

MINUTES

Tuesday, October 10, 2017

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

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:11 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived at 11:14 a.m.

Staff presented included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Item 1a), Attorney Derek McDonald (Item 1a), Director of Engineering and Construction Xavier J. Irias (Item 1a), Risk Manager Karen K. Curry (Item 1a), Attorney Lourdes Matthew (Item 2); Manager of Human Resources Laura A. Brunson (Item 2); Manager of Employee Relations David Pak (Item 2), and Industrial Employers Distributors Association representatives Glenn Berkheimer, Bruce Heid, and Gregory Ramirez (Item 2).

PUBLIC COMMENT

- Addressing the Board were the following: 1) Dwight George, AFSCME Local 444, commented on wages, equity adjustment requests and the status of District recruitments for various positions; 2) Eric Larsen, AFSCME Local 444, commented on efforts to get the Wastewater Treatment Operator position reclassified and equity adjustment requests; 3) John Briceno, President, AFSCME Local 444, commented on recent agreements made at the negotiations table by the union and management and the need to address the remaining equity adjustment requests; 4) Marc Carradine, IFPTE Local 21, commented on the status of negotiations and the importance of the CPI+ model; and 5) John Hayden, IFPTE Local 21, commented on negotiations and stated that staff is seeking an equitable wage package.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Lesa R. McIntosh announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President McIntosh 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, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President McIntosh led the Pledge of Allegiance.

PRESENTATION

General Manager Coate announced the District received the California Association of Sanitation Agencies' Award of Excellence for an outstanding capital project. The award acknowledges the District's progressive design approach on the 3rd Street Interceptor Rehabilitation Project in Oakland. Director Patterson presented the award to the project team and congratulated them for embodying the District values of teamwork and stewardship. The Board acknowledged the following staff representing the project team: Joseph R. Barge, Assistant Wastewater Shift Supervisor; Jeffrey S. Biehl, Wastewater Shift Supervisor; Martin C. Bryant, Assistant Engineer; Alicia Chakrabarti, Senior Civil Engineer; Cheryl A. Franklin, Assistant Wastewater Shift Supervisor; Timothy P. Karlstrand, Associate Civil Engineer; John A. Kyser, Senior Civil Engineer; Diane Lee, Associate Civil Engineer; Gary Lin, Associate Civil Engineer; and Joe Wong, Associate Civil Engineer.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Cynthia Adkisson, Senior Environmental Health and Safety Specialist, announced she was retiring after 26 years and highlighted the many positive experiences she had working at the District; and 2) Zdenek Tomsy, Walnut Creek resident, commented on the quality and chemistry of his water and a recent billing issue. Mr. Tomsy was referred to staff for assistance with his billing issue and Director Coleman provided Mr. Tomsy with his contact information.

CONSENT CALENDAR

- Item 6 was pulled from the Consent Calendar for comment.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-5 and 7-10 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 166-17** – Approved the Regular Meeting Minutes of September 26, 2017.

