

## MINUTES

Tuesday, May 28, 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 Human Resources Delores A. Turner (Item 1), Manager of Employee Relations Michael K. Rich (Item 1), Attorney Lourdes Matthew (Item 1), Manager of Employee Services Lisa A. Sorani (Item 1), I.E.D.A. Representative Glenn Berkheimer (Item 1), and I.E.D.A. Representative Bruce Heid (Item 1).

### PUBLIC COMMENT

Addressing the Board were the following persons: 1) Tim McGowan, representing AFSCME Local 2019, presented historical background information on the consumer price index (CPI) and said that CPI is needed to keep pace with inflation; 2) Eric Fieberling, representing AFSCME Local 2019, commented on the contributions of this year's Employee Excellence Award winners and said that these employees deserve to be compensated for their efforts; 3) Mark Foley, President, AFSCME Local 2019, commented on the union's findings on ACWA health care alternatives and urged the Board to direct staff to research this as a viable health care option; 4) Antonio Martinez, President, IFPTE Local 21, commented that the membership is seeking a conclusion to negotiations and a fair contract with a wage increase; and 5) Ruben Rodriguez, President, AFSCME Local 444, commented that two years ago employees gave concessions to assist the District through its financial difficulties; however, the District is not reciprocating the sacrifice by offering viable wage or health care proposals during the current negotiations.

The following correspondence was filed with the Board: 1) Slide presentation (undated) by Tim McGowan entitled, "CPI, Why do we need it?"

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Andy Katz announced the Closed Session agenda. The Board convened to Conference Room 8A/B for discussion.

### 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.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, and Secretary of the District Lynelle M. Lewis.

### BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

General Manager Alexander R. Coate announced the winners of the 2013 Employee Excellence Awards. He said that the following employees were nominated and selected by their fellow employees for their outstanding performance and achievements and each one has contributed to the District's success in a variety of important ways:

**Cost Savings Achievement** – Associate Mechanical Engineer Nathan Gronlund; **Creativity and Innovation** – Accounting & Financial Systems Analyst Gary Tominaga; **Customer Service** – Water Distribution Plumber III Kent McCarthy; **Employee Leadership** – Associate Civil Engineer Robert Gonzales; **Environmental Excellence** - Associate Civil Engineer Yun Shang; **Management Achievement** -- Ranger Supervisor Christopher Swann ; **Management Excellence** - Construction/Maintenance Superintendent David Schatzki; **Safety Excellence** - Water Distribution Plumber IV Al Suen; **Outstanding Performers** - Senior Administrative Clerk Angela Abenoja; Instrument Technician David Cooper; Paving Crew Foreman Kip Edwards; Carpenter Daron Good; Assistant Engineer Sonja Mah; Treatment Plant Specialist David McGeorge, Jr.; Associate Civil Engineer Michiko Mares; Instrument Technician Boris Noss; Administrative Assistant Charlyn Sarkis; Senior Human Resources Analyst Theresa Sevilla; and Purchasing Contract Supervisor Eulalia Sweet; **Team Achievement** – Benefits Administration Implementation Project Team: Senior HRIS Analyst Geri Granger (Team Leader); Senior Human Resource Analyst Elizabeth Grassetti; Senior Human Resource Analyst Theresa Sevilla; Accounting & Financial Systems Analyst Lisa Chan; Accounting Technician Qian Chen; HRIS Analyst II Frances Chung; HR Technician Hazel Razote-Triana; HR Technician Jeanine Tu; HR Technician Amy Zara; Senior Programmer Analyst Milagros Landicho; Senior Programmer Analyst John Patricio, and Senior Programmer Analyst Patty Tinnin; **Teamwork** – Walnut Creek Water Treatment Plant Staff (Water Operations Department): Water Treatment Supervisor Stephen Lackenbauer (Team Leader); Senior Water Treatment Operator Alena Cesalek; Senior Water Treatment Operator Kenneth Davis; Senior Water Treatment Operator Luis Elazegui, Senior Water Treatment Operator Teddy Gardner, Jr.; Senior Water Treatment Operator Miguel Halpern; Senior Water Treatment Operator Cary Walton; and Senior Water Treatment Operator Dwight Yassany.

President Katz presented the awards to staff on behalf of the Board. The Board thanked the winners for their dedication and applauded them for their accomplishments. General Manager Coate invited the Board and staff to a reception to honor the winners immediately following the Board meeting.

