

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

March 4, 2019

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Jay Lewitt.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Orkney in the Conference Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road in Calabasas, California. Director Polan participated from the teleconference location at the Brooklyn Public Library, 10 Grand Army Plaza, Brooklyn, New York. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, and Wall.
Absent: None.

Josie Guzman, Clerk of the Board, announced that all action items would require a roll call vote due to the participation of Director Polan by teleconference.

2. APPROVAL OF AGENDA

Administering Agent/General Manager David Pedersen requested that Item 12A be removed from the agenda as there was no update.

Director Caspary moved to approve the agenda with the removal of Item 12A. Motion seconded by Director Tjulander. Motion carried unanimously upon roll call vote.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of February 4, 2019

Approve.

B Budget Planning Calendar for Fiscal Year 2019-20

Receive and file the Budget Planning Calendar for Fiscal Year 2019-20.

Director Lo-Hill moved to approve the Consent Calendar. Motion seconded by Director Shapiro. Motion carried unanimously upon roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Visitor Experience

Administering Agent/General Manager David Pedersen provided introductory remarks regarding the visitor experience elements of the project and noted that a new landscape architect, the Urban Water Group, was selected to design the Demonstration Garden.

Tack Roberts, representing ASTOUND, provided a PowerPoint presentation of the proposed visitor experience and messaging, including an overview of the proposed site plan, gray and blue wayfinding signage, garden signage, process building exterior, visitor tour stops, additional 3-D renderings, next steps, and budget summary.

Chair Orkney suggested including a background to the exterior letter signage. She expressed concern with the length of the tour and questioned whether eight stations would be sufficient. She also stated that she would prefer a laboratory sink setting for the tasting area as opposed to a kitchen sink setting.

6. ACTION ITEMS

A Tapia Water Recycling Facility Summer Season Waste Load Allocation Compliance Project: Mitigated Negative Declaration and Preliminary Design Report

Adopt the Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program; authorize the Administering Agent/General Manager to file a Notice of Determination with the County Clerk; and receive and file the Preliminary Design Report for the Tapia Water Reclamation Facility Summer Season Waste Load Allocation Compliance Project.

Administering Agent/General Manager David Pedersen presented the report.

Kyleen Marcella, representing Stantec, provided a PowerPoint presentation describing the project drivers stemming from the Tapia Water Reclamation Facility (WRF) permit; project objectives to evaluate alternatives for compliance with Malibu Creek discharge requirements; selected alternative of potable water discharge with ammonia removal; and preliminary design components.

Tyler Hadacek, representing Stantec, continued the PowerPoint presentation, including pipeline alignment alternatives; potable water conveyance mounted to the existing Los Angeles County bridge over Malibu Creek; contractor design basis for ammonia removal bench testing; modifications at Tapia WRF; California Environmental Quality Act (CEQA) mitigation measures; CEQA comments received from various agencies and entities; cost and schedule; and next steps. He responded to questions related to the California Coastal Commission's permitting process; removal of ammonia; chlorine concentration limits; corrosion protection in the final pipeline design; use of the overflow basin in the summer time; and chloride levels in the discharged water.

Director Renger moved to approve Item 6A. Motion seconded by Director Pan. Motion carried unanimously upon roll call vote.

B Rancho Solar Generation Project Phase II: Mitigated Negative Declaration

Adopt the Mitigated Negative Declaration and authorize the Administering Agent/General Manager to file a Notice of Determination with the County Clerk for the Rancho Solar Generation Project Phase II.

John Zhao, Principal Engineer, presented the report. He responded to questions related to mitigating viewshed impacts by increasing the landscaping, solar panel height to allow access for wildlife below and between the solar panels, and allowance for fire truck access.

Administering Agent/General Manager David Pedersen noted there would be no capital investment from the JPA for this project as all costs are reimbursable under a power purchase agreement, and a generating account would be implemented to offset energy usage at multiple benefitting accounts, specifically the Tapia Water Reclamation Facility (WRF).

Mr. Zhao responded to questions related to the setbacks around the perimeter of the site and viewshed impacts. He noted that no complaints were received from neighbors regarding impacts to viewsheds or impacts from the existing non-glare solar panels.

Joel Reeves expressed concern with solar panels producing hazardous waste materials after they are removed from service; possible soil contamination from hazardous waste materials and substances generated from solar panels; and non-

hazardous solar panels ending up in the landfill following their lifespan or from being destroyed after a natural disaster. He inquired whether debris from damaged solar panels could contaminate the soil or the area where they are taken for disposal, and compliance with AB 939 California Integrated Waste Management Act recycling, treatment, and disposal requirements. He asked the Board to postpone making a decision on this project until it is verified that the solar panels do not contain hazardous waste materials or that cadmium would not leach from the solar panels during rainfall.

