

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

MARCH 23, 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, March 23, 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 22-08, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines. Director Brad Avery 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, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

STAFF PRESENT: Kelly Lore, Clerk of the Board, and Joshua Martinez 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; Jennifer Cabral; Mortimer Caparas; Brian Engeln; John Frattali; Tina Knapp; Wally Ritchie; and Thomas Vu were in attendance telephonically.

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

PUBLIC COMMENTS:

None.

Clerk of the Board Kelly Lore stated that she made minor changes to the attachments to Item No. 13 and provided a redlined version to the Board Members and made them available to the public.

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

[2022-2184](#)

Originator: Kelly Lore

Chair Withers recognized the following:

20-year Service Awards

Robert Amaro, Instrumentation Tech I - Division 870
Michelle Spengler, Engineering Assistant II - Division 770

25-year Service Award

Ed Kovanda, Senior Construction Inspector - Division 770

30-year Service Award

Kevin Hadden, Principal Staff Analyst - Division 740

REPORTS:

Chair Withers announced that the business of the Headquarters Complex Ad Hoc Committee had concluded, and the Committee was sunsetted on March 21, 2022. He stated that letters were sent to the Committee Members thanking them for their service on the project development and that staff will continue inform the Board on the building progress through the GM Monthly Report and quarterly presentations at both the Operations and Administration Committees.

Chair Withers announced and congratulated General Manager Jim Herberg on being recognized by the WaterReuse Association with the Advocacy Achievement Award for his contributions to water recycling and water reuse.

Chair Withers stated that tonight's agenda contains a Resolution to continue teleconferencing of Committee and Board public meetings, indicating that although we had previously planned a return to in person meetings beginning in April, based on legal counsel's review and the Orange County's Health Officer's Orders, we may continue in this virtual setting with the approval of the Board of Directors.

Chair Withers stated that tomorrow the members would be receiving the Board of Directors talking points regarding OC San activities for your use while reporting to their councils, boards, and community groups.

General Manager Herberg announced that OC San has been informed of two awards that we will receive from the California Water Environmental Association next month:

- Operator of the Year OC San's Lead Plant Operator, Anthony Chang
- Plant Safety of the Year

At the request of the Board of Directors, Mr. Herberg stated that OC San has opened relevant classes from the OC San U development program to our member agencies. He stated that registration for the first class closes Friday March 25 and is for the Supervisor, Transition, and Readiness Training program.

Mr. Herberg reported on OC San's return to office plan, and future in-person public meetings, including telecommuting staff who began their limited return onsite this week with additional staff returning in April.

CONSENT CALENDAR:**2. APPROVAL OF MINUTES**[2022-2185](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Board of Directors Meeting held February 23, 2022.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman**NOES:** None**ABSENT:** Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols**ABSTENTIONS:** None**RECEIVE AND FILE:****3. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF FEBRUARY 2022**[2021-2012](#)**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

4. COMMITTEE MEETING MINUTES[2022-2058](#)**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Audit Ad Hoc Committee Meeting held January 20, 2022
- B. Minutes of the Steering Committee Meeting held January 26, 2022
- C. Minutes of the Operations Committee Meeting held February 2, 2022
- D. Minutes of the Legislative and Public Affairs Committee Meeting held February 7, 2022
- E. Minutes of the Administration Committee Meeting held February 9, 2022

OPERATIONS COMMITTEE:

Item No.6 & 8 were pulled and heard separately.

5. **PRIMARY SEDIMENTATION BASINS NO. 6-31 RELIABILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-133** [2022-2130](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Construction Services Agreement with Carollo Engineers, Inc. to provide construction support services for Primary Sedimentation Basins No. 6-31 Reliability Improvements at Plant No. 1, Project No. P1-133, for an amount not to exceed \$530,000; and

B. Approve a contingency of 53,000 (10%)

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols

ABSTENTIONS: None

7. **DIGESTERS REHABILITATION AT PLANT NO. 2, PROJECT NO. P2-137** [2022-2206](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Design Services Agreement with CDM Smith, Inc. to provide engineering services for Digesters Rehabilitation at Plant No. 2, Project No. P2-137, for an amount not to exceed \$2,700,000; and

B. Approve a contingency of \$270,000 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols

ABSTENTIONS: None

9. **COATING INSPECTION AND CORROSION TESTING SERVICES, PSA** [2022-2208](#)
2022-001

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Professional Services Agreements to provide on-call Coating Inspection and other Corrosion Testing Services for Collection System and Treatment Plant projects, PSA2022-001, for a three-year period effective May 1, 2022, for an amount not to exceed \$300,000 per individual agreement (\$600,000 total) with the following two firms:

- CSI Services, Inc.
- Diversified Project Services International (DPSI)

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols

ABSTENTIONS: None

10. **MATERIALS TESTING, INSPECTION, AND OTHER GEOTECHNICAL** [2022-2209](#)
TESTING SERVICES, PSA2022-003

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Professional Services Agreement to provide on-call Materials Testing, Inspection, and Other Geotechnical Testing Services for Collection System and Treatment Plant Projects, PSA2022-003, for a three-year period effective May 1, 2022, for an amount not to exceed \$400,000 per individual agreement (\$1,600,000 total) with the following four firms:

