

**CITY OF LONG BEACH
WATER COMMISSION
MINUTES**

**THURSDAY, FEBRUARY 4, 2021
VIA TELECONFERENCE/WEB, 9:00 AM**

Frank Martinez, President
Arthur Levine, Vice President

Christopher J. Garner, General Manager



Robert Shannon, Secretary
Gloria Cordero, Commissioner
Naomi Rainey, Commissioner

Richard Anthony, Deputy City Attorney

REGULAR MEETING

FINISHED AGENDA & FINAL MINUTES

The Water Commission minutes are prepared and ordered to correspond to the Water Commission agenda. Agenda items can be taken out of order during the meeting.

The agenda items were considered in the order presented.

CALL TO ORDER

The Board of Water Commission regular meeting was called to order by President Martinez at 9:02 A.M. This regular meeting was held via teleconference pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom.

Commissioners Gloria Cordero, Naomi Rainey, Robert Shannon and Frank

Present: Martinez

Commissioners Art Levine

Excused:

ROLL CALL

Executive Assistant to the Board, Sandra Fox took the roll call and confirmed a quorum.

Also present: Christopher J. Garner, General Manager; B. Anatole Falagan, Assistant General Manager; Tai Tseng, Assistant General Manager - Operations; Sandra Fox, Executive Assistant to the Board.

1. [21-013WA](#) Recommendation to receive Public Comment report from February 4, 2021 Board meeting.

President Martinez opened the public comment period and asked if any written public comment had been received. Ms. Fox advised no written public comment had been received for the February 4, 2021 Board meeting. President Martinez then inquired if there was any public on the line who would like to speak. Hearing none, he closed the public comment period.

PRESIDENT'S REPORT

President Martinez wished a speedy recovery to Commissioner Levine.

GENERAL MANAGER'S REPORT

Mr. Garner provided an update on COVID cases within the department. He noted there had been a decline in reported cases for LBWD employees. He did however report that one LBWD employee had lost both parents to COVID last week.

He provided an update on actions that have recently taken place at the Water Replenishment District. He report that WRD President Robles-DeWitt had been removed as Board President and that Director John Allen had been elected as the WRD President by a 3-1 vote.

Mr. Garner reported on a recent New York Times news article that highlighted the City of Long Beach as a model for the country in rolling out the vaccination program; noting the efficient system in place in distributing the vaccinations. He reported that individuals who had received their vaccinations had also provided kudos to the Long Beach Health department for an efficient vaccination clinic.

Commissioner Rainey made comments regarding her positive experience in obtaining her vaccination through the Long Beach Health Department.

Mr. Garner commented on the availability of vaccinations for the balance of the Long Beach Water Department staff and noted this list was being coordinated by the Long Beach Health Department based on State-mandated protocols.

2. [21-014WA](#) Carpi Clay Annual Legislative Update

Ms. Jillian Croci made introductory comments regarding the Carpi Clay annual legislative update.

Ms. Laura Morgan-Kessler and Ms. Julie Minerva of Carpi Clay provided an overview of their work that had taken place over the past year on behalf of the Long Beach Water Department. They reviewed information related to the following: 1) Fiscal Year 2021 Appropriations; 2) Federal Grants; 3) Congressional Legislation; and 4) Federal Agency actions.

They then provided an outlook for 2021 regarding the following: 1) 117th Congress Legislative outlook; 2) Biden Administration/Federal Agency personnel; 3) Biden administration executive actions; 4) President Biden COVID-19 Rescue and Recovery Plans; 5) Reported that Water Department Upcoming virtual meetings have been scheduled with members of the legislature as well as staff from the U.S. Bureau of Reclamation to discuss water issues and possible funding opportunities.

Commissioner Rainey requested clarification regarding the legislators that represent California.

Ms. Morgan-Kessler responded.

Commissioner Rainey commented on the Flint, MI lead water problem. She requested information on the steps the legislators might be taking to be sure that this type of problem does not happen anywhere else. She also inquired about the possibility that the legislators might have the opportunity to work with other international water organizations in addressing global water issues.

Ms. Morgan-Kessler responded.

President Martinez called for any other Commission comments or questions,

Commissioner Cordero spoke.

President Martinez made closing comments. He thanked Ms. Croci for working with Carpi Clay staff to set up the upcoming virtual calls with the legislators.

He called for any public comment. Hearing none he moved on in the agenda.

REGULAR AGENDA

3. [21-015WA](#) Recommendation to approve December 17, 2020 Board meeting minutes.

President Martinez called for a motion to approve the December 17, 2020 board meeting minutes.

He called for any public comment. Hearing none he called for a roll call vote.

