

MINUTES

Tuesday, October 9, 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 11:00 a.m. in the Administration Center Boardroom.

ROLL CALL

Directors John A. Coleman, Doug Linney, Frank Mellon, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:20 a.m. (late arrival) and Director William B. Patterson was absent (excused).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a and 2 (both matters)), Attorney Derek McDonald (Items 1a, 2 (both matters), and 3), Attorney Anna Parlato Gunderson (Items 1a, 2 (both matters), and 3), Attorney Jonathan D. Salmon (Item 2 (first matter)), Workers Compensation Manager and Risk Specialist Vladimir Bessarabov (Item 1a), Manager of Water Operations David A. Briggs (Item 2 (first matter)), Director of Wastewater Eileen M. White (Item 2 (second matter)), Manager of Customer and Community Services Andrew L. Lee (Item 3) and Manager of Real Estate Services Matt Elawady (Item 3).

PUBLIC COMMENT

There was no public comment.

EMERGENCY NOTIFICATION SYSTEM BRIEFING

Manager of Business Continuity Julia R. Halsne provided an overview of how to use the District's Marconi system. The system is a part of the District's overall emergency notification system used to track vital information and the status of each user in an emergency. Ms. Halsne explained how the system is used during annual District emergency response exercises and advised Board members to contact the Business Continuity office if they required additional assistance using the system.

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, 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.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Ivette Rivera, District Gardener Foreman, commented on three documents she filed with the District Secretary regarding her pending case in the U.S. Court of Appeals for the Ninth Circuit, the District's Pathways Academy in 2008, and the District's Fiscal Year 2016 Diversity and Inclusion Program Report; 2) Merhart Rasso, United Here, Local 2850, commented on the current employee strike regarding wages and benefits at the Oakland Marriott hotel; and 3) Eric Larsen, 1st Vice President, AFSCME Local 444, commented on the current employee strike at the Marriott hotels and asked the Board and staff to consider not patronizing the Marriott hotels or its affiliate properties until the labor dispute is resolved.

The Board requested information on the District's upcoming, planned use of Marriott hotels and its affiliate properties for staff travel and events at the next Legislative/Human Resources Committee and Board meetings and that a letter be sent to Marriott International Inc. management regarding the labor negotiations.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-11 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. 142-18** - Approved the Regular Meeting Minutes of September 25, 2018.

2. The following correspondence was filed with the Board: **1)** Document entitled, “Appellant’s Opening Brief – Ivette Rivera v. EBMUD, et al, Case No. 17-16891”; **2)** Document entitled, “2008 Pathways Class”; **3)** Copy of page 9 from the EBMUD FY 2016 Diversity and Inclusion Program Report; **4)** Document entitled, “2017-18 Legislative Session – Status of EBMUD Position Bills by Topic,” dated October 9, 2018; **5)** Speakers’ Bureau and Outreach Record CY18, dated October 8, 2018; and **6)** Document entitled, “Upper Mokelumne River Watershed Authority Resolution 2018-2 – Appreciation for Rob Alcott as the UMRWA Executive Director.”
3. **Motion No. 143-18** - Awarded a two-year contract to the lowest responsive/responsible bidder, CEC Print Solutions, Inc., in an annual amount, after the addition of taxes, not to exceed \$40,117 for supplying water bill forms, beginning on or after October 10, 2018 with three options to renew for an additional one-year period for a total cost of \$200,585 under Request for Quotation No. 1816.
4. **Motion No. 144-18** - Awarded a contract to the lowest responsive/responsible bidder, Disney Construction, Inc., in the amount of \$4,340,000 for construction of Fire Trail and Jensen No. 1 Pumping Plants Rehabilitation under Specification 2126.
5. **Motion No. 145-18** - Awarded a contract to the lowest responsive/responsible bidder, Con-Quest Contractors, Inc., in the amount of \$3,046,150 for construction of the North Interceptor Relief Sewer (Virginia Street) Project under Specification SD-401.
6. **Motion No. 146-18** - Awarded a contract to the lowest responsive/responsible bidder, Granite Finance Solutions, dba Granite Data Solutions, in an amount after the addition of taxes not to exceed \$2,145,957 for supplying Dell desktop and laptop computers.
7. **Motion No. 147-18** - Authorized a third amendment to the agreement awarded under Board Motion No. 066-15 with Carollo Engineers, Inc., for an additional amount of \$550,985, increasing the agreement ceiling to an amount not to exceed \$5,660,144 for additional engineering support services during construction and to develop as-built drawings for the Sobrante and Upper San Leandro Water Treatment Plants Ozone System Improvements Project.
8. **Motion No. 148-18** - Authorized the expenditure of funds beginning on or after October 10, 2018 in an amount not to exceed \$100,000 annually for the placement of advertisements in newspaper publications for employment opportunities, legal notices, bidding opportunities and general public notices for five years at a total cost not to exceed \$500,000.
9. **Motion No. 149-18** - Authorized the execution of a Subordination, Nondisturbance, and Attornment Agreement between the East Bay Municipal Utility District, Viridis Fuels, LLC and UMB Bank, N.A.
10. **Motion No. 150-18** - Approved the Water Supply Assessment requested by the City of Walnut Creek for the Walnut Creek North Downtown Specific Plan pursuant to California Water Code, Sections 10910-10915.
11. **Resolution No. 35117-18** - Supporting Measure FF, The Wildfire Protection, Safe Parks/Trails, Public Access, Natural Habitat Special Parcel Tax Measure.

DETERMINATION AND DISCUSSION

12. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine provided an overview of the bills contained in the Final Status of EBMUD Position Bills for the 2017-18 State Legislative Session report and an update on federal legislative activities. The report summarized the status of each bill that EBMUD adopted a formal position on as well as additional bills of interest that EBMUD considered but did not adopt a formal position on during the legislative session. Ms. Dumaine also provided the Board with a table grouping the list of bills in the report by topic based on a request from the Legislative/Human Resources Committee.

13. General Manager's Report.

General Manager Alexander R. Coate noted the latest version of the Speakers' Bureau and Outreach Record was at Board places and that he could answer questions regarding information contained in the General Manager's Monthly Report for September. He also reminded the Board about the October 16, 2018 Special Board meeting and tour at the District's Central Area Service Center.

REPORTS AND DIRECTOR COMMENTS

14. Committee Reports.

- Filed with the Board were the Finance/Administration Committee Minutes of September 25, 2018.

15. Other Items for Future Consideration.

- None.

16. Director Comments.

- Director Coleman reported attending/participating in the following events: Meeting with developer regarding potential EBMUD issues on October 1 in Oakland; Central Contra Costa Sanitary District and Dublin San Ramon Services District meeting on October 2 in Dublin; and Pardee BBQ and UMRWA Board meeting on October 5 at McLean Hall. He reported on plans to attend/participate in the following events: Dougherty Valley/San Ramon Rotary Club meeting on October 10 in San Ramon; EBMUD Board meeting and tour on October 16 in Oakland; EBMUD public meeting on the Recycled Water Pump Station R3000 Project on October 17 in San Ramon; and an East Bay Leadership Board meeting on October 19 in Pleasant Hill. Director Coleman also expressed appreciation to staff for organizing the Pardee BBQ.
- Director Mellon reported attending/participating in the following events: East Bay Economic Development Alliance meeting on September 27 in Pleasanton; California Shakespeare Festival production with staff on September 27 in Orinda; Democratic Unity Dinner on September 29 in Oakland; Pardee BBQ on October 5 at McLean Hall; and the Sausage and Suds Festival on October 7 in San Leandro. Director Mellon also reported on the success of the District's Water on Wheels trailer at various events he has attended.

- Director Patterson reported attending the Pardee BBQ and UMRWA Board meeting on October 5 at McLean Hall and requested that a final copy of the UMRWA Board resolution honoring UMRWA Executive Director Rob Alcott be filed with the October 9, 2018 EBMUD Board meeting minutes.
- Directors Katz, Linney, Young, and President McIntosh had no comment.

ADJOURNMENT

President McIntosh adjourned the meeting at 1:52 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: October 23, 2018



Lesa R. McIntosh, President of the Board

