



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

MINUTES
REGULAR MEETING

5:00 PM

May 24, 2011

PLEDGE OF ALLEGIANCE

At the request of President Renger, the Pledge of Allegiance to the Flag was given by Director Caspary.

1. CALL TO ORDER AND ROLL CALL

A Call to order and roll call

The meeting was called to order at 5:00 p.m. by President Renger in the District offices. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Caspary, Peterson, Renger and Steinhardt.

Absent: Director Bowman.

2. APPROVAL OF AGENDA

A Approval of agenda

On a motion by Director Charles Caspary, seconded by Director Glen Peterson, the Board of Directors voted 4-0 -1 to Approve the Regular Board Meeting of May 24, 2011, as presented.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt

ABSENT: Director(s) Bowman

3. PUBLIC COMMENTS

Two speaker cards were received from the public. Howard Rodgers submitted a speaker card and due to the large number of students, parents and school faculty, offered to speak after agenda item 4A Poster Contest Ceremony.

The second speaker card was from Larry Miller who will speak after Mr. Rodgers.

4. **ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

A Poster Contest Ceremony

President Renger presented water awareness poster contest winners with individual certificates of achievement and matching t-shirts for their entires. Winners included Khai Berry, Anastasia Escalante, Riley Jackson, Anna Keogh, Ella Stonich, Hunter Pearson, Bernice Nguyen, Anais Larson, Sarah Liang, Avan Franklin, Emma Brauer; and Liane Lee who as the top finalist was also awarded the Ann Dorgelo Water Awareness Perpetual Trophy, which will be displayed at her school, Bay Laurel.

At this point in the meeting public comments were received; (1) Howard Rodgers who discussed Board actions taken at the April 26, 2011 regular meeting related to water conservation (budgets, shortage and refunds); and (2) Larry Miller who notified the Board, staff and public of the Memorial Day tributes being held at Pierce Brothers in Westlake Village.

B Legislative and Regulatory Updates

Public Affairs & Communications Manager Reinhardt provided an update on SB 34 (Simitian) Public Goods Charge and concerns regarding charging a "sales tax" on water sales; and SB 52 (Steinberg) providing financial assistance to Sacramento Regional County Sanitation District.

5. **CONSENT CALENDAR**

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve Consent Calendar 5A-5H as presented in the recommendations.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt

ABSENT: Director(s) Bowman

A Minutes: Regular Meetings of March 22, 2011 and April 12, 2011. Approve

B List of Demands: May 10, 2011. Ratify

C List of Demands: May 24, 2011. Approve

D Investment Report for the Month of April 2011. Approve

E Directors' Per Diem: April 2011. Ratify

F Call for Bids for Aluminum Sulfate - Proposed bid schedule and the Notice Inviting Sealed Bids for the supply and delivery of aluminum sulfate. **Approve**

G Call for Bids for Sodium Bisulfite - Proposed bid schedule and the Notice Inviting Sealed Bids for supply and delivery of sodium bisulfite. **Approve**

H Declare the Obsolete Meter Parts as Salvage. Approve

6. **TREASURER**

No report was given.

7. **BOARD OF DIRECTORS**

A Application to Present Late Claim- Michael S. Josephson

Board to discuss and provide direction to staff.

Legal Counsel O'Neill provided a report on the Rambla landslide and stated Mr. Josephson was named in the Weber lawsuit, and has been working with Las Virgenes MWD on the water line relocation. Director Peterson requested this item be moved to closed session.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Move 7A Application to Present Late Claim - Michael S. Josephson to closed session. Legal Counsel O'Neill stated this item will be renumbered in the agenda to closed session 14B.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt

ABSENT: Director(s) Bowman

8. FACILITIES AND OPERATIONS

A 1235' Backbone Improvement Program Agoura Hills Pipeline - Award Contract

Award the contract for the 1235' Backbone Improvement Project, Agoura Hills Pipeline & Reyes Adobe Waterline Bridge Crossing to J. Fletcher Creamer & Son Inc. and Spiniello Companies, a Joint Venture in the amount of \$3,567,352.25; and that all remaining bids be rejected upon receipt of duly executed contract documents; accept the proposal from Kennedy/Jenks Consultants to provide engineering construction services in the amount not to exceed \$74,500; accept the proposal from Geolabs-Westlake Village to provide geotechnical services for the project in the amount not to exceed \$20,484; and accept the proposal from Compass Rose to provide archaeological & Native American cultural resources monitoring services during construction in an amount not to exceed \$10,510.00.