Erin Reeves expressed concern with the solar panels' designation as hazardous materials; the possibility of cadmium and lead leaching from the solar panels to the soil during rainfall; viewshed impacts; potential fire risks; residents' ability to obtain fire insurance due to proximity to solar panels; impacts to property values; and impacts from electromagnetic field (EMF) exposure. She also expressed concern regarding whether there was sufficient notice provided to schools and the public. She asked the Board to postpone its decision on this project in order to allow for additional public input.

Marie Kamibayashi expressed concern that the solar panels could become damaged and could adversely affect the soil and water supply following an earthquake, and concern with possible carcinogens. She asked the Board to allow discussion and public input regarding this project.

Christina Gibson expressed concern with increasing the number of existing solar panels. She asked the Board to delay a decision in order to allow the community to better understand the project.

Jill Torres expressed concern regarding impacts to her property and to neighboring schools; hazardous materials generated from the solar panels; risk of cadmium leaking into the ground following an earthquake or fire; impacts to neighbors; remedies to property owners following adverse impacts; and health risks. She also expressed concern that there was not sufficient information regarding the production of hazardous waste materials if the solar panels are damaged and after their life span.

Mr. Zhao addressed the questions and noted that solar panels include many components and are not hazardous as a whole. He stated that a production guarantee agreement would require the solar provider to make repairs as soon as possible or incur a large penalty. He noted that solar panels are designed to withstand earthquakes and heavy winds, and the agreement calls for the solar provider to remove and properly dispose of the solar panels following their life cycle. He also noted that a 30-day notice was sent to parties and agencies in accordance with California Environmental Quality Act (CEQA) requirements.

Administering Agent/General Manager David Pedersen addressed the concern regarding notice sent to neighboring residences and schools and stated that the

30-day notice was sent on October 11, 2018, followed by a second notice that was sent to a larger group, including neighboring residents, neighboring schools, and the Las Virgenes Unified School District.

A discussion ensued regarding minimal fire risk from the solar panels due to their low voltage and periodic vegetation maintenance; adding a provision in the agreement that damaged solar panels are to be replaced by a date certain; reduced electrical costs, which could assist in maintaining low water rates; and continuous monitoring and real-time feedback from the solar panels to the solar provider.

Administering Agent/General Manager David Pedersen proposed that the Board consider a motion consisting of the staff recommendation contingent upon bringing back a Power Purchase Agreement at the March 28, 2019 JPA Board meeting that addresses the following three items: 1) damaged and/or broken panels would be replaced within a time certain based on discussions with the solar provider; 2) that soil contamination, if any, is to be remediated upon completion of the project; and 3) that the agreement clearly specify the means of disposal of solar panels in accordance with law and regulations at the time when the project is completed.

Director Lewitt moved to approve Item 6B as recommended by staff. Motion seconded by Director Wall. Motion carried unanimously upon roll call vote.

7. **BOARD COMMENTS**

Director Lewitt thanked Administering Agent/General Manager David Pedersen for providing a facilities tour for Scott Abrams, Senior Aide to Congressman Brad Sherman and candidate for Los Angeles City Council.

8. **ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that approximately 25 people attended the Quarterly Wastewater, Recycled Water, and Watershed Tour on February 9th, which was hosted by Directors Lo-Hill and Tjulander. He also reported that the U.S. Bureau of Reclamation approved the request for a time extension related to the grant in order to produce testing results for the Pure Water Demonstration Project. He noted that a copy of a letter was provided to the Board in response to a Letter to the Editor that was published in *The Acorn* on February 14th.

9. **FUTURE AGENDA ITEMS**

None.

10. **INFORMATION ITEMS**

- A State and Federal Legislative Update**
- B Phase 2 White Paper on Tapping into Available Capacity in Existing Infrastructure to Create Water supply and Water quality Solutions: Award**
- C Pure Water Project Las Virgenes-Triunfo: Preliminary Evaluation of Stormwater Diversion Opportunities**

Chair Orkney expressed concern that the report did not include Thousand Oaks as part of the preliminary evaluation of stormwater diversion opportunities. She also inquired regarding the cost per acre foot for the three projects. David Lippman, Director of Facilities and Operations, noted that the costs per acre foot shown in the table for Projects TC-29 and TC-37 were reversed. He also stated that the Ventura County Watershed Protection District manages stormwater for the Thousand Oaks and Oak Park areas, and the agency was contacted to identify projects to be evaluated as part of this study. Chair Orkney suggested that other sites be included, such as the area adjacent to Medea Creek.

Director Polan departed from the teleconference location at 7:11 p.m.

11. PUBLIC COMMENTS

None.

12. CLOSED SESSION – (This item was removed from the agenda)

- A Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)):**

Zusser Company, Inc. v. Las Virgenes Municipal Water District

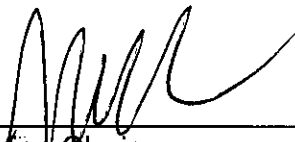
13. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **7:19 p.m.**



Janna Orkney, Chair

ATTEST:



Jay Lewitt, Vice Chair

