and left the meeting during discussion on Item No. CS-1.

CONVENED 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

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED  
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

[2019-845](#)

CONVENED IN CLOSED SESSION:

The Board voted unanimously to deny the claim from Shimmick Construction.

Number of Potential Cases: 1

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman,  
Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt,  
Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik  
Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva,  
Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman  
(Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED  
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

[2019-846](#)

CONVENED IN CLOSED SESSION:

The Board voted unanimously to deny the claim from Terra Insurance Company.

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

**AYES:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman,  
Cecilia Iglesias, Steve Jones, Lucille Kring, Sandra Massa-Lavitt,  
Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik  
Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva,  
Fred Smith, Chad Wanke, Mariellen Yarc, Marshall Goodman  
(Alternate), Patrick Harper (Alternate) and Chuck Puckett (Alternate)

**NOES:** None

**ABSENT:** Phil Hawkins and John Withers

**ABSTENTIONS:** None

**CS-4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS -  
GOVERNMENT CODE SECTION 54956.8**

[2019-847](#)

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

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 7:16 p.m.

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

General Counsel Brad Hogin provided the following report:

CS-2 - The Board voted unanimously to deny the claim from Shimmick Construction on the grounds that it does not meet legal requirements.

CS-3 - The Board voted unanimously to deny the claim from Terra Insurance Company.

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

None.

**BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:**

None.

**ADJOURNMENT:**

At 7:17 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on January 22, 2020 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board