



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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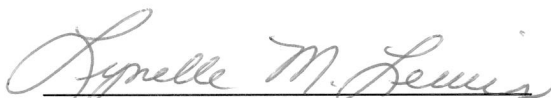
**Notice of Time Change**

**BOARD OF DIRECTORS  
CLOSED SESSION MEETING**

**10:30 a.m.  
Tuesday, August 13, 2013**

Notice is hereby given that on Tuesday, August 13, 2013 the Regular Closed Session Meeting of the Board of Directors has been rescheduled from 11:00 a.m. to 10:30 a.m. The meeting will be held in the Board Room of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: August 13, 2013

  
Lynelle M. Lewis  
Secretary of the District





**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
Tuesday, August 13, 2013**

**REGULAR CLOSED SESSION  
10:30 a.m., Board Room**

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *United States of America, et al. v. East Bay Municipal Utility District*  
USDC, N.D. Cal., Case No. CV 09-0186 RS
  - b. *United States of America, et al. v. J-M Manufacturing Co., Inc., et al.*  
USDC, C.D. Cal., Case No. CV-06-0055 GW
  - c. *In Re Municipal Derivatives Antitrust Litigation*  
Judicial Panel on Multidistrict Litigation (MDL) Docket No. 1950  
No. 08-02516 (VM) (GWG) (S.D.N.Y.)
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): two matters.
3. Conference with Labor Negotiators Bruce Heid and Glenn Berkheimer from the Industrial Employers Distributors Association (I.E.D.A.), Alexander R. Coate, Carol Nishita, Eric Sandler, Delores Turner, Michael Rich and Lisa Sorani pursuant to Government Code Section 54957.6: Employee Organizations International Federation of Professional and Technical Engineers AFL-CIO, Local 21; International Union of Operating Engineers, Local 39; and American Federation of State, County and Municipal Employees, Locals 444 and 2019.

***(The Board will hold Closed Session in Conference Room 8A/B)***

**REGULAR BUSINESS MEETING**  
**1:15 p.m., Board Room**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**PRESENTATION**

- Secretary of the District Lynelle M. Lewis' 20 Years of Service Award

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the Agenda.

**CONSENT CALENDAR:** (Single motion and vote approving 9 recommendations, including 1 resolution)

1. Approve the Regular Meeting Minutes of July 23, 2013.
2. File correspondence with the Board.
3. Authorize a cost sharing agreement with the Central Valley Regional Water Quality Control Board in an amount not to exceed \$417,500 for each party to fund modifications to the Penn Mine landfill.
4. Authorize an agreement with GovStor, Inc. in the amount of \$870,000 for the delivery, installation, technical training, one-year support and maintenance of the Oracle Storage Area Network at the Administration Building during the period August 13, 2013 to July 31, 2014, with two options to renew for an additional one-year period for maintenance support in an annual amount estimated to be \$75,000, for a total amount not to exceed \$1,020,000.
5. Authorize the General Manager to execute the following agreements to develop a long-term water transfer project with the Placer County Water Agency (PCWA):
  - 5.1. A Memorandum of Understanding with PCWA to cost-share on the environmental and technical work needed to develop a transfer agreement, including a commitment for the District to reimburse PCWA up to a total estimated \$953,000 for consulting services and processing fees.
  - 5.2. A Letter of Agreement with the U.S. Bureau of Reclamation (Reclamation) to fund Reclamation's efforts to develop and approve a Warren Act contract necessary to implement the project, with the total reimbursement commitment estimated at up to \$100,000.

6. Authorize an agreement with Rimini Street, Inc. in an amount not to exceed \$150,000 annually for software maintenance services for the PeopleSoft Human Resources Information System and Financial Information System during the five-year period August 13, 2013 to August 12, 2018.
7. Approve the Water Supply Assessment requested by the City of Alameda for the Alameda Point Project pursuant to California Water Code Sections 10910-10915.
8. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for special counsel services related to environmental regulatory and environmental litigation matters.
9. Fix the ad valorem tax rate for Special District No. 1 (SD-1) to cover debt service in the amount of \$4,227,750 on Wastewater System General Obligation Bond Series F for FY14 at a rate of \$0.0066 per \$100 of assessed value for properties located within the service area of SD-1. *(Resolution)*

#### **DETERMINATION AND DISCUSSION:**

10. Legislative Update:
  - Updates on Legislative Issues of Interest to EBMUD
11. Award a contract and authorize agreements relating to the Dingee Pipeline and Claremont Center Aqueducts Replacements Project.
  - 11.1. Award a contract to the lowest responsive/responsible bidder, Ranger Pipelines, Inc. in the amount of \$22,000,000 for construction under Specification 2059.
  - 11.2. Authorize an agreement with Consolidated CM, Inc. in an amount not to exceed \$716,991 to provide construction management assistance.
  - 11.3. Authorize an agreement amendment with Cooper Puga Management, Inc. in an amount not to exceed \$221,398 to provide construction scheduling services.
12. Conduct a second and final reading, and vote on an ordinance amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to amend sections 2(dd), 11(b), and 36(j)(3).*(Second Reading and Vote – Ordinance No. 360-13)*
13. General Manager's Report:
  - Monthly Report – July 2013

#### **REPORTS AND DIRECTOR COMMENTS:**

14. Committee Reports:
  - Sustainability/Energy
  - Finance/Administration
  - Planning
15. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 10, 2013 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.***

**Disability Notice**

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*

**Document Availability**

*Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, August 13	<b>Planning Committee</b> Foulkes (Chair), Linney, McIntosh	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> <li>Annual Readiness Report</li> </ul>
	<b>Legislative/Human Resources Committee</b> McIntosh (Chair), Coleman, Mellon		<i>Cancelled</i>
	<b>Board of Directors</b>	10:30 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Tuesday, August 27	<b>Finance/Administration Committee</b> Coleman (Chair), Linney, Patterson		<i>Cancelled</i>
	<b>Board of Directors</b>		<i>Cancelled</i>
Monday, September 2	<b>Labor Day</b>		<i>District Offices Closed</i>
Monday, September 9	<b>Admission Day</b>		<i>District Offices Closed</i>
Tuesday, September 10	<b>Planning Committee</b> Foulkes (Chair), Linney, McIntosh	TBD Training Resource Center	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	<b>Legislative/Human Resources Committee</b> McIntosh (Chair), Coleman, Mellon	TBD Training Resource Center	
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	





## MINUTES

Tuesday, July 23, 2013

**East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California**

### Regular Closed Session Meeting

President Andy Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. in the Administration Center Board Room.

### ROLL CALL

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Andy Katz were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Finance Eric L. Sandler (Item 1), Director of Administration Carol Y. Nishita (Item 1), Manager of Employee Services Lisa A. Sorani (Item 1), Manager of Employee Relations Michael K. Rich (Item 1), Attorney Lourdes Matthew (Item 1), and I.E.D.A. Representatives Glenn Berkheimer and Bruce Heid (Item 1).

### PUBLIC COMMENT

The following persons addressed the Board: 1) Nicholas Vigilante, Oakland resident, voiced support for the Saroni Drive water main replacement project but said that EBMUD had not been responsive to the neighbors' concerns about water quality, construction site management, and lack of coordination with other service agencies; 2) Kenneth Gerstman, representing AFSCME Local 2019, commented on the union's concerns about the lack of notification regarding the ACWA health care option and suggested the formation of a health care committee outside of the negotiations process; 3) Jay Morgan, representing AFSCME Local 2019, commented on the retirement contribution rate and said that a two-tiered system was unfair and impacts morale; and 4) Jae Park, representing AFSCME Local 2019, commented that the union membership is becoming irritated with the slow pace of negotiations and said that the union has brought proposals forward but all of them have been rejected by management.

- Filed with the Board was a document (undated) submitted by Nicholas Vigilante regarding Saroni Drive Water Main Replacement Project.

### Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:18 p.m. in the Administration Center Board Room.

## **ROLL CALL**

Directors John A. Coleman, Katy Foulkes, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Andy Katz were present at roll call.

## **BOARD OF DIRECTORS**

President Katz led the Pledge of Allegiance.

## **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT CALENDAR**

- Item 4 was removed from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Foulkes, to approve Items 1-3 and 5-10 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 105-13** -- Approved the Regular Meeting Minutes of July 9, 2013.
  2. The following correspondence was filed with the Board: 1) Attachment 1 - Delinquent EBMUD Charges for Transfer to the Alameda County 2013-2014 Property Tax Roll; 2) Attachment 2 - Delinquent EBMUD Charges for Transfer to the Contra Costa County 2013-2014 Property Tax Roll; 3) Attachment 3 – Total Liens Filed and Total Unpaid Liens by City and County; 4) Memorandum dated July 23, 2013 to Board of Directors from Eric L. Sandler, Director of Finance, regarding Board Request for Bid Summaries (Proposal No. 1319 and Proposal No. 1402); 5) Presentation entitled “Transfer of Unpaid Delinquent Charges to the 2013-2014 Property Tax Rolls dated July 23, 2013; 6) Presentation entitled “Public Health Goal Report” dated July 23, 2013; 7) Presentation entitled “Ordinance to Amend EBMUD Retirement System Ordinance (No. 40) – IRS Updates First Reading” dated July 23, 2013; 8) Affidavit of Posting signed by Lynelle M. Lewis for the Proof of Publication of the “Notice of Public Hearing on the Collection By East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Accounts and Filing of Report,” in the Oakland Tribune (Legal No. 4905786) and the Contra Costa Times (Legal No. 4904610) dated July 5 and July 12, 2013; and 9) Affidavit of Posting signed by Lynelle M. Lewis for the Proof of Publication of the “Notice of Public Hearing Public Health Goal Report,” in the Oakland Tribune (Legal No. 4905813) and the Contra Costa Times (Legal No. 4904621) dated July 5 and July 12, 2013.

3. **Motion No. 106-13** -- Awarded a contract to the lowest responsive/responsible bidder, Target Specialty Products, in the estimated annual amount of \$174,012 for supplying 24 spray and pre-emergent herbicide materials and related services at fixed unit prices to control vegetation on District aqueducts rights-of-way during the period of August 1, 2013 through July 31, 2016, with two options to extend the contract for an additional one-year period, for a total estimated amount of \$870,060 under Proposal 1319.
4. **Motion No. 113-13** -- Awarded a contract to the lowest responsive/responsible bidder, Jim Myers & Sons, Inc. in the total amount of \$954,677 for supplying replacement horizontal flocculator system equipment for Upper San Leandro Water Treatment Plant and Sobrante Water Treatment Plant, under Proposal No. 1402.
  - Director Patterson pulled Item 4 to ask about workforce diversity of the company and Director Mellon commented on the bid summaries for the item. President Katz asked for clarification on contract amount versus the bid amount. Staff pointed out that the bid summary total does not reflect sales tax.
  - Motion by Director Mellon, seconded by Director Patterson, to approve Item 4 on the Consent Calendar, carried (7-0) by voice vote.
5. **Motion No. 107-13** -- Awarded a contract to the lowest responsive/responsible bidder, JMB Construction, Inc., in the amount of \$1,610,000 for the construction of Lafayette Water Treatment Plant Clearwell and Washwater Pipeline Improvements under Specification 2061A.
6. **Motion No. 108-13** -- Awarded a contract to the lowest responsive/responsible bidder, Arnold Construction Company, in the amount of \$486,000 for construction of the North Richmond Water Reclamation Plant Acid Sump and Miscellaneous Repairs and Pump Station Q Gate Rehabilitation under Specification SD 344.
7. **Motion No. 109-13** -- Awarded a contract to the lowest responsive/responsible bidder, Mountain Cascade, Incorporated in the amount of \$1,373,969 for construction of Powell Street and Hollis Street Pipeline Replacements under Specification 2073.
8. **Motion No. 110-13** -- Authorized a purchase order with Integrated Archive Systems in an amount not to exceed \$82,000 annually for maintenance and support of District Network Appliance data storage systems during the period August 1, 2013 to July 31, 2014, with the option to extend for two additional 1-year periods for a total amount not to exceed \$246,000.
9. **Motion No. 111-13** -- Authorized a first amendment to the agreement with Pacific States Marine Fisheries Commission to increase the overall amount by a sum not to exceed \$625,000, increasing the agreement value from \$1,250,000 to \$1,875,000, and to add the recovery and processing of the California ocean fisheries to the marking/tagging and recovery program for Chinook salmon and steelhead trout at the Mokelumne River Fish Hatchery.
10. **Motion No. 112-13** -- Cancelled the August 27, 2013 Closed Session and Regular Meetings of the Board of Directors.

## **PUBLIC HEARING**

11. **Conduct A Public Hearing to Consider Objections and Protests to the General Manager's Report to Transfer Delinquent EBMUD Charges to the 2013-2014 Property Tax Rolls.**

President Katz opened the Public Hearing at 1:25 p.m. There were no comments. President Katz closed the Public Hearing at 1:25 p.m.

12. **Conduct A Public Hearing to Receive Comments on the July 2013 Public Health Goals Report.**

President Katz opened the Public Hearing at 1:26 p.m. There were no comments. President Katz closed the Public Hearing at 1:26 p.m.

## **DETERMINATION AND DISCUSSION**

13. **Adopt the General Manager's Report and Authorize the General Manager to Transfer Delinquent EBMUD Charges to the 2013-2014 Property Tax Rolls.**

Staff recommended that the Board adopt the General Manager's Report to transfer to the 2013-2014 property tax rolls the District's multi-family residential delinquent charges and authorize the General Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before the reports are sent to Alameda and Contra Costa counties in electronic form on August 5, 2013.

- Motion by Director Foulkes, seconded by Director Linney, to approve the recommended action for Item 13, carried (7-0) by voice vote.

**Resolution No. 33938-13 -- Approving Transfer Of Unpaid Delinquent Charges To Alameda And Contra Costa Counties 2013-2014 Property Tax Rolls.**

14. **Accept the July 2013 Public Health Goals Report.**

Staff recommended that the Board accept the 2013 report on Public Health Goals (PHGs). The District is required to prepare a report every three years detailing the detection of any drinking water constituents found in the water system at levels above the PHGs established by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment or, in the absence of a PHG, the US Environmental Protection Agency's Maximum Contaminant Level Goal. The report covers the calendar years 2010, 2011, and 2012, and was presented and discussed at the July 9<sup>th</sup> Planning Committee meeting.

- Motion by Director McIntosh, seconded by Director Foulkes, to approve the recommended action for Item 14, carried (7-0) by voice vote.

**Motion No. 114-13 -- Accepted the July 2013 Public Health Goals Report.**

**15. Introduction and First Reading of an Ordinance Amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to Amend Sections 2(dd), 11(b), and 36(j)(3).**

Manager of Employee Services Lisa A. Sorani summarized the proposed amendments to the Ordinance. She pointed out that several minor language modifications to the Retirement Ordinance have been requested by the Internal Revenue Service (IRS) in order to finalize a favorable determination letter for the Retirement Ordinance. The updates are technical language required by the IRS to clarify language that already exists in the Ordinance. The requested IRS amendments must be completed prior to October 17, 2013 to comply with the regulations under Code Section 401(b). Final action on the Ordinance is scheduled with the second reading of amendments on August 13, 2013. Ms. Sorani noted that Ordinance amendments generally take effect 30 days after passage and the Municipal Utility District Act requires that the amendments be published once a week for two successive weeks in a newspaper of general circulation in the district's service area.

- Motion by Director Foulkes, seconded by Director Linney, to approve the recommended action for Item 15, carried (7-0) by voice vote.

**Ordinance No. 360-13 -- An Ordinance Amending Subsections 2(dd), 11(b), And 36(j)(3) Of Ordinance No. 40, Which Is The Employees' Retirement System Ordinance. (*Introduction and First Reading Only*)**

**16. Second Reading and Adoption of Amendments to the Wastewater Control Ordinance.**

The recommended action was for the second reading and adoption of amendments to the Wastewater Control Ordinance (WWCO) which incorporate certain required and recommended modifications identified by the Environmental Protection Agency, the Regional Water Quality Control Board, and their auditors to ensure consistency with federal regulations; clarify certain language; remove outdated provisions; and delete Title VIII relating to private sewer laterals. Since the first reading of amendments to the Ordinance on July 9, 2013, a few non-substantive changes were made, which are reflected in the version provided for second reading:

- Renumber existing Title IX (Severability) as new Title VIII (to account for deletion of existing Title VIII).
- Renumber existing Title X (Effective Date) as new Title IX and amend it to read in full, "This Ordinance shall become effective on August 22, 2013." This change is to conform to the 30-day wait period consistent with prior ordinance revision cycles.
- Renumber certain paragraphs within Title I, Section 3 and Title V, Section 3 to be consistent with the numbering system generally used elsewhere in the WWCO.
- Add a clarifying "or" at the end of Title V, Section 3, Paragraph (a)(2).

- Motion by Director Patterson, seconded by Director Foulkes, to approve the recommended action for Item 16, carried (7-0) by voice vote.

**Ordinance No. 358-13** -- An Ordinance Amending Ordinance 355-11, Establishing Regulations For The Interception, Treatment, And Disposal Of Wastewater And Industrial Wastes And The Control Of Wastewater, Requiring Charges To Be Made Therefor, And Fixing Penalties For The Violation Of Said Regulations (*Second Reading and Vote*).

**17. Second Reading and Adoption of New Regional Private Sewer Lateral Ordinance.**

The recommended action was for the second reading and adoption of a new Regional Private Sewer Lateral Ordinance which incorporates existing regulations for the ongoing maintenance of upper sewer laterals, makes primarily clarifying changes to the District's existing legal authority for its regional private sewer lateral program, which requires the inspection, testing, and, if necessary, repair or replacement of private sewer laterals, and enacts that legal authority, as modified, in a new standalone ordinance.

- Motion by Director Foulkes, seconded by Director Mellon, to approve the recommended action for Item 17, carried (7-0) by voice vote.

**Ordinance No. 359-13** -- An Ordinance Establishing Regulations For Private Sewer Laterals And Authorizing Charges To Be Made Therefor (*Second Reading and Vote*).

**18. Legislative Update.**

Special Assistant to the General Manager Marlaigne K. Dumaine reported that the state Senate and Assembly are on vacation at this time. At the federal level, she reported that Congress confirmed Gina McCarthy as the new Environmental Protection Agency Administrator. She also reported that Congress is looking at revising the carbon tax, updating the farm bill, and considering programmatic language for the Water Resources Development Act bill. Ms. Dumaine said staff would continue to closely monitor activity on these measures and provide updates to the Board as appropriate. In concluding, she announced that staff would be seeking legislative proposals for the upcoming year.

**19. General Manager's Report.**

General Manager Coate announced the upcoming retirement of Sr. Public Information Representative Charles Hardy and commended him on his outstanding work for the District. Board members expressed appreciation to Mr. Hardy for his work as a messenger for the District. Mr. Hardy addressed the Board and thanked them for their leadership.

**REPORTS AND DIRECTOR COMMENTS**

**20. Committee Reports.**

- Filed with the Board were the Minutes of the July 23, 2013 Sustainability/Energy and Finance/Administration Committees.

**21. Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA State Water Board meeting on July 10 in Sacramento; retirement event for Manager of Wastewater Engineering Edward H. McCormick on July 11 at EBMUD Administration Building; meeting with AFSCME Local 2019 representatives on July 11 at EBMUD Administration Building; ACWA Executive Committee teleconference meeting on July 15; East Bay Leadership Council reception for Contra Costa County Supervisor John Gioia on July 17 in Concord; ACWA Region 1 officials dinner on July 18 in Santa Rosa; ACWA Region 1 meeting on July 19 in Santa Rosa; and the ACWA Executive Committee teleconference meeting on July 22. He reported on plans to attend/participate in the following upcoming events: ACWA Board workshop on July 25 in Sacramento; ACWA Executive Committee and Board teleconference meeting on July 26; UMRWA Board meeting on July 26 in Pardee; ACWA Executive Committee teleconference meeting on July 29; Mt. Diablo Silverado Executive Committee special meeting on July 30 in Pleasant Hill; ACWA Water Summit on August 3 in Fresno; ACWA Executive Committee teleconference meeting on August 5; EBMUD/FRWA teleconference meeting on August 8; and ACWA Executive Committee teleconference meeting on August 12.
- Director Foulkes reported meeting with AFSCME Local 2019 representatives on July 16 in Oakland.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon reported attending the Hayward Area Recreation District Annual Fundraiser on July 10 and the Contra Costa Special Districts Association Quarterly Meeting on July 15 in Martinez.
- Director Patterson had no comment.
- President Katz had no comment.

