



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

**MINUTES**  
**REGULAR MEETING**

5:00 PM

July 9, 2013

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by President 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 Caspary in the District offices. Deputy Secretary Conklin called the roll. Those answering present were Directors Caspary, Peterson, Polan, Renger and Steinhardt.

**2. APPROVAL OF AGENDA**

**A** Approval of agenda

*On a motion by Director Lee Renger, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve the agenda for the Regular Board Meeting of July 9, 2013, as presented.*

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

**3. PUBLIC COMMENTS**

No speaker cards were received from the public.

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

**A** 5-Million-Gallon Tank: Follow-up on Alternatives to Address Storage Deficiency

Consider nine alternatives to address the storage deficiency in the western portion of the District's potable water system, review the merits of performing a probability analysis of the design scenario driving the storage deficit, identify the alternatives that best address the storage deficiency, rank the identified alternatives, and direct staff to proceed accordingly.

General Manager Pedersen reviewed a document he prepared entitled "5-Million-Gallon Tank: Follow-up on Alternatives to Address Storage Deficiency/Review of Nine Alternatives Selected for Screening", which compares Board selected alternatives from June 25th: (1) #1-Tank at Site A, (2) #17-Installation of Treated Water Bladder in Las Virgenes Reservoir, (3) #18a-Voluntary Expanded Water Conservation, (4) #18b-Mandatory Expanded Water Conservation, (5) #23-Moratorium on New Meters (West End), (6) #20a-Voluntary Irrigation Shutoff Controller, (7) #20b-Mandatory Irrigation Shutoff Controller, (8) #21-Expanded Conservation Rebates, (9) #31-Las Virgenes-Calleguas Interconnection, to recommended screening criteria (mandatory customer action required, public concern or opposition expected, sustainable (produces on-going results), meets regulatory requirements for max day demand and fire flow, cost (relative to \$9M), feasible for implementation).

After reviewing the nine alternatives to recommended screening criteria the Board of Directors eliminated #18b-Mandatory Expanded Water Conservation, #23-Moratorium on New Meters (West End), #20a-Voluntary Irrigation Shutoff Controller, #20b-Mandatory Irrigation Shutoff Controller as potential alternatives; and requested staff further investigate alternatives #1-Tank at Site A and #17-Installation of Treated Water Bladder in Las Virgenes Reservoir, and regardless of whether the tank or an alternative is selected, to continue pursuing as a regular course of business #18a-Voluntary Expanded Water Conservation, #21-Expanded Conservation Rebates, #31-Las Virgenes-Calleguas Interconnection.

A summary of Board comments included: revise the "sustainability" cell on #31-Las Virgenes-Calleguas Interconnection to "maybe" instead of "yes"; concept to combine alternatives and form a Community Water Conservation Committee.

*On a motion by Director Charles Caspary, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve tabling further discussion of alternatives to address the storage deficiency until the possibility of a Probability Analysis is determined and preliminary assumptions of an updated Potable Water Master Plan can be provided.  
AYES: Director(s) Caspary , Peterson , Polan , Renger , Steinhardt*

## **B** Legislative and Regulatory Updates

Director of Resource Conservation and Public Outreach Reyes provided a report on staffs' review and on-going analysis of the adopted EPA/TMDL including phosphorus (winter/summer) and in-stream/end of pipe targets. General Manager Pedersen stated a more thorough review would be provided at the August 5th JPA Board Meeting.

Director Caspary requested staff monitor MS4 compliance efforts, and to provide an update along with the TMDL at the August 5th JPA Board Meeting.

## **5. CONSENT CALENDAR**

### **A** Minutes: Special Meeting of May 29, 2013. **Approve**

Director Polan requested the Minutes of May 29th (Item 4B) be amended to read "Director Polan stated he would like to see the display presentation plan prior to the event".

### **B** List of Demands: July 9, 2013. **Approve**

### **C** Directors' Per Diem: June 2013. **Ratify**

*On a motion by Director Leonard Polan, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve Consent Calendar 5A as amended at the request of Director Polan; and Consent Calendar 5B-5C as presented in the recommendations.  
AYES: Director(s) Caspary , Peterson , Polan , Renger , Steinhardt*

## 6. **TREASURER**

Treasurer Polan stated he had reviewed the checks and during the process learned that the District is responsible for painting of fire hydrants.

