



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, December 11, 2018**

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

*Director Andy Katz will participate via teleconference from the following location:
Sybowcowa 1A, Katowice, Poland 40-502*

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. *Woodbridge Irrigation District v. East Bay Municipal Utility District*
Sacramento County Superior Court, Case No. 34-2018-00232142-CU-CO-GDS

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

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

*Director Andy Katz will participate via teleconference from the following location:
Sybowcowa 1A, Katowice, Poland 40-502*

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 14 recommendations, including 4 resolutions.)

1. Approve the Regular Meeting Minutes of November 27, 2018.
2. File correspondence with the Board.
3. Award a contract to Integrated Archive Systems, Inc., in an amount, after the addition of taxes, not to exceed \$205,100 for supplying Commvault software and support dedicated to the backup and restoration of critical business data for three years, beginning on or after December 12, 2018.
4. Authorize an agreement beginning on or after December 12, 2018 with Aramark Uniform Services, a division of Aramark Uniform and Career Apparel, LLC, in an amount not to exceed \$150,000 annually for rental and laundry service for standard and flame resistant garments for one year with four options to renew for an additional one-year period for a total cost of \$750,000.
5. Authorize an agreement with the Sycamore Mutual Water Company (SMWC) to perform environmental, financial, and technical analysis needed to evaluate a potential long-term water transfer project, and develop a framework under which EBMUD and SMWC would negotiate a future long-term agreement for EBMUD to purchase water from SMWC in dry years. The agreement includes a commitment for EBMUD to reimburse SMWC up to \$80,000 for consulting services.
6. Authorize an amendment to the agreement awarded under Board Motion No. 140-15 dated July 28, 2015, to increase the agreement amount by \$1,700,000, to an amount not to exceed \$8,800,000, for additional wet weather Consent Decree required inflow and infiltration investigations of the regional wastewater collection system by the following vendors: ADS Corporation; Andes Construction, Inc.; Electro Scan, Inc.; Hoffman Southwest Corporation, dba Professional Pipe Services (Pro-Pipe); Infrastructure Engineering Corporation; Pacific General Engineering; Santact, Inc., dba Roto-Rooter; and V&A Consulting Engineers, Inc., through the remainder of the agreement period ending July 28, 2020.
7. Authorize an amendment to the agreement with California Marine Diesel, Inc. to increase the amount by \$1,553,058 for a total cost not to exceed \$3,325,000 for engine overhaul services for the District's Main Wastewater Treatment Plant Power Generation Station.
8. Authorize actions related to electronic bill presentment and payment services.
 - 8.1. Approve the assignment of the contract for the Electronic Bill Presentment and Payment Services from CheckFree Services Corporation to Fiserv Solutions, LLC (Fiserv); and
 - 8.2. Authorize an extension of the current contract for Electronic Bill Presentment and Payment Services to be assigned to Fiserv for a period beginning December 31, 2018 and ending December 31, 2023 for an estimated additional amount of \$625,000 for a total cost not to exceed \$1,070,000.

CONSENT CALENDAR: (Continued)

9. Authorize the execution of a five-year Ground Lease with an option to extend for an additional five years with S&S Trucking for 4.14 acres located at the District's McMillan property located off Grant Avenue in San Lorenzo, California.
10. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters.
11. Adopt the amended and restated District 401(k) Tax Deferred Savings Plan Document. The amendments are related to hardship distributions and are required by the Bipartisan Budget Act of 2018. (Resolution)
12. Authorize actions related to acquisition of Willow Street Properties. (Resolution)
 - 12.1. Authorize the purchase of 2430 Willow Street (Yard property) in Oakland from East Bay Holding, LLC (APN 7-579-1-10) for \$5,900,000, plus closing costs, not to exceed \$5,920,000;
 - 12.2. Authorize the purchase of the Union Pacific Railroad (Railroad) spur property adjacent to the Yard property in Oakland (APN 7-579-4) for \$235,000 plus closing costs, not to exceed \$245,000; and
 - 12.3. Amend the Fiscal Year 2019 budget in the total amount not to exceed \$9,665,000 for the purchase of the Yard and Railroad properties which includes \$3,500,000 to make the necessary repairs to the properties.
13. Approve a resolution declaring the results of the election held on November 6, 2018 for the Director in Ward 7 and reaffirming the appointment of Directors in Wards 2, 3 and 4 of the East Bay Municipal Utility District. (Resolution)
14. Appoint Senior Community Affairs Representative. (Resolution)

PUBLIC HEARING:

15. Authorize the initiation of eminent domain proceedings to acquire property rights for the Main Wastewater Treatment Plant Yerba Buena Avenue access road.
 - 15.1. Conduct a public hearing to receive comments on a Resolution of Necessity to acquire formal fee property rights for the East Gate Access Road to the Main Wastewater Treatment Plant located off Yerba Buena Avenue on the Emeryville/Oakland border.
 - 15.2. Adopt a Resolution of Necessity to initiate eminent domain proceedings for the acquisition of fee property rights from East Bay Bridge Retail, LLC; and authorize the General Counsel to file eminent domain actions in Alameda County Superior Court. (Resolution)

DETERMINATION AND DISCUSSION:

16. Legislative Update:
 - Receive Legislative Report No. 09-18 and consider a position on the following bill: S. 3564 (Cardin) Low-Income Water Customer Assistance Programs Act of 2018
 - State Legislative Initiatives for 2019 Legislative Year
 - Update on Legislative Issues of Interest to EBMUD

17. Approve actions related to the Leland Reservoir Replacement Project. (Resolution)
 - 17a. Certify the Final Environmental Impact Report for the Leland Reservoir Replacement Project (Project).
 - 17b. Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
 - 17c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
 - 17d. Adopt the Practices and Procedures Monitoring and Reporting Plan.
 - 17e. Approve the Project.

18. Adopt the proposed amendments to the Watershed and Recreation Rules and Regulations. (Resolution)

19. General Manager's Report:
 - Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2019 and a Summary of the 2018 Committee and Workshop Topics
 - Monthly Report – November 2018

REPORTS AND DIRECTOR COMMENTS:

20. Committee Reports:
 - Finance/Administration
 - Planning
 - Legislative/Administration

21. Other Items for Future Consideration.

22. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 8, 2019 in the Administration Center Boardroom, 375 Eleventh Street, Oakland, California.

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, December 11	Planning Committee Mellon {Chair}, Linney, Young	9:45 a.m. Training Resource Center	<ul style="list-style-type: none"> • Westside Pumping Plant Replacement Project Update • Leland Reservoir Replacement Project Update and Final Environmental Impact Report • Main Wastewater Treatment Plant Yerba Buena Access Road Acquisition – Initiation of Eminent Domain Proceedings • Legislative Update • Closed Session • Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young	10:30 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, December 25	Finance/Administration Committee		<i>Cancelled - District Offices Closed</i>
	Board of Directors		<i>Cancelled - District Offices Closed</i>
Tuesday, January 1	New Year's Day		<i>District Offices Closed</i>
Tuesday, January 8	Planning Committee Mellon {Chair}, Linney, Young	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee Coleman {Chair}; Patterson; Young	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	