**ADJOURNMENT**

President Katz adjourned the meeting at 1:49 p.m.

SUBMITTED BY:

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Lynelle M. Lewis, Secretary of the District

APPROVED: August 13, 2013

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Andy Katz, President of the Board







AGENDA NO.  
MEETING DATE

3.  
August 13, 2013

**TITLE      COST SHARING AGREEMENT WITH THE CENTRAL VALLEY REGIONAL  
                 WATER QUALITY CONTROL BOARD**

☒ MOTION                      ☐ RESOLUTION                      ☐ ORDINANCE

**RECOMMENDED ACTION**

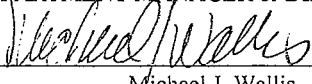
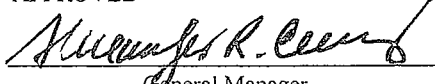
Authorize a cost sharing agreement with the Central Valley Regional Water Quality Control Board (CVRWQCB) in an amount not to exceed \$417,500 for each party to fund modifications to the Penn Mine landfill.

**SUMMARY**

Under this agreement, the District and CVRWQCB will share two-thirds of the cost to modify the Penn Mine landfill to mitigate seasonal fluctuations in leachate production. Shaw Environmental & Infrastructure, Inc., a CB&I Company (Shaw) will perform the construction under a change order to the Design/Remediate Agreement between the District and OHM Remediation Services Corporation (OHM), and pay for the other one-third of the total cost. The modifications are designed to minimize water intrusion into the landfill and allow leachate production to decrease over time as originally intended. The District will retain a contractor to provide third- party consultation and oversight. The District and CVRWQCB will share equally the cost for the said third- party work.

**DISCUSSION**

Starting in 1978, the District and CVRWQCB cooperated on various efforts to mitigate runoff of acid rock drainage to Camanche Reservoir from the abandoned Penn Mine site, near Campo Seco, in Calaveras County. From 1997 to 1999, the District and CVRWQCB, under the oversight of the US Environmental Protection Agency and State Water Resources Control Board, further performed remediation of the site to provide long-term water quality protection through the excavation and removal of waste materials and their disposal in a landfill constructed onsite. OHM designed and constructed the landfill. OHM went bankrupt and was acquired by another entity in the early 2000s. Subsequently, this entity went bankrupt and Shaw assumed the landfill leachate transport and disposal responsibilities per Change Order No. 8 to the original contract with OHM.

Funds Available: FY14		Budget Code: WSC 785
DEPARTMENT SUBMITTING  Operations and Maintenance	DEPARTMENT MANAGER or DIRECTOR   Michael J. Wallis	APPROVED   General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

Since 2005, the District, CVRWQCB, and Shaw have been involved in several investigations to determine the causes of seasonal fluctuations in leachate volumes produced within the Penn Mine landfill. The parties are now in agreement that surface water is most likely entering the landfill through a gap between the landfill's cover and bottom liner. This gap needs to be closed around the entire perimeter of the landfill.

Shaw has developed a proposed improvement to the landfill impermeable cover and bottom liner to completely envelop the waste material deposited in the landfill, and to rebuild the perimeter drainage system with modifications.

### **FISCAL IMPACT**

Funds are available in the Capital Budget for this contract.

### **UNION NOTIFICATION**

This type of work is not performed by District forces and consequently union notification is not required.

### **ALTERNATIVES**

**Do Not Perform the Proposed Landfill Modifications.** This alternative is not recommended because water intrusion into the landfill would likely continue as well as seasonal leachate volume fluctuations in the landfill.

**Do Not Engage in a Cost Sharing Agreement with RWQCB.** This alternative is not recommended because that would double the District's costs to perform the landfill modification work and the related third-party construction inspection.



AGENDA NO.  
MEETING DATE

4.  
August 13, 2013

TITLE ORACLE STORAGE REPLACEMENT

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

### RECOMMENDED ACTION

Authorize an agreement with GovStor, Inc. in the amount of \$870,000 for the delivery, installation, technical training, one year support and maintenance of the Oracle Storage Area Network (SAN) at the Administration Building during the period August 13, 2013 to July 31, 2014, with two options to renew for an additional 1-year period for maintenance support in an annual amount estimated to be \$75,000, for a total amount not to exceed \$1,020,000.

### SUMMARY

The District has used Oracle as its core database product since 1989 and it is essential for the majority of our computer information systems including customer billing, financial, human resource, work management and asset management. The District needs manufacturer professional services to deliver, install, train District staff to operate and maintain, and provide ongoing technical support to the storage system upon which our Oracle databases are dependent.

### DISCUSSION

The storage system being used today for the District's Oracle databases was purchased in 2005 with a projected lifecycle of five years. We have extended the use of it for over three years beyond manufacturer recommendation to contain operational costs during the past few fiscally challenging years. The storage system is now considered beyond end-of-life by the manufacturer. Support costs and risk to business information systems have increased as technical failures have become more frequent. A complete refresh of the database storage system is now necessary to properly protect the District's information assets.

### SERVICE PROVIDER SELECTION

Public Contract Code, Section 10298, specifically allows agencies, such as EBMUD, to purchase directly from the state competitively awarded contracts without pursuing separate competitive bidding. The terms and conditions are under the California State Contract #1-12-70-15A and GSPD-401/T using GovStor,

Funds Available: FY14		Budget Code: WSO/252/8547/5523	
DEPARTMENT SUBMITTING  Information Systems	DEPARTMENT MANAGER or DIRECTOR  Nicholas J. Irias		APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

Inc. as the representing agent for Oracle enterprise systems products and services. GovStor, Inc. is a certified small business – OSBCR reference #26133.

### **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

### **FISCAL IMPACT**

Funds are available for this work in the FY14 operating budget.

### **UNION NOTIFICATION**

Local 2019 was notified of this contract on July 31, 2013. Local 2019 did not raise any specific issues related to this contract.

### **ALTERNATIVE**

**Continue using the existing storage.** This is not recommended as the aging storage equipment is beginning to experience increased frequency of component failure. With each failure, the risk to the critical business applications which depend on Oracle databases increases dramatically, resulting in disruption to internal business operations and customers.

Attachments



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>General Services Agreement</b> Oracle Storage Replacement - One Year Contract with 2 One-Year Renewal Options			<b>DATE:</b> July 29, 2013								
<b>CONTRACTOR:</b> GovStor, Inc. Sacramento, CA			<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
State Contract Sole Source Small Business			<b>Availability Group</b>	<b>Contracting Objectives</b>	<b>Participation</b>						
<b>BID/PROPOSER'S PRICE:</b> \$1,020,000 *	<b>FIRM'S OWNERSHIP</b>		White Men	25%	100.0%						
	Ethnicity	Gender	White Women	6%	0.0%						
	White	Men	Ethnic Minorities	25%	0.0%						
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> GovStor, Inc.	\$1,020,000	White	X		100.0%	---	---	---	---	---	---
<b>SUBS:</b> None					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
<b>TOTAL</b>	\$1,020,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
	<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>	<b>Total Employees</b>							
<b>No. of Employees:</b>	2	2	0	4							
<b>Percent of Total Employees:</b>	50.0%	50.0%	0.0%								
<b>MSA Labor Market %:</b>	36.1%	32.3%	31.6%								
<b>MSA Labor Market Location:</b>	Sacramento, CA										
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - 100% White Men participation and no subcontract opportunities exist. *The contract amount is for \$870,000 plus 2 one-year renewal options for \$75,000 each.											
Although GovStor, Inc.'s Affirmative Action profile continues to be less than 50% workforce diversity based on the applicable MSA, their workforce has decreased since their last contract award. The District will continue to urge greater implementation efforts.											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>			<b>Good Faith Outreach Efforts Requirement Satisfied</b>			<b>Award Approval Recommended</b>					
ON FILE			NA								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Oracle Storage Replacement</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		DATE: 7/29/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	WM - SBE	Company Wide	-	-	-	-	0	0.0%
GovStor, Inc. Peter Tellier 1914 - 21st Street Sacramento, CA 95811  916-373-9595		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	-	-	-	-	0	0.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		AA Plan on File: 3/4/2010	Date of last contract with District: 2/21/2013					
		Co. Wide MSA: Sacramento, CA	# Employees-Co. Wide: 4		Bay Area: 0			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.

5.1 - 5.2

MEETING DATE

August 13, 2013

**TITLE PLACER COUNTY WATER AGENCY WATER TRANSFER PROJECT AGREEMENTS**☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Authorize the General Manager to execute the following agreements to develop a long-term water transfer project with the Placer County Water Agency (PCWA):

1. A Memorandum of Understanding (MOU) with PCWA to cost-share on the environmental and technical work needed to develop a transfer agreement, including a commitment for the District to reimburse PCWA up to a total estimated \$953,000 for consulting services and processing fees.
2. A Letter of Agreement (LOA) with the U.S. Bureau of Reclamation (Reclamation) to fund Reclamation's efforts to develop and approve a Warren Act contract necessary to implement the project, with a total reimbursement commitment estimated at up to \$100,000.

**SUMMARY**

The District and PCWA are developing a long-term water transfer project that would enable PCWA to fulfill its Water Forum Agreement (WFA) commitments to release additional water from its reservoirs in dry years for the benefit of the lower American River while increasing water supply reliability for the District. The parties have negotiated a MOU that outlines the roles, responsibilities, and cost-sharing commitments to develop the project, including a commitment for the District to reimburse PCWA up to \$953,000 for consulting and processing fees. The MOU provides the District with an exclusive option to negotiate a long-term water transfer agreement, in accordance with the terms set forth in the MOU, once all necessary environmental reviews and regulatory approvals have been completed. Under provisions of the MOU, the District is responsible for obtaining Reclamation approval of a Warren Act contract to use federal facilities to convey the transfer water to the District's service area. Reclamation requires an agreement committing the District to reimburse Reclamation for its expenses, estimated at up to \$100,000, prior to beginning work on the Warren Act contract.

**DISCUSSION**

In January 2013, staff updated the Board at the WSMP 2040 workshop on the status of its water transfer efforts and highlighted PCWA as a promising partner for a long-term water transfer project. PCWA owns and operates several reservoirs on the Middle Fork of the American River and its tributaries. PCWA is a signatory to the 2000 Sacramento WFA, which establishes goals of preserving the lower American River and providing a reliable and safe water supply for the region. As a part of the WFA, PCWA has agreed to release up to 47,000 acre-feet of additional water from its reservoirs in dry

Funds Available: FY14/15 CIP		Budget Code: WSC\2005218
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Richard G. Sykes	APPROVED  General Manager

Contact the Office of the District Secretary regarding questions about completing or submitting this form.

years to benefit the lower American River. This obligation to make environmental releases is conditioned upon PCWA's ability to find a willing buyer to purchase the water downstream of the confluence of the Sacramento and American Rivers.

The following agreements are necessary to develop a long-term water transfer project with PCWA:

1. MOU with PCWA: The MOU commits the parties to work together and share costs for technical and environmental work needed to develop a long-term water transfer agreement. The MOU outlines the roles and responsibilities for the parties to complete environmental reviews and obtain approvals from regulatory agencies, including the State Water Resources Control Board and Reclamation. Each party would cover its own administrative and legal costs, except in the event of legal challenges or protests to the project. EBMUD would cover its own costs for technical work performed and reimburse PCWA up to a total estimated \$953,000 for consulting and processing fees. PCWA's share will be approximately \$3.8 million. The parties agree to equally share in the costs for Reclamation to review and approve the project.

The MOU provides the District with an exclusive option to negotiate a long-term dry year purchase agreement with PCWA, in accordance with terms in the MOU (Attachment A). The MOU includes a provision under which the parties will cooperate in defending the project in the event of a legal or administrative challenge. The MOU also includes terms that address termination of the MOU in the event that the environmental document or the transfer arrangement are challenged in an administrative or judicial proceeding, the project is significantly delayed, or future regulatory requirements adversely affect PCWA's ability to meet its customer or WFA obligations.

2. LOA with Reclamation: On June 13, 2013, the District notified Reclamation of EBMUD's interest in obtaining a Warren Act contract to support a long-term water transfer project with PCWA. A Warren Act contract would allow EBMUD to convey transfer water through Folsom Reservoir and the Folsom South Canal, federally owned facilities. Reclamation provided a standard letter of agreement (LOA) to establish an account for EBMUD to reimburse Reclamation for its costs to approve the Warren Act contract. The total reimbursable amount is estimated at \$100,000. Under the terms of the MOU, PCWA would be obligated to reimburse the District for 50 percent of the payments made to Reclamation.

## FISCAL IMPACT

Funds for these agreements are included in the FY14/15 capital budget.

## ALTERNATIVE

**Do not proceed with the agreements**: This alternative is not recommended as the agreements are consistent with the approved WSMP 2040 and facilitate future transfers to meet dry year needs. Because it relies on existing facilities, the project is one of the lowest-cost supplemental water supply options for the District.



## ATTACHMENT A

### PLACER COUNTY WATER AGENCY AND EAST BAY MUNICIPAL UTILITY DISTRICT PRINCIPLES OF A LONG-TERM WATER TRANSFER AGREEMENT

The MOU includes Principles setting forth a framework for the Parties to use as they negotiate a long-term water transfer agreement in the future. The major terms are:

- Length of the agreement: The initial term of the agreement will extend for the period covered by the extension that PCWA is seeking for its Middle Fork Project water rights (anticipated to be 30 years). Upon completion of the initial term, the agreement will include provisions to automatically extend the agreement for 10 years by mutual agreement of the parties. The agreement will include a price re-opener to adjust the purchase price for the transfer water.
- Purchase quantity: In all dry years when PCWA is obligated to release water under the Water Forum Agreement (WFA), EBMUD agrees to purchase the quantity PCWA is obligated to release under the WFA or 10 thousand acre-feet (TAF), whichever is greater. EBMUD will have first right of refusal to any increases in the transfer water quantity at the purchase prices in the agreement.
- Point of delivery: The point of delivery will be Folsom Reservoir.
- Point of redirection: The point of redirection will be the Freeport Project intake on the Sacramento River.
- Notification and trigger date: PCWA will notify EBMUD on or before May 1<sup>st</sup> of its intent to release water for transfer to meet its WFA commitments.
- Delivery schedule and rate: The parties will determine a mutually acceptable delivery schedule and rates of delivery.
- Purchase price: The purchase price will be \$75/AF in all dry years. The purchase price for transfer water will be adjusted every fifth (5<sup>th</sup>) year of the initial term based on the Consumer Price Index (CPI) for inflation or the rate of increase for EBMUD's Central Valley Project water service charge, whichever is less. For the first ten years of the initial term, EBMUD will have first right of refusal to purchase up to 10 TAF of additional dry year water over the minimum purchase quantity at \$36/AF, provided that PCWA elects to release additional dry year water for the benefit of the Lower American River that would be eligible for transfer.
- Back-up buyers and re-marketing: The parties will work together to develop mutually acceptable language in the agreement that allows for EBMUD to facilitate the use of transfer water by other Bay Area agencies or other backup buyers when EBMUD does not need the quantities of water provided under the agreement. PCWA agrees to co-operate on any necessary permitting or approvals necessary to allow for back-up buyers to purchase transfer water provided the terms are acceptable to PCWA.
- Unforeseen conditions: The agreement will contain provisions for unforeseen or changed conditions that could affect PCWA's ability to meet its WFA obligations to release additional water to the Lower American River for transfer to EBMUD.





AGENDA NO.  
MEETING DATE

6.  
August 13, 2013

TITLE HRIS AND FIS SOFTWARE MAINTENANCE

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

### RECOMMENDED ACTION

Authorize an agreement with Rimini Street, Inc. (Rimini) in an amount not to exceed \$150,000 annually for software maintenance services for the PeopleSoft Human Resources Information System (HRIS) and Financial Information Systems (FIS) during the five-year period August 13, 2013 to August 12, 2018.

### SUMMARY

The District uses PeopleSoft HRIS and FIS to produce employee payrolls, process employee and retiree information, maintain the General Ledger, and manage project costs. This agreement with Rimini is for the maintenance of the PeopleSoft HRIS and FIS systems which will include periodic required software updates, such as tax, W-2, and 1099R. Maintenance support also includes technical support to correct any operational problems in the use of the software.

### CONSULTANT SELECTION

The District issued an RFP and evaluated two support proposals. Rimini was selected from this process as the best support organization based on their excellent track record of providing maintenance for PeopleSoft applications for the District and other companies, and their competitive price.

This agreement includes an indemnity clause that deviates from the District's standard indemnity provisions. It provides that the District will indemnify Rimini for claims of copyright infringement against Rimini's work that are based on the District's own proprietary information or performed at the direction of the District. It provides that Rimini will indemnify the District against third-party copyright infringement claims based on Rimini's work product, with the exception of work-product based on the District's proprietary information. It also limits Rimini's general indemnification of the District to claims based on grossly negligent acts or willful misconduct on the part of the District, rather than claims based on general negligence. Staff has reviewed the indemnification language and has determined that acceptance of these terms is reasonable.

Funds Available: FY 14		Budget Code: WSO/251/8755/5243
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR  Nicholas J. Irias	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

This item is included in the FY14 Information Systems Department operating budget.

## **UNION NOTIFICATION**

Locals 2019 and 21 were notified of this contract on July 19, 2013. Locals 2019 and 21 did not raise any specific issues related to this contract.

## **ALTERNATIVE**

**Use the systems without maintenance support.** This alternative is not recommended because the District lacks the expertise to produce tax and regulatory updates or support major system failures.

Attachments



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <i>Professional Services Agreement</i> FIS and HRIS Software Maintenance - Five-Year Contract			<b>DATE:</b> July 29, 2013								
<b>CONTRACTOR:</b> Rimini Street, Inc. Las Vegas, NV			<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
			Availability Group	Contracting Objectives	Participation						
<b>BID/PROPOSER'S PRICE:</b>	<b>FIRM'S OWNERSHIP</b>		White Men	25%	100.0%						
	Ethnicity	Gender	White Women	6%	0.0%						
			Ethnic Minorities	25%	0.0%						
\$750,000	White	Men									
<b>CONTRACT EQUITY PARTICIPATION</b>											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Rimini Street, Inc.	\$750,000	White	X		100.0%	---	---	---	---	---	---
<b>SUBS:</b> None					---	---	---	---	---	---	---
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<b>TOTAL</b>	\$750,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	63	50	50	163							
Percent of Total Employees:	38.7%	30.7%	30.7%								
MSA Labor Market %:	39.0%	33.7%	27.3%								
MSA Labor Market Location:	9 Bay Area Counties										
<b>COMMENTS</b>											
Contract Equity Participation - 100% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Purchase of Fabricated Guard Shack</b>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Proposal #: 1406	DATE: 7/31/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM/WW/EMM:H - L/SBE	Company Wide	3	3	2	2	10	38.5%	47.8%
Delta Scientific Corporation (Owner's or Manager's name) (Street address) (City, ST Zip)  (Phone # with Area Code)		Manager/Prof	1	1	1	1	4	133.3%	
		Technical/Sales	1	1	1	1	4	200.0%	
		Clerical/Skilled	1	1	-	-	2	11.8%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	2	2	-	-	4	26.7%	
		AA Plan on File:	NA		Date of last contract with District:		Insert Date		
		Co. Wide MSA:	Oakland, CA		# Employees-Co. Wide:		26		Bay Area: 15
S	WM/WW/EMM:H - L/SBE	Company Wide	4	4	4	4	16	48.5%	Insert %
Firm's Name Owner's Name Address City, ST, Zip  Area Code & Phone Number		Manager/Prof	1	1	1	1	4	80.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	23.5%	
		Semi/Unskilled	1	1	1	1	4	36.4%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		33		Bay Area: 33
S	WM/WW/EMM:H - L/SBE	Company Wide	4	4	4	4	16	48.5%	Insert %
Firm's Name Owner's Name Address City, ST, Zip  Area Code & Phone Number		Manager/Prof	1	1	1	1	4	80.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	23.5%	
		Semi/Unskilled	1	1	1	1	4	36.4%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		33		Bay Area: 33
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
P	WM/WW/EMM:H - L/SBE	Company Wide	4	4	4	4	16	48.5%	Insert %
Firm's Name Owner's Name Address City, ST, Zip  Area Code & Phone Number		Manager/Prof	1	1	1	1	4	80.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	23.5%	
		Semi/Unskilled	1	1	1	1	4	36.4%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		33		Bay Area: 33
P	WM/WW/EMM:H - L/SBE	Company Wide	4	4	4	4	16	48.5%	Insert %
Firm's Name Owner's Name Address City, ST, Zip  Area Code & Phone Number		Manager/Prof	1	1	1	1	4	80.0%	
		Technical/Sales	1	1	1	1	-	NA	
		Clerical/Skilled	1	1	1	1	4	23.5%	
		Semi/Unskilled	1	1	1	1	4	36.4%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		33		Bay Area: 33

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO. 7.  
MEETING DATE August 13, 2013

TITLE WATER SUPPLY ASSESSMENT FOR THE ALAMEDA POINT PROJECT

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

### RECOMMENDED ACTION

Approve the Water Supply Assessment (WSA) requested by the City of Alameda (City) for the Alameda Point Project pursuant to California Water Code, Sections 10910-10915.