2. The following correspondence was filed with the Board: **1)** Presentation entitled “Dos Osos Reservoir Replacement Project Final Mitigated Negative Declaration Project Approval,” dated October 10, 2017; **2)** Presentation entitled “Customer Assistance Policy,” dated October 10, 2017; **3)** Speakers’ Bureau and Outreach Record CY17 handout dated October 10, 2017; **4)** EBMUD Wastewater Plant Operator II Class Description established July 1, 1985; and **5)** Document (undated) submitted by John Hayden, IFPTE Local 21, discussing wages, CPI and equity.
 3. **Motion No. 167-17** – Awarded a contract to the lowest responsive/responsible bidder, Aqueous Vets, Inc., for a one-time purchase, after the addition of taxes, not to exceed \$187,415 for supplying a granular activated carbon filter storage vessel and media under Request for Quotation No. 1803.
 4. **Motion No. 168-17** – Authorized an agreement beginning on or after October 10, 2017 with Terraphase Engineering, Inc., in an amount not to exceed \$1,400,000 to support state mandated lead sampling in K-12 schools for three years.
 5. **Motion No. 169-17** – Authorized a cost-sharing agreement with the City of Piedmont in an amount not to exceed \$199,088.47 for restoring asphalt pavement on portions of Grand, Lower Grand, and Arroyo Avenues as part of the Grand Avenue Pipeline Replacement work under Specification 2102.
 - 6a-b. **Motion No. 174-17** – Authorized an amendment to Board Motion No. 019-15 dated February 10, 2015 to increase the estimated agreement amount by \$700,000 for the rental of fully maintained and operated (FM&O) flagging services from the following vendors: Bay Area Traffic Solutions, Inc.; CMC Traffic Control Specialists; Cal Safety, Inc.; Traffic Control Pros; Traffic Management, Inc.; TPR Traffic Solutions; Western Traffic Supply, Inc.; and Yolanda’s Construction Administration & Traffic Control beginning on or after October 10, 2017 through the remainder of the agreement period ending February 10, 2020; and authorized additional agreements for FM&O flagging services with vendors that meet District standards and offer pricing at or below the range in the amended agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility and ensure availability of FM&O flagging services to the District.
- Director Mellon pulled the items to comment that the work is subject to prevailing wage requirements and asked that staff ensure the contractors pay prevailing wages. General Manager Coate confirmed that District contracts contain language regarding prevailing wage requirements and said staff will monitor the wages paid by the contractors. Director Young also requested that staff ensure training and accountability requirements for this type of work are included in District contracts.
 - Motion by Director Mellon, seconded by Director Patterson to approve the recommend actions for Items 6a-6b, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

- 7a-b. **Motion No. 170-17** – Authorized an amendment to the existing enterprise licensing agreement with Environmental Systems Research Institute (ESRI) beginning on October 29, 2017 in an amount not to exceed \$335,000 annually for software licensing as well as maintenance and support for their Geographical Information System for three years for a total cost of \$1,005,000; and authorized purchase of additional credits under the existing support agreement with ESRI in an amount not to exceed \$180,000.
8. **Motion No. 171-17** – Approved the assignment of the contract for Camanche and Pardee Dams GPS Monitoring System Services, in the estimated total amount not to exceed \$727,300, originally awarded under Board Motion No. 065-14 on April 22, 2014 from Foundry Group, LLP, to Sensemetrics, Inc.
9. **Motion No. 172-17** – Approved the Water Supply Assessment requested by the City of Alameda for the Alameda Marina Master Plan pursuant to California Water Code, Sections 10910-10915.
10. **Motion No. 173-17** – Authorized the General Manager or his designee to execute Amendment No. 2 to the Memorandum of Understanding between Placer County Water Agency and East Bay Municipal Utility District dated August 15, 2013. The amendment modifies the interim water purchase pricing to align with water transfer market conditions in dry years.

DETERMINATION AND DISCUSSION

- 11a-e. **Adopt the Final Mitigated Negative Declaration for the Dos Osos Reservoir Replacement Project; make findings in accordance with the California Environmental Quality Act (CEQA); adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA; adopt the Practices and Procedures Monitoring and Reporting Plan; and approve the Project.**

Associate Civil Engineer Chien Wang provided an overview of the project, public outreach efforts and comments received on the Mitigated Negative Declaration (MND). The Dos Osos Reservoir will be replaced with new dual 0.12 million gallon reservoirs on District-owned watershed property approximately 70 feet higher in elevation and 300 feet southwest of the existing reservoir site. The Dos Osos Pumping Plant located in Orinda will be upgraded with pump units that can supply the new higher-elevation reservoirs. The existing reservoir will be demolished once construction and testing is completed. Ms. Wang said the MND was circulated for public comment between May and June 2017. One comment letter was received and responses to the comments are included in the Final MND. Although the MND determined that project-related construction work could potentially generate environmental impacts to biological resources, and geology and soils, appropriate mitigation measures will be implemented to reduce these impacts to less than significant. If the Final MND is approved, staff will work to obtain environmental permits by 2020, and design and construction of the project will begin in 2021 and 2023, respectively.

Planning Committee Chair Frank Mellon reported that the Committee unanimously voted to support the recommended actions for the project.

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

Resolution No. 35064-17 – Adopting the Mitigated Negative Declaration for the Dos Osos Reservoir Replacement Project, Adopting the Mitigation Monitoring and Reporting Plan and Practices and Procedures Monitoring and Reporting Plan, and Approving the Project.

