



**City of San Bernardino  
Municipal Water Department**

399 Chandler Place  
San Bernardino, CA 92408  
<http://www.sbcitywater.org>

*President Cecilia "Toni"  
Callicott*

**Commissioners**

*Wayne Hendrix  
David Mlynarski  
Rikke Johnson  
Thomas Brickley*

**MINUTES**

FOR THE

WATER BOARD OF THE CITY OF SAN BERNARDINO

**AUGUST 8, 2023**

One member of the Water Board wished to attend the August 8, 2023 meeting pursuant to AB 2449, which creates an exception to the Brown Act that allows legislative body members to appear by teleconference at a meeting due to "just cause" or "emergency circumstance" without complying with the standard teleconferencing requirements that each teleconference location be identified in the notice and the agenda and that each teleconference location be accessible to the public.

Commissioner Brickley stated that he was using the "just cause" exception as he was in the state of Montana providing caregiving services to his sister and was unable to attend in person as a result.

The record reflects that Commissioner Brickley attended this meeting via the "just cause" exception as outlined by AB 2449.

**CALL TO ORDER**

The Regular Meeting of the Water Board of the City of San Bernardino was called to order by President Toni Callicott at 9:30 AM, Tuesday, August 8, 2023, in-person and livestream via YouTube.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Cecilia "Toni" Callicott	President	Present	9:30 AM
Wayne Hendrix	Vice President	Present	9:30 AM
David Mlynarski	Board Member	Present	9:30 AM
Rikke Johnson	Board Member	Present	9:30 AM
Thomas Brickley	Board Member	Present	9:30 AM
Miguel Guerrero	General Manager	Present	9:30 AM

1. **ANNOUNCEMENTS BY THE BOARD:** Commissioner Mlynarski stated the Employee Appreciation Lunch on August 3, 2023, was a great event and it was nice to have those types of events for employees back again.
2. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:** None.
3. **PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:** None.
4. **CONSENT CALENDAR – ITEMS 4A THROUGH 4D:**

**A. PAYROLL:**

	<u>Water Fund</u>	<u>Sewer Treatment</u>	<u>Total</u>
Claims:3004568- 3004746			
Accounts Payable	\$1,302,834.35	\$493,169.15	\$1,796,003.50
Gross Payroll 07/03/23-07/16/23	<u>\$360,316.33</u>	<u>\$334,722.19</u>	<u>\$695,038.52</u>
<b>TOTALS</b>	<u><b>\$1,663,150.68</b></u>	<u><b>\$827,891.34</b></u>	<u><b>\$2,491,042.02</b></u>

Payroll for the pay period beginning July 31, 2023 through August 13, 2023.

- B. **CONTRACTS AND BILLS:** Contracts and bills presented at this meeting.
- C. **MINUTES:** July 25, 2023.
- D. **CLAIMS SETTLEMENTS – QUARTERLY REPORT:** In accordance with Policy 20.090 – Claims Handling, the Environmental and Regulatory Compliance Division prepared the Quarterly Claims Settlements Report detailing all claims processed for the period of April 2023 through June 2023, as submitted.

<b>RESULT:</b>	<b>APPROVED 5-0 BY ROLL CALL VOTE</b>
<b>MOVER:</b>	W. Hendrix
<b>SECONDER:</b>	R. Johnson
<b>ABSTAINED:</b>	N/A
<b>ABSENT:</b>	N/A

**DISCUSSION ITEMS**

5. **AWARD OF CONTRACT WITH KIRTLEY CONSTRUCTION, INC. DBA TK CONSTRUCTION FOR THE LEAD SERVICE REPLACEMENT PROGRAM – REQUEST FOR PROPOSAL NO. 1789:** Due to State and regulatory mandates, all water suppliers must conduct a lead service inventory to replace service laterals with lead goosenecks or lead risers between the water main underground and the water meter. As a result of the inventory, the Department adopted a Lead Service Replacement Program.

Staff issued Request for Proposal (RFP) No. 1789 for the Lead Service Replacement Program. This project identified the presence of a lead gooseneck connected to the user service line at the corporation stop from the Department's inventory of galvanized and unknown service laterals.

On March 24, 2023, four (4) responses were received from the following firms: El-Co Contractors, Inc., Kirtley Construction, Inc. dba TK Construction, T.E. Roberts, Inc., and Teichert Energy & Utilities Group, Inc. Based upon staff's review of the proposals, staff recommended that TK be awarded a contract to furnish all labor, materials, equipment, and related services for the Lead Service Replacement Program.

The funding source for this agreement was the FY 2023/2024 Water Utility Fund Capital Improvement Project titled *Lead Service Replacement Program* (C.O. 10979), which currently had a total of \$1,957,000.00 in unencumbered funds.

Commissioner Mlynarski asked for clarification regarding the discrepancies in bids for this project.

Director Miller stated that there was currently a lot of work in the industry right now and the Department was seeing that this type of wide range in costs for labor and materials could be attributed to a contractor's workload and availability.

**MOTION:** The General Manager was authorized to execute a Construction Agreement with Kirtley Construction, Inc., dba TK Construction, in an amount not-to-exceed ONE MILLION THREE HUNDRED FIFTY-TWO THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$1,352,400.00) for the Lead Service Replacement Program in accordance with Request for Proposal No. 1789.

<b>RESULT:</b>	<b>APPROVED 5-0 BY ROLL CALL VOTE</b>
<b>MOVER:</b>	D. Mlynarski
<b>SECONDER:</b>	R. Johnson
<b>ABSTAINED:</b>	N/A
<b>ABSENT:</b>	N/A

**6. RATIFY EXTENSION NO. 3 TO CONTRACT NO. 1709 – CONTRACT TO FURNISH GRANULAR ACTIVATED CARBON – CARBON ACTIVATED CORPORATION:**

The Water Board entered into a two-year contract, Contract No. 1709, with Carbon Activated Corporation (Carbon Activated), to Furnish, Deliver, Remove, and Dispose of Spent Carbon and Install Virgin Granular Activated Carbon (GAC), with Estimated Bi-Annual Usage of 1,600,000 Pounds at the City of San Bernardino Municipal Water Department's Treatment Facilities. This contract had a provision for three (3) additional one (1) year extensions. Extension No. 2 expired on July 1, 2023.

Carbon Activated requested to increase the cost from \$1.08 per pound to \$1.12 per pound of virgin granular activated carbon due to changes in the market including cost of raw materials which affected the cost of manufacturing and delivery.

Based upon a market survey, staff recommended extension of the contract for one (1) additional year at the new contract price of \$1.12 per pound. Extension No. 3 would extend the contract from July 1, 2023 to July 1, 2024. This was the final extension under Contract No. 1709.

The funding source for this contract was the FY 2023/2024 Operations and Maintenance budget; there were sufficient funds to cover the contract extension. Carbon change outs were 100 percent reimbursable through the AIG commutation account.

Commissioner Brickley asked for the annual cost of the contract.

Director Miller stated that the cost was approximately \$900,000 annually.

Commissioner Johnson asked if the Department expected the cost to increase next year.

General Manager Guerrero stated that it would most likely increase based on market analysis.

**MOTION:** Ratify Extension No. 3 to Contract No. 1709 with Carbon Activated Corporation, extending the contract from July 1, 2023 to July 1, 2024, under the same terms and conditions, except the price shall increase to \$1.12 per pound. The General Manager was authorized to execute the extension.