A motion was made by Secretary Shannon, seconded by Commissioner Cordero, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

Excused: 1 - Art Levine

4. [21-016WA](#) Recommendation to authorize the General Manager to enter into a contract with The Gualco Group to provide state advocacy and lobbying services in an amount not to exceed \$95,000 for one year with the option to extend for two additional one-year periods.

BUREAU: Legislation & Grants

President Martinez introduced agenda item 4. Ms. Croci provided the staff report.

President Martinez called for any Commission comments or questions.

Commissioner Shannon inquired if the amount of the contract listed in the Board letter was the same as the previous contract.

Ms. Croci responded yes.

Commissioner Shannon noted that in the future he would like the previous contract amount listed in the Board letter.

Commissioner Shannon inquired who were the members of the selection committee for this contract.

Ms. Croci responded it was Mr. Falagan, Mr. Garner and herself on the committee..

Commissioner Shannon inquired who was the other bidder and what was their bid amount.

Ms. Croci responded.

Commissioner Shannon noted that before staff enters into the second year of the contract that they return to the Board with a status report.

Ms. Croci responded.

Commissioner Shannon inquired if the Board approved a second and third year renewal would the contract be the same amount.

Ms. Croci responded yes.

Commissioner Cordero commented on the past work of the Gualco Group.

President Martinez commented on the poor response to the RFP.

Mr. Garner responded to this comment.

Commissioner Rainey expressed her concern regarding Mr. Garner's comments. She advised it was important for the department to reach out to other vendors, especially vendors of Women owned businesses and minority owned businesses.

Mr. Garner responded.

Commissioner Rainey made additional comments that the NAACP had expressed their concern that some city contracts seemed to be awarded to the same companies year after year.

Commissioner Shannon advised Commissioner Rainey that he expected

there would be a robust discussion regarding these types of issues when the upcoming scheduled purchasing guidelines report takes place at a future board meeting.

President Martinez made additional comments regarding his concerns regarding responses to RFPs.

Commissioner Rainey expressed her concern for the image of the city and the department if they found to be awarding contracts to the same vendor.

Mr. Garner responded.

Commissioner Cordero thanked Commissioner Rainey for her comments. She advised it was important to reach out to the community on multiple topics including contracts and bids. Commissioner Cordero suggested that a Communications Committee meeting be scheduled to discuss these topics.

President Martinez responded. He noted he would bring up the topic of Standing Committee assignments under New Business since he had forgotten to mention this under his President's Report. He asked Commissioner Cordero to mention a request for a Communications Committee under the Standing Committee Referral section of the agenda.

He requested that Ms. Fox e-mail the current list of the Standing Committee assignments to the Commissioners so this item could be discussed under New Business.

President Martinez called for any public comment. Hearing none he called for a roll call vote.

A motion was made by Commissioner Cordero, seconded by Commissioner Rainey, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

Excused: 1 - Art Levine

5. [21-017WA](#) Recommendation to authorize the General Manager to execute an agreement for acquisition of real property and escrow instructions for 3651 and 3655 Delta Avenue, Long Beach, CA 90810, in an amount not-to-exceed \$1,050,000.

BUREAU: Engineering

President Martinez introduced agenda item 5. Mr. Verceles provided a staff report.

Commissioner Shannon inquired regarding the evaluation of the proposed property worth.

Mr. Verceles responded.

Commissioner Shannon made additional comments regarding the property's worth.

Mr. Verceles responded.

Commissioner Rainey inquired which agency had handled the property evaluation.

Mr. Verceles responded.

Commissioner Rainey inquired about the property locations of adjacent properties that had been considered during the property value assessment.

Mr. Verceles responded.

Commissioner Shannon inquired about the need to take immediate action on this property purchase.

Mr. Verceles responded.

President Martinez called for any other Commission comments or questions. He then called for any public comment. Hearing none he called for a motion. He then called for a roll call vote.

A motion was made by Commissioner Cordero, seconded by Commissioner Rainey, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

Excused: 1 - Art Levine

6. [21-018WA](#) Recommendation to authorize the General Manager to execute an agreement with KYLE Groundwater, Inc., to provide Hydrogeological/Engineering Design and Construction Management Services to Drill, Develop, Construct and Equip Two (2) New Municipal Water Wells, Alamitos 9A and Alamitos 14 and to Destroy Three (3) Existing Municipal Water Wells, Alamitos 9, Annex 201, and Commission 13 (O-0749), in an amount not-to-exceed \$1,809,936.

BUREAU: Engineering

President Martinez introduced agenda item 6. Mr. Verceles provided a staff report.

President Martinez called for any Commission comments or questions.

Commissioner Shannon inquired if there was an engineer's estimate for this item.

Mr. Verceles responded.

Commissioner Shannon requested that Mr. Vercles provide additional details regarding the other proposals that were received for this project.