Director of Facilities and Operations Lippman provided an overview of the project including proposed schedule of working hours, public outreach plan and coordination with City of Agoura Hills.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 3-0 -1 -1 to Approve the recommendations as presented. Director Renger abstained from the vote due to a possible conflict of interest, and requested a roll call vote be conducted. Assistant Deputy Secretary Conklin conducted the roll call vote.

AYES: Director(s) Caspary , Peterson , Steinhardt

ABSTAIN: Director(s) Renger

ABSENT: Director(s) Bowman

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 3-0 -1 -1 to Approve correction of the dollar amount awarded to J. Fletcher Creamer & Son Inc. and Spiniello Companies a Joint Venture to \$3,535,740.25 with all other recommendations remaining as stated in the original approval. Director Renger again abstained from the vote due to a possible conflict of interest, and requested a roll call vote be conducted. Assistant Deputy Secretary Conklin conducted the roll call vote.

AYES: Director(s) Caspary , Peterson , Steinhardt

ABSTAIN: Director(s) Renger

ABSENT: Director(s) Bowman

B Award of Bid: Annual Weed Abatement at Various Facilities

Authorize the General Manager to issue a purchase order to Venco Western, Inc. in the amount of \$17,185 for weed abatement at Rancho and Las Virgenes Reservoir; and to Safe and Beautiful Tree Company, Inc, in the amount of \$9,175.54 for weed abatement services at Tapia and Morrison Tank.

*On a motion by Director Barry Steinhardt, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the recommendations as presented. Director Peterson requested staff look into using roundup to abate weed growth in the future.
AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman*

C Lake Manor Dr. Pipeline Relocation

Authorize the General Manager to issue a purchase order in the amount of \$36,974.00 to Toro Enterprises, Inc. for the construction of the proposed emergency pipeline offset on Lake Manor Dr.

General Manager Mundy provided an overview of the project and stated the associated costs were being paid by the District because the County of Los Angeles had facilities at the location prior to Las Virgenes' easement to install the pipe.

*On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.
AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman*

9. FINANCE AND ADMINISTRATION

A Award of Bid for Wilkens Pressure Regulators

The Board of Directors authorize the General Manager to issue a one year contract with two one-year renewal options to H. D. Supply Water Works for the purchase and delivery of Wilkens no lead pressure regulators for a total amount not to exceed \$50,000.

The Board discussed with staff the use of in-conduit regulators, inventory/possibility of parts becoming obsolete and lead requirements based on Prop 65. Water System and Facilities Manager Miller stated Department of Public Health has said it is acceptable to use existing parts containing lead, and to purchase "lead-free" in the future.

*On a motion by Director Charles Caspary, seconded by Director Barry Steinhardt, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.
AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman*

10. RESOURCE CONSERVATION AND PUBLIC OUTREACH

A Water Supply Allocation Program - Additional Administrative Cost

Provide direction to staff relative to consideration of \$13,325 additional administrative cost for implementing water allocations.

Director of Resource Conservation and Public Outreach Reyes discussed direction from the Board regarding how to apply refunds and administrative costs applied to (1) active customer accounts and (2) closed customer accounts.

The Board determined that additional administrative costs also include the cost to write checks and staff time for determining the refunds.

On a motion by Director Charles Caspary, seconded by Director Barry Steinhardt, the Board of Directors voted 4-0 -1 to Authorize refunding of all surcharges as previously approved, less the administrative costs for implementing water allocations, distributed equally to all customers.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman

B Ordinance No. xx-xx-xxxx: Amended Water Conservation Measures

The full reading of the proposed Ordinance as it relates to Amended Water Conservation Measures, be waived, and the board order publication within 30-days of adoption using a summary of the ordinance.