### SUMMARY

The Alameda Point Project site comprises 2,107 acres of the 2,731-acre former Naval Air Station (NAS) Alameda property and is bounded by the Oakland Inner Harbor to the north, the San Francisco Bay to the south and west, and Main Street to the east (see Attachment A). The NAS Alameda Airfield parcel located at the southwest corner of the NAS Alameda property, approximately 624 acres, is not part of the project site and will be transferred to Department of Veterans Affairs for future development of an outpatient clinic, offices, and national cemetery. As described in the City's WSA request letter, the Alameda Point Project is a mixed-used development project that includes two alternatives that vary with respect to the proposed components and project footprint. The City requests that the WSA analyze both the Community Reuse Plan Alternative and the High Density Alternative, which is the alternative that has the greatest projected demand. The Community Reuse Plan Alternative proposes 1,425 residential units (1,225 single-family and 200 multi-family), 4,788,000 square feet of office space, 712,000 square feet of retail space, 311 acres of parks and open space, 583 marina slips at build out and a 300-room hotel. The High Density Alternative includes 3,400 residential units (1,223 single-family and 2,177 multi-family), 3,668,000 square feet of office space, 1,642,000 square feet of retail space, 311 acres of parks and open space, 583 marina slips at build out and a 300-hundred room hotel.

The site currently consists of 925 buildings and structures (approximately 6,000,000 square feet of space), and the City has leased approximately 1,800,000 square feet to various entities for commercial, industrial, civic and recreational uses. Historical annual average water use of the site when the NAS was active was approximately 1.7 million gallons per day (mgd). Current use is about 0.40 mgd. The projected water demand for the Community Reuse Plan Alternative and the High Density Alternative at build out is estimated to be 1.87 mgd and 2.24 mgd, respectively. This demand range is accounted for in the District's Urban Water Management Plan (UWMP). Approval of the assessment is described in the attached letter (Attachment B) and upon Board approval will be sent to the City.

Funds Available:		Budget Code:
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER OR DIRECTOR  Xavier J. Irias	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## DISCUSSION

In March 2001, the City requested a WSA for the Alameda Point Project, with an estimated water demand of 1.65 mgd, which was approved by the Board of Directors on May 8, 2001. Since then, the potential foreseeable development for the project changed with an increase on the projected demands requiring a new WSA. On June 24, 2013, the City submitted a formal request for consultation between the District and the City regarding water service to the Alameda Point Project, pursuant to California Water Code, Section 10912. The project, for which an Environmental Impact Report is being prepared, meets the threshold requirement for an assessment of water supply availability (a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project). The City is required to consult with the public water supplier to determine whether the water demand associated with the Alameda Point Project was included in its last UWMP, and to assess whether its 20-year water supply (available during normal, single-dry and multiple-dry water years) will meet the water demand associated with the proposed project. The 2010 UWMP concludes that the District has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for drought years. The District's Water Supply Management Plan includes up to a 15 percent water conservation requirement in a severe drought. The project will be subject to the same drought restriction as all District customers.

The WSA letter requests that the City comply with the California Code of Regulations concerning water-efficient landscapes and District water service regulations in force at the time the application is made. The letter also requests a meeting to discuss water conservation opportunities in the project area. A key objective of this discussion will be to explore timely opportunities to maximize conservation via early consideration of the District's conservation programs and State and Federal best management practices applicable to the project.

The Alameda Point Project is located within the District's East Bayshore Recycled Water Project service boundaries and in the vicinity of future planned transmission pipeline extensions within the City. As part of the long-term water supply planning, the District will consider the feasibility of providing recycled water to the project area for appropriate uses including landscape irrigation, commercial and industrial process uses, as well as toilet and urinal flushing in non-residential buildings. The District recommends that the City require developers of the Alameda Point Project area to coordinate and consult with the District during the planning and implementation phases of future developments regarding the feasibility of providing recycled water for appropriate non-potable uses.



## **ALTERNATIVE**

**Do not submit a response.** This alternative is not recommended. This assessment has been prepared pursuant to California Water Code, Sections 10910-10915. It is consistent with the law and the District's past WSAs.

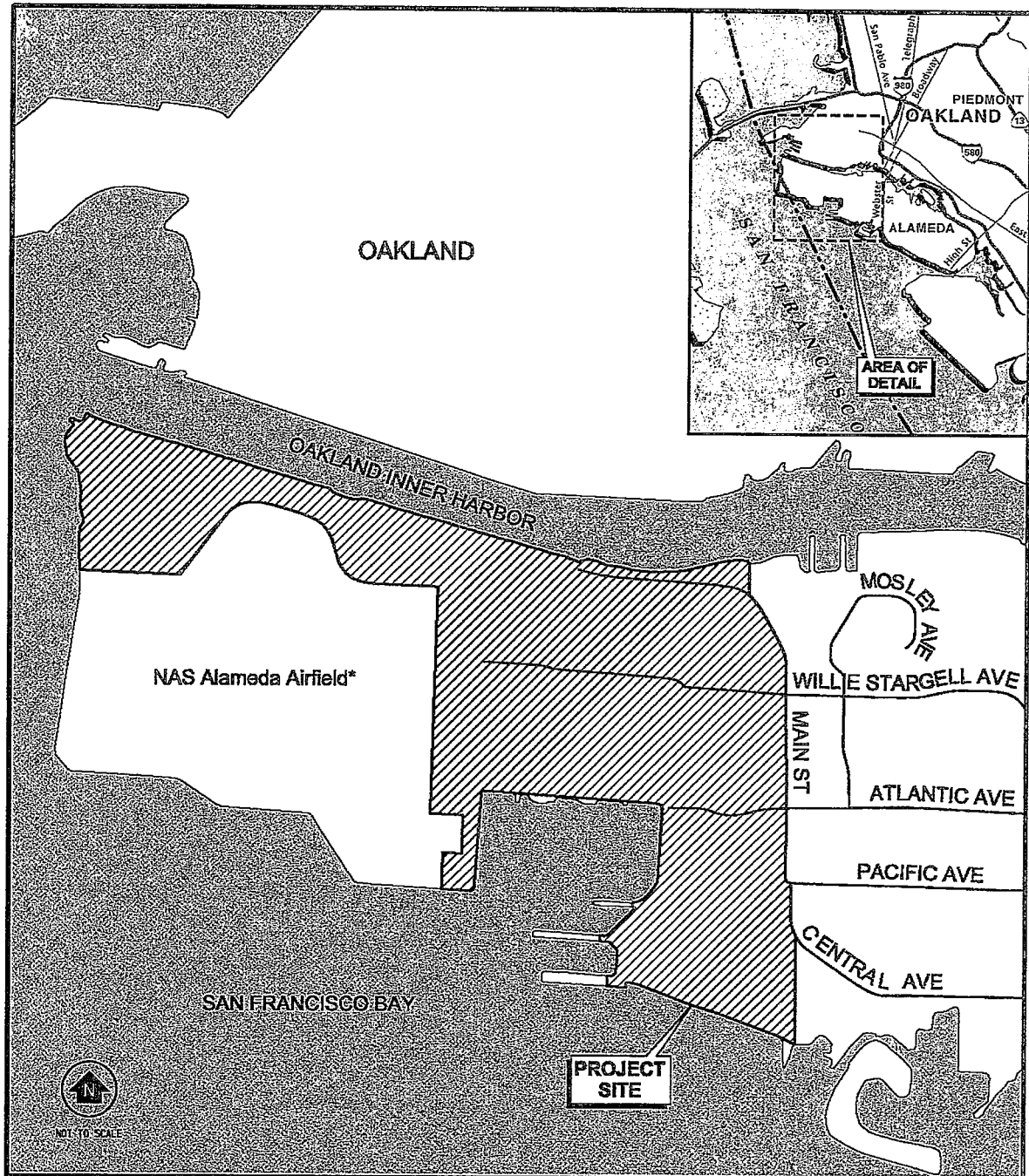
Attachments: A. Map – Alameda Point Project  
B. District's Response to June 24, 2013 Water Supply Assessment Request

i:\SEC\08-13-13 Board Agenda Items\E&C WSA Alameda Point Project sb13\_134.doc



# ALAMEDA POINT PROJECT

## Attachment A



\* Department of Navy's excess property to be transferred to Department of Veterans Affairs for proposed development of an outpatient clinic, offices, and national cemetery.



DRAFT

August 13, 2013

Jennifer Ott, Chief Operating Officer Alameda Point  
City of Alameda  
Economic Development Department  
2263 Santa Clara Avenue, Room 120  
Alameda, California 94501-4477

Re: Water Supply Assessment – Alameda Point Project

Dear Ms. Ott:

This letter responds to the City of Alameda's (City) request of June 24, 2013, for water agency consultation concerning the Alameda Point Project (Enclosure 1) located in Alameda, which is within the East Bay Municipal Utility District's (EBMUD) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

Pursuant to Sections 10910-10915 (SB-610) of the California Water Code, the project meets the threshold requirement for an assessment of water supply availability based on the amount of water this project would require, a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

This assessment is prepared based on updated project development information provided by the City and supersedes the original Water Supply Assessment dated May 14, 2001. Please note that this assessment addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to rates and regulations in effect at the time.

### **Project Demand**

The water demand range for the Alameda Point Project area are accounted for in EBMUD's water demand projections as published in EBMUD's 2010 Urban Water Management Plan (UWMP/Enclosure 2). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The project site is the former Naval Air Station (NAS) Alameda with historical water use of approximately 1.7 million gallons per day (mgd). Current use is about 0.40 mgd. The City's estimated water demand for the Community Plan Reuse Alternative and the High Density Alternative at build out is 1.87 mgd and 2.24 mgd, respectively.

EBMUD's demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas, thus increasing EBMUD's overall demand. EBMUD's 2010 UWMP projects water demands over time,

accounting for estimated variations in demand usage less conservation and recycled supply sources as noted in Table 4-1, Water Demand Projections for Each Water Use Sector, of the 2010 UWMP. EBMUD's water demand projections are based on the 2040 Demand Study (Demand Study), which was completed in 2009. For planning purposes, the demands are estimated in five-year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. Future versions of the UWMP, which is updated every five years, will include an updated assessment of customer demand and water supply.

### **Project Area**

The Alameda Point Project is a large part of the former NAS Alameda property, and is bounded by Oakland Inner Harbor to the north, the San Francisco Bay to the south and west, and Main Street to the east. As described in the City's Water Supply Assessment request letter, the Alameda Point Project is a mixed-used development that includes two alternatives, the Community Reuse Plan Alternative and the High Density Alternative. The Community Reuse Plan Alternative proposes 1,425 residential units (1,225 single-family and 200 multi-family), 4,788,000 square feet of office space, 712,000 square feet of retail space, 311 acres of parks and open space, 583 marina slips at build out and a 300-room hotel. The High Density Alternative includes 3,400 residential units (1,223 single-family and 2,177 multi-family), 3,668,000 square feet of office space, 1,642,000 square feet of retail space, 311 acres of parks and open space, 583 marina slips at build out and a 300-hundred room hotel.

### **EBMUD Water Demand Projections**

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2040 water demand forecast of 312 mgd for EBMUD's service area can be reduced to 230 mgd with the successful implementation of water recycling and conservation programs, as outlined in the 2010 UWMP. Although current demand is lower than estimated in the Demand Study, as a result of the recent multi-year drought and the downturn in the economy, the Demand Study still reflects a reasonable expectation for growth over the long term for demand in year 2040. The Alameda Point Project will not change EBMUD's 2040 demand projection.

### **EBMUD Water Supply and Water Rights**

EBMUD has water rights permits and licenses that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right

holders, and the terms of the appropriative water rights permits and licenses, which have been issued by the State, pre-1914 rights, and riparian rights.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by prior right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in rainfall and runoff.

During prolonged droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility, which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

#### **EBMUD UWMP**

The 2010 UWMP, adopted on June 28, 2011, by EBMUD's Board of Directors by Resolution No. 33832-11, is a long-range planning document used to assess current and projected water usage, water supply planning and conservation and recycling efforts. A summary of EBMUD's demand and supply projections, in 5-year increments for a 25-year planning horizon is provided in Table 4-3, EBMUD Demand and Supply Projections of the 2010 UWMP (Enclosure 3).

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, United States (U.S.) Fish and Wildlife Service, and the California Department of Fish and Game. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

The available supply shown in the attached table (Enclosure 3) was derived from EBMUD's hydrologic model with the following assumptions:

- EBMUD Drought Planning Sequence is used for 1976, 1977 and 1978;
- Total system storage is depleted by the end of the third year of the drought;
- EBMUD will implement its Drought Management Program when necessary;
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights;

- Releases are made to meet the requirements of senior downstream water right holders and fishery releases are made according to the JSA;
- Dry-year supply of Central Valley Project (CVP) water, through the Freeport Regional Water Facility, is available; and
- Bayside Groundwater Project, Phase 1, is available.

As discussed under the Drought Management Program section in Chapter 3 of the 2010 UWMP, EBMUD's system storage generally allows it to continue serving its customers during dry-year events. EBMUD imposes rationing based on the projected storage available at the end of September. By imposing rationing in the first dry year of potential drought periods, EBMUD attempts to minimize rationing in subsequent years if a drought persists while continuing to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies. Table 3-2, Long-Term Drought Management Program Guidelines, in the 2010 UWMP summarizes the Drought Management Program guidelines for consumer water reduction goals based on projected system storage.

In Table 4-3, EBMUD Demand and Supply Projections (Enclosure 3), "Single Dry Water Year" (or Year 1 of "Multiple Dry Water Years") is determined to be a year that EBMUD would implement Drought Management Program elements at the "moderate" stage with the goal of achieving a reduction between 0 to 10 percent in customer demand. Year 2 of "Multiple Dry Years" is determined to be a year that EBMUD would implement Drought Management Program elements at the "severe" stage with the goal of achieving between 10 to 15 percent reduction in customer demand. Year 3 of "Multiple Dry Years" is a year in which EBMUD would implement Drought Management Program elements at the "critical" stage. Despite water savings from EBMUD's aggressive conservation and recycling programs and rationing of up to 15 percent, additional supplemental supplies beyond those provided through the Freeport Regional Water Facility and the Bayside Groundwater Facility will be needed during Years 2 and 3 of a three-year drought. Therefore, supplemental supplies are needed in a multiple-year drought periods while continuing to meet the requirements of senior downstream water right holders and the provisions of the 1998 JSA.

### **Supplemental Water Supply and Demand Management**

The goals of meeting projected water needs and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation and recycled water programs.

By 2011, EBMUD completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility to augment its water supply during drought periods. However, additional supplemental supplies beyond those provided through these facilities will still be needed, as noted above. Chapter 2 of the 2010 UWMP describes potential supplemental water



supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of water through the Freeport facility is based on its Long Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre-feet in a single dry-year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500 total acre feet on September 30 of each year.

Construction of the Bayside Groundwater Project, Phase 1, was completed in 2010. A permit from the Department of Public Health, which is pending, is required before the groundwater can be extracted and treated for municipal use. The project is designed to yield 2 mgd over a 6-month period, resulting in an average annual production capacity of 1 mgd per year.

Chapter 2 of the 2010 UWMP also lists other potential supplemental water projects, including northern California water transfers, Bayside Groundwater Project Expansion, Los Vaqueros Expansion and others that could be implemented as necessary to meet the projected long-term water supplemental need during multi-year drought periods. The 2010 UWMP identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for a particular component, so that EBMUD will be able to continue to pursue the additional supplemental supplies that are projected to be necessary, while also minimizing the risks associated with future uncertainties such as project implementation challenges and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies, and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

The Alameda Point Project presents an opportunity to incorporate water conservation measures. Conditions of approval for the implementation of the Alameda Point Project should require that the project comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with project sponsors to discuss water conservation programs and best management practices applicable to such projects. A key objective of these

discussions will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

The Alameda Point Project is located within the District's East Bayshore Recycled Water Project service boundaries and in the vicinity of future planned transmission pipeline extensions within the City. As part of the long-term water supply planning, EBMUD will consider the feasibility of providing recycled water to the project area for appropriate uses including landscape irrigation, commercial and industrial process uses, as well as toilet and urinal flushing in non-residential buildings. The District recommends that the City require developers of the Alameda Point Project area to coordinate and consult with the District during the planning and implementation phases of future developments regarding the feasibility of providing recycled water for appropriate non-potable uses.

The project sponsor should contact David J. Rehnstrom, Senior Civil Engineer, at (510) 287-1365 for further information.

Sincerely,

William R. Kirkpatrick  
Manager of Water Distribution Planning Division

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sb13\_134a.doc

Enclosures:   1. Letter of Request for Water Supply Assessment dated June 24, 2013.  
                  2. EBMUD 2010 Urban Water Management Plan  
                  3. EBMUD Demand and Supply Projections Table

cc:     Board of Directors w/o Enclosure 2



City of Alameda • California

June 24, 2013

David Rehnstrom  
Water Service Planning  
**EAST BAY MUNICIPAL UTILITY DISTRICT**  
P.O. Box 24055  
Oakland, CA 94623-1055

Subject: Satisfaction of Water Supply Consultation  
Alameda Point Project  
Alameda, California

Dear Mr. Rehnstrom:

The City of Alameda is submitting this letter to the East Bay Municipal Utility District (EBMUD) to confirm that adequate water supplies are available to serve the Alameda Point Project (Alameda Point). The City issued the Notice of Preparation in January 2013 for a "project level" Environmental Impact Report (EIR) analyzing Alameda Point. This EIR is evaluating the potential environmental impacts associated with the redevelopment of Alameda Point, which includes proposed land uses consistent with the Community Reuse Plan. The Community Reuse Plan was adopted by the City of Alameda in 1996 after extensive public involvement to create a guiding document and vision for the redevelopment of Alameda Point. Additional land use alternatives, with lower and higher densities than the Community Reuse Plan, will also be analyzed in this EIR.

EBMUD previously prepared a Water Supply Assessment (WSA) for Alameda Point, dated May 14, 2001. The City requested this WSA in 2001 as support to the "program level" EIR that was in preparation for Alameda's General Plan Amendment. This General Plan Amendment (GPA) was eventually adopted by the City in 2003 and incorporated "Chapter 9 – Alameda Point" to the City's General Plan, integrating Alameda Point with the rest of the City. The GPA outlined a variety of future land uses at Alameda Point, similar to the Community Reuse Plan, but with different buildout amounts of each land use. The 2001 WSA confirmed that adequate water supplies were available to serve the proposed land uses in the GPA.

As outlined below, the estimated water demand for the proposed project being analyzed in the 2013 EIR is similar as that of the 2003 GPA. Therefore, the City believes EBMUD continues to have available water supply for Alameda Point. We are writing at this time to verify this understanding and to provide the updated water demand projections described in the 2013 EIR.

#### **2003 General Plan Amendment**

The General Plan Amendment included buildout projections of designated land uses at Alameda Point including 1,935 residential units, 2.1 million square feet of commercial and industrial building area and 150 acres of recreational open space.

Based on the 2001 WSA, the estimated water demand for the buildout of all 2003 GPA land uses at Alameda Point was projected to be approximately 1.65 million gallons per day (MGD). The findings of the 2001 WSA concluded that EBMUD has available water supply to meet the projected demands of current and future customers in a normal year. However, in drought conditions, EBMUD would not have sufficient water to serve all customer demand within its service boundary.

The GPA EIR identifies that implementation of EBMUD's drought condition rationing program in combination with existing City of Alameda General Plan Policies 5.1.h, 5.1.i, 5.1.y, 5.1.aa and 9.3.gg and the City's Water Conservation Ordinance would substantially reduce demand for potable water from redevelopment during critical water supply events, consistent with EBMUD policies. The residual impact was considered less than significant and the EIR concluded EBMUD had adequate water supply for Alameda Point.