There was a delay in the meeting while Mr. Verceles researched backup information for his response. During this delay the Board members made miscellaneous comments not related to the agenda item. Mr. Verceles provided the response to Commissioner Shannon's inquiry.

Commissioner Shannon made additional comments regarding the bids that were submitted.

Mr. Verceles responded.

President Martinez called for any additional comments or questions from the Board. He then called for any public comment. Hearing none he called for a motion and a roll call vote.

A motion was made by Secretary Shannon, seconded by Commissioner Cordero, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

Excused: 1 - Art Levine

7. [21-019WA](#) Recommendation to adopt Specifications WD-09-19 for the Alamitos Tank No.6 Rehabilitation Project (EO-3445) and authorize the General Manager to sign a construction contract with Amp United LLC in the amount of \$1,191,788.

BUREAU: Engineering

President Martinez introduced agenda item 7. Mr. Verceles provided a staff report and reviewed a presentation with the Board.

President Martinez called for any questions or comments from the Commission. He then called for any public comment. Hearing none he called for a motion. He then called for a roll call vote.

A motion was made by Commissioner Rainey, seconded by Secretary Shannon, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

Excused: 1 - Art Levine

CONSIDER STANDING COMMITTEE REFERRALS

President Martinez reviewed the current Standing Committee member list with the Board.

President Martinez made comments regarding adding Commissioner Rainey to one of the Standing Committees. He asked her what Committees she might be interested in serving on.

Commissioner Rainey advised she had an interest in the Infrastructure Committee and the Finance Committee. She then advised she would like to join Commissioner Cordero by serving on the Communications Committee.

President Martinez assigned Commissioner Rainey to the Communications Committee.

President Martinez called for any other Commission comments regarding the Standing Committee assignments.

Commissioner Cordero responded to Commissioner Rainey's addition to the Communications Committee.

Commissioner Rainey also advised she had an interest in serving on the Government Affairs Committee in the future.

President Martinez asked the Deputy City Attorney if a motion needed to be made regarding the change to the Standing Committee assignments.

Mr. Anthony advised a motion was not necessary as any changes to Standing Committees was up to the President of the Commission per the adopted resolution regarding Board Standing Committee assignments.

President Martinez advised he would be speaking with Commissioner Levine later in the day regarding the revised Standing Committee assignments.

President Martinez called on Commissioner Cordero as Chair of the Communications Committee to make comments regarding scheduling a Communications Committee meeting.

Commissioner Cordero requested that Ms. Fox work with staff in setting up this meeting date.

NEW BUSINESS

President Martinez made a motion to excuse Commissioner Levine from the February 4, 2021 Board meeting. Commissioner Shannon seconded the motion.

He called for any questions from the public. Hearing none he called for a roll call vote.

The motion carried with 4 yes, 1 absent (Levine) vote.

Commissioner Rainey inquired about the policy for Board members being excused from meetings.

President Martinez called on Deputy City Anthony for a response.

He advised there were no rules in the Charter or Municipal code, but noted this issue was probably covered in the City's Commissioner Handbook.

Commissioner Shannon spoke regarding this matter.

Mr. Garner advised he would research this matter and report back to the Board regarding this inquiry.

Commissioner Rainey inquired if she had been excused from the meeting when she was absent due to her COVID illness.

President Martinez responded. He made additional comments regarding past Commission absences.

At this point Commissioner Shannon made a miscellaneous comment regarding the picture hanging in his office behind him.

Commissioner Rainey spoke.

President Martinez called for any additional new business..

Commissioner Shannon requested clarification regarding the closed session conference call.

Commissioner Cordero also requested clarification regarding the closed session.

President Martinez read the closed session language into the record:

1. Existing Litigation - closed session conference with legal counsel relating to existing litigation pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the California Government Code.

Diana Lejins and Angela Kimball v. City of Long Beach et. al., Los Angeles Superior Court Case No. 188TCPO2628.

2. Pursuant to paragraph (b)(1) of Section 54957 of the California Government Code regarding Public Employee Performance Evaluation: General Manager

Commissioner Rainey made comments regarding recent contact she had had with Ms. Lejins. She advised that Ms. Lejins had not mentioned the lawsuit but commented on disparity in the community. She requested direction on how to handle these types of issues in the future.

Mr. Anthony, Deputy City Attorney provided a response.

President Martinez then called for any public comment.

He adjourned the Board to the closed session at 10:20 A.M.

President Martinez reconvened the Board meeting at 11:11 A.M.

He noted there was no reportable action taken during the closed session.

ADJOURNMENT

President Martinez adjourned the teleconference Board meeting at 11:12 A.M. to the February 18, 2021 Board meeting at 9:00 A.M.

NOTE:

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