



LAS VIRGENES MUNICIPAL WATER DISTRICT
4232 Las Virgenes Road, Calabasas CA 91302

MINUTES
REGULAR MEETING

9:00 AM

February 16, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Lynda Lo-Hill.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **9:00 a.m.** by Board President Lewitt via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor's Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Lynda Lo-Hill, Len Polan, and Lee Renger

Absent: None

Staff Present: David Pedersen, General Manager
Joe McDermott, Director of Engineering and External Affairs
Don Patterson, Director of Finance and Administration
John Zhao, Director of Facilities and Operations
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA

Director Caspary moved to approve the agenda. Motion seconded by Director Renger.

Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A List of Demands: February 16, 2021: Receive and file

B Minutes Regular Meeting of February 2, 2021: Approve

C Directors' Per Diem – January 2021: Ratify

D Monthly Cash and Investment Report: November 2020

Receive and file the Monthly Cash and Investment Report for November 2020.

E Uniform Services: Contract Renewal

Accept the proposal from Prudential Overall Supply, and authorize the General Manager to execute a one-year contract renewal, in the amount of \$25,000, for the supply of uniforms for employees.

F Photocopier Lease Agreements: Award

Accept the proposal from Document Systems, Inc. and Cannon Financial Services, Inc., and authorize the General Manager to execute a 60-month lease agreement, in the amount of \$50,315.10, for four Cannon photocopiers.

G Utility Billing Services: Contract Renewal

Accept the proposal from InfoSend, Inc., and authorize the General Manager to execute a one-year agreement, in an annual amount equal to the actual cost of printing and mailing services estimated at \$116,000 plus tax, with three-one year renewal options for utility bill printing and mailing services.

H Tract No. 53138 (Deerlake Ranch): Approval of Scope Change

Authorize the Director of Engineering and External Affairs to execute Scope Change No. 5 with Envicom Corporation, in the amount of \$600, to respond to additional public comments received on the Mitigated Negative Declaration for Tract No. 53138, Deerlake Ranch.

I Stationary Emergency Generator Project, Land Acquisition: Approval of Scope Change No. 2

Authorize the General Manager to execute Scope Change No. 2 for Hamner and Jewell to obtain a title report, in the amount of \$5,035; and to sign and notarize a minor lot line adjustment application for submittal to the City of Hidden Hills for Jed Smith Pump Station as part of the Stationary Emergency Generator Project.

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A MWD Representative Report

Glen Peterson, MWD Representative, reported that the MWD Board approved commendatory resolutions for Directors Jose Solorio, who represented the City of Santa Ana, and Charles Treviño, who represented the Upper San Gabriel Valley Municipal Water District. He also reported that the MWD Board inducted new Directors Thai Phan, representing the City of Santa Ana, and Dr. Anthony Fellow, representing the Upper San Gabriel Valley Municipal Water District. He noted that the MWD Board welcomed new Director Fred Jung, representing the City of Fullerton, who was sworn in the previous day and replaced Director Adan Ortega. He stated that an appointment to the MWD Executive Committee for a member-at-large would occur at the next MWD Board meeting. He addressed an article that was published in the *Los Angeles Times* regarding alleged harassment associated with MWD's apprenticeship program. He noted that the MWD Board hired legal counsel to conduct an investigation. He also reported that the MWD Board received a presentation regarding Black History Month by Chairwoman Gloria Gray and Director Tana McCoy, representing the City of Compton. He noted that the MWD Board approved an amendment to the agreement with Horvitz & Levy, LLP, to increase the budget for rate litigation in the case of the San Diego County Water Authority v. MWD. He also noted that MWD Member Agency Managers were meeting to discuss the former Water Stewardship Charge.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, noted that February 19th would be the last day for the introduction of new state legislative bills. He stated that staff would review proposed bills to determine whether any might impact the District's operations. He reported that the California Municipal Utilities Association (CMUA) would join the Association of California Water Agencies (ACWA) to secure \$1 billion from the State's General Fund surplus to assist customers in paying their past due utility bills. He stated that the District would work with its local legislators to support this effort. He noted that Syrus Devers, state lobbyist with Best Best & Krieger LLP (BBK), had previously discussed SB 222 (Dodd), the Water Affordability Assistance Program, and SB 223 (Dodd), Discontinuance of Residential Water Service. He noted that Senator Bill Dodd had previously introduced SB 1099 Emergency Backup Generators: Critical Facilities Exemptions, which had transitioned to a rulemaking process through the South Coast Air Quality Management District (AQMD) regarding for the Proposed Amended Rule (PAR) 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines, PAR 1470 -

Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines, and PAR 1472 - Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines. He mentioned that the District would likely not take a lead role in opposing SB 222 or SB 223 as there were other water districts that could take an oppose position. He stated that the District might need to seek Senator Dodd's assistance for legislation related to emergency backup generators regulations. He also stated that a second stakeholder workshop was being planned by AQMD, and AQMD staff scheduled a meeting with District staff to discuss a proposal prior to presenting it at the stakeholder's workshop.

General Manager David Pedersen responded to a question regarding whether there had been discussion of curtailment of water rights during a drought by the State Water Board by stating that he was currently serving on an ACWA work group where this topic was discussed. He stated that the State Water Board received feedback on how it administered and curtailed water rights during the previous drought, and noted that the State Water Board was going through a process to revisit how it administers water rights. He noted that the general feedback was that the State Water Board needed to provide more advance notice of potential curtailments, implement curtailments on a more precise level, follow California law and California water right priorities as fundamental elements when issuing curtailments, and recognize senior water rights.

Director Caspary noted that the State Water Board had expressed concern that some water agencies might be at risk for interruption of operations due to financial issues. He questioned when the term "at-risk water system" would be defined, and he stated that he would pose this question at the next ACWA State Legislative Committee Meeting. General Manager David Pedersen responded that one of the most important indicators would be the number of days of reserves to cover operating costs.

Mr. McDermott responded to a question regarding the timeframe for AQMD's rulemaking process by stating that a new rule would not be adopted until the summer. He stated that the District could work with Senator Dodd to introduce a spot bill through a "gut and amend" process should there be no progress in AQMD's rulemaking process.

C Water Supply Conditions Update

Joe McDermott, Director of Engineering and External Affairs, presented the report. He noted that the equivalent of five inches of rain fell statewide during the most recent storm. He stated that the State Water Project allocation remained at 10 percent, and the allocation might increase next month. He noted that the MWD only needed a 30 to 35 percent allocation to avoid drawing down its reservoirs.

6. TREASURER

Director Lo-Hill stated that the Treasurer's report was in order.

7. BOARD OF DIRECTORS

A Response to Coronavirus (COVID-19) Pandemic: Continuation of Emergency

Approve the continuation of an emergency declaration for response to the coronavirus (COVID-19) pandemic.

Ursula Bosson, Customer Service Manager, presented the report. She noted that staff was working with Invoice Cloud to allow customers to pay their bills via PayPal and Venmo. She responded to a question regarding whether she had received any negative feedback regarding the installation of flow restrictors for nonpayment by stating the District had not received negative feedback.

Board President Lewitt suggested that staff explore allowing commercial customers to pay their bills via Zelle, and promote enrolling in paperless billing and autopay. He inquired regarding the average number of customers from water districts in the area that were enrolled in paperless billing and autopay. Ms. Bosson responded that she would follow-up.

Ms. Bosson also responded to a question regarding the location of high water use customers by stating that staff did not have the data readily available and that it would require a manual process to identify them. She also responded to a question regarding the installation of flow restriction devices by stating that the devices would be installed for customers in the excessive water use category or for customers that had not made payment arrangements. She noted that most customers had made payment arrangements after receiving a notice of installation of a flow restriction device.

Director Lo-Hill moved to approve Item 7A. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

8. GENERAL MANAGER

A Salary Resolution and Management Handbook Update: Approval and Adoption

Pass, approve, and adopt proposed Resolution No. 2588, establishing salaries for employees; and approve the updated Management Handbook.

RESOLUTION NO. 2588

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT ESTABLISHING SALARIES FOR EMPLOYEES

(Reference is hereby made to Resolution No. 2588 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

General Manager David Pedersen presented the report.

Director Lo-Hill moved to approve Item 8A. Motion seconded by Board President Lewitt.