### 2013 Alameda Point Project

As previously indicated, the 2013 Alameda Point Project is designed to accommodate a mix of land uses consistent with the 1996 Community Reuse Plan. The buildout projections of the designated land uses include approximately 5.5 million square feet of employment uses including a mix of retail, commercial recreation, commercial office, business park, industrial, institutional, maritime and marina uses, including 583 marina slips and a 300 room hotel. The 2013 project also consists of 1,425 residential units and approximately 311 acres of parks and open space. The estimated water demand for the buildout of the 2013 Alameda Point Project is approximately 1.87 MGD. The water demand categories and associated factors utilized in this calculation are summarized below in Table 1.

**Table 1 - Community Reuse Plan  
Estimated Potable Water Demand (Buildout)**

Land Use	Units	SF	Acres	Flow Factor	Flow
Residential (Single Family)	1,225			280 GPD/Unit	0.34 MGD
Residential (Multi-Family)	200			165 GPD/Unit	0.04 MGD
Office & Manufacturing/Warehouse		4,788,000		0.084 GPD/SF	0.40 MGD
Retail & Service		712,000		0.15 GPD/SF	0.11 MGD
Park			311	3,040 GPD/Acre	0.94 MGD
Marina Slips	583			22 GPD/Unit	0.01 MGD
Hotel	300			100 GPD/Unit	0.03 MGD

**Total Potable Water Demand      1.87 MGD**

June 24, 2013

The 2013 Alameda Point Project also includes low and high density alternatives. The High Density Alternative includes an increased amount of residential units to a total of 3,400 units. All other buildout projections of the non-residential land uses for this High Density Alternative remain consistent with the 1996 Community Reuse Plan. The estimated water demand for the buildout of the High Density Alternative is approximately 2.24 MGD. The estimated demand for each land use within this alternative is summarized in Table 2.

**Table 2 – High Density Alternative  
Estimates Potable Water Demand (Buildout)**

Land Use	Units	SF	Acres	Flow Factor	Flow
Residential (Single Family)	1,223			280 GPD/Unit	0.34 MGD
Residential (Multi-Family)	2,177			165 GPD/Unit	0.36 MGD
Office & Manufacturing/Warehouse		3,668,000		0.084 GPD/SF	0.31 MGD
Retail & Service		1,642,000		0.15 GPD/SF	0.25 MGD
Park			311	3,040 GPD/Acre	0.94 MGD
Marina Slips	583			22 GPD/Unit	0.01 MGD
Hotel	300			100 GPD/Unit	0.03 MGD

**Total Potable Water Demand    2.24 MGD**

As stated, the estimated water demand for the 2013 Alameda Point Project is similar to the demand analyzed in EBMUD's 2001 WSA. It is the City's continued understanding that EBMUD has included the redevelopment of Alameda Point in the 2040 Water Supply Management Program and has adequate potable water supply for the proposed project, both the Community Reuse Plan and the High Density Alternative. The City is requesting EBMUD provide confirmation that adequate supply is available for Alameda Point of EIR.

Please contact me if you need additional information.

Sincerely,



Jennifer Ott  
Chief Operating Officer – Alameda Point

## ALAMEDA POINT WATER SUPPLY DEMAND REFERENCES

USE	DEMAND FACTOR	REFERENCE
Marina Slips	22 GPD/Unit	2001 Alameda Point WSA
Hotel	100 GPD/Room	2001 Alameda Point WSA
Open Space	3040 GPD/AC	DSRSD Standard Procedures, Specifications and Drawings Section II - Table 1 (9/2011)
Single Family Residential	280 GPD/Unit	EBMUD
Multi-Family Residential	165 GPD/Unit	EBMUD
Office	0.084 GPD/SF	Water Supply and Pollution Control (Warren Viessman Jr. & Mark J. Hammer) - Table 4.1 Office Bldgs/Commercial Credit
Manufacturing/Warehouse	0.084 GPD/SF	Water Supply and Pollution Control (Warren Viessman Jr. & Mark J. Hammer) - Table 4.1 Office Bldgs/Commercial Credit
Retail	0.15 GPD/SF	Water Supply and Pollution Control (Warren Viessman Jr. & Mark J. Hammer) - Table 4.1 Shopping Centers/Towson Plaza
Service	0.15 GPD/SF	Water Supply and Pollution Control (Warren Viessman Jr. & Mark J. Hammer) - Table 4.1 Shopping Centers/Towson Plaza

**EAST BAY MUNICIPAL UTILITY DISTRICT DEMAND AND SUPPLY PROJECTIONS**  
**(Reference: Table 4-3, UWMP 2010 – EBMUD)**

	2010	2015	2020	2025	2030	2035 <sup>1</sup>	2040
<b>PROJECTED DEMAND (MGD)</b>							
CUSTOMER DEMAND <sup>2</sup>	251	266	280	291	304	308	312
ADJUSTED FOR CUMULATIVE CONSERVATION <sup>3</sup>	(26)	(32)	(43)	(49)	(56)	(59)	(62)
ADJUSTED FOR RECYCLED WATER <sup>4</sup>	(9)	(11)	(16)	(18)	(19)	(20)	(20)
PLANNING LEVEL OF DEMAND	216	223	221	224	229	229	230
<b>PROJECTED AVAILABLE SUPPLY AND NEED FOR SUPPLEMENTAL SUPPLY (MGD)<sup>5</sup></b>							
NORMAL YEAR	>216	>223	>221	>224	>229	>229	>230
SUPPLEMENTAL SUPPLY NEED	0	0	0	0	0	0	0
<b>SINGLE DRY YEAR (MULTIPLE DRY YEARS – YEAR 1)</b>							
AVAILABLE SUPPLY	211	217	215	218	223	222	222
CUSTOMER RATIONING <sup>6</sup>	2%	3%	3%	3%	3%	3%	4%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	5	6	6	7	7	8	8
<b>MULTIPLE DRY YEARS – YEAR 2</b>							
AVAILABLE SUPPLY	183	189	188	190	194	194	195
CUSTOMER RATIONING <sup>6</sup>	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	21	21	21	21	22	22	22
<b>MULTIPLE DRY YEARS – YEAR 3</b>							
AVAILABLE SUPPLY	183	189	188	190	183	164	144
CUSTOMER RATIONING <sup>6</sup>	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	21	21	21	21	33	53	73
<b>THREE-YEAR DROUGHT</b>							
TOTAL SUPPLEMENTAL SUPPLY NEED (TAF) <sup>7</sup>	53	54	54	55	69	93	115

<sup>1</sup> Projected demand for 2035 is interpolated.

<sup>2</sup> Customer demand values are based on the demand projections from the "2040 Demand Study," Feb 2009. These projected water demands are based on land use in EBMUD's ultimate service area and is unadjusted for conservation and non-potable water. The values are also unadjusted for the current suppressed demand due to the 2007-2010 rationing period and the economic downturn.

<sup>3</sup> Existing conservation saving from the "1994 Water Conservation Master Plan" and planned conservation program savings based on the "2011 Water Conservation Master Plan".

<sup>4</sup> Existing recycled water achieved per the "1993 Water Supply Management Program" and planned recycled water program savings as outlined in Chapter 5 of the UWMP 2010.

<sup>5</sup> Projected available supply data includes dry year supply deliveries from the Freeport Regional Water Project (FRWP) and Bayside Groundwater Project, Phase 1. Delivery rules for the FRWP follow the rules as developed in the Freeport EIR, 2003.

<sup>6</sup> Rationing reduction goals are determined according to projected system storage levels in the Long-Term Drought Management Program guidelines per Table 3-2 in Chapter 3 of the UWMP 2010.

<sup>7</sup> The supplemental supply need is based on EBMUDSIM modeling studies. It is the amount of water needed based on EBMUD's updated demand projections, the provisions of the 1998 Joint Settlement Agreement and the rationing policy stated in Table 3-2, Chapter 3 of the UWMP 2010. The actual need will be dependent on antecedent conditions and the severity of actual drought conditions. Supplemental supply stored during the initial year of the drought could be later released, diminishing supplemental supply needs. During the drought that continued into 2010, the combined effects of water rationing and an economic downturn suppressed demand below the planning level of demand to maintain a sufficient water supply and deferred the need for supplemental water. However, if the drought had continued into its second year, most likely supplemental supplies would have been obtained from the Freeport Regional Water Facility as anticipated in the Interim Drought Management Program Guidelines discussed in Appendix G-2.







AGENDA NO.

8.

MEETING DATE

August 13, 2013

**TITLE** AUTHORIZE CONTINUED EMPLOYMENT OF BARG, COFFIN, LEWIS & TRAPP, LLP,  
AS SPECIAL COUNSEL

☒ **MOTION** \_\_\_\_\_ ☐ **RESOLUTION** \_\_\_\_\_ ☐ **ORDINANCE** \_\_\_\_\_

### RECOMMENDED ACTION

Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for special counsel services related to environmental regulatory and environmental litigation matters in an additional amount not to exceed \$350,000.

### DISCUSSION


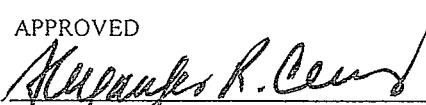
The firm of Barg, Coffin, Lewis & Trapp has been retained to assist the Office of General Counsel in environmental regulatory and environmental litigation matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate confidential memorandum to the Board of Directors.

### CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

### FISCAL IMPACT

Sufficient monies have been budgeted in the Office of General Counsel's budget for fiscal year 2014 for this request for specialized legal assistance.

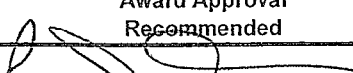
Funds Available: FY 2014		Budget Code: WSO 130 8511 5231	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED	
Office of General Counsel	 Craig S. Spencer, Assistant General Counsel	 General Manager	

Contact the Office of the District Secretary regarding questions about completing or submitting this form.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Amendment to Professional Services Agreement</b> Employment of Barg, Coffin, Lewis & Trapp, LLP as Special Counsel							<b>DATE:</b> July 29, 2013					
<b>CONTRACTOR:</b> Barg, Coffin, Lewis & Trapp, LLP San Francisco, CA					<b>PERCENTAGE OF CONTRACT DOLLARS</b>							
Small Business					Availability Group		Contracting Objectives		Participation			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			White Men		25%		100.0%			
		Ethnicity		Gender	White Women		6%		0.0%			
\$350,000		White		Men	Ethnic Minorities		25%		0.0%			
<b>CONTRACT EQUITY PARTICIPATION</b>												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Barg, Coffin, Lewis & Trapp, LLP		\$350,000	White	X		100.0%	---	---	---	---	---	---
<b>SUBS:</b> None						---	---	---	---	---	---	---
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<b>TOTAL</b>		\$350,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		13		14		11		38				
Percent of Total Employees:		34.2%		36.8%		28.9%						
MSA Labor Market %:		30.8%		25.1%		44.0%						
MSA Labor Market Location:		San Francisco										
<b>COMMENTS</b>												
Contract Equity Participation - 100% White Men participation.												
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA					NA							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Employment of Barg, Coffin, Lewis & Trapp, LLP as Special Counsel							
		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
Professional Services Agreement		DATE:	7/29/2013						
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM - SBE	Company Wide	2	2	7	-	11	28.9%	44.0%
Barg, Coffin, Lewis & Trapp, LLP John F. Barg 350 California Street, 22nd Floor San Francisco, CA 94104  415-228-5410		Manager/Prof	1	-	2	-	3	15.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	1	2	5	-	8	44.4%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	2	2	7	-	11	28.9%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		6/4/2013		
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		38 Bay Area: 38		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.

9.

MEETING DATE

August 13, 2013TITLE SPECIAL DISTRICT GENERAL OBLIGATION BOND TAX RATE☐ MOTION ☒ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Fix the ad valorem tax rate for Special District No.1 (SD-1) to cover debt service in the amount of \$4,227,750 on Wastewater System General Obligation Bond Series F for FY14 at a rate of \$0.0066 per \$100 of assessed value for properties located within the service area of SD-1.

**BACKGROUND**

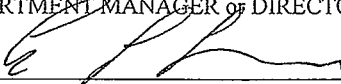

The Board adopted a policy utilizing an ad valorem tax to cover the General Obligation bond debt service following a public meeting on July 25, 1995 and a public hearing on August 8, 1995.

The basis of the ad valorem tax will be the assessments made by the Assessors of Alameda and Contra Costa counties, and by the State Board of Equalization for the two counties. Alameda and Contra Costa counties are authorized to collect the ad valorem tax for SD-1 and to withhold the customary fees and charges for the collection, which are limited by statute to no more than one-half of one percent of the amount of ad valorem tax collected.

The tax rate is fixed annually in accordance with Section 12899 of the MUD Act. The fixing of the rate for FY14 is the necessary administrative process to continue the collection of the tax. The county tax collector relies on the certification of the formal annual "fixing" of the rate by the Board as authority to include the levy on the tax bill for the current fiscal year.

**DISCUSSION**

The table on the following page shows the calculations of the ad valorem tax rate for FY13 and FY14. The tax rate of \$0.0066 per \$100 (\$6.60 per \$100,000) of assessed value for FY14 is a decrease of \$0.0002 per \$100 of assessed value from the FY13 tax rate of \$0.0068 per \$100 of assessed value. The ad valorem tax rate decreased because assessed values have increased at a faster rate than the debt service requirement for FY14. The levy of \$0.0066 per \$100 of assessed value will generate sufficient revenues to

Funds Available FY:		Budget Code:
DEPARTMENT SUBMITTING:  FINANCE	DEPARTMENT MANAGER or DIRECTOR:  Eric L. Sandler	APPROVED:  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

cover the debt service on outstanding General Obligation bonds for FY14 as provided in the FY14-15 Budget.

<b>FY14 Ad Valorem Tax Rate Wastewater System General Obligation Bond – Series F</b>		
	<b>FY13</b>	<b>FY14</b>
<b>Estimated Debt Service</b>	\$4,146,550	\$4,227,750
<b>Estimated Assessed Valuation</b>		
Alameda County	\$57,404,213,520	\$60,157,093,133
Contra Costa County	3,702,125,242	3,893,673,822
<b>Total</b>	\$61,106,338,762	\$64,050,766,955
<b>Ad Valorem Tax Rate (\$/\$100 of Assessed Value)</b>	0.0068	0.0066

#### ALTERNATIVE

**Increase wastewater treatment charges by approximately 5% to meet the General Obligation bond debt service obligation.** This is not recommended as the tax levy has been in place since 1995.

RESOLUTION NO. \_\_\_\_\_

FIXING THE RATE OF TAX FOR EAST BAY MUNICIPAL  
UTILITY DISTRICT SPECIAL DISTRICT NO. 1

Introduced by Director

; Seconded by Director

WHEREAS, pursuant to an election duly and regularly held in East Bay Municipal Utility District on November 3, 1970, the Board of Directors on June 8, 1971, adopted Resolution No. 25676 providing for the issuance of \$60,000,000 principal amount of East Bay Municipal Utility District Special District No. 1 Bonds, Issue of 1970 (the "Bonds"), authorizing the issuance of said Bonds in series and providing for the levy of a tax on the property of said Special District to pay the principal and interest of said bonds; and

WHEREAS, on August 8, 1995, following a duly noticed public hearing, the Board of Directors adopted Resolution No. 32933-95 determining (1) that the revenues of East Bay Municipal Utility District Special District No. 1 would not be sufficient to pay the principal of and interest on the Bonds as the same become due, or to carry out the objects and purposes of said Special District No. 1, or to provide a sum for sinking fund purposes for the retirement of the Bonds and (2) that a tax shall be levied upon properties within the Special District No. 1 for the payment of the principal of and interest on the Bonds and fixed the rate of taxation for fiscal year 1996; and

WHEREAS, the Board of Directors, having elected to avail itself of the assessments made by the assessors of Alameda and Contra Costa Counties and by the State Board of Equalization for the two counties, is required by Public Utilities Code section 12899 to fix the rate of tax using as a basis the value of property transmitted annually to the Board of Directors by the county auditors; and

WHEREAS, the Board of Directors hereby determines that the total amount of revenue required by Special District No. 1 which will be derived from ad valorem tax on property on the secured roll, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, is the sum of \$4,227,750 and divides the sum so determined between the Counties of Alameda and Contra Costa as follows: Alameda County, \$3,970,743; Contra Costa County \$257,007;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that the rate of taxation for East Bay Municipal Utility District Special District No. 1, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, is hereby fixed at the rate of \$0.0066 upon each \$100 of the valuation of property as so assessed by the County Assessor of Alameda County and by the State Board of Equalization for the property within Alameda County, and at \$0.0066 upon each \$100 of assessed valuation as so assessed by the County Assessor of Contra Costa County and by the State Board of Equalization for the property within Contra Costa County, said rates of tax being necessary to raise the amount of revenue hereinbefore apportioned to each county by the Board of Directors.

BE IT FURTHER RESOLVED that the Secretary is hereby instructed to immediately transmit to the County Auditors of said counties, respectively, a statement of the rate of taxation so fixed by the Board of Directors by filing with each of said County Auditors a certified copy of this resolution.

BE IT FURTHER RESOLVED that there shall be set aside out of the sum raised by the foregoing tax levy and/or out of other revenues of said Special District No. 1 amounts sufficient to constitute sinking funds to pay the outstanding Bonds of said Special District No. 1, as it becomes due, and the interest on any of said Bonds, which interest becomes due before the next general tax levy, and to carry out the objects and purposes of said Special District No. 1.

ADOPTED this 13<sup>th</sup> day of August, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

President

ATTEST:

---

Secretary

APPROVED AS TO FORM AND PROCEDURE:

---

General Counsel





AGENDA NO.  
MEETING DATE

11.1  
August 13, 2013

TITLE DINGEE PIPELINE AND CLAREMONT CENTER AQUEDUCTS REPLACEMENTS

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

### RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Ranger Pipelines, Inc., in the amount of \$22,000,000 for construction of the Dingee Pipeline and Claremont Center Aqueducts Replacements Project under Specification 2059.

### SUMMARY

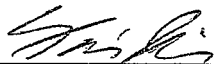

Work includes installation of approximately 18,800 feet of 6- to 54-inch diameter steel pipe and approximately 8,800 feet of 2- to 24-inch diameter high-density polyethylene pipe; installation of two 3,000 gallon surge tanks and four magnetic flow meters and performance of other related work.

### DISCUSSION

Between 1998 and 2013, the Dingee Backbone Pipeline experienced a series of significant main breaks due to corrosion. Impacts from the main breaks included service interruptions and costly maintenance repairs. The existing pipeline alignment is located underneath Highway 24 and within several narrow right-of-ways. The new pipeline alignment improves access for future maintenance and avoids fault and earthquake-induced landslide hazard zones. Additionally, the aqueduct pipelines near Claremont Center require replacement due to recent leaks caused by coating and lining failures. Replacement of the designated pipelines under one contract will improve construction efficiency because of pipeline proximities and will lessen long-term impacts to the surrounding communities. See attached map for location.

### BID RESULTS

Bids Received:	5
Documents Issued:	66
Range of Bids:	\$21,465,000 - \$23,250,000
Engineer's Estimate:	\$21,235,663

Funds Available: FY14-15; CIP #1006298; Page 22		Budget Code: WSC\570\7999\5561\2007175:25
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

The District sent bid documents to 30 resource organizations and to 27 potential bidders. See attached Bid Summary for additional information.

Due to the schedule constraints and technical complexity of this project, the contract documents required bidders and their subcontractors to demonstrate past experience on installation of large diameter pipes similar in size, type, and complexity. The apparent low bid of \$21,465,000 was submitted by Vido Artukovich & Son, Inc. / Vidmar, Inc. (VASV). VASV's bid listed a project that did not meet the specified contract requirements. As a result, staff determined the bid to be non-responsive and prohibited award of the project to VASV.

Subsequent review and verification of Ranger Pipelines, Inc.'s qualifications and references indicated that they meet the specified requirements detailed in the contract documents. Therefore, award to the second lowest bidder, Ranger Pipelines, Inc., is recommended.

#### **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

#### **FISCAL IMPACT**

This item is included in the FY14-15 Capital Improvement Program for Large Diameter Pipelines Project under the Pipelines/Regulators Program.

#### **PREVAILING WAGE**

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

#### **UNION NOTIFICATION**

Local 444 AFSCME was notified of this contract on December 10, 2012. Local 444 AFSCME did not raise any specific issues related to this contract.

