

MINUTES

Tuesday, March 8, 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, 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, Director of Finance Sophia D. Skoda (Item 1a), Assistant General Counsel Xanthe M. Berry (Items 1a and 2b), Workers' Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), Director of Operations and Maintenance Michael J. Wallis (Item 2a), Attorney Jonathan D. Salmon (Item 2a), Director of Wastewater Bennett K. Horenstein (Item 2b), and Manager of Wastewater Engineering Vincent P. De Lange (Item 2b).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Mellon called to order the Regular Business Meeting of the Board of Directors at 1:15 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

Addressing the Board were the following persons: 1) Jodi Pincus, Rising Sun Energy Center, thanked the District for supporting the center which provides workforce development and water conservation assistance; 2) Brad Altbaum, Energy Specialist, Rising Sun Energy Center, California Youth Energy Services Program, commented that his work experience as an intern taught him valuable lessons and interpersonal skills; 3) Julia Hatton, Rising Sun Energy Center, California Youth Energy Services Program, provided an overview of the agency's accomplishments and thanked EBMUD for its funding and supplying conservation devices; and 4) Frank Gordo, Jackson, CA property owner, asked the Board to grant access through EBMUD's watershed property so he would be able to reach his personal property to perform maintenance work. President Mellon referred Mr. Gordo to staff and asked staff to provide a status update to the Board.

CONSENT CALENDAR

- Items 7 and 8 were removed from the Consent Calendar for discussion.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-6 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. 048-16** – Approved the Regular Meeting Minutes of February 23, 2016.
 2. The following correspondence was filed with the Board: 1) Letter (undated) submitted by Frank Gordo, regarding access to his personal property in Jackson, CA; 2) Presentation entitled “Chabot Dam Seismic Upgrade Spec 2107” dated March 8, 2016; 3) Presentation entitled “Water Supply Board Briefing” dated March 8, 2016; 4) Map entitled “DERWA San Ramon Valley Recycled Water Program Current & Future Facilities Location (May 2015);” and 5) Bay Area Regional Reliability-Drought Contingency Plan Task Force Invitee List.
 3. **Motion No. 049-16** – Awarded a contract to the lowest responsive/responsible bidder Agilent Technologies Inc. in an amount, after the addition of taxes, not to exceed \$214,080 for providing an Inductively Coupled Plasma Mass Spectrometry instrument to the District, under Request for Quotation No. 1606A.
 4. **Motion No. 050-16** – Rejected the low bid by Con-Quest Contractors, Inc., and awarded a contract to the lowest responsive/responsible bidder, JMB Construction, Inc., in the amount of \$3,421,800 for construction of Alameda Interceptor Rehabilitation Phase 2 under Specification SD-381.

5. **Motion No. 051-16** – Authorized execution of an extension of the current five-year Joint Exercise of Powers Agreement with the City of Alameda for continued operation and maintenance of the Alameda Point water system from April 1, 2016 to September 30, 2016.
6. **Motion No. 052-16** – Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment matters, in an additional amount not to exceed \$85,000.
7. **Resolution No. 34072-16** – Appointing Tony J. Montano As Manager Of Facilities Maintenance And Construction (effective March 21, 2016).
 - President Mellon pulled Item 7 from the Consent Calendar to make congratulatory remarks. Mr. Montano thanked the Board for this opportunity and said he looked forward to serving in the new position.
 - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 7, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
8. **Resolution No. 34073-16** – Appointing Alison A. Kastama As Special Assistant IV (Manager of Public Affairs) (effective April 4, 2016).
 - President Mellon pulled Item 8 from the Consent Calendar to make congratulatory remarks. Ms. Kastama thanked the Board and General Manager for the opportunity and said she looked forward to working with the District.
 - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 8, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION

9. **Legislative Update.**

Director John A. Coleman reported that the Legislative/Human Resources Committee supported the staff recommendations in the Legislative Report.

- Motion by Director Coleman, seconded by Director Young, to approve the recommended positions carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

Motion No. 053-16 – Received Legislative Report No. 03-16 and approved positions on the following bills: INFORMATION AB 1713 (Eggman) Sacramento-San Joaquin Delta: Peripheral Canal; SUPPORT AB 1882 (Williams) Oil and Gas: Groundwater Monitoring;

and SUPPORT RATIFICATION OF SB 270 Referendum to Overturn Ban on Single-Use Plastic Bags.

Manager of Legislative Affairs Marlaigne K. Dumaine reported that Anthony Rendon had been appointed as the Speaker of the California Assembly. She also provided a status update on federal drought legislation. In concluding, she noted that a resolution on Measure AA, San Francisco Bay Restoration Authority "Clean and Healthy Bay," will be presented to the Board for consideration on March 22, 2016.