A discussion ensued regarding the contractual obligation for a minimum two percent increase per the approved Memoranda of Understanding based on the October 2019 to October 2020 Los Angeles-Long Beach-Anaheim Consumer Price Index.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Renger

NOES: None

ABSTAIN: Polan

ABSENT: None

9. FACILITIES AND OPERATIONS

A **Mixers for Seminole and Latigo Tanks: Purchase Order Authorization**

Accept the proposal from PAX Water Technologies, Inc., and authorize the General Manager to issue a purchase order, in the amount of \$62,190, for three mixing units to be installed at Seminole and Latigo Tanks.

Frank Almaguer, Water Systems Supervisor, presented the report.

Director Polan moved to approve Item 9A. Motion seconded by Director Caspary.

Mr. Almaguer responded to a question regarding the use of air bubblers as a mixing mechanism as opposed to a pumped water system and whether introduction of air would further drive off the residual chlorine levels by stating that staff had not looked into air bubbler-type technology. Director Renger noted that the use of air bubblers would be inefficient because high pressure would be required for the air.

Motion carried unanimously by roll call vote.

B **Supply and Delivery of Bulk Woodchip Compost Amendment: Award**

Authorize the General Manager to execute a one-year agreement with three one-year renewal options with Recycled Wood Products for the supply and delivery of woodchip compost amendment at \$11.89 per cubic yard for material sized at three quarters of an inch or less and \$14.00 per cubic yard for material sized at one quarter of an inch or less for the Rancho Las Virgenes Composting Facility.

Doug Anders, Administrative Services Coordinator, presented the report.

Director Polan moved to approve Item 9B. Motion seconded by Director Renger.

Mr. Anders responded to questions regarding the option to reduce the volume of finished compost produced by the facility by using smaller feed stock with the biosolids.

Brett Dingman, Water Reclamation Manager, responded to a question regarding alternatives for the excess compost by stating that some of the excess compost was being spread at the Rancho Las Virgenes Sprayfields. He noted that an item would be presented at the next JPA Board meeting to consider temporarily hauling biosolids offsite. He also noted that there was currently low demand for compost, and the recently repaired centrifuge would produce a drier cake, supporting a lower volume of compost.

Board President Lewitt suggested that the District advertise in communities outside of the District's service area regarding the availability of free compost. Mr. Dingman responded that additional advertising would be beneficial, and currently people from any area would be allowed to pick up free compost.

Motion carried unanimously by roll call vote.

10. FINANCE AND ADMINISTRATION

A Extension of Families First Coronavirus Response Act Sick Leave Provision

Pass, approve, and adopt proposed Resolution No. 2589, extending certain provisions of the Families First Coronavirus Response Act.

RESOLUTION NO. 2589

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT, APPROVING THE EXTENSION OF THE EMERGENCY PAID SICK LEAVE PROVISIONS OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

(Reference is hereby made to Resolution No. 2589 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

General Manager David Pedersen presented the report. He suggested that the proposed resolution be modified to limit the time period from January 1, 2021 through March 30, 2021, and that staff bring back a future action if Congress did not proceed with the passage of a Coronavirus Relief Act.

Director Caspary moved to approve Item 10A, including a modification to proposed Resolution No. 2589 to limit the time period from January 1, 2021 through March 30, 2021, and that staff bring back a future action if Congress did not proceed with the passage of a Coronavirus Relief Act. Motion seconded by Director Polan.

General Manager David Pedersen responded to a question regarding employees' use of the emergency paid sick leave provisions by stating that 21 employees required this provision in calendar year 2020. He noted that approximately 250 hours were used by employees from January 1, 2021 through present as a result of COVID-19.

Director Lo-Hill requested that staff keep track of the extra costs incurred by the District due to COVID-19.

Motion carried unanimously by roll call vote.

11. ENGINEERING AND EXTERNAL AFFAIRS

A Roadside Drive Bridge Widening Project: Water Main Relocation

Approve an appropriation in the amount of \$168,249; authorize the General Manager to execute a Memorandum of Agreement with the City of Agoura Hills, subject to non-substantive changes and in a form approved by District Counsel; and authorize the General Manager to execute an amendment to the existing Utility Agreement to reflect the updated cost for the water main relocation work to be performed as part of the Roadside Drive Bridge Widening Project.