#### **CEQA/ENVIRONMENTAL COMPLIANCE**

A Mitigated Negative Declaration (MND) for the Dingee Backbone Pipeline Project was approved by the Board of Directors on May 10, 2011. An addendum to the MND to include replacement of the Claremont Center Aqueducts was completed in March 2013 and a Notice of Determination for the addendum was filed with Alameda County on June 10, 2013.

## **ALTERNATIVES**

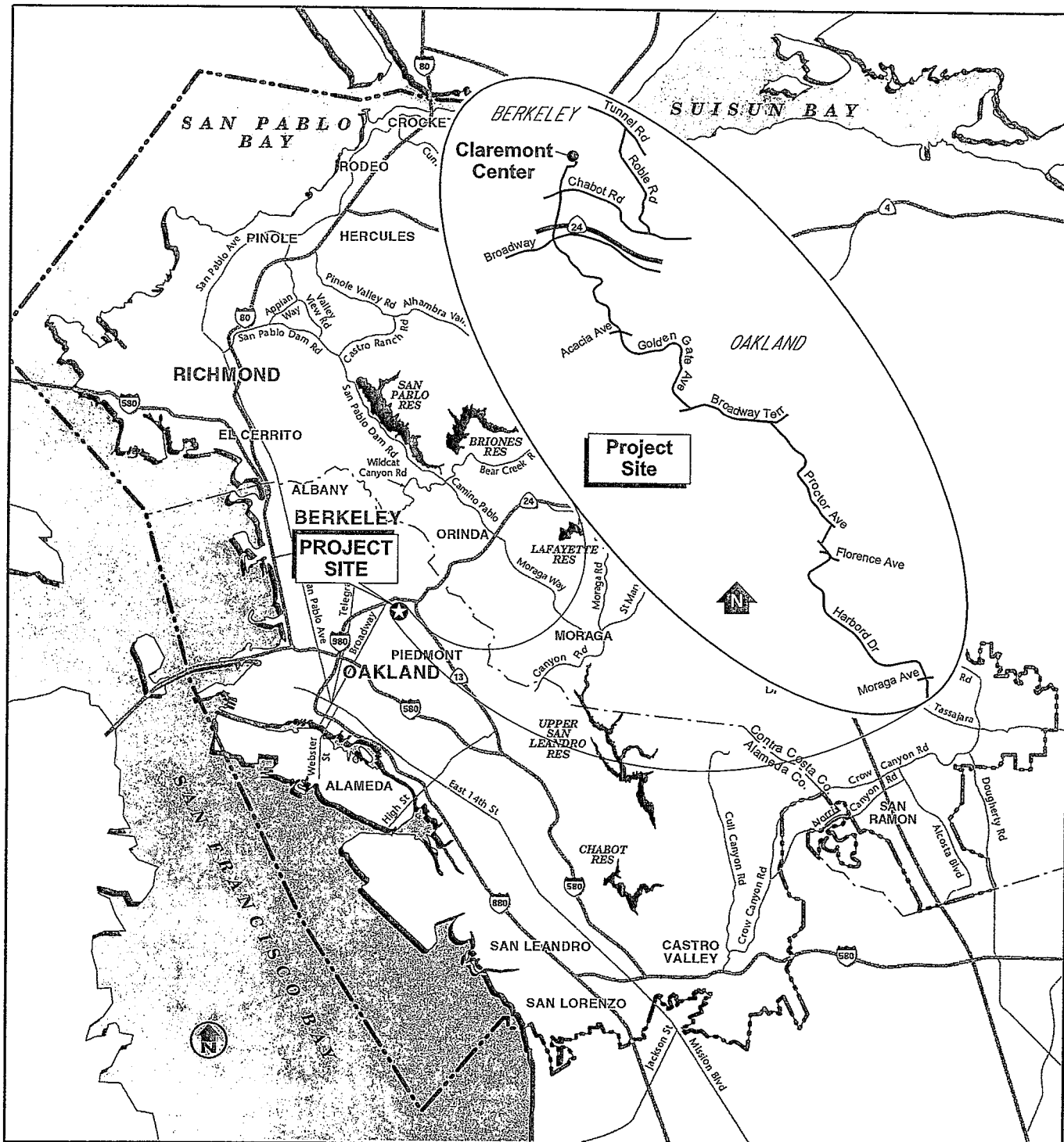
**No Project.** This alternative is not recommended because the pipelines will continue to leak due to corrosion, coating, and lining failure creating service interruptions and costly maintenance repairs.

**Perform the Work with District Forces.** This alternative is not recommended because District staff is committed to high productivity pipeline replacement projects.

Attachments: Location Map  
Bid Summary  
Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)

I:\SEC\8-13-13 Board Agenda Items\E&C Dingee Pipeline and Claremont Center Aqueducts Replacements.doc





**PROJECT SITE  
LOCATION MAP**

NOT TO SCALE

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**DINGEE PIPELINE AND  
CLAREMONT CENTER AQUEDUCTS  
REPLACEMENTS**

**SPECIFICATION 2059**



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**SPECIFICATION 2059**  
**DINGEE PIPELINE AND CLAREMONT CENTER**  
**AQUEDUCTS REPLACEMENTS**  
**Bids Opened July 24, 2013**

	<b>BIDDER</b>	<b>TOTAL AMOUNT BID</b>
1.	Vido Artukovich & Son, Inc. /Vidmar, Inc. A JV(SBE) 11155 Rush Street South El Monte, CA 91733 (626) 444-4286	\$21,465,000
2.	Ranger Pipelines, Inc. 1790 Yosemite Ave. San Francisco, CA 94124 (415) 822-3700	\$22,000,000
3.	Steve P. Rados, Inc. 2002 East McFadden Avenue, Suite 200 Santa Ana, CA 92705 (714) 835-4612	\$22,547,000
4.	Mountain Cascade, Inc. 555 Exchange Court Livermore, CA 94551 (925) 373-8370	\$22,750,000
5.	McGuire and Hester 9009 Railroad Avenue Oakland, CA 94603 (510) 632-7676	\$23,250,000

SBE – Small Business Enterprise

**Engineer's Estimate    \$21,235,663**







# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> SPECIFICATION NO.: 2059 Dingee Pipeline and Claremont Center Aqueducts Replacements						<b>DATE:</b> July 30, 2013					
<b>CONTRACTOR:</b> Ranger Pipelines Inc. San Francisco, CA						<b>PERCENTAGE OF CONTRACT DOLLARS</b>					
<b>BID/PROPOSER'S PRICE:</b> \$22,000,000		<b>FIRM'S OWNERSHIP</b>		White Men		25%		95.5%			
		Ethnicity	Gender	White Women		9%		3.6%			
		White	Men	Ethnic Minorities		25%		1.0%			
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Ranger Pipelines Inc. \$20,523,500 White X 93.3% --- --- --- --- --- --- ---											
<b>SUBS:</b> Steiny and Co., Inc. \$668,000 White X 3.0% --- --- --- --- --- --- ---											
Farwest Corrosion Control Co. \$78,000 White X 0.4% --- --- --- --- --- --- ---											
Bay Line Cutting & Coring \$35,000 Hispanic X 0.2% --- --- --- --- --- --- ---											
Tap Master, Inc. \$285,000 White X 1.3% --- --- --- --- --- --- ---											
S&S Trucking \$65,000 Hispanic X 0.3% --- --- --- --- --- --- ---											
RES Engineers \$192,000 White X 0.9% --- --- --- --- --- --- ---											
Mission City Rebar \$36,000 Hispanic X 0.2% --- --- --- --- --- --- ---											
RMT Landscape Contractors, Inc. \$82,500 Hispanic X 0.4% --- --- --- --- --- --- ---											
CMC Construction \$35,000 White X 0.2% --- --- --- --- --- --- ---											
<b>TOTAL</b> \$22,000,000 95.5% 3.6% 1.0% 0.0% 0.0% 0.0% 0.0%											
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		42		7		58		107			
<b>Percent of Total Employees:</b>		39.3%		6.5%		54.2%					
<b>MSA Labor Market %:</b>		32.3%		27.8%		39.9%					
<b>MSA Labor Market Location:</b>		9 Bay Area Counties									
<b>COMMENTS</b>											
Contract Equity Participation - 95.5% White Men participation, 3.6% White Women participation and 1% Ethnic Minority participation.											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				YES							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Dingee Pipeline and Claremont Center Aqueducts Replacements</b>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2059		DATE: 7/30/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	1	54	1	2	58	54.2%	39.9%
Ranger Pipelines Inc. Thomas Hunt P. O. Box 24109 San Francisco, CA 94124  415-822-3700		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	7	1	-	8	25.8%	
		Semi/Unskilled	1	47	-	2	50	87.7%	
		Bay Area	1	54	1	2	58	54.2%	39.9%
		AA Plan on File: NA	Date of last contract with District: 2/3/2012						
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 107 Bay Area: 107						
S	WW	Company Wide	-	13	3	-	16	33.3%	47.6%
Steiny and Co., Inc. Nancy Steiny 27 Sheridan Street Vallejo, CA 94590  707-552-6900		Manager/Prof	-	2	-	-	2	18.2%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	4	2	-	6	54.5%	
		Semi/Unskilled	-	7	1	-	8	32.0%	
		Bay Area	-	13	3	-	16	33.3%	39.9%
		Co. Wide MSA: Solano County	# Employees-Co. Wide: 48 Bay Area: 48						
S	WM - LBE	Company Wide	2	1	-	-	3	18.8%	39.9%
Tap Master, Inc. Stanley McCallister 5600 Imhoff Drive Unit J Concord, CA 94520  925-439-7975		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	2	1	-	-	3	25.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	2	1	-	-	3	18.8%	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 16 Bay Area: 16						
S	WM - SBE	Company Wide	1	1	1	-	3	25.0%	44.0%
RES Engineers, Inc. Ross Esfandiari 1250 Missouri Street, Suite 207 San Francisco, CA 94107  415-822-4625		Manager/Prof	1	-	-	-	1	33.3%	
		Technical/Sales	-	1	1	-	2	28.6%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	1	1	1	-	3	25.0%	39.9%
		Co. Wide MSA: San Francisco	# Employees-Co. Wide: 12 Bay Area: 12						
S	EMM:H - L/SBE	Company Wide	1	47	-	-	48	92.3%	47.8%
RMT Landscape Contractors, Inc. Rick DeHerrera 421 Pendleton Way Oakland, CA 94621  510-568-3208		Manager/Prof	-	3	-	-	-	50.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	23	-	-	-	100.0%	
		Semi/Unskilled	1	21	-	-	-	95.7%	
		Bay Area	1	47	-	-	48	92.3%	39.9%
		Co. Wide MSA: Oakland	# Employees-Co. Wide: 52 Bay Area: 52						
S	WW	Company Wide	2	49	7	1	59	42.8%	27.3%
Farwest Corrosion Control Co. Troy Rankin 1480 W. Artesia Blvd. Gardena, CA 90248  310-532-9524		Manager/Prof	-	1	1	-	2	9.1%	
		Technical/Sales	1	8	-	-	9	25.0%	
		Clerical/Skilled	-	14	6	-	20	54.1%	
		Semi/Unskilled	1	26	-	1	28	65.1%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 138 Bay Area: 0						

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
<b>Dingee Pipeline and Claremont Center Aqueducts Replacements</b>		National	10.5	10.7	3.7	0.7	27.3		
<b>Spec. No.:</b> 2059	<b>DATE:</b> 7/30/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	<b>WM - SBE</b>	Company Wide	1	11	-	1	13	61.9%	63.5%
Vido Artukovich & Son, Inc./Vidmar, Inc. Vido Artukovich 11155 Rush Street South El Monte, CA 91733  626-444-4286		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	3	-	1	4	57.1%	
		Semi/Unskilled	1	8	-	-	9	90.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	LA/Long Beach		# Employees-Co. Wide:		21	Bay Area: 0	
P	<b>WM</b>	Company Wide							
Steve P. Rados, Inc. Steve P. Rados P. O. Box 15128 Santa Ana, CA 92735  714-835-4612		Manager/Prof	Information Not Provided						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:						Bay Area:
P	<b>WM - LBE</b>	Company Wide	9	67	-	1	77	41.2%	47.8%
Mountain Cascade, Inc. Michael Duke Fuller 555 Exchange Court Livermore, CA 94551  925-3737-8370		Manager/Prof	1	1	-	-	2	7.4%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	1	1	8.3%	
		Semi/Unskilled	8	66	-	-	74	50.0%	
		Bay Area	9	67	-	1	77	41.2%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		187	Bay Area: 187	
P	<b>WM - LBE</b>	Company Wide	30	225	11	4	270	62.6%	48.4%
McGuire and Hester Michael Hester 9009 Railroad Avenue Oakland, CA 94603  510-632-7676		Manager/Prof	1	6	3	1	11	17.2%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	18	88	6	2	114	54.5%	
		Semi/Unskilled	11	131	2	1	145	91.8%	
		Bay Area	30	225	11	4	270	62.6%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		431	Bay Area: 431	
		Company Wide							47.8%
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:						Bay Area:
		Company Wide							Insert %
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:						Bay Area:

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)





AGENDA NO.  
MEETING DATE

11.2  
August 13, 2013

**TITLE     DINGEE PIPELINE AND CLAREMONT CENTER AQUEDUCTS REPLACEMENTS  
PROJECT – CONSTRUCTION MANAGEMENT ASSISTANCE**

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an agreement with Consolidated CM, Inc. in an amount not to exceed \$716,991 to provide construction management assistance for the Dingee Pipeline and Claremont Center Aqueducts Replacement Project. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

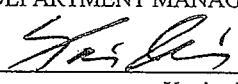

District staff will be performing construction management and inspection for the Dingee Pipeline and Claremont Center Aqueducts Replacement Project. Consolidated CM, Inc. will provide supplemental personnel to blend with District staff and support the construction management efforts during anticipated peak workload periods.

**DISCUSSION**

The Dingee Pipeline and Claremont Center Aqueducts Replacements Project consists of installing approximately 3 miles of 20- to 54-inch large diameter transmission main pipelines and approximately 2 miles of 6- to 12-inch diameter distribution pipelines in the cities of Berkeley and Oakland. The construction duration is 30 months and District staff will perform the majority of the construction management and inspection. However, the pipeline work will occasionally require multiple pipeline headings and the aqueduct replacement work requires tie-in outages to occur during the winter months only. A significant amount of work must be performed in short periods of time in residential areas resulting in workload peaks at various times. These peaks are best addressed by consultant staff who can be mobilized as needed then released when the peaks are over.

**CONSULTANT SELECTION**

Project specific requests for proposals were sent to nine (9) construction management firms listed on the District-wide engineering consultant roster and three (3) proposals were received. Consolidated CM, Inc.

Funds Available: FY14-15 CIP #1006298 Page 22		Budget Code: WSC/570/7999/5231/2007176
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

Dingee Pipeline and Claremont Center Aqueducts Replacements Project – Construction Management Assistance

August 13, 2013

Page 2

was selected based on their qualifications and ability to provide the necessary expertise to blend with District staff.

### **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

### **FISCAL IMPACT**

Funds are available in the FY14-15 Capital Improvement Program for the Large Diameter Pipelines under the Pipelines/Regulators Program.

### **UNION NOTIFICATION**

Locals 2019 and 21 were notified of this contract on June 28, 2013. Local 2019 did not raise any specific issues or concerns related to this contract. Local 21 raised issues regarding the need for supplemental construction management staff. The District and Local 21 met on July 24, 2013. The District and Local 21 remain in disagreement.

### **CEQA/ENVIRONMENTAL COMPLIANCE**

A Mitigated Negative Declaration was adopted by the Board for this project on May 10, 2011.

### **ALTERNATIVES**

**Perform the Work with a Different Consultant.** This alternative is not recommended. The Consolidated CM, Inc. team has the best qualifications and experience for this project.

**Do Not Authorize Agreement.** This alternative is not recommended as the Dingee Pipeline and Claremont Center Aqueducts Replacements Project is time sensitive, complex, and will require comprehensive construction management and inspection at all times.

**Perform the Work with District Forces.** This alternative is not recommended as District staff is not available to cover various peak workload periods for this project without adversely impacting other construction projects.

Attachments: Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Professional Services Agreement from Consultant Roster</b> Dingee Pipeline and Claremont Center Aqueducts Replacement Project - Construction Management Assistance				<b>DATE:</b> October 25, 2011								
<b>CONTRACTOR:</b> Consolidated CM, Inc. Oakland, CA				<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
		Local/Small Business		Availability Group	Contracting Objectives	Participation						
<b>BID/PROPOSER'S PRICE:</b> \$716,991	<b>FIRM'S OWNERSHIP</b>		White Men		25%	87.0%						
	Ethnicity	Gender	White Women		6%	0.0%						
	White	Men	Ethnic Minorities		25%	13.0%						
<b>CONTRACT EQUITY PARTICIPATION</b>												
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
<b>PRIME:</b> Consolidated CM, Inc.	\$623,935	White			87.0%	---	---	---	---	---	---	---
<b>SUBS:</b> IPA Planning Solutions, Inc.	\$93,056	Black		X	---	---	13.0%	---	---	---	---	---
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<b>TOTAL</b>	\$716,991				87.0%	0.0%	13.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
	White Men		White Women		Ethnic Minorities		Total Employees					
No. of Employees:	23		6		37		66					
Percent of Total Employees:	34.8%		9.1%		56.1%							
MSA Labor Market %:	28.0%		23.6%		48.4%							
MSA Labor Market Location:	California											
<b>COMMENTS</b>												
Contract Equity Participation - 87% White Men participation and 13% Ethnic Minority participation.												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				YES								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Dingee Pipeline and Claremont Center Aqueducts Replacement Project - Construction Management Assistance</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 10/25/2011	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	WM - L/SBE	Company Wide	1	33	3	-	37	56.1%
Consolidated CM, Inc. Lang Scobb 180 Grand Avenue, Suite 1520 Oakland, CA 94612  510-208-1720		Manager/Prof	1	18	2	-	21	58.3%
		Technical/Sales	-	10	1	-	11	55.0%
		Clerical/Skilled	-	5	-	-	5	50.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	1	25	3	-	29	58.0%
		AA Plan on File: NA	Date of last contract with District: 9/29/1995					
		Co. Wide MSA: California	# Employees-Co. Wide: 66 Bay Area: 50					
S	EMW:B - L/SBE	Company Wide	1	-	-	-	1	100.0%
IPA Planning Solutions, Inc. Ineda Adesanya 1210 Excelsior Avenue Oakland, CA 94610  510-750-2037		Manager/Prof	1	-	-	-	1	100.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	1	-	-	-	1	100.0%
		Co. Wide MSA: Oakland	# Employees-Co. Wide: 1 Bay Area: 1					
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide: Bay Area:					
P	WM - LBE	Company Wide	490	816	1,007	54	2,367	16.7%
URS Corp. Americas dba URS Corp. Kevin Wagner One Montgomery Street, Suite 900 San Francisco, CA 94104  415-896-5858		Manager/Prof	222	462	812	34	1,530	17.1%
		Technical/Sales	167	191	136	12	506	21.0%
		Clerical/Skilled	96	109	55	8	268	28.1%
		Semi/Unskilled	5	54	4	-	63	3.5%
		Bay Area	15	41	133	3	192	29.7%
		Co. Wide MSA: USA	# Employees-Co. Wide: 14,152 Bay Area: 646					
P	EMM:B - L/SBE	Company Wide	2	3	2	-	7	23.3%
Luster National, Inc. Robert Luster 219 9th Street, Suite 308 Oakland, CA 94607  415-381-5031		Manager/Prof	2	3	1	-	6	20.7%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	1	-	1	100.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	1	-	-	-	1	16.7%
		Co. Wide MSA: USA	# Employees-Co. Wide: 30 Bay Area: 6					
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide: Bay Area:					

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)





AGENDA NO.  
MEETING DATE

11.3  
August 13, 2013

**TITLE     DINGEE PIPELINE AND CLAREMONT CENTER AQUEDUCTS REPLACEMENTS  
PROJECT – CONSTRUCTION SCHEDULING SERVICES**

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

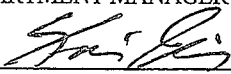
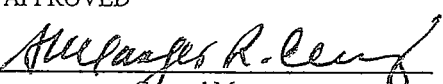
Authorize an agreement amendment with Cooper Pugeda Management, Inc. in an amount not to exceed \$221,398 to provide construction scheduling services for the Dingee Pipeline and Claremont Center Aqueducts Replacement Project. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

District staff will be performing construction management and inspection for the Dingee Pipeline and Claremont Center Aqueducts Replacement Project. Cooper Pugeda Management, Inc. will provide scheduling expertise in support of the construction management efforts.