<b>RESULT:</b>	<b>APPROVED 5-0 BY ROLL CALL VOTE</b>
<b>MOVER:</b>	T. Brickley
<b>SECONDER:</b>	W. Hendrix
<b>ABSTAINED:</b>	N/A
<b>ABSENT:</b>	N/A

**7. APPROVAL OF PURCHASE – TWO (2) JOHN DEERE 35G MINI EXCAVATORS:**

The Water Board approved the Fiscal Year (FY) 2023/24 budget on June 13, 2023, which includes purchasing two (2) new John Deere 35G mini excavators for the Water Utility Distribution section. Approximately seventy percent (70%) of San Bernardino is residential and incorporating smaller equipment would significantly enhance operational efficiency and improve job site safety.

Staff proposes the purchase of two (2) new mini excavators to support the Department's operations, under Purchasing policy 51.030, Part I (H), *Special Purchases*. The total purchase of two (2) new mini excavators is \$117,160.39, including the purchase price, operator training, maintenance, and required attachments.

The funding source for two (2) 2023 John Deere 35G mini excavators for \$117,160.39 is the Fiscal Year 2023/24 Service and Repair, Section 103021, *Capital Outlay 103021-6008*.

**MOTION:** Staff was authorized to issue a purchase order for two (2) 2023 John Deere 35G Mini Excavators for a total cost of \$117,160.39.

<b>RESULT:</b>	<b>APPROVED 5-0 BY ROLL CALL VOTE</b>
<b>MOVER:</b>	R. Johnson
<b>SECONDER:</b>	W. Hendrix
<b>ABSTAINED:</b>	N/A
<b>ABSENT:</b>	N/A

**8. REPORTS:**

**A. Report of the President –** President Callicott thanked the Department for holding a great appreciation lunch for its employees.

**B. Report of the Commissioners –**

Commissioner Johnson stated that it was very nice to see City Council Member Sanchez, City Council Member Shorett, and Mayor Tran at the Department Employee Appreciation Lunch on August 3, 2023.

**C. Report of the Directors –**

1. Director Stewart reported that there was an emergency at the Water Reclamation Plant and John Branch, EI&S Superintendent, Travis Mendenhall, Facilities Maintenance Superintendent, and Department staff did a phenomenal job handling the situation.
2. Director Stewart stated that staff would be attending the CASA conference in San Diego, California from Wednesday, August 9, 2023 – Friday, August 11, 2023.

**D. Report of the General Manager –**

1. General Manager Guerrero reported that Valley District would be presenting the Department with a ceremonial check for its participation in Valley District's Demand Management Incentive Program at the Mayor & City Council meeting on Wednesday, August 16, 2023.
2. General Manager Guerrero reported that the Water Utility Relocation Facilities Ad-Hoc Committee would be meeting immediately following the August 8, 2023 Water Board meeting to discuss recent bids received.

3. General Manager Guerrero reported that the BIA hosted Southern California Water Conference would be held on Friday, August 11, 2023 in Ontario, California.

General Manager Guerrero, Director Miller, and Engineering staff would be attending the conference.

9. **PUBLIC COMMENT ON CLOSED SESSION ITEMS:** None.

10. **CLOSED SESSION:**

Pursuant to Government Code Section(s):

- A. Conference with legal counsel – anticipated litigation – pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Claim No. 23-092 – *Silos, Eva; Silos, Kimberlin A.; and Sandoval, Juan R.* - represented by The Law Offices of Daniel Kim.

This item was postponed.

- B. Conference with legal counsel – existing litigation – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9(a) and (d)(1): Newmark Superfund Site Remedial Work, *City of San Bernardino v. United States of America*, Civil Action No. CV 96-8867 (MRP) (C.D. Cal. Decree approved March 23, 2005).

No reportable action was taken.

11. **ADJOURNMENT:**

The next regular meeting of the Water Board was scheduled for 9:30 a.m., August 22, 2023 at the Margaret H. Chandler Water Reclamation Plant, located at 399 Chandler Place, San Bernardino, CA, 92408.

By:  \_\_\_\_\_

Miguel J. Guerrero, P.E.  
General Manager