

## MINUTES

**Tuesday, November 22, 2016**

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

### Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:45 a.m. in the Administration Center Board Room.

### ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call. Director Andy Katz was absent at roll call but arrived in Conference Room 8 at 11:47 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Jonathan Salmon (Item 1), Director of Operations and Maintenance Michael J. Wallis (Item 1), and Director of Wastewater Bennett K. Horenstein (Item 1).

### PUBLIC COMMENT

- Addressing the Board was Dwight C. George, representing AFSCME Local 444, who commented on the increased use of Fully Maintained and Operated (FM&O) contract services for truck rental, paving, striping, sealing and concrete, and backhoe rentals. He urged the Board to add the necessary positions for construction and maintenance work to the upcoming budget and to speed up the recruitment process for these positions. Mr. George raised concerns about contractor adherence to safety practices while performing District work. The Board requested information on the District's safety requirements for FM&O contract services and relevant Cal/OSHA requirements.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

### Regular Business Meeting

President Mellon called to order the Regular Business Meeting of the Board of Directors at 1:23 p.m. in the Administration Center Board Room.

### ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

### **BOARD OF DIRECTORS**

President Mellon led the Pledge of Allegiance.

### **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

There was no public comment.

### **CONSENT CALENDAR**

- Items 1 and 13 were removed from the Consent Calendar for discussion.
  - Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 2-12 and 14 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 200-16** – Approved the Regular Meeting Minutes of November 8, 2016 (as amended).
    - President Mellon pulled Item 1 to point out that Rosa Merced, Executive Board Member and Steward, AFSCME Local 2019, submitted a request to amend the Public Comment section of the Draft Regular Meeting Minutes of November 8, 2016. Ms. Merced requested amendments to clarify that Leslie Richardson was a “ratepayer and 18-year Administrative Clerk in Records Management.” She also requested additional language that “in-house experts improve their skill/knowledge levels to better assist EBMUD employees.” There was Board discussion and the consensus was to add the language regarding “ratepayer and 18-year employee” and to add the language regarding “in-house experts.....” but to leave out employee names.
    - Motion by Director Young, seconded by Director Linney, to add the additional language and to file the correspondence requesting the amendment, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
    - Motion by Director Linney, seconded by Director Patterson, to approve the Minutes as amended, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

2. The following correspondence was filed with the Board: 1) Memorandum dated November 21, 2016 to Lynelle Lewis, Office of the Secretary, from Rosa Merced, AFSCME Local 2019, regarding "Correction to your Draft of the Minutes for the Nov. 8, 2016 EBMUD Board of Directors;" and 2) Presentation entitled "Water Supply Board Briefing" dated November 22, 2016.
3. **Motion No. 190-16** – Awarded a contract to the lowest responsive/responsible bidder American Industrial Equipment, LLC in an amount, after the addition of taxes, not to exceed \$515,000 for supplying one 3 million gallon per day trailer-mounted, electric centrifugal pump package with acoustic enclosures, beginning on or after November 22, 2016 under Request for Quotation No. 1615.
4. **Motion No. 191-16** – Awarded a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc, in the amount of \$9,197,000 for the Faria Pumping Plant & Nos. 1 and 2 Reservoir Construction and San Ramon Reservoir Rehabilitation under Specification 2114.
5. **Motion No. 192-16** – Awarded a contract to the lowest responsive/responsible bidder, Monterey Mechanical Co., in the amount of \$1,846,000 for construction of the Main Wastewater Treatment Plant Secondary Clarifier Mechanical Repairs Phase 1 Project under Specification SD-367.
6. **Motion No. 193-16** – Awarded a contract to the lowest responsive/responsible bidder, C. Overaa & Co., in the amount of \$172,100 for construction of the Main Wastewater Treatment Plant Culvert Stabilization and Utility Piping Project under Specification SD-385.
7. **Motion No. 194-16** – Authorized an extension of the current agreement with CheckFree Services Corporation to provide electronic bill presentment and payment services to customers for the period beginning December 31, 2016 and ending December 30, 2018 for an estimated total cost of \$190,000.
8. **Motion No. 195-16** – Authorized three agreements beginning on or after January 1, 2017 with Occupational Health Centers of California, a Medical Corporation DBA Concentra Medical Centers; U.S. Healthworks Medical Group, Prof. Corp.; and Emeryville Occupational Medical Center, in the cumulative annual amount of \$70,000 to provide medical evaluations required by federal and state regulations during the three-year period of January 1, 2017 to December 31, 2019, with two options to renew for an additional one-year period, for a total amount of \$350,000; and authorize additional agreements with medical facilities that meet the federal and state regulations and have relevant experience, locations near District worksites, and an understanding of the District's requirements in order to increase flexibility and ensure vendor availability pursuant to this recommendation.

