



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

MINUTES
REGULAR MEETING

5:00 PM

December 12, 2017

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Vice President Caspary.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Vice President Caspary in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Leonard Polan, and Lee Renger
Absent: Director Glen Peterson
Staff Present: David Pedersen, General Manager
David Lippman, Director of Facilities and Operations
Don Patterson, Director of Finance and Administration
Carlos Reyes, Director of Resource Conservation and Public Outreach
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA

General Manager David Pedersen asked that Item 9C be moved up to follow Item 5B.

Director Renger moved to approve the agenda as amended. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

- A List of Demands: December 12, 2017: Ratify**
- B Minutes: Regular Meeting of November 14, 2017: Approve**
- C Directors' Per Diem – November 2017: Ratify**
- D Monthly Cash and Investment Report: October 2017**

Receive and file the Monthly Cash and Investment Report for October 2017.

E CIS Software: Annual Support and Maintenance Agreement

Authorize the General Manager to execute an annual support and maintenance agreement with Advanced Utility Systems, in the amount of \$81,667.61, plus applicable taxes, for the District's Customer Information System software.

F 6-Inch Recycled Water Main Break on Canwood Street at Alfonso Drive: End of Emergency

Declare an end of the emergency for the 6-inch recycled water main break on Canwood Street at Alfonso Drive in the City of Agoura Hills.

Director Renger moved to approve the Consent Calendar. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Proclamation in Recognition of Upcoming Retirement: Carlos Reyes

Vice President Caspary presented a proclamation to Carlos Reyes, Director of Resource Conservation and Public Outreach, in recognition of his upcoming retirement. Mr. Reyes

thanked the Board and District employees, and stated that it was an honor to work for the District for the past 29 years.

Director Lewitt acknowledged Mr. Reyes on his retirement and wished him the best.

Jeff Reinhardt, former Public Affairs and Communications Manager, thanked Mr. Reyes for his leadership.

B Legislative Update by MWD Executive Legislative Representative Kathy Cole

Kathy Cole, MWD Executive Legislative Representative, provided a PowerPoint presentation of the 2017 State Legislative Year accomplishments and a preview of the 2018 State Legislative Year.

9. FINANCE AND ADMINISTRATION

C Claim by Michael and Roxanne Burk

Deny the claim by Michael and Roxanne Burk.

Michael Burk stated that he disagreed with staff and legal counsel's conclusion regarding his claim. He also stated that District employees had indicated that this was the first time they had seen residential water usage decrease after a meter was changed out, and that Finance and Administration staff's conclusion referenced speculation as the reason that the lower water usage was alleged to be due to the meter.

Director Renger referred to the issue with the triangular indicator spinning and inquired whether anyone attempted to turn off the valve. Mr. Burk responded that the indicator stopped spinning when the meter was changed out.

Darrell Johnson, Customer Service Manager, responded to a question regarding whether staff had ever encountered a meter with an indicator spinning when there was no water flow by stating that the meter indicator in question was oscillating, and when the new meter was installed, it continued to oscillate but at a slower rate. He further responded to a question regarding whether the meter had been tested after it was removed by stating that the meter was tested and found to be in compliance with American Water Works Association (AWWA) standards. He further responded to a question regarding whether there was any indication that the customer's irrigated area had changed by stating that he would need to conduct a review.

Vice President Caspary asked General Manager David Pedersen to direct staff to obtain answers to the Board's questions and provide a response prior to the next meeting. General Manager David Pedersen recommended that the Board move forward with denying the claim. He stated that staff would review the irrigated area for any changes and report back to the Board.

A discussion ensued regarding the Board delaying a decision until staff has provided additional information. Keith Lemieux, District Counsel, advised that if the Board were to decide to take no action and send the item back to staff that the Board should be aware that the Government Claims Act imposes a 45-day deadline. He stated that if the Board were to take no action within 45 days, then the claim would be denied by operation of law and the deadline would occur before the next Board meeting. He also stated that the additional investigation could be resolved separately from the claim.

Director Renger moved to deny the claim. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

Vice President Caspary addressed Mr. Burk and noted that staff would follow-up with conducting further investigation and report back to the Board.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

C Water Supply Conditions Update

General Manager David Pedersen responded to a question regarding storage at Diamond Valley Lake by stating that the lake is storing State Water Project water exclusively in order to avoid quagga mussels associated with Colorado River water. He noted that all local water storage levels were being kept at maximum levels.

6. TREASURER

Director Renger stated that the Treasurer's report was in order. He inquired regarding payments made to the Los Angeles County Fire Department. David Lippman, Director of Facilities and Operations, responded that these payments were made to the Fire Department as the Certified Unified Program Agency (CUPA) for management of hazardous materials at various District sites.