The Board by a roll call vote of Ayes: Noes: Abstain: Absent: that Amended Water Conservation Measures be approved; and the proposed Ordinance as it relates to Amended Water Conservation Measures be given first reading by title only.

Director of Resource Conservation and Public Outreach Reyes discussed the proposed ordinance amending water conservation measures and stated the second reading and adoption of the proposed ordinance would be heard at the regular board meeting of June 14, 2011, and at this same meeting the Board would be asked to consider repealing three existing water conservation related resolutions. Mr. Reyes also provided a copy of "Mandatory Conservation Measures" dated 4/29/2011, which was taken from the District's web page.

Director Peterson requested the ordinance be modified by removing the provision "Restaurants may only serve water upon request".

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the recommendations as presented in paragraph one.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman

On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve by roll call vote, conducted by Assistant Deputy Secretary Conklin, the recommendations as presented in paragraph two; and to modify the proposed ordinance as recommended by Director Peterson.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSENT: Director(s) Bowman

At this point in the meeting, Legal Counsel O'Neill notified the Board there was a need to respecify the dollar amount related to the award of contract 8A: 1235' Backbone Improvement Program Agoura Hills Pipeline - Award Contract to \$3,535,740.25. Please refer to 8A for the amended award of contract action.

11. INFORMATION ITEMS

A Consultant's Report - 3rd Quarter FY2010-11

12. NON-ACTION ITEMS

A Organization Reports(1) MWDa. Representative Report/Agenda(s); (2)Other

MWD Representative Peterson discussed general business of Metropolitan including results of the May 13-15, 2011 Solar Cup; today's Bay Delta meeting; and the Bright Source solar power project.

Director Caspary reported on his attendance at the April 27-29, 2011 CASA Conference during which City of Los Angeles Bureau of Reclamation received an award for their biosolids injection project; Irvine Ranch Water District in conjunction with Discovery Science Center

received an award for their Water Education Plan; Bay Delta; and storm water, permitting, sanitary sewer overflow regulations and legislation for private property spills were discussed.

Director Steinhardt reported on his attendance at the May 10-13, 2011 ACWA Conference during which he focused on financial programs including discussions pertaining to raiding of local government funds; methods of cost cutting; designating reserves as restricted; rate structure changes, and pensions.

B Director's Reports on Outside Meetings

Director Steinhardt reported on his attendance at the Heal the Bay - Bring Back the Beach event of May 19, 2011.

C General Manager Reports

General Manager Mundy provided an update of general business of the district including calendar events for JPA, termination appeal hearing, total compensation study workshop; school funding, and discussed the process for presentation of the Fiscal Year 2011-12 budget.

Public Affairs & Communications Manager Reinhardt invited the Board to Energy Upgrade CA hosted by Senator Fran Pavley and Supervisor Zev Yaroslavsky, which will be held at the District on Saturday, June 11, 2011.

D Director's Comments

Director Steinhardt read a statement regarding his meeting with the Las Virgenes Unified School District.

13. FUTURE AGENDA ITEMS

Director Caspary requested a discussion of Las Virgenes Unified School District funding be placed on a future agenda; and Director Steinhardt requested discussions on (1) paperless agendas as previously requested by Director Peterson (General Manager Mundy said this item will be brought to the Board on June 28, 2011) and (2) earthquake preparedness.

14. CLOSED SESSION

The meeting adjourned to break at 7:10 p.m.

The meeting reconvened into Closed Session at 7:15 p.m.

A Conference with District Counsel - Property Acquisition (Government Code Section 54956.8): 1. Alturas - APN 4455-002-005; and Millard APN 4455-001-006; 4455-002-013; and 4455-025-010

B Application to Present Late Claim (Government Code Section 54956.9): 1. Michael S. Josephson

15. OPEN SESSION AND ADJOURNMENT

The meeting convened to Open Session at 7:30 p.m.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Authorize acceptance of the application to present late claim - Michael S. Josephson.

AYES: Director(s) Caspary , Peterson , Renger , Steinhardt

ABSENT: Director(s) Bowman

The Chair declared the meeting adjourned at 7:31 p.m.

Lee Renger

LEE RENGER, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:

Charles Caspary

CHARLES CASPARY, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)