9. **Motion No. 196-16** – Authorized an agreement beginning on January 1, 2017, with Denali Water in an amount not to exceed \$2,800,000 annually for biosolids handling services for the Main Wastewater Treatment Plant for one year with two options to renew for additional one-year periods, for a total cost of \$8,400,000.
10. **Motion No. 197-16** – Authorized participation in studies for the potential expansion of Los Vaqueros Reservoir as follows: 1) enter into an agreement with Contra Costa Water District (CCWD) to provide up to \$100,000 and in-kind services to CCWD to include EBMUD as a potential beneficiary in an expanded Los Vaqueros Reservoir Supplemental Environmental Impact Study/Environmental Impact Report and a California Water Commission Proposition 1 grant application; and 2) enter into an existing Memorandum of Understanding with other local, state and federal agencies regarding studying the expansion of Los Vaqueros Reservoir.
11. **Motion No. 198-16** – Approved a direct award contract to Nixon-Egli in an amount, after the addition of taxes, not to exceed \$400,000 for supplying two LeeBoy 8510D asphalt pavers.
12. **Motion No. 199-16** – Cancelled the December 27, 2016 Closed Session and Regular Meetings of the Board of Directors.
13. **Resolution No. 35017-16** – Authorizing The Purchase Of The Carr Ranch Property In Contra Costa County, The Execution Of A License Agreement With The John Muir Land Trust, And The Execution Of A Grazing Lease For The Carr Ranch Property With John Hoover.
  - Item 13 was removed from the Consent Calendar to allow public comment. Linus Eukeel from the John Muir Land Trust expressed appreciation to the Board for considering this action, thanked staff for their visionary leadership, and thanked the Carr property owners for their work to bring this action to fruition.
  - Motion by Director Young, seconded by Director Linney, to approve the recommended actions in Item 13, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
- 14.1. **Resolution No. 35015-16** – Authorizing Certain Actions In Furtherance Of A Financing Agreement With The State Water Resources Control Board For Certain Improvements To The District's Water System, Including The Pledge Of Net Revenues Of The Water System In Connection With The Securing Of Such Financing Agreement, And Authorizing And Approving Other Related Actions.
- 14.2. **Resolution No. 35016-16** – Declaring The Intention Of The East Bay Municipal Utility District To Reimburse Certain Expenditures With Funds To Be Provided By The State Water Resources Control Board Derived From The Sale Of Tax-Exempt Obligations.

## **DETERMINATION AND DISCUSSION**

### **15. General Manager's Report.**

Special Assistant to the General Manager Alison A. Kastama presented a video showing the of the helicopter transport of pipe to the Panoramic Hill neighborhood project in Berkeley and Oakland. She noted that this effort was an innovative, cost-effective method of moving the pipe without having to cut it in smaller pieces. Additionally it saved significant time in street repair. She introduced the following staff who were instrumental in preparing the video: Manager of Pipeline Construction and Equipment Laura J. Johnson, Construction and Maintenance Superintendent Mobil L. Cox, and Public Information Representative Nelsy C. Rodriguez.

Next, Operations and Maintenance Department Manager Eileen M. White presented the water supply briefing. She reported that since the last report, cumulative precipitation in the East Bay is 5.53 inches (130% of average) and 12.88 inches in the Mokelumne Basins (167% of average) and total system storage is 609,990 acre feet (79% of capacity). Ms. White pointed out that the District's water supply is in much better shape than past years. Director Coleman requested an information memo on EBMUD's ability to sell or transfer water that will be released.

General Manager Coate announced the Office of Intergovernmental Affairs will be coordinating meetings with members of the District's legislative delegation in their Sacramento Capitol offices to discuss EBMUD's priorities. Director Coleman suggested considering a legislative luncheon in Sacramento since there are many new legislators. Staff will provide an update at the December 13 Board meeting. In concluding, Board members congratulated Director McIntosh on her successful re-election campaign.

## **REPORTS AND DIRECTOR COMMENTS**

### **16. Committee Reports.**

- Filed with the Board were the Legislative/Human Resources Committee and the Planning Committee Minutes of November 8, 2016.

### **17. Other Items for Future Consideration.**

- Explore opportunities for Water Resources Development Act funding to assist with the District's customer lead tap sampling program.

### **18. Director Comments.**

- Director Coleman reported attending/participating in the following events: Association of Bay Area Government Confluence Conference on November 10 in Oakland; ACWA teleconference meeting on November 14 in Oakland; Contra Costa Leadership Council Water Task Force meeting on November 15 in Walnut Creek; ACWA Special Executive Committee and Board of Directors meetings on November 17-18 in Sacramento; meeting with Kathy Neal regarding wastewater project on November 21 in Oakland; and meeting with student Cameron Drake on

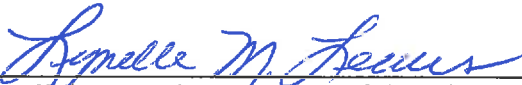
water issues on November 21 in Oakland. He reported on plans to attend/participate in the following upcoming events: Scoping meeting for Leland Reservoir on November 28 in Lafayette; ACWA Fall Conference November 29-December 1 in Anaheim; ACWA teleconference meeting on December 5 in Oakland; R2D2 Resilience Workgroup on December 7 in Oakland; and ACWA teleconference meeting on December 12 in Oakland.

- Director Katz had no comment.
- Director Linney had no comment.
- Director McIntosh reported attending the Richmond Chamber of Commerce Luncheon on November 17.
- Director Patterson had no comment.
- Director Young reported that she would be traveling to Chile returning December 12.
- President Mellon reported attending the Alameda County Special Districts Association meeting on November 9 in Union City.

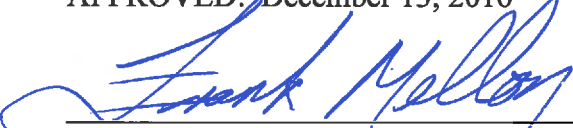
#### **ADJOURNMENT**

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

SUBMITTED BY:

  
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Lynelle M. Lewis, Secretary of the District

APPROVED: December 13, 2016

  
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Frank Mellon, President of the Board