

MINUTES

Tuesday, September 10, 2019

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, Frank Mellon, and President Marguerite Young were present at roll call. Director William B. Patterson arrived in the Board Room at 11:02 a.m. Director Andy Katz arrived in Conference Room 8 at 11:05 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a, 2a, 2b, & 2c), Attorney Ayriel A. Bland (Items 1a, 2a, 2b, & 2c), Risk Manager Karen K. Curry (Items 1a, 2a, 2b & 2c), Attorney Derek T. McDonald (Items 1a, 2a, & 2b), Engineering Manager Elizabeth Z. Bialek (Items 1a, 2a, & 2b), and Risk Management Analyst Kim A. Damico (Item 2c).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Marguerite Young called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young 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 Marguerite Young led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the District received the National Association of Clean Water Agencies' (NACWA) Platinum Peak Performance Award at the NACWA Annual Summer Conference. The Platinum Award recognizes wastewater agencies with 100 percent permit compliance over a consecutive five-year period. Platinum Award status continues when 100 percent compliance is maintained beyond the initial award. This award represents the 14th consecutive Platinum Award for the District, and celebrates 19 years of perfect permit compliance at the Main Wastewater Treatment Plant. This award exemplifies how employees in the Wastewater Department have demonstrated the District's values of stewardship, integrity, respect, and teamwork in a tangible way for the past 19 years. On behalf of the Board of Directors, President Marguerite Young congratulated staff and presented the award to the following employees representing the Wastewater Department: Senior Chemist Sue Berg, Manager of Wastewater Treatment Maura A. Bonnarens, Wastewater Shift Supervisor Cheryl A. Franklin, Instrument Technician David L. Galka, Senior Construction Inspector Erik T. Jorgenson, Wastewater Control Representative Adam P. Kern, Plant Maintenance Mechanic Keith A. Louis, Wastewater Control Inspector II Debra L. Mapp, Chemist II Robert M. Molina, Associate Civil Engineer Jenny Tran, and Wastewater Plant Operator II Ruben F. Rodriguez.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Stanley Bull commented on the methodology used to calculate a leak adjustment on his water bill; and 2) Ivette Rivera, EBMUD Gardener Foreman, commented on her 2018-2019 performance appraisal and her previous years' appraisal ratings.

Mr. Bull was referred to staff for follow up.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Mellon, to approve the recommended actions for Items 1-10 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 142-19** – Approved the Regular Meeting Minutes of August 13, 2019.
 2. The following correspondence was filed with the Board: **1)** Memorandum dated September 10, 2019, to Board of Directors, from Kelly Zito, Special Assistant to the General Manager, regarding the Sustainable Contra Costa Sustainability Awards Gala – September 17, 2019; **2)** Memorandum dated September 10, 2019, to Board of Directors, from Kelly Zito, Special Assistant to the

General Manager regarding the 26th Annual Pardee BBQ – October 4, 2019; 3) Memorandum dated September 10, 2019 to EBMUD Board Members from Ivette Rivera transmitting Exhibit 1 Performance Appraisal; Exhibit 2 Performance Appraisal, and Exhibit 3 Performance Ratings 2006-2019; and 4) Speakers' Bureau and Outreach Record CY19, dated September 10, 2019.

3. **Motion No. 143-19** – Authorized an agreement beginning on or after September 11, 2019 with Odyssey Power Corporation in an amount not to exceed \$179,823 for engine maintenance related to engine-driven generators at various District locations for three years under Request for Quotation No. 1917.
4. **Motion No. 144-19** – Awarded a contract to the lowest responsive/responsible bidder Cummins, Inc., in an amount, after the addition of taxes, not to exceed \$364,895 for supplying four mobile diesel generators for the District's wastewater facilities under Request for Quotation No. 1924.
5. **Motion No. 145-19** – Authorized an agreement beginning on or after September 10, 2019 with Bradley Tanks, Inc., in an amount not to exceed \$350,000 for the installation and maintenance of temporary slurry management systems at two District sites and waste hauling and disposal from those systems for a pilot period of one year with one option to renew for an additional one-year period, for a total amount of \$700,000.
6. **Motion No. 146-19** – Authorized three agreements beginning on or after September 10, 2019 with Brown and Caldwell, PMA Consultants, LLC, and Ewing Construction Services for as-needed cost estimating, constructability and scheduling review services, for three years with two options to renew for additional one-year periods, for a total amount not to exceed \$750,000.
7. **Motion No. 147-19** – Authorized an agreement beginning on or after September 10, 2019 with The Tharpe Company, Inc. (dba Engage2Excel), in an amount not to exceed \$65,000 for provision of employee service awards and an online peer recognition platform.
- 8a.-8b. **Motion No. 148-19** – Authorized an agreement with Intake Screens, Inc., in an amount not to exceed \$300,000 for completion of site assessments and design work for new self-cleaning fish screens for three existing unscreened surface water diversions in the lower Mokelumne River, including optional services associated with provision and installation of those fish screens; and directed staff not to issue any notices to proceed with optional services under the agreement until a California Environmental Quality Act review regarding installation of the proposed fish screens has been completed.
9. **Motion No. 149-19** – Authorized amendments to agreements for financial advisory services awarded under Board Motion No. 158-16 with Montague DeRose and Associates, LLC, and Backstrom McCarley Berry & Co., LLC, to increase the amount by \$760,000 to a total amount not to exceed \$3,300,000 and extend the term two additional years.
10. **Motion No. 150-19** – Approved the assignment of the Power Purchase Agreement for the Camanche Dam Photovoltaic project originally awarded under Board Motion No. 207-16 on December 13, 2016 from SolarCity to Tesla.