## 7. **BOARD OF DIRECTORS**

### **A** ACWA Statewide Positions of President and Vice President: Candidate Nominations

Consider nominations for the positions of ACWA President and Vice President, if any, and authorize staff and legal counsel to prepare a resolution(s) to nominate and support the candidate(s), if any, for Board-adoption and transmittal to ACWA with candidate resume(s) no later than September 3, 2013.

Director Peterson requested the item be tabled until additional candidate nominations were known, and to bring the item back at a later date for consideration.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations requested by Director Peterson.*

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

### **B** Calabasas Road 10-inch Water Main Repair and Replacement: Continuation of Emergency Authorization

Approve continuation of the emergency authorization for the General Manager to replace approximately 1,500 feet of deteriorated 10-inch water main on Calabasas Road following informal bidding procedures in an amount not to exceed \$700,000.

Director of Facilities and Operations Lippman stated one bid had been received from Blois Construction and that use of slip-line repairs versus open-cut repairs would result in an approximate savings of \$225,000; work hours will be 8:00 p.m. - 6:00 a.m.; and Calabasas City Council received an update of repairs on June 26th.

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve the recommendation as presented.*  
*AYES: Director(s) Caspary , Peterson , Polan , Renger , Steinhardt*

### **C** Contest to Solicit Alternatives to Address Water Storage Deficiency

Determine whether or not to authorize a contest to solicit alternatives to address a water storage deficiency in the western portion of the District's potable water system and, if authorized, approve funding to award monetary prizes for first, second and third place.

One speaker card was received from the public (1) Neil Ticktin, who discussed group think; collaborative process; videos are good; disappointed in conflicting facts; delays have cost money; collaborative process would have eliminated delay; storage deficiency versus tank alternatives, there is a difference; not against tank, against process; since "group think fund" is his idea he wouldn't be eligible for the money; and stated David Pedersen should be one of the judges.

A summary of Board comments included: board members should judge only if technologically knowledgeable; potential judges: public agency engineers, university people; alternatives are not about storage deficiency, they are about the need for a tank; problem of fire safety; what is the goal of the tank; purpose of contest is to solicit ideas from the public (Mr. Ticktin stated ideas need to be very different, substantially different, alternatives to tank concept as it stands

today); original concept for "group think" viable option would be eligible for prize money; alternatives must be viable or no winner (Legal Counsel Lemieux stated gifting of funds "fair market value" is required, proof that alternative has cost savings, has concerns Board needs to set/define rules and have them in place before "contest" and Mr. Tickin stated he believes the nine items should not be eliminated from the contest as the public may have better or expanded conservation ideas); against using District funds for a contest; do a "call for suggestions"; staff should be moving forward even if "contest" is held; we need to say enough is enough and go forward; disagrees that this has not been a collaborative process, three workshops have been held and very few comments from the workshops were against the tank; encourage public participation; university option is good for students-job seekers; viable solutions only or no payment is made; shows community we have explored every option; there may not be a cost and if there is, it is only for a viable alternative.

On a motion by Director Charles Caspary, seconded by Director Lee Renger, a request to solicit new/innovative conservation ideas and alternatives by promoting a suggestion box on the District's web page and to include the information in the next edition of the Current Flow was made. The motion was not voted on by the Board of Directors.

A summary of Board comments included: ignoring money factor/economic controls; at a future time the Board can review a reward for innovative idea(s); history tells us mailings and web site postings don't reach people; a set of rules for the contest need to be established.

Director Barry Steinhardt made an amended motion to bring back criteria in two weeks. The motion was not voted on by the Board of Directors.

Director Lee Renger made a second amended motion to include agenda wording plus other mechanical ways such as the interconnection with Calleguas and non-mechanical such as mandatory conservation, rate structure, and Mow-No-Mow. The motion was not voted on by the Board of Directors.

Additional Board comments included: use the District's web page to solicit viable storage deficiency ideas, Current Flow, press release, expand feedback as public input is critical; language needs to be more on point if you come up with an idea with value, the web site a good idea, but there needs to be a formal structure; enhanced system for public suggestions (universities, public, press release), which can be expanded on; concerns regarding lawsuit(s).

