

MINUTES

Tuesday, September 11, 2018

**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 11:01 a.m. in the Administration Center Boardroom.

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 in Conference Room 8 at 11:10 a.m.

Staff present included General Manager Alexander R. Coate, Acting General Counsel Fred S. Etheridge, Assistant General Counsel Xanthe M. Berry (Item 1a), Attorney Derek McDonald (Item 1b), Worker's Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), and Manager of Real Estate Services Matt Elawady (Item 1b).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President 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 Boardroom.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, William B. Patterson, and President Lesa R. McIntosh were present at roll call. Director Marguerite Young arrived at 1:18 p.m.

Staff present included General Manager Alexander R. Coate, Acting General Counsel Fred S. Etheridge and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President McIntosh led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PRESENTATION

General Manager Alexander R. Coate announced that the District received The National Association of Clean Water Agencies' (NACWA) Platinum Peak Performance Award at the NACWA Annual Summer Conference on July 24, 2018. The award recognizes wastewater agencies with 100% compliance with permits over a consecutive five-year period. This award represents the 13th consecutive Platinum Award for the District, in celebration of 18 years of perfect permit compliance at the Main Wastewater Treatment Plant and recognizes the continued efforts of over 280 employees in the Wastewater Department who work as a team to protect the San Francisco Bay. Director Patterson presented the award to the following Wastewater Department representatives: Jessica Allard, Chemist II; Nirmela Arsem, Manager of Laboratory Services; Robert Bedgood, Wastewater Plant Operator II; Angela El-Telbany, Associate Civil Engineer; Eric Fieberling, Associate Civil Engineer; Kristen Font, Wastewater Control Representative; Debra Mapp, Wastewater Control Inspector II; Boris Noss, Instrument Technician; Michael Patchin, Laboratory Technician III; Angelee Strawder, Wastewater Control Representative; Rochelle Verspui, Wastewater Plant Operator II; and Patrick Virgin, Plant Maintenance Mechanic. The Board applauded staff for their work and a job well done.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Ivette Rivera, EBMUD Gardener Foreman, commented on the status of the District's classification study for the Gardener classification and her petition to have her position reclassified as a supervisor; 2) Cory Horton commented on his experience as a Fully Maintained and Operated rental contractor with the District and the District's contracting practices as they relate to African American contractors; and 3) Eric Larsen, 1st Vice President, AFSCME Local 444, commented on the union's recent actions around addressing climate change and asked the Board to increase efforts to reduce the District's greenhouse gas emissions.

CONSENT CALENDAR

- Item 13 was pulled from the Consent Calendar for comment.
 - Motion by Director Coleman, seconded by Director Young, to approve the recommended actions for Items 1-12 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. 123-18** - Approved the Regular Meeting Minutes of August 14, 2018 and the Special Meeting Minutes of August 21, 2018.

2. The following correspondence was filed with the Board: 1) Speakers' Bureau and Outreach Record CY18, dated September 11, 2018; 2) Presentation entitled, "Customer Assistance Program Outreach to Cities," dated September 11, 2018; and 3) Memo from Ivette Rivera dated September 11, 2018 with four exhibits – EX.1) Performance Appraisal Comments from Ivette Rivera, Gardener Foreman; EX.2) Performance Appraisal Gardener Foreman for Ivette Rivera; EX.3) Memo dated 2/23/18 petitioning the EBMUD Board for equal rights and equal pay; and EX.4) Email from Ivette Rivera dated April 25, 2017 regarding request for Equal Treatment, Equal Rights and Equal Pay During 2017 Negotiations (Duplicate of 2013-2014 request).
- 3a. **Motion No. 124-18** - Awarded a contract to the lowest responsive/responsible bidder, Mladen Buntich Construction Company, Inc., in the amount of \$12,516,000 for construction of the South Interceptor 3rd Street Rehabilitation Phase 2 Project under Specification SD-392.
- 3b. **Motion No. 125-18** - Authorized a lease agreement beginning on or after March 1, 2019 with Caltrans in an amount not to exceed \$6,300 monthly, for a 52,969 square-foot vacant lot at 3rd Street and Peralta Street for staging and storage purposes for the South Interceptor 3rd Street Rehabilitation Phase 2 Project, for 20 months for a total cost of \$126,000.
4. **Motion No. 126-18** - Awarded a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in the amount of \$395,840 for construction of the Richmond Advanced Recycled Expansion Waste pH Caustic Injection System Project under Specification SD-407.
5. **Motion No. 127-18** - Authorized an agreement beginning on or after September 11, 2018, with Alisto Engineering Group in an amount not to exceed \$3,293,325 for cathodic protection and leak detection services.
6. **Motion No. 128-18** - Authorized an agreement beginning on or after September 11, 2018 with Cooper Puggeda Management, Inc. in an amount not to exceed \$87,708 for special inspection services for Carisbrook Reservoir and Skyline Pumping Plant Replacements project.
7. **Motion No. 129-18** - Authorized agreements with Elite Supply Source, Inc., Fastenal Company, MSC Industrial Supply Co. and W.W. Grainger, Inc. under the State of California contract for facilities maintenance, lighting products, industrial supplies and tools in the estimated annual amount of \$640,000 for supplying miscellaneous parts, fasteners, electrical terminals, tools and supplies to various District sites effective September 17, 2018 through June 30, 2019 with four options to extend for an additional one-year period for a total estimated five year cost of \$3,200,000.
8. **Motion No. 130-18** - Authorized an amendment to the existing agreement with Shaw Law Group, PC to increase the agreement amount by \$60,000 to a total amount not to exceed \$125,000 for workplace investigation services, which includes equal employment opportunity issues.
9. **Motion No. 131-18** - Authorized an amendment to the agreements awarded under Board Motion No. 052-15 dated April 14, 2015 for an additional \$1,015,000 increasing the total amount not to exceed to \$2,515,000 for the rental of shoring and trench plate services, beginning on or after September 11, 2018 through the remainder of the agreement period ending April 14, 2020.