7. BOARD OF DIRECTORS

A Approval of Memorandums of Understanding with General and Office Units: January 1, 2018 through December 31, 2018

Authorize the General Manager to execute Memorandums of Understanding with the SEIU General and Office Units for the term January 1, 2018 through December 31, 2018.

General Manager David Pedersen presented the report.

Director Lewitt moved to approve Item 7A. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Peterson

8. FACILITIES AND OPERATIONS

A Southern California Gas Company Advanced Meter Program: Approval of Land Lease

Authorize the General Manager to execute a land lease with Southern California Gas Company for installation of data collector units at four District-owned sites.

David Lippman, Director of Facilities and Operations, presented the report.

Georgette Fuaalii, Southern California Gas Company (SoCalGas) Advanced Meter Project Site Acquisition Manager, introduced herself and her colleagues Marisol Espinoza and Juan Maldonado.

Marisol Espinoza, SoCalGas Public Affairs Manager representing the Cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village, noted that SoCalGas received feedback from the cities regarding seeking alternatives to installing the data collector units away from the public right-of-way. She also noted that her team met with the four homeowners' associations to obtain approval for the project.

Director Polan expressed concern regarding the location of the 45-foot pole proposed at the Westlake Filtration Plant, which would be visible from Grandoaks Drive. He inquired whether the pole could be camouflaged. Mr. Lippman responded that staff would work with SoCalGas to identify a specific location for the pole, taking into consideration underground utilities, interference with District operations, and potential view shed impacts from Grandoaks Drive in Westlake Village. Director Polan stated that he would not support a bare pole, and that he would prefer that the pole have trees surrounding it and camouflaged. Mr. Lippman responded that the District is also working on another project related to landscaping at the facility, and staff would take into consideration the location of the pole in the landscape plans. He stated that he believed the pole would be 38 feet in height from the finished grade to the top of the pole.

Juan Maldonado, SoCalGas Construction Manager, stated that the pole would be imbedded in the ground seven feet and the remainder of the pole would be 38 feet in height. He noted that the pole would be self-sustained with a solar panel and there would be no power lines or communication lines going to it. He stated that SoCalGas would have the ability to adjust and move the pole to accommodate the homeowners' view shed.

Vice President Caspary inquired regarding the possibility of reducing the overall visual impacts of the solar-powered unit by placing the solar panel lower on the pole. Mr. Maldonado responded that the solar panel and cabinet could be moved and adjusted to reduce visual impacts as long as there is clear alignment with the sun.

General Manager David Pedersen inquired regarding other camouflaging techniques that could be used. Mr. Maldonado responded that SoCalGas is limited to what could be utilized as part of the rate case, and options include a wood, metal, or concrete pole.

Director Lewitt moved to approve Item 8A. Motion seconded by Director Renger.

A discussion ensued regarding having staff work with SoCalGas on ways to camouflage the pole in order to minimize the visual impact.

Motion carried by the following vote:

AYES: Caspary, Lewitt, Renger
NOES: Polan
ABSTAIN: None
ABSENT: Peterson

9. FINANCE AND ADMINISTRATION

A Enterprise Resource Planning System Requirements Analysis and RFP Development

Accept the proposal from SDI Presence LLC (dba NexLevel Information Technology, Inc.), and authorize the General Manager to execute a professional services agreement, in the amount of \$125,925, for enterprise resource planning system requirements analysis and request for proposals development.

Don Patterson, Director of Finance and Administration, presented the report.

Director Polan moved to approve Item 9A. Motion seconded by Director Caspary. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

B Janitorial Services: Award

Accept the proposal from US Metro Group, Inc., and authorize the General Manager to execute an initial one-year contract, in an amount not to exceed \$141,910, with four one-year renewal options using a 3% inflation factor for janitorial services.

Don Patterson, Director of Finance and Administration, presented the report. He responded to a question regarding the proposals received by US Metro and All Pro by stating that although US Metro's proposal came in higher, this contractor demonstrated a much more concrete plan to deliver better service. David Lippman, Director of Facilities and Operations, added that All Pro's proposal did not include a pre-determined escalator for future years, and staff did not feel confident they could provide the services needed by the District.

Director Renger moved to approve Item 9B. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

D Claim by Nationwide Insurance Company on behalf of Edwin Forsyth

Deny the claim by Nationwide Insurance Company on behalf of Edwin Forsyth.

Director Renger moved to deny the claim. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

E Claim by Zusser Company, Inc.

Deny the claim by Zusser Company, Inc.

Director Polan inquired regarding the arguments presented by Zusser Company's legal counsel. Keith Lemieux, District Counsel, responded that a discussion regarding the merits of the claim should be held in Closed Session; however, a Closed Session item was not agendaized. He recommended that the Board deny the claim, and he would meet with Director Polan to discuss his concerns.