**DISCUSSION**

The Dingee Pipeline and Claremont Center Aqueducts Replacements Project consists of installing approximately 3 miles of 20- to 54-inch large diameter transmission main pipelines and approximately 2 miles of 6- to 12-inch diameter distribution pipelines in the cities of Berkeley and Oakland. The construction duration is 30 months and District staff will perform the majority of the construction management and inspection. However, construction phasing for the project is time sensitive, complex, and will require significant aqueduct outages. In May 2013, the General Manager authorized a \$69,872 consulting agreement with Cooper Pugeda Management, Inc. to provide pre-construction scheduling services, identify potential construction risks, and review the contractor's initial construction schedule. The amendment will increase the agreement to a new maximum cost ceiling of \$291,270 and extend scheduling services through the duration of the construction to monitor the contractor's progress, ensure optimal construction durations, and minimize water distribution impacts and community impacts.

Funds Available: FY14-15 CIP #1006298 Page 22		Budget Code: WSC/570/7999/5231/2007176
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

## **CONSULTANT SELECTION**

Cooper Pugeda Management, Inc. was originally selected from the District-wide engineering consultant roster. Requests for Proposals were sent to ten (10) firms with expertise in construction scheduling and four (4) proposals were received. Cooper Pugeda Management, Inc. was selected based on its construction scheduling qualifications and experience with pipeline projects in a congested urban setting.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

Funds are available in the FY14-15 Capital Improvement Program for the Large Diameter Pipelines under the Pipelines/Regulators Program.

## **UNION NOTIFICATION**

Locals 2019 and 21 were notified of this contract on June 28, 2013. Local 2019 did not raise any specific issues or concerns related to this contract. Local 21 concerns were addressed on July 25, 2013 and were resolved.

## **CEQA/ENVIRONMENTAL COMPLIANCE**

A Mitigated Negative Declaration was adopted by the Board for this project on May 10, 2011.

## **ALTERNATIVES**

**Perform the Work with a Different Consultant.** This alternative is not recommended. The Cooper Pugeda Management team has the best qualifications and experience and is already familiar with the project.

**Do Not Authorize Agreement.** This alternative is not recommended as the Dingee Pipeline and Claremont Center Aqueducts Replacements Project is time sensitive, complex, and will require scheduling analysis of critical aqueduct outages and pipeline installations.

**Perform the Work with District Forces.** This alternative is not recommended as District staff does not have the expertise to provide the necessary schedule analysis for a project of this size and complexity.

Attachments: Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)

## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b><i>Amendment to Professional Services Agreement from Consultant Roster</i></b> Dingee Pipeline and Claremont Center Aqueducts Replacements Project - Construction Scheduling Services							<b>DATE:</b> May 20, 2013					
<b>CONTRACTOR:</b>  Cooper Pugeda Management, Inc. San Francisco, CA  Small Business					<b>PERCENTAGE OF CONTRACT DOLLARS</b>							
					Availability Group		Contracting Objectives		Participation			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			White Men		25%		72.6%			
		Ethnicity	Gender		White Women		6%		0.0%			
\$151,526		Asian	Men		Ethnic Minorities		25%		27.4%			
<b>CONTRACT EQUITY PARTICIPATION</b>												
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
<b>PRIME:</b> Cooper Pugeda Management, Inc.	\$41,526	Asian	X		--	--	27.4%	---	---	---	---	
<b>SUBS:</b> Brown and Caldwell	\$110,000	White	X		72.6%	--	---	---	---	---	---	
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<b>TOTAL</b>		\$151,526			72.6%	0.0%	27.4%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
	<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>					
<b>No. of Employees:</b>	15		3		15		33					
<b>Percent of Total Employees:</b>	45.5%		9.1%		45.5%							
<b>MSA Labor Market %:</b>	32.3%		27.8%		39.9%							
<b>MSA Labor Market Location:</b>	9 Bay Area Counties											
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 72.6% White Men participation and 27.4% Ethnic Minority participation												
<b>Overall Contract Equity Participation</b> - 49.7% White Men participation and 50.3% Ethnic Minority participation												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Dingee Pipeline and Claremont Center Aqueducts Replacements Project - Construction Scheduling Services</b>		Ethnic Minority Percentages From U.S. Census Data							
		National	B	H	A/PI	AI/AN	TOTAL		
		10.5	10.7	3.7	0.7	27.3			
Professional Services Agreement		DATE: 5/20/2013	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM:A/PI - SBE	Company Wide	-	1	14	-	15	45.5%	39.9%
Cooper Puga Management, Inc. Ismael Puga 65 McCoppin Street San Francisco, CA 94103  415-543-6515		Manager/Prof	-	-	4	-	4	36.4%	
		Technical/Sales	-	-	7	-	7	53.8%	
		Clerical/Skilled	-	1	3	-	4	44.4%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	1	12	-	13	52.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		5/20/2013		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		33		Bay Area: 25
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
S	WM - LBE	Company Wide	48	81	92	5	226	16.1%	27.2%
Brown & Caldwell Dawn Lederer 201 North Civic Drive, Suite 115 Walnut Creek, CA 94596  925-937-9010		Manager/Prof	28	61	78	3	170	14.8%	
		Technical/Sales	8	6	4	2	20	18.5%	
		Clerical/Skilled	12	14	10	-	36	24.7%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	7	25	27	2	61	21.4%	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		1,402		Bay Area: 285
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

12.  
August 13, 2013

TITLE ORDINANCE AMENDING RETIREMENT ORDINANCE NO. 40

☐ MOTION ☐ RESOLUTION ☒ ORDINANCE

### RECOMMENDED ACTION

Conduct a second and final reading, and vote on an ordinance amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to amend sections 2(dd), 11(b), and 36(j)(3).

### SUMMARY

The introduction and first reading took place at the meeting of the Board of Directors on July 23, 2013. Several minor language modifications to the Retirement Ordinance have been requested by the Internal Revenue Service (IRS) in order to finalize a favorable determination letter for the Retirement Ordinance. The updates are technical language required by the IRS to clarify language that already exists in the Ordinance. The requested IRS amendments must be completed prior to October 17, 2013 in compliance with the regulations under Code Section 401(b).

### DISCUSSION

In 2008, the IRS provided an opportunity to governmental plans to submit their plans for review by the IRS and to make voluntary corrections where the plan document was out of compliance with tax laws. In 2009, the Retirement System availed itself of the IRS's voluntary correction program and at the same time submitted a request for determination that the District's plan is a qualified tax plan.

After nearly four years since the Retirement System voluntarily submitted the Retirement Ordinance for review by the IRS, the IRS finally issued a favorable determination of the District's plan, however conditioned upon further amendments to the Retirement Ordinance.

#### I. What a Favorable Determination Letter Means to the Retirement System

The Determination Letter affirms that the District's Retirement System is a qualified governmental retirement plan, entitled to favorable tax treatment. A favorable determination indicates that in the opinion of the IRS, the terms of the plan conform to tax laws. A favorable tax treatment means that employer contributions made to the plan are deductible and that participants in the plan will not be taxed on the employer's contributions. Unfortunately, the effectiveness of the determination letter is not indefinite

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR <i>Delores Turner</i> Delores Turner	APPROVED <i>Stephen R. Carr</i> General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

since new tax laws may be subsequently enacted. As such, the letter remains in effect for five years from the date of the initial application. This means that since the application was submitted in 2009, the letter will expire on January 31, 2014. Despite the expiration date the Retirement Ordinance will remain in compliance with existing tax laws, barring those that are subsequently enacted that may require further amendment to the ordinance.

## **II. The Further Amendments to be Made to the Retirement Ordinance**

The IRS specifically requires amendments to Section 2(dd), 11(b) and 36(j)(3) of the Retirement Ordinance to comply with tax laws. Ordinance language will be updated as follows:

The following language in italics shall be added to Section 2(dd):

Normal Retirement Age shall mean the age is sixty-five (65) years. Rates of contribution, service Retirement Allowances and disability Retirement Allowances are predicted upon Normal Retirement Age. *In addition, a Member's right to his or her Service Retirement is non-forfeitable on attainment of Normal Retirement Age. For purposes of determining whether a Member has a non-forfeitable benefit, Normal Retirement Age is the earlier of attaining age 65 or the fifth anniversary of the time the Member commenced membership in the Retirement System.*

The following language in italics shall be added to Section 11(b):

The District may at any time change, modify, or repeal this Ordinance or any part thereof in respect to its future obligations to any Member not at that time receiving or being eligible to a Retirement Allowance hereunder. *In addition, notwithstanding any other provisions of the Retirement System, the rights of each Member to his or her accrued retirement benefits under this Ordinance shall be non-forfeitable in accordance with the requirements of section 401(a) of the Internal Revenue Code of 1986 (the "Code") that are applicable to public employee plans. Including the requirement that to the extent then funded, on the date of any termination of the Retirement System, any partial termination of the Retirement System, or the complete discontinuance of contributions under the Retirement System, accrued retirement benefits shall be non-forfeitable as provided under the applicable provisions of the Code.*

Finally, in Section 36(j)(3), the following language in italics shall be added and the language in ~~strikeout~~ shall be deleted:

Contributions to the 401(h) account shall be made by District solely to pay to or reimburse Retired Members or Surviving Spouses for health insurance premiums or similar coverage costs. Contributions shall be reasonable, ascertainable, necessary, and appropriate. ~~Contributions shall not exceed the amounts that under the Code would violate the rule requiring health benefits to be subordinate to retirement benefits.~~ *Health Insurance Benefits provided under the Retirement System are subordinate to the retirement benefits provided under the Retirement System. The aggregate actual contributions for retiree Health Insurance Benefits, when added to the actual contributions for any life insurance provided under the Retirement System, are limited to twenty-five percent of the total actual contributions made to the Retirement System (other than contributions to fund past service credit) after the later of the adoption or effective date of the amendment first adding Health Insurance Benefits to the Retirement System in accordance with Section 401(h) of the Internal Revenue Code.*

## **SCHEDULE**

This is the second reading of the proposed Ordinance amendment. The introduction and first reading took place at the meeting of the Board of Directors on July 23, 2013. If approved, the adoption of the amendment takes effect on September 13, 2013. In addition, the Municipal Utility District Act requires that amendments be published once a week for two successive weeks in a newspaper of general circulation published in the district, which will be done after this second reading.

## **FISCAL IMPACT**

There are no fiscal impacts associated with the proposed language changes.

## **UNION NOTIFICATION**

All four unions have been notified of the proposed Retirement Ordinance amendment.

## **ALTERNATIVE**

**Do not approve amendments to the Plan.** This action is not recommended because the Retirement Ordinance must be updated to receive the final favorable determination letter from the IRS which is a protective measure for the Retirement Ordinance and confirms tax-favored status of the Retirement System.





*Robert New for*  
Office of General Counsel *eg*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SUBSECTIONS 2(dd), 11(b), AND 36(j)(3) OF  
ORDINANCE NO. 40, WHICH IS THE EMPLOYEES'  
RETIREMENT SYSTEM ORDINANCE

Introduced by Director \_\_\_\_\_

; Seconded by Director \_\_\_\_\_

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District that Ordinance No. 40, which is entitled "AN ORDINANCE ESTABLISHING A RETIREMENT SYSTEM FOR EMPLOYEES OF EAST BAY MUNICIPAL UTILITY DISTRICT, PROVIDING FOR THE PAYMENT OF RETIREMENT ALLOWANCES TO MEMBERS OF THE RETIREMENT SYSTEM, FOR THE PAYMENT OF DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND FOR THE COST OF LIVING ADJUSTMENTS, PRESCRIBING THE CONDITIONS UNDER WHICH SAID ALLOWANCES AND BENEFITS SHALL BE PAID, DETERMINING RATES OF CONTRIBUTION AND THE AMOUNTS OF RETIREMENT ALLOWANCES, DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND THE PERCENTAGE OF COST OF LIVING ADJUSTMENT, AND PROVIDING THE ADMINISTRATION OF SAID RETIREMENT SYSTEM," as amended from time to time, is further amended as follows:

1. Subsection 2(dd) of this Ordinance, entitled "Normal Retirement Age," is amended as follows:

"Normal Retirement Age" shall mean the age of sixty-five (65) years. Rates of contribution, service Retirement Allowances and disability Retirement Allowances are predicated upon Normal Retirement Age. In addition, a Member's right to his or her Service Retirement is non-forfeitable on attainment of Normal Retirement Age. For purposes of determining whether a Member has a nonforfeitable benefit, normal retirement age is the earlier of attaining age 65 or the fifth anniversary of the time the Member commenced membership in the Retirement System.

2. Subsection 11(b) of this Ordinance is amended to add the following new paragraph to the end of the subsection:

The District may at any time change, modify, or repeal this Ordinance or any part thereof in respect to its future obligations to any Member not at that time receiving or being eligible to a Retirement Allowance hereunder.

It is hereby specifically provided, however, and the District hereby covenants and guarantees, that the District's obligations to those Members receiving or eligible to receive a Retirement Allowance prior to such change, modification or repeal shall continue in full force and effect

as provided in this Ordinance; and that the District's obligation to those Members not receiving or being eligible to receive a Retirement Allowance at the time of such change, modification or repeal, will be a Retirement Allowance at retirement age equal to the actuarial equivalent of the accumulated value of the Member's contribution standing to his credit at date of retirement, and the accumulated value of the District's contribution for Current Service to the date of such change, modification or repeal, increased further by the accumulations of said amount to date of retirement, but without further contributions from the District.

In addition, notwithstanding any other provisions of the Retirement System, the rights of each Member to his or her accrued retirement benefits under this Ordinance shall be non-forfeitable in accordance with the requirements of section 401(a) of the Internal Revenue Code of 1986 (the "Code") that are applicable to public employee plans, including the requirement that to the extent then funded, on the date of any termination of the Retirement System, any partial termination of the Retirement System, or the complete discontinuance of contributions under the Retirement System, accrued retirement benefits shall be non-forfeitable as provided under the applicable provisions of the Code.

3. Subsection 36(j) of this Ordinance is amended by replacing the last sentence of paragraph (3) with the following sentences:

Contributions to the 401(h) account shall be made by the District solely to pay to or reimburse Retired Members or Surviving Spouses for health insurance premiums or similar coverage costs. Contributions shall be reasonable, ascertainable, necessary, and appropriate.

Health Insurance Benefits provided under the Retirement System are subordinate to the retirement benefits provided under the Retirement System. The aggregate actual contributions for retiree Health Insurance Benefits, when added to the actual contributions for any life insurance provided under the Retirement System, are limited to twenty-five percent of the total actual contributions made to the Retirement System (other than contributions to fund past service credit) after the later of the adoption or effective date of the amendment first adding Health Insurance Benefits to the Retirement System in accordance with section 401(h) of the Internal Revenue Code.

4. This Ordinance shall become effective and in full force at 12:01 a.m. on the thirty-first day after its passage.

---

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on July 23, 2013, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on August 13, 2013, at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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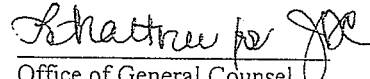
Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

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Office of General Counsel

ORDINANCE NO. \_\_\_\_\_

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as provided in this Ordinance; and that the District's obligation to those Members not receiving or being eligible to receive a Retirement Allowance at the time of such change, modification or repeal, will be a Retirement Allowance at retirement age equal to the actuarial equivalent of the accumulated value of the Member's contribution standing to his credit at date of retirement, and the accumulated value of the District's contribution for Current Service to the date of such change, modification or repeal, increased further by the accumulations of said amount to date of retirement, but without further contributions from the District.

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Health Insurance Benefits provided under the Retirement System are subordinate to the retirement benefits provided under the Retirement System. The aggregate actual contributions for retiree Health Insurance Benefits, when added to the actual contributions for any life insurance provided under the Retirement System, are limited to twenty-five percent of the total actual contributions made to the Retirement System (other than contributions to fund past service credit) after the later of the adoption or effective date of the amendment first adding Health Insurance Benefits to the Retirement System in accordance with section 401(h) of the Internal Revenue Code.

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ABSTAIN:

ATTEST:

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Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: August 8, 2013

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Monthly Report – July 2013

### HIGHLIGHTS

**On July 11, District staff attended the Alameda County Source Reduction and Recycling Board meeting.** The Board voted to approve Recology's application to amend Alameda County's Integrated Waste Management Plan to include processing food waste for generation of energy at the District's Main Wastewater Treatment Plant. The application will now be considered by the full Alameda County Waste Management Authority Board; the first hearing is July 24.

**The Walnut Creek Water Treatment Plant Water Treatment and Transmission Improvements are complete and ready for service on July 27.** The project involved constructing a new pumping plant, two new filters, improvements to the plant's waste stream reclaim system, and a new decant pump and new raw water isolation valve. The work improves the ability to treat and deliver water to customers during peak demands.

### WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

**Precipitation.** There was no East Bay precipitation for July. The Mokelumne precipitation for July was 0.07 inches (29% of average) and a season total of 0.07 inches (29% of average).

**Releases from Camanche Reservoir.** The average rate of Camanche release for July was 313 cfs (226 cfs generation, 69 cfs sluice, and 18 cfs through the hatchery), and the average flow below Woodbridge Dam was 39 cfs, both in accordance with the Joint Settlement Agreement "Dry" criteria.

**Mokelumne reservoirs storage is 95% of average.** As of July 31, 2013, Pardee was at 566.3 feet or 101% of average, and Camanche was at 214.9 feet or 91% of average. Combined Pardee and Camanche storage was 472,000 acre-feet compared to 475,000 acre-feet last year.

**Releases from East Bay Reservoirs.** There were no East Bay reservoir releases in July.

**East Bay reservoirs storage is 84% of average.** As of July 31, 2013, USL was at 447.1 feet or 96% of average, San Pablo was at 289.8 feet or 71% of average, and Briones was at 554.5 feet or 82% of average. Total terminal reservoir storage was 108,000 acre-feet compared to 132,000 acre-feet last year.

**Mokelumne Aqueducts and Raw Water Pumping Plants.** Average rate of Mokelumne Aqueduct draft for July 2013 was 188 MGD. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

**Water Production.** Average rate of gross water production for July:

	July 2013	July 2012	July 2011	Average of FY2005-2007
East of Hills	88 MGD	84 MGD	78 MGD	99 MGD
West of Hills	157 MGD	153 MGD	147 MGD	189 MGD
Total	245 MGD	237 MGD	225 MGD	288 MGD
Max Day Production	263 MGD (7/1/2013)	258 MGD (7/11/2012)	243 MGD (7/20/2011)	

*Note: Data are all from preliminary daily operational reports and are subject to revision*

**Camanche Permit Extension Draft Environmental Impact Report (DEIR) nearing completion.** Staff met with the SWRCB water rights staff on July 15, 2013, to update them on the release of the DEIR and the coordination with the Department of Fish & Wildlife and other fishery agencies. The SWRCB commended EBMUD's approach to address all resource agency comments before publishing the DEIR. They also suggested the District develop a monitoring and compliance plan to accompany the public notice of the change petitions. The DEIR for public comment is scheduled for publication in September.

**Annual water rights reports submitted to SWRCB on June 28.** Staff submitted ten water rights reports via the SWRCB's online reporting system for the Mokelumne and terminal reservoirs for calendar year 2012. EBMUD is required to file these reports under its permits and licenses. These reports document the District's water use and efforts with conservation and recycling.

**San Joaquin County groundwater banking demonstration project draft agreement nears completion.** San Joaquin County Department of Public Works is working with Stockton East Water District, Woodbridge Irrigation District, North San Joaquin Water District, the county Farm Bureau, South and Central Delta Water Agencies, the county Water Advisory Commission and the county Groundwater Banking Authority to develop a draft Memorandum of Agreement (MOA) with EBMUD on a groundwater banking demonstration project in San Joaquin County. Groundwater banking benefits EBMUD in times of drought (water stored in wet years is available for use in dry years). Conducting a demonstration project gives San Joaquin County assurance that basin overdraft can be reversed and EBMUD assurance that export permits can be obtained. The draft MOA is scheduled for review and consideration of approval by the county and EBMUD in September.

**MokeWISE project kicks off.** In July, staff met with the consultant team initiating the Mokelumne Watershed Interregional Sustainability Evaluation Project. This two year effort will look at how water interests and stakeholders along the Mokelumne River can improve regional water supply reliability and environmental sustainability through collaborative planning. The funding for the MokeWISE study is being provided via an \$878k Integrated Regional Water



Management Planning Grant award from the California Department of Water Resources to The Upper Mokelumne River Water Authority (UMRWA) and the Northeastern San Joaquin County Groundwater Banking Authority.