12. **Adopt a Customer Assistance Policy to support the District’s efforts in assisting customers including low-income customers.**

Manager of Customer and Community Services Sherri A. Hong reviewed the proposed Customer Assistance Policy which outlines the District’s processes for assisting eligible low-income customers with their water and wastewater bills. Staff introduced the policy at the September 12 Planning Committee and the September 26 Finance/Administration Committee meetings for review and feedback from the Planning Committee has been incorporated into the policy. She discussed how the District has revised some of its processes to enhance low-income assistance efforts which included amending the Water Theft Penalty Ordinance, recent activities by the State to develop its Low-Income Rate Assistance Program, and the District’s involvement in state and local discussions and efforts on this topic. The State Water Resources Control Board is scheduled to release a draft report on its efforts to develop a program for public review in November, conduct a public meeting in December and submit a final report to the State Legislature in February 2018. The Customer Assistance Policy may be updated in the future to incorporate additional actions and/or to reflect any requirements of the State’s final Low-Income Rate Assistance Program. Ms. Hong said staff will review the State’s draft report and participate in the upcoming meetings. Long-term financial stability workshops are scheduled for the Board for late 2017 and early 2018 and will include additional information about the District’s low-income assistance efforts. As previously discussed, staff will provide the Board with the guidelines for water theft penalty appeals and update correlating District policies and procedures.

There was Board discussion regarding the State’s actions to date, a proposal for a program funded by employee donations to assist low-income customers which could ultimately be available for District customers to contribute, components of the District’s Customer Assistance Program and a request for metrics showing how Customer Assistance Program participation and payment plans impact shut-off rates. Ms. Hong provided clarification on questions asked and General Manager Coate advised metrics including shut-off and water theft data will be included in future General Manager monthly reports.

- Motion by Director Young, seconded by Director Linney to approve the recommend action for Item 12, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35065-17 – Adopting New Policy 1.14, Customer Assistance Policy.

13. General Manager's Report.

General Manager Coate said that the September 2017 General Manager's Monthly Report and the latest Speakers' Bureau Outreach Record had been provided at Board places. He commented on the West Point fires in District watershed lands and the District's coordination efforts with the California Emergency Utility Association to provide mutual aid support for the fires in Napa and Sonoma counties.

REPORTS AND DIRECTOR COMMENTS

14. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of September 26, 2017.

15. Other Items for Future Consideration.

None.

16. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA Budget Workshop on September 28 in Sacramento; ACWA Executive Committee, ACWA Board of Directors and ACWA Best of Blue Committee meetings on September 29 in Sacramento; East Bay Leadership Luncheon on October 4 in Walnut Creek; Discussions with Chevron representatives on October 4 in Walnut Creek; EBMUD/UMRWA Strategic Retreat on October 5 at Pardee Lodge; teleconference with reporter Trevor Stripling regarding Acalanes Blue Print at Lafayette Reservoir and seismic issues on October 5 in Arnold; UMRWA Board Meeting on October 6 at Pardee Lodge; Pardee BBQ on October 6 at McLean Hall; Bette Boatman's 80th birthday celebration on October 8 in Concord; and ACWA Executive Committee meeting teleconference on October 10 in Oakland.
- Director Katz had no report.
- Director Linney had no report.
- Director Mellon reported attending the Pardee BBQ at McClean Hall and the Minority Business Development Agency/Asian, Inc.'s 46th Annual Gala on October 6 in San Francisco and expressed appreciation for being able to witness the organization's recognition of Contract Equity Administrator Beverly Johnson.
- Director Patterson had no report.
- Director Young had no report.
- President McIntosh had no report.

Regular Business Meeting of


October 10, 2017

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ADJOURNMENT

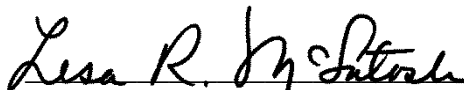
President McIntosh adjourned the meeting at 2:20 p.m. in memory of those who have lost their lives in the recent local and national tragedies.

SUBMITTED BY:



Risha S. Cole, Secretary of the District

APPROVED: October 24, 2017



Lesla R. McIntosh, President of the Board