Director Renger moved to deny the claim. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Peterson

F Claim by Alan Hill, Alice Want and Chubb Group of Insurance Companies

Approve the claim and authorize payment to Alan Hill and Alice Want, in the amount of \$5,000 for insurance deductible, and to Chubb Group of Insurance Companies, in the amount of \$33,621.74 for the balance of the damages, upon receipt of documentation substantiating the expenses.

Director Polan moved to approve Item 9F. Motion seconded by Director Renger. Motion carried by the following vote:

AYES: Caspary, Lewitt, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Peterson

10. INFORMATION ITEMS

A Claim by Kathy Cullum

B Reportable Reimbursable Expenses for Fiscal Year 2016-17

C California Director Potable Reuse Initiative: Completion

11. NON-ACTION ITEMS

A Organization Reports

(1) MWD Representative Report/Agenda(s)

No report was given.

(2) Other

Vice President Caspary reported that the Santa Monica Bay Restoration Commission would meet on December 14th. He noted that there were seven open positions on the Governing Board, and the Commission would be electing its new Officers at the December 14th meeting. He also noted that Bob Godfrey from the Marina Del Rey Anglers Club would be serving on the Executive Committee.

B Director's Reports on Outside Meetings

Director Renger reported that he attended the Association of Water Agencies of Ventura County (AWAVC) WaterWise breakfast meeting on November 16th where a presentation was given by Susan Mulligan, General Manager of Calleguas Municipal Water District, regarding potential entities participating in the brine line. He also reported that he attended the Association of California Water Agencies (ACWA) Fall Conference where a presentation was given regarding the California WaterFix. He noted that Westlands Water

District had voted against participating in the California WaterFix because they would have 40 percent of the financial responsibility at a cost of \$6.3 billion, and because they are a federal contractor. He stated that Westlands Water District indicated that they would prefer that the Federal government be involved in this project or that another arrangement be made.

Director Lewitt reported that he also attended the AWAVC WaterWise Breakfast. He noted that Susan Mulligan, General Manager of Calleguas Municipal Water District, discussed keeping a six-month water supply at Lake Bard. He also reported that he attended the ACWA Federal Affairs Committee Meeting during the ACWA Fall Conference where they discussed lobbying activities. He noted that the documentary "Beyond the Brink" was shown, and he suggested that this film be shown to local homeowners' associations. He stated that the documentary addressed agriculture and the impact on public policy.

Director Polan reported that he also attended the AWAVC WaterWise Breakfast and the ACWA Water Management Committee meeting during the ACWA Fall Conference. He noted that the California Water Plan Update, searching for new water sources by treating wastewater streams, and recycled water update were discussed during the meeting. He also noted that the City of Thousand Oaks and Triunfo Sanitation District had recently joined ACWA, and he stated that more organizations needed to join in order to give ACWA a bigger voice.

Vice President Caspary reported that he also attended the ACWA Fall Conference where he attended a session on new technologies in the water industry. He also attended the discussion from Westlands Water District and Santa Clara Water District regarding their decision not to participate in the California WaterFix due to financial impacts.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that staff was currently tracking the wildfires and fielding phone calls from customers. He noted that some employees were affected by the wildfire in Ventura County by having to evacuate, and one employee lost his home to the fire. He stated that the District's water tanks were being kept at high levels during the red flag warning period, and additional portable emergency generators were rented as a precaution. He also noted that there were concerns regarding water systems running dry and fire hydrants not functioning in the Ventura area and stated that the outages were related to lack of water pressure due to interruption of power in areas not served by gravity storage. He reported that staff received a few phone calls from customers concerned with brush clearance, and staff was being mindful of customers' concerns, while complying with the Fire Department's regulations. He also stated that staff would review the District's Emergency Response Plan early next year and conduct emergency exercises. He noted that the California Association of Sanitation Agencies (CASA) Winter Conference would be held January 24 through 26, 2018, in Palm Springs, and the CASA and ACWA Washington D.C. Conferences would be held at the end of February. He stated that he spoke with John Freshman, the District's lobbyist, regarding having the JPA make its own

lobbying trip to Washington D.C. in late March or early April. He stated that the JPA Board would be asked to designate which members would be selected to attend this lobbying trip.

(2) Follow-Up Items

D Directors' Comments

Vice President Caspary thanked staff and Little Drop for participating in Westlake Village's Holiday Sing-along. He also wished everyone Happy Holidays.

12. FUTURE AGENDA ITEMS

None.

13. PUBLIC COMMENTS

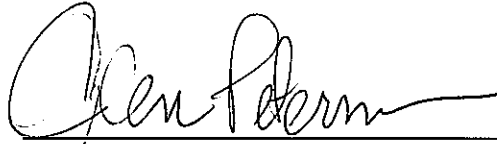
None.

14. CLOSED SESSION

None.

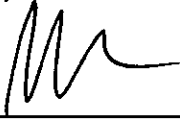
15. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:59 p.m.**



GLEN PETERSON, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



JAY LEWITT, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)