*On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 3-2 to Approve directing staff to modify existing conservation feedback capability on the web page to suggest alternatives to address storage deficiency in the western portion of the District; promote to the public, universities and all others via the web, press release, and Current Flow.*

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

*NOES: Director(s) Polan , Steinhardt*

## **8. FACILITIES AND OPERATIONS**

### **A Renewal of Dog Park Agreement with the City of Calabasas**

Execute an Agreement for the Management of a Dog Park on Water District Property with the City of Calabasas, in the amount of \$1.00 annually, with expiration of a 5-year term on September 30, 2018.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendation as presented.*

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

**B Malibu Bowl Waterline Replacement Project: Final Acceptance**

Approve the execution of a Notice of Completion by the Secretary of the Board for and on behalf of the District and have the same recorded; release the retention in the amount of \$7,500; approve a final Progress Payment in the amount of \$31,425.71, including additional compensation of \$11,471.71 for settlement of disputed items; and authorize issuance of a check serving as full accord and satisfaction of all amounts due to CS Engineering for the Malibu Bowl Waterline Replacement Project.

Director of Facilities and Operations Lippman provided a summary of claims, which went through a third-party review process; the third-party deemed some of the claims to be valid and some not; pay contract owed to date; third-party received claim payments; release of retention check to include legal language to the effect of, if cashed the contractor accepts the payment with no further claim.

A summary of Board comments included: no line item for asphalt (the bid document did not include a specific line item for asphalt, which is not uncommon); would like to see a line item specific to asphalt (Lippman: requested that the bid documents not be made so specific).

*On a motion by Director Leonard Polan, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendations as presented along with direction to staff to ensure release language is included on the back of the check.*

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

**9. INFORMATION ITEMS**

**A Renewal of Aluminum Sulfate Contract**

**10. NON-ACTION ITEMS**

**A Organization Reports (1) MWD a. Representative Report/Agenda(s); (2) other**

(1) MWD Representative Peterson reported on general business of Metropolitan Water District including \$25-million for OPEB (Other Post-Employment Benefits) tabled to August; no Colorado River Board Meeting today; and stated there were discussions on existing litigation with San Diego County Water Authority v. Metropolitan Water District of Southern California; and The Navajo Nation v. United States Department of the Interior, et al., United States District Court for the District of Arizona.

(2) None.

**B Director's Reports on Outside Meetings**

No reports were given.

**C General Manager Reports (1) General Business; (2) Follow Up Items**

(1) General Manager Pedersen provided an update on general business of the District including Bay Delta Conservation Plan resolution of support; reported on his attendance at the California Special Districts Association - General Manager Leadership Summit.

(2) No report was provided.

**D Director's Comments**

Director Peterson reported that Congressman Jim Costa made a presentation in regards to the Bay Delta Conservation Plan during the July 8th, Water Planning and Stewardship Committee meeting.

Director Polan requested information pertaining to General Manager Pedersen's comment on June 25th regarding a request from Westlake Lake for water, and inquired as to whether they could use well water (water is purchased at Tier-4 rates and they cannot use well water, which is used to supplement recycled water).

#### **11. FUTURE AGENDA ITEMS**

Director Steinhardt requested staff come back with a contest and rules along with how to move forward with a monetary incentive.

#### **12. PUBLIC COMMENTS**

No speaker cards were received from the public.

The meeting convened into break at 7:44 p.m.

#### **13. CLOSED SESSION**

The meeting reconvened into Closed Session at 7:49 p.m.

##### **A** Labor Negotiations (Government Code Section 54957.6):

1. Employee Compensation and Benefits

##### **B** Conference with District Counsel - Potential Litigation (Government Code Section 54956.9): One Case

1. In the opinion of District Counsel, disclosure of the identity of the litigant would be prejudicial to the district.

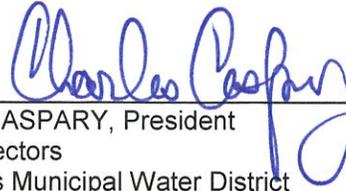
##### **C** Conference with District Counsel - Existing Litigation:

1. Heal the Bay, Inc. v. Lisa P. Jackson

#### **14. OPEN SESSION AND ADJOURNMENT**

The meeting convened into Open Session at 7:57 p.m. No reportable actions were taken during Closed Session.

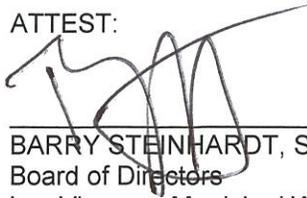
The Chair declared the meeting adjourned at 7:58 p.m.



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

ATTEST:



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BARRY STEINHARDT, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)