## **CUSTOMER EVENTS AND PUBLIC OUTREACH**

**Annual Wildermuth House Hike/Tour, held on July 13 a success.** Fourteen individuals attended the annual tour, including a fifth generation descendant of original owners John & Elizabeth Wildermuth. The event, one of eight regular tours offered for the public at various Mokelumne watershed and recreation areas through the efforts of staff and volunteer docents, is an important element of EBMUD's education/outreach program which informs the public about the natural and historic features in the watershed, and the District's extensive watershed management activities.

**District staff respond to medical emergencies.** In July, staff in the Mokelumne Area responded to 13 medical incidents in and around Pardee and Camanche Reservoirs, including a near-drowning on July 7 at the Camanche North Shore day use area.

**West of Hills Northern Pipelines Project public comment period ends.** The Draft Environmental Impact Report (DEIR) 45-day public comment period ended on July 2, 2013. The District received twelve comment letters, nine from residents and three from local agencies and cities. Key comments focused on construction issues including location of the new pipeline, temporary traffic impacts, parking, impacts to local businesses and properties, and alternative routes considered. All comments will be responded to in the Final EIR, which is scheduled to be published in October 2013 with Board consideration for approval in December 2013.

### **Contract Equity outreach events:**

- **On July 18, the Minority Business Development Agency (MBDA) Business Center hosted its *Supplier Diversity Contracting for Small Business Expo* in San Francisco.** Staff participated on the Doing Business with Government Agencies procurement panel and disseminated information on the Contract Equity Program, upcoming contract opportunities and the small business incentives. Approximately 150 participants were in attendance.
- **On July 18, staff attended the San Francisco Bay Area Rapid Transit (BART) – *Business Advisory Council* meeting in Oakland.**
- **On July 21-24, staff joined the American Indian Chamber of Commerce's *Government Entities & Procurement* panel discussion in Rancho Mirage, on how to do business with EBMUD.** Staff participated in two additional workshops, the *Speed Networking & Coaching Interactive Exchange* and the *Entrepreneurial Excellence Capability Building*, and disseminated information on the Contract Equity Program and the small business component. Over 300 business owners were in attendance.

- **On July 25, the Astra Women Business hosted its 2013 Champions for Women-Owned Businesses Expo in San Francisco.** Staff disseminated information on the Contract Equity Program, upcoming contract opportunities and the small business incentives. Approximately 250 participants were in attendance.

**Water Conservation outreach events:**

- **On July 11, staff gave a presentation to a delegation from the Near East and North Africa on water conservation practices and enforcement measures in the Bay area.** The delegation was invited to the United States under the auspices of the Department of State's International Visitor Leadership Program. The program explores partnerships and cross-border collaborative efforts that have improved water supplies, resources, environmental stability, and community cooperation. Nine members of the delegation attended, including government officials, academics, educators, and industry representatives.
- **On July 25, staff gave a presentation on EBMUD's large-landscape water budgets and commercial irrigation programs to the California Landscape Contractors Association at the Dublin Civic Center in Dublin.** An estimated 40 property managers and landscape professionals attended the event.

**CAPITAL IMPROVEMENTS AND FACILITY MAINTENANCE**

**Caltrans irrigation sites connected to recycled water.** Two recycled water meters were installed along portions of the Bay Bridge bike path approach and began supplying irrigation water for newly-planted landscaping. One meter serves an area near IKEA while the other serves an area outside the Main Wastewater Treatment Plant. Staff is coordinating with Caltrans to finalize testing, inspections, and regulatory compliance, including installation of required advisory signage and provision of recycled water site supervisor training.

**Safe Harbor Agreement (SHA) projects update.** The Murphy Creek SHA exclusion fence was completed by District staff with the help of CalFire crews. The project will protect important wildlife habitat from grazing cattle and is a key step in completing the five-year SHA habitat enhancement project list.

**Staff completed the geotechnical engineering report for the proposed Diablo Vista Pumping Plant Replacement Project in Lafayette.** The analysis included subsurface investigations of the proposed site, surface reconnaissance, laboratory testing and engineering analyses. The report verified that the site is suitable for the construction of the replacement pumping plant from a geotechnical engineering viewpoint. Geotechnical design parameters and construction recommendations are included in the report.

**Vehicle evaluations are being completed for equipment replacement for FY14.** The District ordered 28 new vehicles as part of the Vehicle Replacement Program. In addition, staff is working to replace standard vans and minivans with Transit and Transit Connect vehicles that offer greater fuel efficiencies and maneuverability within confined wastewater plant areas.

**The Electric Vehicle Pilot Study is scheduled to start in August 2013.** The District received delivery of two Chevy Volts for use at the Central Maintenance yard and MWWTP. The charging station has been installed at the AMC parking lot, and a temporary station has been developed at the MWWTP.

**Paving update.** The District is scheduled to make permanent roadway repairs to two large main break areas in Danville and San Leandro. Main break damage was roughly “curb to curb” in the intersections of Diablo and Rose Street in Danville and Marina Boulevard and San Leandro Boulevard in San Leandro.

**Solar Turbines performed another inspection of the new “medium BTU” fuel injectors.** In July 2013, Solar inspected the “medium BTU” injectors and compared them to their inspection results in May 2013. There was no indication of damage on the injector tips and no further damage on the turbine blades, which was previously observed in March 2013. The “medium BTU” injectors appear to have solved the problem with overheating injector tips. Another inspection of the injectors and turbine blades is scheduled for early September 2013.

**Additional services for the Power Generation Station (PGS) Engines Overhaul Agreement.** The Board awarded an agreement to Powerhouse Diesel Services, Inc. for \$1,990,825 on December 8, 2008 to overhaul the three PGS engines. One of the engines that was overhauled in 2009 is experiencing operational issues, which are covered under the warranty period. However, since the repair work requires taking the engine apart, staff has negotiated with the vendor a full engine block replacement for \$170,000 versus the typical cost of \$600,000. This full replacement will extend the life of the block another five years, well beyond the end of the current warranty period (2013). The total agreement ceiling will be adjusted to \$2,229,366 (approximately 12% of total change orders), which also includes an earlier amendment that was executed for extra work on Engine #3.

**The South Interceptor Wood Street Rehabilitation – Phase 2 Project (SD 342) requires an increase to the construction change order contingency to 20 percent.** The original contract with J.R. Pipeline, Inc. was for \$9,655,630. Total change orders to date are \$724,362, or 7.5 percent of the original contract amount, bringing the total contract amount to \$10,379,992. This additional contingency will increase the contract amount up to \$11,586,756, if needed. A project of this nature typically has a higher change order percentage due to the unknown factors when working in a large diameter (108-inch) operational interceptor where access is difficult and limited to the early morning hours. These factors influenced the initial damage assessment, which was used as the basis for the design.

During the course of construction, changes were encountered primarily due to differing site conditions, local community issues and design omissions. For example, four times the amount of defects were found in the existing liner during the repair work last summer as compared to the bid basis. The District also required the contractor to add a 40,000 cubic feet per minute fan and odor scrubber to reduce potential odors during work this summer. The project was divided into three phases since work can only occur during the dry weather season. The project is approximately 40 percent complete and should be fully complete by October 2014. Sufficient

appropriations are available for this increased change order contingency, since the original bids were approximately 10 percent below the engineer's estimate.

**The Bryant No. 1, Colorados and Leland Pumping Plants Electrical Rehabilitation (Lafayette) requires an increase in the change order contingency.** Several design changes were required including upsizing conduits and conductors, additional vendor assistance to commission the District-furnished switchgear, installation of additional concrete pads and lighting modifications. This work will be performed by Overaa & Co. The total change order amount is projected to be \$97,825 or 17.5 percent of the original contract amount of \$559,000.

## **WATER AND WASTEWATER SYSTEM OPERATION**

**July main breaks.** The attached table lists the main breaks that were repaired by staff in July, sorted by city and street. The associated map shows the locations of the breaks geographically.

**Recology Food Waste Pilot proposal.** District staff is working with Recology on a pilot project in which Recology would process smaller amounts of material on their lease area at the MWWTP as an initial step towards the full-scale project. The District is currently in discussions with Recology to finalize terms of the pilot program and develop an amendment to the existing contract which was authorized by the Board on June 28, 2011, for Board consideration and approval in September 2013.

**There were seven odor complaints during this reporting period.** Three of the complaints were associated with the MWWTP and four were associated with the Wood Street Interceptor Rehabilitation project. The three MWWTP complaints were described as low intensity and the sources of the odors could not be identified. In the other four events, the odors were stronger. An investigation into these complaints found the likely cause of two of these emissions was the diversion of sewage to the storage basin to facilitate the interceptor rehabilitation project. Two other complaints were for collection system ventilation emissions caused by poor performance of the contractor's odor scrubber. Staff is working closely with the contractor to mitigate these emissions.

**All discharges from the MWWTP were in compliance with the permit limits for the month of July.** This is the 167th consecutive month that the MWWTP experienced no exceedances.

**Intermittent low pressures experienced by East Bayshore recycled water customers were caused by a partially closed valve near the treatment plant.** Normal pressures resumed when District staff located and opened the partially closed valve buried under the Highway 880/580 interchange on July 10. Staff also installed pressure recorders at strategic locations along the transmission pipeline to continue monitoring the situation.

## ORGANIZATION EFFECTIVENESS AND EFFICIENCY

**Agreements to provide stormwater inspection services to the Cities of El Cerrito, Hercules, Richmond and Emeryville ended on June 30.** District staff is participating in a series of transition meetings with the cities and their new service provider to provide all necessary data to facilitate a smooth transition.

**On July 9 staff received the final Pretreatment Compliance Audit Report from EPA on its multi-day audit of our federal pretreatment program conducted in April 2013.** There were no significant findings that would require programmatic changes. The auditors recommended enhancements to documentation practices and follow-up site visits at selected industrial facilities to verify operational practices. Comments and responses to the findings are due back to the RWQCB by September 9, 2013.

### Employment Information

Employment Information	July 2013	FY14 Total
Retirements*	6	6
Other Separations	8	8
Hires	28	28

*\*Includes vested employees who left District employment and retired at a later date.*

### Tuition Reimbursement

Tuition Reimbursement	July 2013	FY14 Total
# of Employees	19	19
# of Classes	32	32
Total Reimbursed	\$26,382	\$26,382

## FINANCIAL NEWS

**FY13 Resource Recovery billings were \$9.3 million.** This is an increase from \$9.2 million in revenues in FY12 and nearly meets FY11 revenues of \$9.36 million. Increased revenue at the year end came from Hilmar Cheese, which had problems starting up their new digester and had to send the District dairy wastes that they had diverted to the new digesters earlier in the year.

**The Net Mokelumne Power Revenue for July was \$147,828 vs the \$147,740 planned.** Inflows into Pardee for July were 97% of plan and generation was 123% of plan with Pardee Reservoir volume decreasing over the month. The average electricity price was higher than plan at \$37/MWh. Renewable power and related Renewable Energy Credits (RECs) were sold to the Sacramento Municipal Utility District under the Power Purchase Agreement. REC revenue for July was \$20,950. Capacity payment was \$52,000 less than planned due to unit overhaul at Pardee Powerhouse. Total net revenue for FY14 is \$147,828 which is 4.8% of the annual budgeted revenue of \$5.7 Million.

FY14	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
<b>July</b>	\$147,740	<b>\$147,828</b>	28,400	<b>27,638</b>
<b>FY14 YTD Total</b>	\$147,740	<b>\$147,828</b>	28,400	<b>27,638</b>

*Bold items are estimated*

**Monthly yield on all investments including reserve funds and proceeds for the Wastewater 2010B bond issue was 0.50%, an increase of 0.02% from June 2013.** There were three sales of securities but no new investments in July. The yield on 90-day Treasury bills on July 31, 2013 was 0.03%.

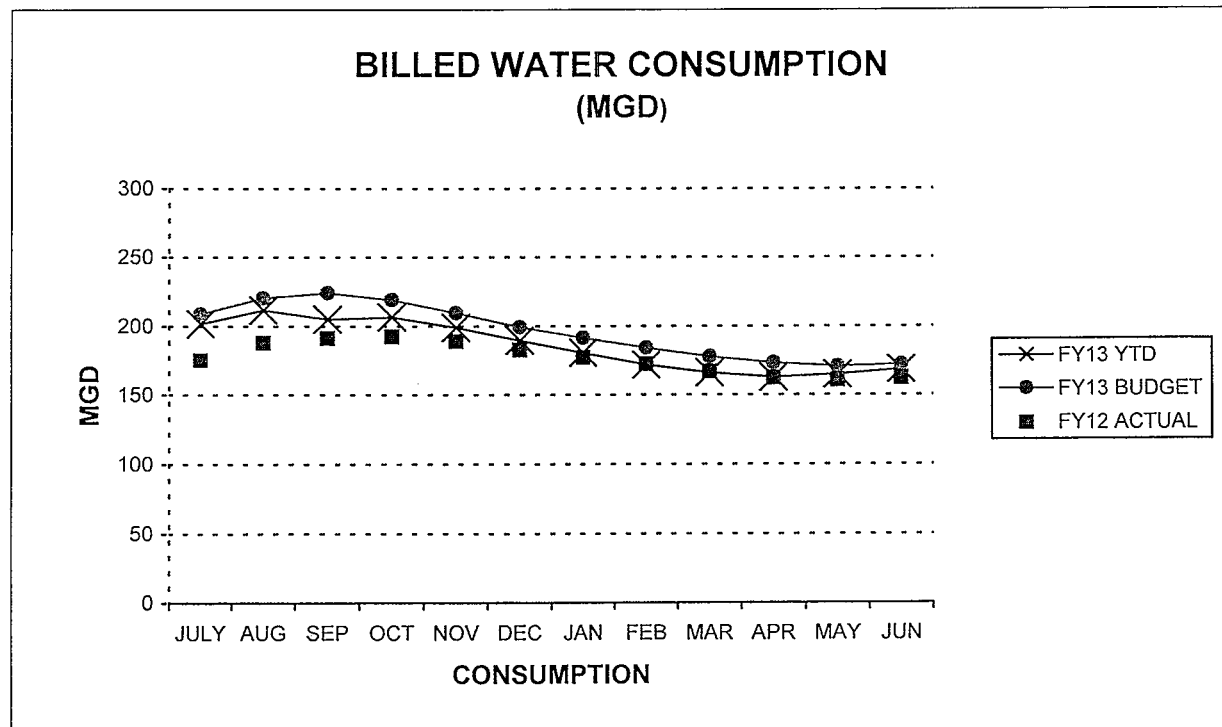
**Average interest cost during July on outstanding commercial paper issued for the Water System was 0.15%, a decrease of 0.02% from June 2013.** The average interest cost for outstanding Wastewater System commercial paper in July was 0.17%, no change from June 2013.

**Plant book activity for July.** 33 plant books were sold in July, which increased the total plant books sold to 34,134. Plant book revenues for July totaled \$768.85, increasing total revenues to \$727,618.21. Total revenues as a percentage of out-of-pocket book design and production cost equals 93%.

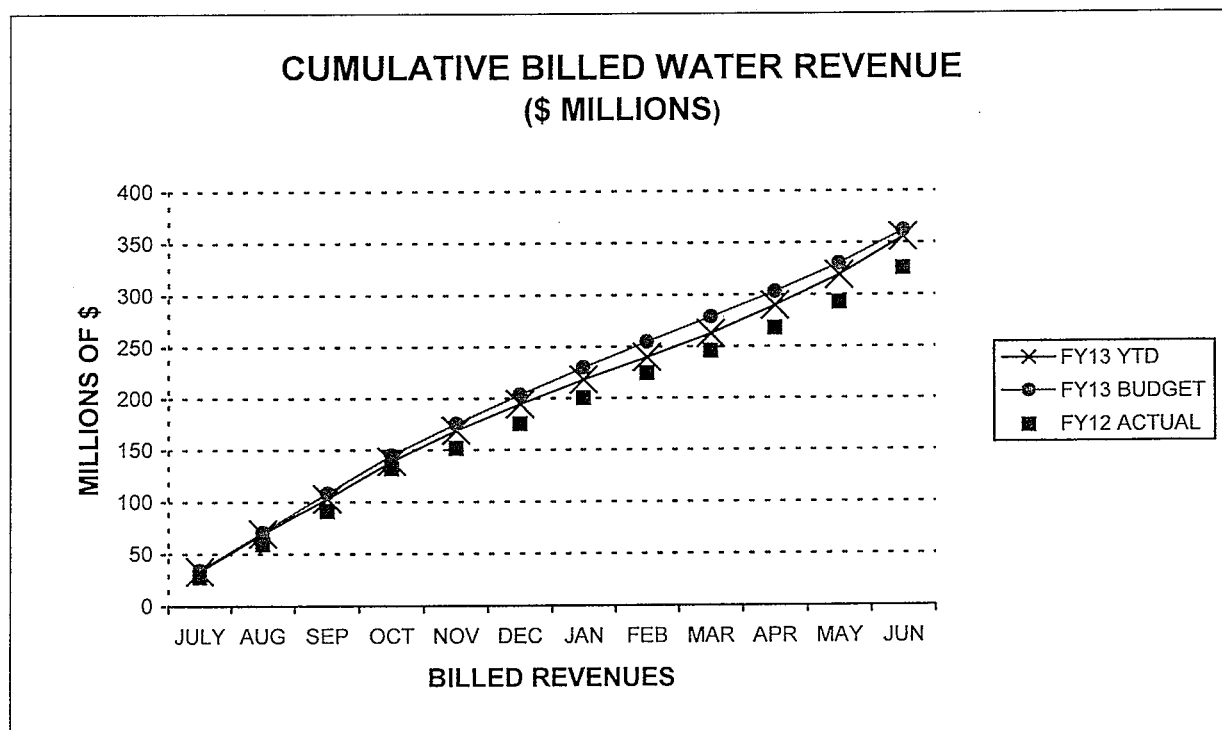
**Fiscal year-to-date water consumption for water bills issued through June 2013 was 168.4 MGD, which is 3.9% more than billed consumption of 162.1 MGD at the same time last year and 2.1% less than budgeted consumption of 172.0 MGD.** The extreme dry conditions in the East Bay this spring caused customers to begin their irrigation use patterns several months earlier than normal. 2013 was one of the driest January through June periods on record, and water use in March through May was higher than anticipated.