### **ANNOUNCEMENT FROM CLOSED SESSION**

There were no announcements required from closed session.

### **PUBLIC COMMENT**

There was no public comment.

### **CONSENT CALENDAR**

- Item 9 was removed from the Consent Calendar for discussion.
  - Motion by Director McIntosh, seconded by Director Foulkes, to approve Items 1-8 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 064-13** – Approved the Regular Meeting Minutes of May14, 2013.
  2. The following correspondence was filed with the Board: 1) Memorandum dated May 28, 2013 to Board of Directors, from Delores Turner, Manager of Human Resources, regarding Employee Excellence Recognition Awards (with attachment).
  3. **Motion No. 065-13** – Awarded a contract to the lowest responsible/responsive bidder, BASF, in the estimated amount of \$577,500 to supply Poly DADMAC for District water treatment plants for the period beginning June 1, 2013 and ending May 31, 2014, with two options to renew for additional one-year periods under Proposal No. 1309.
  4. **Motion No. 066-13** – Awarded a contract to the lowest responsible/responsive bidder, Agilent Technologies, Inc. in the total amount not to exceed \$261,492 for supplying two sets of Agilent 7890B gas chromatographs and mass spectrometers with purge-and-trap concentrators and the associated data systems for the District Laboratory under Proposal No. 1316.
  5. **Motion No. 067-13** – Awarded a contract to the lowest responsive/responsible bidder, Carbonfilt LLC, in the amount of \$112,415 for supplying 325 cubic yards of anthracite coal and 25 cubic yards of silica sand for the Orinda Water Treatment Plant under Proposal No. 1317.
  6. **Motion No. 068-13** – Awarded a contract to the lowest responsive/responsible bidder, JMB Construction, Inc., in the amount of \$651,500 for construction of the Summit South Reservoir Rehabilitation under Specification 2055.

7. **Motion No. 069-13** – Awarded a sole source contract to Honeywell, Inc., in the estimated amount of \$990,000 to purchase a distributed control system software package, associated hardware and five years of service support for the Orinda Water Treatment Plant Control System Improvements.
8. **Motion No. 070-13** – Authorized agreements with All Crane Training, Inc.; American Trainco; Cal, Inc.; Du-All Safety; First In-Emergency Response Training; Global Safety Management; Gravitec; Hazard Management Services; ICE Safety Solutions; IHI Environmental; Industrial Emergency Council; Lewellyn Technology; Life Safety Services; Life Support Services; Medical Training Services; National Technology Transfer; Overton Safety Training, Inc.; Safety Center; Safety Compliance Management; TNT Enterprises; Trench Plate Rental Co.; Utility Training Academy; and Water Solutions, Inc., in a combined amount not to exceed \$300,000 annually for Cal/OSHA required safety training during the period July 1, 2013 to June 30, 2014, with four options to renew for an additional one-year period; and authorized additional agreements with companies that meet District standards to increase flexibility to ensure vendor availability pursuant to this recommendation.
9. **Motion No. 071-13** – Authorized agreements with various newspapers and publications to place advertisements for employment opportunities, legal notices, bidding opportunities and general public notices, at an estimated annual amount of \$100,000 for the period beginning July 1, 2013 and ending June 30, 2016, with two options to renew for additional one-year periods, for a total estimated cost of \$500,000.
  - Director McIntosh pulled item 9 to ask about the use of small, community newspapers. Director Coleman asked if EBMUD is using the internet as much as possible in lieu of paid advertisements. General Manager Coate said that EBMUD is legally required to post advertisements in newspapers of general circulation, and in most cases uses both newspaper and internet advertising. Additionally it was pointed out that the District advertises in several community newspapers (Sing Tao, El Mundo, Oakland Post, etc.) to maximize outreach efforts.
  - Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 9, carried (7-0) by voice vote.

## **DETERMINATION AND DISCUSSION**

### **10. Legislative Update.**

Special Assistant to the General Manager Marlaigne K. Dumaine reported that the federal legislative branches are on recess and will resume budget discussions when they return. In the state legislature, she reported that Friday, May 31 was the final deadline for bills to be passed out of their house of origin and sent to the opposite house for consideration. Ms. Dumaine said that AB 371 (Salas) related to land application of biosolids in Kern County was ordered inactive for the year. The EBMUD sponsored bill AB 408 (Bonta) related to municipal elections was moved to the Senate and is awaiting its policy committee assignment. There was brief discussion about the Bay Delta Conservation Plan (BDCP). General Manager Coate reported that staff would provide the full Board with a Delta update once staff completes its review of the BDCP administrative draft documents.