Oliver Slosser Senior Engineer, presented the report.

Director Caspary moved to approve Item 11A. Motion seconded by Director Renger.

Mr. Slosser responded to a question regarding the overall low bid received by the City of Agoura Hills from Powell Constructors, Inc. and the project timeline.

Eric Schlageter, Principal Engineer, noted that the Public Contract Code limited the District's ability when working with another agency to award a component of a larger bid package. He also noted that the Engineer's Estimate provided by the City was significantly lower than anticipated; however, the City absorbed the design and engineering costs for the work.

Mr. Slosser responded to a question regarding whether a grant was awarded for the project by stating that a Federal Highway Administration grant was originally expected; however, the City was informed that the water main relocation was not eligible for grant funding.

Motion carried unanimously by roll call vote.

12. INFORMATION ITEMS

A ACWA/JPIA President's Special Recognition Award

B Claim by Amy and Hans Maentz

C Summary of Contracts Executed under General Manager's Authority or with Price Escalators

13. NON-ACTION ITEMS

A Organization Reports

None.

B Director's Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen reminded the Board that a Special JPA Board meeting would be held on February 22nd from 9:00 a.m. to 12:00 p.m. for the Pure Water Project Las Virgenes-Triunfo Water Augmentation Workshop. He stated that Jacobs Engineering would review possibilities to augment water supplies for the project, identify priorities, and categorize different priority options to achieve a steady-state operation for the project. He also reported that the District received the 2020-21 Engineer's Achievement Award from the California Water Environment Association (CEWA), Los Angeles Basin Section for the Tapia Process Air Improvements Project. He noted that the project was also eligible for a national award. He reported that free compost pickup had increased due to successful public outreach efforts. He noted that there were still large amounts of compost available, and staff was working on efforts to increase demand, reduce the volume of compost produced by using the smaller amendment material, and utilize the repaired centrifuge to efficiently produce a drier cake. He stated that a recommendation would be presented to the JPA Board to consider temporarily hauling biosolids and allow for completion of the repairs inside the amendment building.

(2) Follow-Up Items

General Manager David Pedersen noted that the JPA Audit Committee would meet on February 24th to discuss a recommendation regarding independent auditing services.

D Directors' Comments

Director Polan reported that he participated in the California Association of Sanitation Agencies (CASA) Virtual Winter Conference last month. He noted that he attended a session regarding "The Future of Work" by Heather McGowan where she discussed continuous life-long learning, no life without clean water, and post-pandemic issues such as trust, transparency, teams, and telefacing. He also noted that Senator Ben Allen, Chair of the Senate Environmental Quality Committee, was supportive of passing a federal infrastructure bill.

14. FUTURE AGENDA ITEMS

None.

15. PUBLIC COMMENTS

None.

16. CLOSED SESSION

A Conference with Real Property Negotiators (Government Code Section 54956.8):

District Negotiators: David W. Pedersen, General Manager, and Keith Lemieux, District Counsel

Property Owner Negotiator: The Feinberg Institute, Inc., dba ROWI, represented by CBRE

Property: 4232 Las Virgenes Road, Suite B, Calabasas, CA

Scope: District will be negotiating price and terms of lease

The Board recessed to Closed Session at **10:29 a.m.** and reconvened to Open Session at **10:48 a.m.** Director Polan departed from the teleconference at 10:29 a.m.

Keith Lemieux, District Counsel, announced that the Board received a report in Closed Session, and reconvened to Open Session to take action.

Director Renger moved to authorize the General Manager to execute a five-year lease extension with The Feinberg Institute, Inc., dba ROWI, as follows:

- Five-year lease extension (September 1, 2021 through August 31, 2026);
- \$1.90 per square foot with 3% annual escalation;
- Reduction in security deposit;
- One-month of rent abatement;
- Five-year option to extend the lease; and
- District to support ROWI in identifying a new signage location in accordance with the City of Calabasas' sign regulations subject to District approval.

Motion seconded by Director Lo-Hill. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Renger

NOES: None

ABSTAIN: None

ABSENT: Polan

17. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **10:49 a.m.**



Jay Lewitt, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



Lee Renger, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)