10. **Motion No. 132-18** - Authorized the execution of a 25-year Land Lease with Chuck and Suha Scurich for a portion of District property located at the District's Summit South Reservoir in Oakland, California.
11. **Resolution No. 35113-18** - Affirm the General Manager's Authority to Approve Increases in Annual Health Insurance Benefit Premiums.
- 12.1. **Resolution No. 35114-18** - Approve the Creation of the Technical Trades Apprenticeship Program.
- 12.2. **Resolution No. 35115-18** - Amend Position Resolution No. 35097-18 to Create the Limited-Term Technical Trades Apprentice Classification and Authorize the Number and Character of Positions for the Technical Trades Apprentice Classification.
13. **Resolution No. 35116-18** - Appointing Anna Parlato Gunderson to the Position of Assistant Attorney of the District with the Title of Attorney I (effective October 1, 2018).
 - Director Mellon pulled Item 13 to congratulate Ms. Parlato Gunderson on her appointment. Ms. Parlato Gunderson thanked the Board and expressed excitement about joining the District.
 - Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action for Item 13, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION

14. General Manager's Report.

Manager of Customer and Community Services Andrew L. Lee provided an update on the District's discussions with the cities of Berkeley, Emeryville and Oakland regarding the viability of extending the District's Customer Assistance Program (CAP) discount to the cities' sewer collection charges. Approximately 434 Berkeley households received District CAP discounts in FY17 and 10 Emeryville households received discounts in FY18. Staff from the cities of Berkeley and Emeryville expressed receptivity in partnering with the District on this effort. The District is still in discussions with the City of Oakland, which has more than 50 percent or 3,443 of the District's CAP participants living in its city limits. Mr. Lee said Oakland understands the need for assistance to its residents and expressed willingness to explore the feasibility of a program for its community. However, Oakland staff explained the city will have to consider the estimated yearly fiscal impact of a program in light of existing financial challenges and budget deficit and that the City Attorney will also need to determine Proposition 218 requirements for offering discounts on the city's sewer collection charge. Next steps are for District staff to meet with Oakland staff on October 25 to continue discussions and continue working with Emeryville and Berkeley staffs to finalize an approach to extend a CAP discount on their respective sewer collection charges to eligible customers. Once agreements have been reached with Emeryville and Berkeley, the item will be presented to the respective governing bodies for consideration. The Board discussed the information presented and requested a copy of an updated map showing the number of Oakland CAP participants by ward and an update on the October 25 meeting with Oakland staff.

REPORTS AND DIRECTOR COMMENTS

15. **Committee Reports.**

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of August 14, 2018.

16. **Other Items for Future Consideration.**

- None.

17. **Director Comments.**

- Director Coleman reported attending/participating in the following events: Meeting with a developer regarding a project in Richmond on August 16 in Oakland; EBMUD Special Board meeting on August 21 in Oakland; meeting with representatives from Central Contra Costa Sanitary District, Dublin-San Ramon Services District and DERWA regarding recycled water on September 4 in Martinez; and a retirement dinner for Bill Grey on September 6 in Pleasant Hill. He reported on plans to attend/participate in the following events: Meeting with Contra Costa Grand Jury on September 12 in Martinez; American Bar Association meeting on September 13 in San Francisco; Lafayette Art and Wine Festival on September 16 in Lafayette; Leadership Contra Costa kickoff reception on September 17 in Lafayette; East Bay Economic Development Alliance Legislative Advisory Committee meeting on September 20 in Oakland; and East Bay Leadership Council Board meeting on September 21 in Concord.
- Director Mellon reported attending the Castro Valley Fall Festival on September 8 in Castro Valley and expressed appreciation for the staff working the District's information booth and Water on Wheels trailer.
- Director Patterson reported attending the memorial services for the late Ronald V. Dellums on September 9 at Jack London Square in Oakland.
- Directors Katz, Linney, Young and President McIntosh had no comment.

ADJOURNMENT

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

SUBMITTED BY:



Risha S. Cole, Secretary of the District

APPROVED: September 11, 2018


Lesla R. McIntosh, President of the Board