DETERMINATION AND DISCUSSION

11. **Authorize a three-year option agreement with the San Leandro Rock Company to allow assessment of the viability of purchasing two real estate parcels in San Leandro.**

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

Motion No. 151-19 – Authorized a three-year option agreement with the San Leandro Rock Company in the amount of \$150,000 to allow assessment of the viability of purchasing two real estate parcels in San Leandro totaling 58 acres: Parcel 79-100-1 and Parcel 79-100-2.

12. **Adopt a Resolution recognizing fifty years of labor relations between East Bay Municipal Utility District and Local 444 American Federation of State, County and Municipal Employees AFL-CIO.**

President Young read the resolution and the following persons addressed the Board:

- 1) Marty Englander, EBMUD retiree, expressed appreciation for the Board's recognition and encouraged them to adopt the resolution; and 2) Eric Larsen, President, AFSCME Local 444, thanked the Board for the recognition, commented on Local 444's history at the District, and encouraged the Board to adopt the resolution.

Board members voiced appreciation for the positive working relationship with the District's unions and expressed support for adoption of the resolution.

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

Resolution No. 35153-19 – Recognizing Fifty Years Of Labor Relations Between The East Bay Municipal Utility District And The American Federation of State, County and Municipal Employees AFL-CIO, Local 444.

13. **Authorize a sixth amendment to the agreement for employment of the General Manager.**

President Young announced that pursuant to Section 54953(c)(3) of the Government Code, the Board of Directors is providing an oral report prior to taking action on Agenda Items 13 and 14 regarding the salary, salary schedule and compensation paid in the form of fringe benefits to the General Manager and the General Counsel. In accordance with the employment agreements with the General Manager and the General Counsel, the Board may authorize base salary increases to the General Manager and the General Counsel based on annual performance evaluations conducted by the Board. As such, it is recommended that the General Manager and the General Counsel each receive a 2.5% increase in their base salary effective September 16, 2019.

- Motion by Director McIntosh, seconded by Director Linney, to approve Item 13, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35154-19 – Authorizing Sixth Amendment To General Manager Employment Agreement (Effective September 16, 2019).

14. Authorize a Sixth Amendment to the Agreement for Employment of the General Counsel.

- Motion by Director Patterson, seconded by Director Coleman, to approve Item 14, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35155-19 – Authorizing Sixth Amendment To General Counsel Employment Agreement (Effective September 16, 2019).

15. General Manager’s Report.

General Manager Coate announced the August 2019 Monthly Report had been provided in the Board’s packet and the latest Speakers’ Bureau and Outreach Record had been provided at their places. Mr. Coate also informed the Board they would be receiving copies of the “From the Watershed to Bay” insert which is scheduled to publish in the *East Bay Express* tomorrow. In conclusion, he reminded them of Assistant General Counsel Xanthe Berry’s retirement event following the September 24 Board meeting, the Pardee BBQ scheduled for October 4, and the impending retirement of Director of Engineering and Construction Xavier Irias and recruitment efforts for the position.

REPORTS AND DIRECTOR COMMENTS

16. Committee Reports.

- Filed with the Board were the Planning and the Legislative/Human Resources Committee Minutes of August 13, 2019.

Planning Committee Chair Doug Linney reported the Committee met at 10:00 a.m. and received information on the FY19 Annual Readiness Report; the Water Quality Program Semi-Annual Update; the Regulatory Compliance Semi-Annual Report; and the Laboratory Information Management System Replacement Project.

17. Other Items for Future Consideration.

Update on lessons learned and the District’s future plans pertaining to PG&E’s Public Safety Power Shutoffs at a future Planning Committee.

Update regarding the District’s emergency preparedness and resilience efforts at the November 2019 Infrastructure Workshop.

18. Director Comments.

Director Coleman reported he presented information regarding EBMUD's response to PG&E's Public Safety Power Shutoffs (PSPS) to the Danville Town Council on September 3 in Danville and the Town's request for follow up information on the District's plans to address PSPS next year. He reported on plans to attend/participate in the following: Jobs and Housing Coalition Legacy event on September 19 in Oakland; the East Bay Leadership Council Board of Directors meeting on September 20 in Pleasant Hill; and the Lafayette Art and Wine Festival on September 22 in Lafayette. General Manager Coate advised staff will provide an update on lessons learned and the District's future plans pertaining to PG&E's PSPS at a future Planning Committee meeting.

- Director Katz reported attending the Solano Stroll event on September 8 in Albany.
- Director Mellon reported attending/participating in the following: Hayward Rotary presentation on August 8 in Hayward; Castro Valley/Eden Chamber Mixer on August 21 in Castro Valley; IAM/Guide Dogs for the Blind fundraiser on August 23 in Livermore; East Bay Economic Development Alliance meeting on August 29 in Oakland; San Ramon Mayor's Breakfast on August 30 in San Ramon; Alameda County Economic Forum on September 4 in Hayward; ACWA Region 5 Program on September 5 at EBMUD in Oakland; and the Castro Valley Fall Festival September 7 and 8 in Castro Valley.
- Director Patterson acknowledged staff for keeping him updated on a recent main break that impacted water service to his home and his neighborhood.
- Director Young reported attending a meeting with the Mayor and Town Manager of Moraga on September 5 in Oakland; and marching in the Oakland Pride parade on September 8 in Oakland. Director Young requested an overview of the District's emergency preparedness and resilience plans at a future workshop and thanked staff for the increased postings on the District's social media platforms and especially for the information pertaining to emergency water storage. General Manager Coate advised staff will include an update on the District's emergency preparedness and resilience efforts during the November 2019 Infrastructure Workshop.
- Directors Linney and McIntosh had no report.

ADJOURNMENT

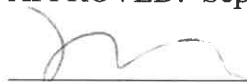
President Young adjourned the meeting at 1:58 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: September 24, 2019



Marguerite Young, President of the Board