10. **Award a Contract to DMZ Builders for Construction of Chabot Dam Seismic Upgrade Under Specification 2107.**

Director of Engineering and Construction Xavier J. Irias gave a presentation on the project phases and the next steps which include: issue notice to proceed (April 2016); close parks/start field work (May 2016); Chabot Dam earthwork (June to November 2016); outlet/works retrofit (December 2016 to May 2017); and contract completion/open parks (Summer 2017). Director Coleman requested information on the estimated amount of sediment collected in Chabot Reservoir including information on lost capacity.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 10 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

Motion No. 054-16 – Awarded a contract to the lowest effective responsive/responsible bidder, DMZ Builders, in the amount of \$11,998,600 for construction of Chabot Dam Seismic Upgrade under Specification 2107.

11. **Authorize an Agreement with Kleinfelder, Inc. for Construction Support Services for The Chabot Dam Seismic Upgrade and Upper San Leandro Reservoir Tower Upgrade Projects.**

Director of Engineering and Construction Xavier J. Irias reported that District staff will be performing construction management for the projects and Kleinfelder, Inc. will provide supplemental personnel to blend with District staff and support the construction management efforts during anticipated peak workload periods. Director Mellon asked staff to provide materials on this project for the March 21 San Leandro City Council meeting.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 11 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None).

Motion No. 055-16 – Authorized an agreement with Kleinfelder, Inc. in an amount not to exceed \$1,720,000 for construction support services for the Chabot Dam Seismic Upgrade and Upper San Leandro Reservoir Tower Upgrade projects.

12. General Manager's Report.

Operations and Maintenance Department Manager Eileen M. White presented updates on the statewide and local water supply. She reported on the following Water Year 2016 results: Mokelumne River Basin runoff at 202 thousand acre feet (TAF); projected end of water year storage is 535-630 TAF; Mokelumne River watershed season to date precipitation is 108 percent of average; East Bay watershed season to date precipitation is 95 percent of average; and the precipitation accumulation season is 74 percent complete. The water supply schedule activities include: Department of Water Resources (DWR) Snow Survey in early March; U. S. Bureau of Reclamation initial allocation on March 20; water supply updates and continued public outreach March through April; DWR Snow Survey April 1; and Water Supply Availability and Deficiency Report presentation and consideration of changes in the drought stage on April 26. Ms. White said that overall, there has been significant improvement in the water supply compared to 2015. There was discussion about the District's approach to setting water use reduction goals if our system is full. Ms. White said the District is waiting for the state to issue its drought guidelines before considering modification to EBMUD's Drought Management Program.

Next, General Manager Coate reported that staff had provided the Board with information on the 2016 Critical Drought Action Plan Update for March; the Monthly Report for February 2016, Bay Area Regional Reliability-Drought Contingency Plan Task Force Invitee List, and the DERWA San Ramon Valley Recycled Water Program Current & Future Facilities Location Map (May 2015). Mr. Coate announced that a food waste workshop has been planned for March 22. Director Coleman asked staff to provide a memorandum detailing water theft by city and the amount stolen.

REPORTS AND DIRECTOR COMMENTS

13. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of February 23, 2016.

14. Other Items for Future Consideration.

- Workshop on future water supply.

15. Director Comments.

- Director Coleman reported attending/participating in the following events: California Association of Sanitation Agencies and Association of California Water Agencies (ACWA) conferences from February 21-24 in Washington, D.C.; ACWA Executive Committee teleconference meeting on March 1 in Oakland; Bishop Ranch Economic Forum on March 2 in San Ramon; moderating a panel at the California League of Cities meeting on March 2 in San Ramon; Contra Costa Mayors' Conference on March 3 in Lafayette; ACWA Executive Committee teleconference meeting on March 7 in Oakland; and presentation to the Walnut Creek Garden Club on March 8 in Walnut Creek. He reported plans to attend/ participate in the following upcoming events: Dublin San Ramon Services District (DERWA)/EBMUD

Board of Directors meeting on March 14 via teleconference from Washington, D.C.; meetings on March 14-18 in Washington, D.C.; and ACWA Executive Committee teleconference meeting on March 21 in Oakland.

- Director Katz had no comment.
- Director Linney reported attending the West Oakland Liaison Committee meeting on March 2 at the Adeline Maintenance Center in Oakland. He thanked staff for organizing the meeting and for their presentations.
- Director McIntosh reported attending/participating in the following events: ACWA Federal Affairs Committee teleconference meeting on March 7 and presenting a water supply update to Richmond Heights Neighborhood Council on March 7 in Richmond.
- Director Patterson thanked Rising Sun Energy Center for their work in the service area. He also noted that Bishop O'Dowd High School, which is in Ward 6, has also been recognized for its active environmental clubs.
- Director Young commented that March 8 is International Women's Day and asked that the meeting be closed in recognition of the women who make numerous contributions at the District.
- President Mellon commented on his recent trip to Yosemite National Park.

ADJOURNMENT

President Mellon closed the meeting in recognition of International Women's Day and he thanked all women who make significant contributions to EBMUD.

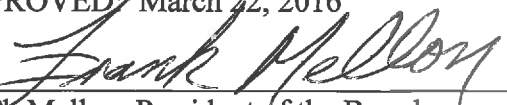
President Mellon adjourned the meeting at 2:18 p.m.

SUBMITTED BY:



Lynelle M. Lewis, Secretary of the District

APPROVED: March 22, 2016



Frank Mellon, President of the Board