Billed Water Consumption July 1, 2012 to June 30, 2013		
Usage Type	FY13	FY12
	MGD	MGD
Residential	100.5	97.7
Commercial	43.4	40.1
Industrial	16.6	17.4
Public Authority	7.9	6.9
<b>Total Billed Water Consumption</b>	<b>168.4</b>	<b>162.1</b>

**Water revenues billed for the fiscal year-to-date were \$355.5 million, which is 9.3% more than the prior year actual revenue of \$325.4 million due to increased consumption and the 6% rate increase and is 1.8% less than the fiscal year-to-date budget of \$361.9 million.**



Source: Customer Information System



Source: Customer Information System

July 2013 Main Breaks

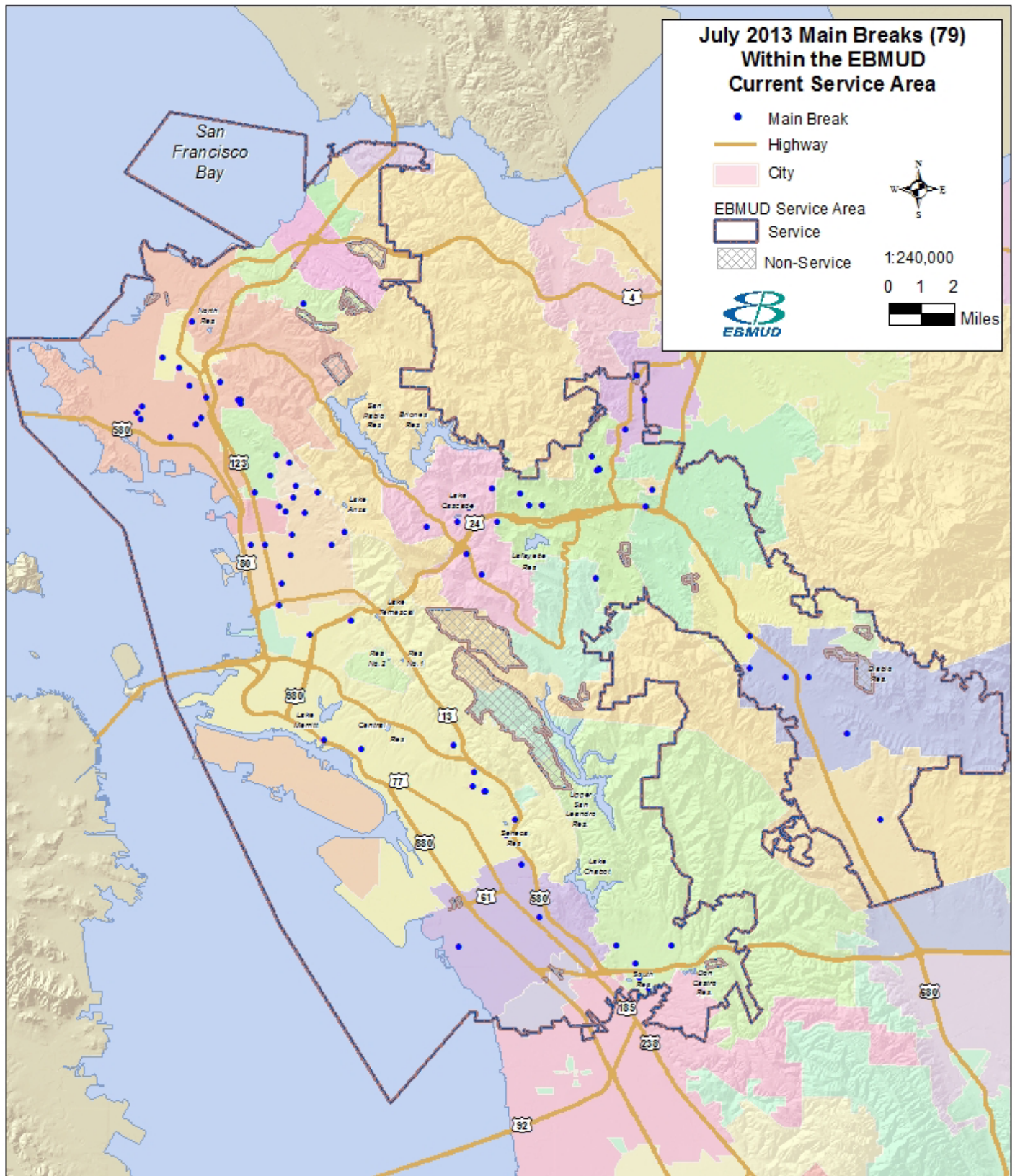
	City	Bldg	Pr e	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
1	ALAMO	14		SANDRA	CT	ASBESTOS/CEMENT	6	1958	4,500	07/09/13	07/09/13
2	ALBANY	1467		PORTLAND	AVE	CAST IRON	6	1949	23,040	06/29/13	07/05/13
3	BERKELEY	1375		4TH	ST	CAST IRON	6	1924	23,040	07/15/13	07/17/13
4	BERKELEY	1314		BLAKE	ST	CAST IRON	6	1940	1,800	07/11/13	07/11/13
5	BERKELEY	614		CRESTON	RD	CAST IRON	6	1931	5,760	07/09/13	07/11/13
6	BERKELEY	1543		DELAWARE	ST	CAST IRON	6	1952	5,760	07/23/13	07/25/13
7	BERKELEY	819		ENSENADA	AVE	CAST IRON	8	1931	1,350	07/13/13	07/14/13
8	BERKELEY	221		FAIRLAWN	DR	CAST IRON	8	1958	5,760	07/23/13	07/26/13
9	BERKELEY			FOLGER	AVE	CAST IRON	8		18,000	07/15/13	07/16/13
10	BERKELEY	1632		HOPKINS	ST	CAST IRON	6	1939	5,760	07/18/13	07/23/13
11	BERKELEY	1688		LA LOMA	AVE	CAST IRON	6	1910	5,760	07/14/13	07/17/13
12	BERKELEY	7		SAN MATEO	RD	CAST IRON	4	1911	11,520	07/15/13	07/23/13
13	BERKELEY	1429		SAN PABLO	AVE	CAST IRON	6	1950	5,760	07/06/13	07/10/13
14	BERKELEY	545		SANTA CLARA	AVE	CAST IRON	6	1940	2,700	07/23/13	07/24/13
15	CASTRO VALLEY	22256	N	6TH	ST	CAST IRON	4	1931	6,750	07/10/13	07/10/13
16	CASTRO VALLEY	2879		JENNIFER	DR	ASBESTOS CEMENT	8	1964	5,760	06/27/13	07/01/13
17	CASTRO VALLEY	20878		NUNES	AVE	CAST IRON	6	1947	9,000	07/10/13	07/10/13
18	CASTRO VALLEY	21586		ORANGE	AVE	CAST IRON	4	1931	3,600	07/10/13	07/10/13
19	CASTRO VALLEY	4570		SARGENT	AVE	CAST IRON	4	1940	17,280	07/19/13	07/24/13
20	DANVILLE	308		CAMARITAS	WY	ASBESTOS CEMENT	8	1976	1,800	07/25/13	07/25/13
21	DANVILLE	146		DIABLO	RD	CAST IRON	10	1931	2,250	07/04/13	07/05/13
22	DANVILLE			EL RINCON	RD	ASBESTOS CEMENT	6	1959	27,000	07/23/13	07/24/13
23	DANVILLE	775		KIRKCREST	RD	ASBESTOS CEMENT	8	1961	18,000	07/29/13	07/29/13
24	EL CERRITO			ERROL	DR	ASBESTOS CEMENT	4	1948	36,000	07/06/13	07/06/13
25	EL CERRITO	6500		FAIRMOUNT	AVE	ASBESTOS CEMENT	6	1968	450	07/12/13	07/13/13
26	EL CERRITO	8306		TERRACE	DR	CAST IRON	6	1937	5,760	07/17/13	07/17/13
27	KENSINGTON	48		ARLINGTON	AVE	CAST IRON	6	1948	3,150	07/03/13	07/03/13
28	KENSINGTON	269		ARLINGTON	AVE	CAST IRON	6	1920	28,800	07/02/13	07/03/13
29	LAFAYETTE	3405		BLACKHAWK	RD	ASBESTOS CEMENT	8	1958	5,760	06/25/13	07/01/13



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30	LAFAYETTE	3430	LA CAMINITA		CAST IRON	4	1945	4,500	07/10/13	07/10/13
31	LAFAYETTE	3361	MCGRAW	LN	CAST IRON	8	1952	5,760	07/15/13	07/17/13
32	LAFAYETTE	3363	MCGRAW	LN	CAST IRON	6	1954	5,760	06/21/13	07/01/13
33	LAFAYETTE	3370	MILDRED	LN	ASBESTOS CEMENT	12	1953	900	07/20/13	07/21/13
34	LAFAYETTE	3901	PEARDALE	DR	CAST IRON	6	1949	4,500	07/21/13	07/22/13
35	LAFAYETTE	1190	UPPER HAPPY VAL	RD	ASBESTOS CEMENT	12	1956	90,000	07/29/13	07/29/13
36	LAFAYETTE	1103	VIA ROBLE		ASBESTOS CEMENT	6	1957	17,280	07/27/13	07/29/13
37	LAFAYETTE	12	WHITE OAK	DR	ASBESTOS CEMENT	6	1956	13,500	07/01/13	07/02/13
38	LAFAYETTE	3141	WITHERS	AVE	ASBESTOS CEMENT	10	1960	5,760	06/26/13	07/08/13
39	OAKLAND	251	5TH	AVE	CAST IRON	12	1929	17,280	07/17/13	07/20/13
40	OAKLAND	1550	20TH	AVE	CAST IRON	4	1935	17,280	07/15/13	07/17/13
41	OAKLAND	3346	68TH	AVE	CAST IRON	6	1938	5,760	07/16/13	07/22/13
42	OAKLAND	2950	75TH	AVE	CAST IRON	4	1949	28,800	07/12/13	07/18/13
43	OAKLAND	753	53RD	ST	CAST IRON	6	1934	2,700	07/23/13	07/24/13
44	OAKLAND	9804	LAWLOR	ST	CAST IRON	6	1948	5,400	07/09/13	07/09/13
45	OAKLAND	3433	MIRASOL	AVE	CAST IRON	4	1937	5,760	06/27/13	07/02/13
46	OAKLAND	6233	OAKDALE	AVE	CAST IRON	4	1940	900	07/02/13	07/02/13
47	OAKLAND	7536	OUTLOOK	AVE	CAST IRON	6	1940	5,760	07/02/13	07/10/13
48	OAKLAND	6000	ROCKRIDGE	BL	CAST IRON	8	1957	2,700	07/09/13	07/09/13
49	OAKLAND	4417	TOMPKINS	AVE	CAST IRON	6	1925	5,760	07/05/13	07/09/13
50	ORINDA	199	CANON	DR	CAST IRON	4	1934	6,750	07/24/13	07/24/13
51	ORINDA	128	DIABLO VIEW		CAST IRON	2	1945	5,760	07/01/13	07/09/13
52	ORINDA	58	LA CUESTA		CAST IRON	4	1934	1,350	07/04/13	07/04/13
53	ORINDA	100	LA ESPIRAL		CAST IRON	6	1957	1,800	07/07/13	07/08/13
54	ORINDA	63	ORCHARD	RD	CAST IRON	6	1938	5,760	06/24/13	07/01/13
55	ORINDA	85	UNDERHILL	RD	CAST IRON	6	1934	4,500	07/10/13	07/10/13
56	PINOLE		SIMAS	AVE	ASBESTOS CEMENT	8	1968	72,000	07/21/13	07/22/13
57	PLEASANT HILL		GAIL	DR	ASBESTOS CEMENT	6	1977	2,700	07/15/13	07/24/13
58	PLEASANT HILL	2267	PLEASANT HILL	RD	CAST IRON	6	1941	3,600	07/07/13	07/18/13
59	RICHMOND	260	1ST	ST	CAST IRON	6	1942	11,520	07/05/13	07/17/13
60	RICHMOND	526	21ST	ST	CAST IRON	4	1943	5,760	07/17/13	07/18/13

	City	Bldg	Pr e	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
61	RICHMOND	1620		24TH	ST	CAST IRON	4	1941	5,760	07/22/13	07/26/13
62	RICHMOND			39TH	ST	CAST IRON	6		9,000	07/22/13	07/23/13
63	RICHMOND	2883		ANDRADE	AVE	CAST IRON	6	1941	11,520	07/09/13	07/18/13
64	RICHMOND	6525		ARLINGTON	BL	CAST IRON	6	1938	900	07/24/13	07/24/13
65	RICHMOND	408		BARRETT	AVE	CAST IRON	6	1939	5,760	07/24/13	07/24/13
66	RICHMOND	314		CHANSLOR	AVE	CAST IRON	6	1939	18,000	07/08/13	07/08/13
67	RICHMOND	6416		KENSINGTON	AVE	CAST IRON	6	1937	9,000	07/24/13	07/24/13
68	RICHMOND	3619		OHIO	AVE	CAST IRON	6	1941	900	07/03/13	07/03/13
69	RICHMOND	1518		OLIVE	AVE	CAST IRON	4	1939	11,520	07/24/13	07/29/13
70	RICHMOND	5839		RALSTON	AVE	CAST IRON	6	1954	5,760	07/29/13	07/30/13
71	RICHMOND	2801		ROBERT H MILLER	DR	STEEL	8	1963	2,700	07/09/13	07/10/13
72	RICHMOND	758		WILSON	AVE	CAST IRON	4	1933	900	07/23/13	07/23/13
73	SAN LEANDRO	1543		142ND	AVE	CAST IRON	4	1942	28,800	07/03/13	07/05/13
74	SAN LEANDRO	2435	W	AVE 135TH		CAST IRON	4	1941	1,800	07/06/13	07/06/13
75	SAN LEANDRO	934		HELEN	AVE	CAST IRON	6	1938	11,520	07/08/13	07/11/13
76	SAN PABLO	1932		15TH	ST	CAST IRON	4	1936	5,760	06/26/13	07/01/13
77	SAN RAMON	335		COUNTRY BROOK	LP	ASBESTOS CEMENT	8	1986	9,000	07/29/13	07/30/13
78	WALNUT CREEK	2750		CAMINO DIABLO		STEEL	16	1941	6,750	07/21/13	07/21/13
79	WALNUT CREEK	49		LOMA VISTA		CAST IRON	4	1941	5,760	07/08/13	07/12/13
									<b>TOTAL</b>	<b>810,540</b>	





## EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Sustainability/Energy Committee Minutes – July 23, 2013

Chair Doug Linney called to order the Sustainability/Energy Committee meeting in the Training Resource Center at 8:33 a.m. Director Katy Foulkes was present at roll call and President Andy Katz arrived at 8:35 a.m. Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Operations and Maintenance Michael J. Wallis, Director of Wastewater Bennett K. Horenstein, Engineering Manager Clifford C. Chan, Senior Civil Engineer Sophia D. Skoda, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Energy Policy and Greenhouse Gas Emissions Reduction Goal.** Engineering Manager Clifford C. Chan reported that changes to Renewable Energy Policy 7.07 are being proposed to establish a more comprehensive energy policy for the District. The proposed changes would establish a new greenhouse gases (GHGs) emissions goal for 2040 and consider renewable energy and energy conservation in daily operations and administrative facilities to meet that goal as well as economic and reliability goals. Mr. Chan said that the District will continue to meet its present GHG reduction goal through 2040 without taking any additional action. Based on direction from the Board, staff has evaluated three options for more aggressive GHG emissions reduction goals. The cost assessment presented for each option used unbundled renewable energy credits (TRECs) as a baseline since use of TRECs is a cost-effective and easily implementable way to meet reduction goals.

There was considerable discussion about the approach of using TRECs and estimated cost for the 30%, 50% and 100% emission reduction options. The Committee urged staff to consider a timeframe for the revised GHG goal of 2020 or 2030 rather than 2040. Following the discussion, General Manager Coate said that staff would present a revised Renewable Energy Policy 7.07 and related information to a future Finance/Administration Committee and Sustainability/Energy Committee in September. At the Committee's request, staff will also provide clarification on TRECs and information on the cost/benefit analyses of a goal to be carbon free by 2030. The Committee also requested information on whether staff anticipates continuous reductions over time or proposes to set intermediate goals.

**Food Waste Update.** Senior Civil Engineer Sophia D. Skoda presented a status update on food waste projects with Recology, Central Contra Costa Solid Waste Authority (CCCSWA), and the City of Oakland. She reported that the District is currently in discussion with Recology to develop a pilot food waste pre-processing facility at the District's MWWTP at which Recology would process small amounts of material as an initial step towards a full project. The pilot amendment would grant Recology the ability to use up to one acre of the leased area to locate Recology food waste pre-processing equipment for a period of approximately 2.5 years. Other terms under discussion include the amounts and types of material that could be processed, how odors would be controlled, facility construction, including provision of utilities such as power, recycled water, and piping of the food waste slurry resulting from Recology pre-processing to the District.

Ms. Skoda said the benefits of the pilot program to the District would include the ability to process and digest materials on-site as soon as late fall 2013 and to test the ability to process new materials such as off-spec foods requiring de-packaging, in addition to revenue from tipping fees and the energy value of the material. If negotiations with Recology are successful, the pilot amendment is expected to be brought to the Board for consideration in the near future. The Committee asked about plans for odor control and staff said this topic would be specifically addressed in the amended agreement; odors will be monitored closely and the District would have the right to terminate the project if odors cannot be controlled.

With regard to the City of Oakland, Ms. Skoda reported that EBMUD submitted a proposal for Zero Waste Services in September 2012 but the District's submittal was deemed non-responsive. Waste Management and California Waste Solutions proposals were selected as responsive to the request for proposal. However, in May 2013 the Oakland City Council directed City staff to return to the Council with further information on processing Oakland's organics at EBMUD. District staff estimates that up to 100 tons per day of commercial food waste and 50 tons per day of multi-family food waste will be collected under the new franchise agreement which will start in 2015. District staff is working to meet with City staff and Waste Management and California Waste Solutions.

Next, Ms. Skoda provided an update on the current food waste agreement with Central Contra Costa Solid Waste Authority (CCCSWA). CCCSWA's agreements for solid waste services will terminate in 2015 and it is currently entering into a competitive request for proposal process for 10-12 years of materials collection and processing services. She said District staff will continue to work with CCCSWA and with haulers on pricing for long-term agreements. The Committee asked questions of staff and requested additional information regarding the cost-competitiveness of EBMUD's food waste-to-energy services.

**Adjournment.** Chair Linney adjourned the Sustainability/Energy Committee meeting at 9:30 a.m.

ARC/LML/slb

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EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: August 8, 2013

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Finance/Administration Committee Minutes – July 23, 2013

Director John A. Coleman called to order the Finance/Administration Committee in the Training Resource Center at 10:40 a.m. Directors Doug Linney and William B. Patterson were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Administration Carol Y. Nishita, Director of Operations and Maintenance Michael J. Wallis, Director of Finance Eric L. Sandler, Internal Audit Supervisor Barry N. Gardin, Manager of Water Conservation Richard W. Harris, Senior Civil Engineer David V. Beyer, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Annual Internal Audit Report.** Internal Audit Supervisor Barry N. Gardin presented a status update on the audits listed in the FY 13 Internal Audit Plan. He said during this reporting period five of the nine audits identified in the plan have been initiated, completed and/or reported: Customer Assistance Program (completed), materials management (surplus and disposal – in progress), contract administration (completed), water consumption recognition (in progress) and utilization of standby pay (completed). He reported that the audits found no material weaknesses in District operations, no irregularities in reporting and no need for significant adjustments. Mr. Gardin highlighted the FY14 Audit Plan and noted upcoming reviews of the Retirement System administration, the Private Sewer Lateral Program, inspection fees, and CEQA monitoring and compliance efforts. The Committee asked about EBMUD's efforts to coordinate its paving work with city paving projects. Director of Operations and Maintenance Michael J. Wallis described the concerted efforts staff make to work with cities and counties on coordinating work in streets. There were no further questions.

**Water Conservation: Advanced Metering Infrastructure (AMI) Studies Update.** Manager of Water Conservation Richard W. Harris presented a status update on the use of AMI technology and its use to improve water conservation and customer service. The AMI fixed-network collects meter reads using remote instrumentation and has been installed for approximately 4,000 residential, commercial, and irrigation customers in Blackhawk as well as 78 residential customers in the Reliez Pressure Zone near Lafayette. The system enables customers to access their daily consumption information online using a web-based graphical format. Mr. Harris reported that to date the initial use of the AMI data by a small subset of the customers who pilot-tested the software system has shown that customers have valued having access to the data. AMI systems promote customer water saving opportunities by providing data on daily use. The data can help customers identify indoor and outdoor plumbing leaks. Additionally, it helps identify situations where customers are irrigating more frequently than their landscaping requires or unknowingly irrigating during the rainy seasons.

Mr. Harris announced that starting in August 2013 customers in the two separate fixed-network areas will be invited to begin using the online information resources collected by AMI. Customer letters will be sent over several weeks to allow time for staff to assist new users as they become familiar with the system. Additionally, Mr. Harris announced that the District is conducting further evaluation of a system-wide AMI implementation study under a second \$300,000 grant that is scheduled for completion in early FY15. The results of these projects will provide the District with valuable information in considering AMI technology for future application. The Committee commended staff on this effort and said it looked forward to the next update.

**Power and Water Resources Pooling Authority.** Senior Civil Engineer David V. Beyer presented a briefing on the staff recommendation to join the Power and Water Resources Pooling Authority (PWRPA) Joint Powers Authority (JPA) to purchase lower cost electricity for EBMUD's water and wastewater facilities. As a PWRPA participant, Mr. Beyer said the District would be able to purchase lower cost electricity for any of its over 500 water or wastewater accounts. However, because of the up-front costs to switch to PWRPA, only switching the larger electric accounts to PWRPA would be cost-effective. He pointed out that an analysis by staff found that for ten of the District's larger electric accounts, the cost savings of joining PWRPA is approximately \$1.0 million each year, which is approximately a 16 percent savings over PG&E's current rates. There may be additional savings at other District facilities as they are rehabilitated as part of the District's capital improvement program. It was moved, seconded and carried to approve the staff recommendation to join PWRPA.

**Financial Quarterly Reports.** Director of Finance Eric L. Sandler reported on the Quarterly Investment Report and Quarterly Payroll, Disbursement and Real Estate Summary Reports for the Water and Wastewater Systems for quarter ending June 30, 2013. The Committee raised no questions.

**Adjournment.** Director John A. Coleman adjourned the meeting at 10:35 a.m.

ARC/LML/slb

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