



**Regular Meeting of the Metro Commission
and Metro Wastewater JPA
Zoom Meeting Held On Line
May 6, 2021
Minutes**

Chairman Jones called the meeting to order at 12:10 p.m. A quorum of the Metro Wastewater JPA and Metro Commission was declared, and the following representatives were present:

1. ROLL CALL

<u>Agencies</u>	<u>Representatives</u>	<u>Alternate</u>
City of Chula Vista	Jill Galvez	
City of Coronado	Marvin Heinze	
City of Del Mar	Dan Quirk (absent)	Joe Bride
City of El Cajon	Gary Kendrick	
City of Imperial Beach	Ed Spriggs	
City of La Mesa	Bill Baber	
Lemon Grove San District	Jerry Jones	
City of National City	Jose Rodriguez	
City of Poway	John Mullin	
County of San Diego	Joel Anderson	
Otay Water District	Mark Robak	
Padre Dam MWD	Jim Peasley	
Metro TAC Chair	Roberto Yano (absent)	Eric Minicilli

Others present: Metro JPA Assistant General Counsel Nicholaus Norvell - BBK Law; Metro JPA Secretary Lori Anne Peoples; Beth Gentry – City of Chula Vista; Ed Walton – City of Coronado; Joe Bride - City of Del Mar; Yazmin Arellano, Dennis Davies - City of El Cajon; Eric Minicilli – City of Imperial Beach; Hamed Hashemian – City of La Mesa; Mike James – Lemon Grove Sanitation District; Roberto Yano (absent) – City of National City; Bob Kennedy – Otay Water District; Allen Carlisle, Mark Niemiec – Padre Dam Municipal Water District; Angela Martinez and Jessica Parks – Poway; John Stufflebean, Tom Rosales, Edgar Patino, Adam Jones, Lisa Celaya, Caroline Ginno, CS Williams, Dean Gipson, Claudio Fassardi, Paul Fish, Mark Elliott, Mark Seits, Greg Kazmer, Paula Silva, L. Arikat, Millard Desins - City of San Diego (and Consultants) and Christine Leone – Chief Deputy City Attorney, City of San Diego; Dan Brogadir – County of San Diego; Scott Tulloch & Carmen Kasner – NV5; Dexter Wilson – Dexter Wilson Engineering; Karyn Keese – The Keze Group, LLC.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Jill Galvez, City of Chula Vista led the pledge.

3. PUBLIC COMMENT

None

4. **ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 1, 2021**

ACTION: Motion by Vice Chair Peasley, seconded by Commissioner Spriggs to approve the Minutes. The motion carried by unanimous vote.

5. **PRESENTATION: PT. LOMA WASTEWATR TREATMENT PLANT COASTAL EROSION ASSESSMENT AND MONITORING PLAN**

Tom Rosales introduced consultants from HDR/Jacobs, Claudio Fassardi and Paul Fish who provided a brief verbal overview of their Power Point presentation (included in the agenda package).

Commissioner Spriggs stated that the sea level rise needed to be looked at long term and they also need to take the opportunity to seek federal funding for resources to address the problem. The City of San Diego should be prepared to make cure based on the study as well as the rest of the PAs as this primary asset needs to be given priority protection.

Tom Rosales responded with next steps and future challenges.

Commissioner Heinze stated the challenge is clearly now and inquired as to if it will take 5 years to do anything and collapses are anticipated in 5 years, why is the City of San Diego just monitoring and not proceeding. Tom Rosales responded that they could make guesses but want a better understanding and hopefully the gathering of data will give better information on what to do long term. It may generate better long term plans that just rebuilding the road or building a bridge.

Chair Jones stated that the property owners need to be convinced of the needs/urgency. He then inquired as to how the Coastal Commission played into all of this.

Commissioner Heinze stated he felt the bridge and road re-alignment might be only a 10 year fix.

Commissioner Spriggs stated the risk element is hard to assess and stated Del Mar as an example. He felt it important to request the Coastal Commission get involved and assist as sudden changes/collapse due to current caves. The vulnerabilities are clearly established and monitoring won't be able to predict catastrophic issues. Additionally he felt looking at a 5 year project is being hopefully optimistic and in terms at stake is the entire county depending on the facility is more urgent in light of work case contingent.

Tom Rosales stated he totally agreed and the City of San Diego is prepared to close the road for further investigation. The monitoring program is the currently agreed upon approach with the partners who control the surrounding land (US Navy and Parks Service). He then stated that the initial assessment was done last year. They will be monitoring the information over the next 2 to 12 months with continuous monitoring with drones to gather more data to be more robust in actions to take.