11. **Approve the Appointment Of An Additional Dealer and the Execution and Delivery Of An Additional Dealer Agreement for the District's Extendable Municipal Commercial Paper Program, and Authorize the Execution and Delivery Of An Updated Commercial Paper Offering Memorandum and Related Actions.**

Finance/Administration Committee Chair John A. Coleman reported that the Committee unanimously approved the staff recommendation. He also reported that the Committee recommended a presentation to the full Board at a future meeting on investment portfolio management as well as the Extendable Municipal Commercial Paper Program.

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended action for Item 11, carried (7-0) by voice vote.

**Resolution No. 33929-13** – Appointing An Additional Dealer And Authorizing The Execution Of A Dealer Agreement In Connection With The District's Extendable Municipal Commercial Paper Notes (Water Series) And (Wastewater Series); Authorizing The Execution And Delivery Of An Updated Commercial Paper Offering Memorandum In Connection Therewith; And Approving Certain Other Actions Related Thereto.

12. **General Manager's Report.**

General Manger Coate reported that as of May 24, 2013 EBMUD has received 116 protest letters and 55 calls to the Contact Center related to Proposition 218 rates and charges. Next, he reported that staff has provided three of four Main Wastewater Treatment Plant (MWWTP) tours to educate the community about how the plant functions.

**REPORTS AND DIRECTOR COMMENTS**

13. **Committee Reports.**

- Filed with the Board were the Minutes of the May 14, 2013 Planning and Legislative/Human Resources Committee meetings.

14. **Director Comments.**

- Director Coleman reported attending/participating in the following events: meeting with Sid Corrie on May 17 in Lafayette; ACWA meeting with SFPUC on May 17 in San Francisco; Kennedy-King Memorial Dinner on May 17 in Concord; ACWA Executive Committee teleconference meeting on May 20; Water security meeting on May 21 at EBMUD Administration Building in Oakland; Breakfast meeting with EBMUD staff on May 21; meeting with constituent Ian Baird on May 28 in Orinda; and ACWA Executive Committee teleconference meeting on May 28. He reported on plans to attend/participate in the following upcoming events: EBMUD Ward 2 Breakfast briefing on May 30 at the Walnut Creek Library; ACWA/JPIA Executive Committee teleconference on May 30; Las Aquilas de Diablo Eagle Scout dinner on May 30 at St. Mary's College Moraga; ; ACWA Executive

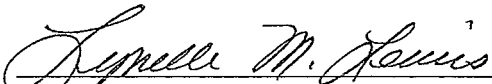
Committee and Board meeting on May 31 in Sacramento; Mt. Diablo Silverado Council retreat on June 1 in Alamo; ACWA Executive Committee teleconference meeting on June 3; meeting with EBMUD Audit Committee on June 7 in Oakland; ACWA Executive Committee teleconference meeting on June 10; and UMRWA BAC teleconference meeting on June 11.

- Director Foulkes reported attending a tour of the MWWTP with Environmental Protection Agency's Acting Assistant Administrator for Water Nancy Stoner on May 20 and the Pardee Home Museum Board meeting on May 20.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Mellon reported attending EBMUD's Retirement Board meeting on May 16. He also reported attending a Memorial Day ceremony in Castro Valley.
- Director Patterson reported attending the "Construction Management" series graduation held in the EBMUD Training Resource Center on May 14. He commended the work of the Contract Equity Program Office staff for providing training opportunities to small businesses. It was noted that this event was conducted in partnership with Turner Construction Company, Union Bank and Builders Exchange of Alameda County. Director Patterson also reported attending the EBMUD Retirement Board meeting on May 16.
- President Katz reported attending Stege Sanitary District's 100<sup>th</sup> Anniversary celebration on May 18.


### **ADJOURNMENT**

President Katz adjourned the meeting at 1:59 p.m.

SUBMITTED BY:

  
Lynelle M. Lewis, Secretary of the District

APPROVED: June 11, 2013

  
Andy Katz, President of the Board