- Atlas Technical Consultants LLC
- Aesco Technologies
- MTGL, Inc.
- Koury Engineering and Testing, Inc.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols

ABSTENTIONS: None

**11. SECONDARY TREATMENT VFD REPLACEMENTS AT PLANT NO. 2, [2022-2210](#)
PROJECT NO. FE19-08**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Secondary Treatment VFD Replacements at Plant No. 2, Project No. FE19-08;
- B. Receive and file Orange County Sanitation District's Notice of Intent to Award dated January 27, 2022;
- C. Receive and file Award Protest from LEED Electric, Inc. dated February 2, 2022, concerning the award to ACS Engineering;
- D. Receive and file Orange County Sanitation District's determination letter dated February 10, 2022 to LEED Electric, Inc. responding to award protest;
- E. Award a Construction Contract to ACS Engineering for Secondary Treatment VFD Replacements at Plant No. 2, Project No. FE19-08, for an amount not to exceed \$1,433,000; and
- F. Approve a contingency of \$143,300 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez, Paulo Morales and Kim Nichols

ABSTENTIONS: None

Director Paulo Morales arrived at the meeting at approximately 6:17p.m.

6. WASTE SIDESTREAM PUMP STATION VFD REPLACEMENTS AT PLANT NO. 1, PROJECT NO. FR1-0016 [2022-2205](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Waste Sidestream Pump Station VFD Replacements at Plant No. 1, Project No. FR1-0016;
- B. Award a Construction Contract to LEED Electric, Inc. for Waste Sidestream Pump Station VFD Replacements at Plant No. 1, Project No. FR1-0016, for an amount not to exceed \$344,889; and
- C. Approve a contingency of \$51,733 (15%).

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

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

8. SURVEYING SERVICES, PSA2022-002 [2022-2207](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Professional Services Agreements to provide on-call surveying services for collection system and treatment plant projects, PSA2022-002, for a three-year period effective May 1, 2022, for an amount not to exceed \$200,000 per individual agreement (\$800,000 total) with the following four firms:

- Michael Baker International, Inc.
- Stantec Consulting Services, Inc.
- Psomas
- D. Woolley & Associates, Inc.

- AYES:** Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** Johnathan Ryan Hernandez and Kim Nichols
- ABSTENTIONS:** None

ADMINISTRATION COMMITTEE:**12. STRATEGIC PROCESS STUDY FOR MEIOFAUNA BASELINE ASSESSMENT [2022-2211](#)**

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Consultant Services Agreement to Florida State University Sponsored Research Administration to provide a Meiofauna Baseline Strategic Process Study (Specification No. CS-2021-1266BD) for a total amount not to exceed \$277,946; and
- B. Approve a contingency of 27,795 (10%).

- AYES:** Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** Johnathan Ryan Hernandez and Kim Nichols
- ABSTENTIONS:** None

13. UPDATE TO RECORDS MANAGEMENT PROGRAM PROCEDURES AND RECORDS RETENTION SCHEDULE RESOLUTION [2022-2212](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-10 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting the Records Management Program Procedures and Records Retention Schedule, Authorizing Destruction of Obsolete Records, and Repealing Resolution No. OC SAN 21-08".

- AYES:** Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** Johnathan Ryan Hernandez and Kim Nichols
- ABSTENTIONS:** None

14. REPLACE SERVER AND STORAGE INFRASTRUCTURE FOR PLANT NO. 1 INDUSTRIAL CONTROL SYSTEM [2022-2213](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order to ePlus Technology, Inc. for the purchase of software, hardware, and services to implement and configure the Nutanix metro clusters for Plant No. 1 Industrial Control System, Specification No. E-2022-1300BD, for a total amount not to exceed \$560,195, plus applicable sales tax and shipping; and
- B. Approve a contingency in the amount of \$56,019 (10%).

- AYES:** Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** Johnathan Ryan Hernandez and Kim Nichols
- ABSTENTIONS:** None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

15. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2022 [2022-2216](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

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

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

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

16. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2022 [2022-2217](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

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

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

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

STEERING COMMITTEE:

None.

NON-CONSENT:

17. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2022-2186](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-11 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: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Faessel and Director Shawver provided reports.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8 & 54956.9(d)(1).

The Board convened in closed session at 6:31p.m. Item No. CS-2 was not heard. Confidential minutes of the Closed Sessions 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 EXISTING LITIGATION - [2022-2218](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.

**CS-2 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2022-2219](#)
CODE SECTION 54957.6**

DID NOT CONVENE 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.~~

**CS-3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
GOVERNMENT CODE SECTION 54956.8**

[2022-2220](#)

CONVENED IN CLOSED SESSION:

Property: 7292 Slater Avenue Huntington Beach, CA - APN No. 110-010-39

Agency negotiators: General Manager Jim Herberg, Assistant General Manager Lorenzo Tyner, and Assistant General Manager Rob Thompson

Negotiating parties: Northington Huntington Beach Investors LLC

Under negotiation: Price and terms of payment

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 6:57 p.m.

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

General Counsel Brad Hogin did not provide a report.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 6:58 p.m., Chair Withers adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, April 27, 2022 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board