Commissioner Galvez asked if the City of San Diego or the JPA/PAs were considering writing to the Coastal Commission to raise awareness at a political level above staff. Tom Rosales stated the City of San Diego has been being very careful to date with both parties but thinks they would need to engage as many folks as possible.

Chair Jones requested staff work with the City of San Diego to draft a letter and bring it back for discussion at a future date.

Commissioner Rodriguez of National City left the meeting at 12:58 p.m.

6. **ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPOINT JILL GALVEZ AS ALTERNATE TO THE FINANCE COMMITTEE**

Chair Jones introduced the item and noted this position had previously been filled by City of Del Mar Commissioner Sherryl Parks. He recommended the appointment of City of Chula Vista Commissioner Jill Galvez to fill the current vacancy.

ACTION: Motion by Vice Commissioner/Finance Committee Chair Mullin, seconded by Vice Chair Peasley to approve the report. Motion carried unanimously.

Alternate Bride of Del Mar left the meeting at 1:05 p.m.

7. **ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE METRO WASTEWATER JOINT POWERS AUTHORITY TREASURER'S REPORT FOR NINE MONTHS ENDING MARCH 31, 2021**

Financial Consultant Karyn Keese provided an overview of the Treasurer's Report and noted that the Commission had a significant amount remaining over the reserve as most consultants were under budget due to Covid. The beginning cash balance as of July 1, 2020 was \$559,757 and the ending cash balance was \$685,404. The net fund balance was \$578,517 and the JPA policy requires a 4 month reserve be kept of \$138,150 thus the amount remaining was \$440,367. It was also important to note that everything that could not be worked on due to Covid would now be re-budgeted to FY 2022.

Finance Chair Mullin noted that this item was only for the first 9 months of the budget and he was pleased with it considering the year that had transpired.

ACTION: Motion by Commissioner/Finance Committee Chair Mullin, seconded by Vice Chair Peasley to approve the report. Motion carried with Commissioners from Del Mar and National City absent.

8. **ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY 2022 METRO WASTEWATER JPA BUDGET AND VARIOUS SERVICE AGREEMENTS**

Chair Jones called on Finance Committee Chair, Commissioner Mullin to lead the item. Finance Committee Chair Mullin made a brief introduction noting that all items had been reviewed by the MetroTAC and Finance Committee and approved to bring forward to the JPA for formal approval. He noted that we have a new contract for Treasurer's Services coming forward with the City of El Cajon and all others remain the same which he is happy to renew as he feels the current team is exceptional.

Assistant General Counsel Norvell stated that the items could be handed with a single motion or individually.

As in prior years, consensus was to hear a brief overview of each contract.

a. **ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE METRO WASTEWATER JPA FY 2022 BUDGET**

Finance Consultant Karyn Keese, provided an overview of the budget noting that the top of the columns indicate income and the bottom expenses. The only changes were as follows:

The Administrative Assistant budget was increased by \$540; no change in the Keze Contract; the Treasurer's position is moving to the City of El Cajon July 1, 2021 and will have an increase due to change in stationary, upcoming audit work and assistance in the Amended Restated Agreement implementation;

legal contracts with BBK & Procopio remain the same but they do get an automatic COLA increase and the scope under Procopio has been lowered.

Commissioner Baber inquired as to when the legal contracts come up for review? He has never seen them come up for a vote.

Chair Jones stated that this was discussed in the Finance Committee and they will be bringing back the suggestion that all contracts be for 5 years with an annual review.

Karyn continued with the Professional Services Contracts which included Engineering and Legal:

Wilson Engineering had a scope increase not rate increase, due to assistance in 50/50 contract review for Phase 1 Contracts which helps Karyn as she is not an engineer. The increase will be \$8,700.

NV5 provides Engineering services from Scott Tulloch who has worked on the Amended and Restated Agreement and is now working on the 2nd. They have just started meeting with the City of San Diego.

Procopio has been reduced by \$5,000.

Strategic Planning has not been budgeted for.

Website maintenance and hosting went up by \$150 and a new budget line item has been added for Website Architecture Update as a place holder at \$10,500 as the software has not been updated and is believed to be the cause of the annual issue we experience with them.

Total expenses are \$441,090 which is \$26,640 higher than last year based on the above items but this still leaves almost \$500,000 over the required reserve.

It is suggested the Commission consider the recommendation from the Finance Committee to only recover 50% of the Budget.

ACTION: Motion by Vice Chair Peasley, seconded by Commissioner Anderson, to approve the budget at 50%. Motion carried with Del Mar and National City absent.

