



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, May 14, 2019**

**REGULAR CLOSED SESSION
11:00 a.m., Boardroom**

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Donald Licata v. East Bay Municipal Utility District*
WCAB No.: ADJ10891832
 - b. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01348
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Town of Moraga
Claim No. 2017-L-290
 - b. William Strauss and Suzanne Strauss
Claim No. 2018-L-076
3. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.

(The Board will hold Closed Session in Conference Room 8)

**REGULAR BUSINESS MEETING
1:15 p.m., Boardroom**

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

CONSENT CALENDAR: (Single motion and vote approving 9 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of April 23, 2019.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after May 14, 2019 with Brown and Caldwell in an amount not to exceed \$1,995,000 for engineering services in preparation of a master plan for the Main Wastewater Treatment Plant.
4. Authorize an agreement beginning on or after May 14, 2019 with Carollo Engineers, Inc., in an amount not to exceed \$279,800 for supplemental construction inspection services for the South Interceptor 3rd Street Rehabilitation Phase 2 Project under SD-392.
5. Authorize an agreement beginning on or after May 14, 2019 with Gayner Engineers in an amount not to exceed \$1,183,530 for engineering and design services for improvements to buildings' heating, ventilation, and air conditioning, fire protection, and roof systems at the Main Wastewater Treatment Plant.
6. Authorize a contract and an agreement related to purchasing and refurbishing ball valves for the District's Main Wastewater Treatment Plant Influent Pump Station.
 - 6.1. Authorize the direct award of a contract to Frank A. Olsen Company in the amount, after the addition of taxes and site inspections, not to exceed \$338,931 for supplying one 42-inch diameter ball valve.
 - 6.2. Authorize the direct award of an agreement beginning on or after May 14, 2019 with Unico Mechanical Corporation in an amount not to exceed \$166,037 for the refurbishment of one 42-inch diameter ball valve.
7. Authorize an amendment to the agreement awarded under Board Motion No. 161-17 on September 26, 2017 with Pacific States Environmental Contractors, Inc., to increase the amount by \$6,306,000 to a total amount not to exceed \$21,306,000 for trench soils removal services.
8. Approve the Water Supply Assessment requested by the City of Oakland for the Oakland Waterfront Ballpark Project pursuant to California Water Code, Sections 10910-10915.
9. Authorize actions related to the sale of the Punchbowl Reservoir property in Oakland. (Resolution)
 - 9.1. Approve the sale of the property to Mr. Minh Doan for the purchase price of \$505,000.
 - 9.2. Authorize District staff to execute the Property Purchase Agreement and Joint Escrow Instructions for the sale of the property to Mr. Minh Doan.

DETERMINATION AND DISCUSSION:

10. Legislative Report:
 - Receive Legislative Report No. 03-19 and consider positions on the following bills: AB 557 (Wood) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program; AB 1414 (Friedman) Urban Retail Water Suppliers: Reporting; AB 1588 (Gloria) Drinking Water and Wastewater Operator Certification Programs; and SB 487 (Caballero) Department of Water Resources: Aerial Snow Survey
 - Update on Legislative Issues of Interest to EBMUD
11. Conduct a second and final reading, and vote on an ordinance amending Section 21 of the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to update the actuarially assumed rate of return from 7.25 percent to 7.00 percent. (2nd Reading and Vote – Ordinance No. 370-19)
12. File a report and set a Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees.
 - 12.1. File the General Manager's Report and Recommendation for revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges and Other Fees.
 - 12.2. Set a Public Hearing for Tuesday, June 11, 2019, during the Board's regular meeting to consider the report and recommendation, and to comply with Proposition 218 requirements.
13. General Manager's Report:
 - Monthly Report – April 2019

REPORTS AND DIRECTOR COMMENTS:

14. Committee Reports:
 - Sustainability/Energy
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
15. Other Items for Future Consideration.
16. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 2:30 p.m. on Tuesday, May 28, 2019 at Castro Valley Library, Chabot/Canyon Room, 3600 Norbridge Avenue, Castro Valley, California 94546

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, May 14	Planning Committee Linney {Chair}; McIntosh; Mellon	9:45 a.m. Training Resource Center	<ul style="list-style-type: none"> • Bayfair Pumping Plant and Estudillo Avenue Pipeline Replacement Project Update • San Ramon Valley Recycled Water Program Pump Station R3000 Project Update
	Legislative/Human Resources Committee Coleman {Chair}; McIntosh; Patterson	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Legislative Update • Workforce Development Strategies – Center for Employment Opportunities Pilot Project • Wastewater Plant Operator Training Program
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, May 27	Memorial Day		<i>District Offices Closed</i>
Tuesday, May 28	Finance/Administration Committee Patterson {Chair}; Coleman; Katz	1:30 p.m. Castro Valley Library Chabot/Canyon Rm. 3600 Norbridge Ave. Castro Valley, CA	
	Board of Directors	2:00 p.m. 2:30 p.m. Castro Valley Library Chabot/Canyon Rm. 3600 Norbridge Ave. Castro Valley, CA	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, June 11	Planning Committee Linney {Chair}; McIntosh; Mellon	9:15 a.m. Training Resource Center	
	Legislative/Human Resources Committee Coleman {Chair}; McIntosh; Patterson	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting