

MINUTES

Tuesday, September 25, 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, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:17 a.m. (late arrival).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Item 1a), Attorney Derek McDonald (Item 1a) and Director of Wastewater Eileen M. White (Item 1a).

PUBLIC COMMENT

- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who commented on the status of labor negotiations between the Marriott Hotels and its hospitality workers and a proposal to convert the District housekeeper position from part-time to intermittent (less than full-time).

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 was Ivette Rivera, District Gardener Foreman who commented on performance appraisal ratings she received between 2005 and 2018, similarities in duties for the District Gardener, Maintenance Specialist and Ranger Naturalist classifications, and discriminatory classification practices.

CONSENT CALENDAR

- Item 4.1 was removed from the agenda.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 1-3, 4.2, and 5-10 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. 133-18** - Approved the Regular Meeting Minutes of September 11, 2018.
 2. The following correspondence was filed with the Board: **1)** Speakers' Bureau and Outreach Record CY18, dated September 25, 2018; **2)** Document entitled, "Ivette Rivera – EBMUD Performance Ratings 2005-2018"; **3)** Packet of documents, "Performance Appraisal – Maintenance Specialist," "Performance Plan – Concrete Finisher II," and "Performance Plan – Ranger II"; and **4)** Document entitled, "Equal Employment Opportunity Commission Determination" – Stanley P. McIntosh-Charging Party and East Bay Municipal Utility District-Respondent.
 3. **Motion No. 134-18** - Awarded a contract to the lowest responsive/responsible bidder Clear Blue Energy Corp., in the total amount of \$1,040,349, after the addition of taxes, to upgrade the lighting in the Administration Building, beginning on or after September 25, 2018 under Request for Quotation No. 1819.
 - 4.1. **Award 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.**
 - President McIntosh announced Item 4.1 was removed from the agenda. No action was taken.
 - 4.2. **Motion No. 135-18** - Authorized a second amendment to the agreement with Schaaf & Wheeler Consulting Civil Engineers to increase the amount by \$141,035, to an amount not to exceed \$1,220,795 for design services during construction of the North Interceptor Relief Sewer Project.

- 5a-5b. **Motion No. 136-18** - Authorized agreements beginning on or after September 25, 2018 with AIMS/PVIC CA, LLC, dba AIMS Companies, Diede Construction, Inc. dba Hydro X Services, Inc., Presidio Systems, Inc., and Pipe and Plant in an amount not to exceed \$300,000 for fully maintained and operated (FM&O) hydro/air-vacuum excavation rental services for one year; and authorized additional agreements for FM&O hydro/air-vacuum excavation rental services with companies that meet District standards and offer pricing at or below the range in the proposed agreements above. These additional agreements may be issued, on an as-needed basis, in order to increase flexibility and ensure vendor availability of hydro/air-vacuum excavation rental services to the District.
6. **Motion No. 137-18** - Authorized an agreement beginning on or after October 1, 2018 with Blocka Construction, Inc., in an amount not to exceed \$177,000 to upgrade the diesel exhaust capture system at the Adeline Maintenance Center Fleet Facility.
7. **Motion No. 138-18** - Authorized an agreement beginning on or after September 25, 2018 with Brown and Caldwell in an amount not to exceed \$775,078 for design services for the San Pablo Reservoir Hypolimnetic Oxygenation System Project.
8. **Motion No. 139-18** - Authorized an agreement beginning on January 1, 2019 with 3 Phases Renewables, Inc., for the sale of Resource Adequacy capacity from the District's Camanche and Pardee hydropower facilities for one year with four options to extend for one additional year.
9. **Motion No. 140-18** - Authorized an amendment to the agreements awarded under Board Motion No. 185-17 dated November 14, 2017 for an additional \$1,200,000 increasing the total amount not to exceed to \$4,200,000 for the rental of asphaltic cement/concrete saw cutting services beginning on or after September 25, 2018 through the remainder of the agreement period ending November 25, 2019.
10. **Motion No. 141-18** - Approved the July and August 2018 Monthly Investment Transactions Reports.

DETERMINATION AND DISCUSSION

11. **General Manager's Report.**

General Manager Alexander R. Coate announced that in addition to the regularly scheduled Board meetings on October 9 and 25, the following Board-related meetings/events are scheduled for the month of October: Pardee BBQ (October 5); Special Board meeting and tour (October 16); and Liaison Committee meeting with East Bay Regional Park District (October 18). Mr. Coate also noted that the latest version of the Speakers' Bureau and Outreach Record was at Board places.

REPORTS AND DIRECTOR COMMENTS

12. **Committee Reports.**

- Filed with the Board were the Planning and Legislative/Human Resources Committee Minutes of September 11, 2018.

13. **Other Items for Future Consideration.**

- Discuss a proposed climate change policy at a future Sustainability/Energy Committee meeting.

14. **Director Comments.**

- Director Coleman reported attending/participating in the following events: Contra Costa Grand Jury meeting 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; and East Bay Economic Development Alliance Legislative Advisory Committee meeting on September 20 in Oakland. He reported on plans to attend/participate 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 Oct 5 at McLean Hall.
- Director Katz reported attending meetings with the City of Sacramento and Australian provincial government representatives regarding drought and the Mayor of Sacramento's Sustainability Advisor regarding the District's Resource Recovery Program.
- Director Mellon reported attending/participating in the following events: Alameda County Special Districts Association meeting on September 12 in Livermore; ACWA Region 5 meeting on September 16-17 in Livermore; and Castro Valley Municipal Advisory Council meeting on September 17 in Castro Valley.
- Director Patterson reported he would be presenting an award to Oakland Raider's player Marshawn Lynch on September 29 in Oakland.
- Director Young reported attending the Global Climate Action Summit during the week of September 17 in San Francisco.
- Director Linney and President McIntosh had no comment.

ADJOURNMENT

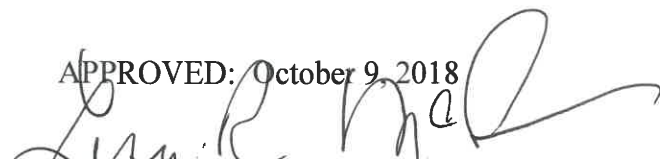
President McIntosh adjourned the meeting at 1:32 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: October 9, 2018



Lesla R. McIntosh, President of the Board