- b. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TREASURER'S CONTRACT WITH THE CITY OF EL CAJON FOR UP TO FIVE YEARS

MetroTAC Vice Chair Minicilli stated that as stated by Karyn during the Treasurer's report, the contract will be changing from Padre Dam Municipal Water District to the City of El Cajon with Lee Ann Jones-Santos becoming the new Treasurer. This contract is proposed for 5 years and if successful, the Finance Committee is proposing bringing back all contracts next year with the same.

- c. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY 2022 PROFESSIONAL SERVICES AGREEMENT WITH THE KEZE GROUP, LLC FOR FINANCIAL MANAGEMENT SERVICES

MetroTAC Vice Chair Minicilli stated that the scope and hourly rates will remain the same as last year.

- d. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY 2022 PROFESSIONAL SERVICES AGREEMENT WITH NV5 FOR ENGINEERING SERVICES

MetroTAC Vice Chair Minicilli stated that the scope and hourly rates will remain the same as last year.

- e. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY 2022 PROFESSIONAL SERVICES AGREEMENT WITH DEXTER WILSON ENGINEERING FOR ENGINEERING SERVICES

MetroTAC Vice Chair Minicilli stated that as Karyn had noted in the prior item, the scope has changed but hourly rates will remain the same as last year.

- f. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY 2022 PROFESSIONAL SERVICES AGREEMENT WITH GRANICUS FOR WEBSITE HOSTING SERVICES

MetroTAC Vice Chair Minicilli stated that the scope and maintenance went up \$150 from last year and a line item for Website Architecture Update has been added for \$10,500. We may update the software or may go with another vendor.

Commissioner/Finance Committee Chair Mullin again noted that both the MetroTAC and Finance Committee had reviewed each item and recommended approval to the JPA>

ACTION: Motion by Commissioner/Finance Committee Chair Mullin, seconded by Chair Jones to approve Items 8a through 8f. Motion carried with Del Mar and National City absent.

9. REPORT: PURE WATER PHASE II UPDATE

John Stufflebean, City of San Diego stated he would include Items 9, 10 and 11 in this report. He noted that OPRA passed the house 54/2 and is now headed to the full House and then onto the Senate; Phase I awarded 3 of the remaining 10 contracts. The major issues they are having are dealing with SDG&E and AT&T. On Phase I they are working on local limits and ramping up neighborhood outreach. Phase II is dealing with regulatory issues. The draft regulations came out and they are reviewing them and also whether Lake Murray or San Vicente are the best alternative. They have submitted possible projects and most have funding and are also involved in new money that has come out.

10. REPORT: CITY OF SAN DIEGO SECONDARY EQUIVALENCY LEGISLATION

Update provided above in Item 9.

11. REPORT: PURE WATER PROGRAM UPDATE

Update provided above in Item 9.

12. REPORT: METRO TAC UPDATE/REPORT

MetroTAC Vice Chair Minicilli stated that he along with Mike James had met on April 21st with the City of San Diego Public Utilities staff to discuss the Cost of Service Study which will come to the next JPA meeting; reviewed the 9 month Treasurer's report as well as the proposed FY 2022 budget and contracts. He thanked all who helped put them all together.

Vice Chair Peasley inquired as to whether all PA's had signed the Amended and Restated Agreement and was informed that Padre Dam was pending information prior to signing.

Commissioner Baber requested the TAC review the erosion issues at the Pt. Loma Wastewater Treatment Plant.

13. REPORT: IROC UPDATE

Chair Jones stated that IROC had discussed the Wastewater Cost of Service Study and Water Pass Through. They are holding a rate discussion due to litigation.

14. REPORT: FINANCE COMMITTEE

Finance Committee Chair Mullin stated that after the successful approval of the FY 2022 Budget and Contracts, he had nothing further.

15. REPORT: GENERAL COUNSEL

Assistant General Counsel Norvell stated that the JPA Bylaw were used to help implement the agreement and were last adopted in 2008. He further suggested it was time to give them a thorough review, 4 to 5 hours possibly to make sure they contain the procedures needed to function such as how the committees appoint etc.

Chair Jones mentioned he would like to see a smoother process for Per Diems, perhaps by having them submitted based on roll call versus filling out and submitting a form.

16. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JPA MEETING JUNE 3, 2021

Commissioner Galvez requested updates on the long term plans for the infrastructure at Pt. Loma and the April 2020 Spill incident.

17. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS

Chair Jones thanked Karen Jassoy for her services to the JPA over the years and stated he was happy to see Lee Ann Jones-Santos coming on with her expertise.

18. ADJOURNMENT

There being no further business, Chair Jones declared the meeting adjourned at 1:53 p.m.

Recording Secretary