

MINUTES

Tuesday, November 12, 2019

**East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:06 a.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:15 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Engineering And Construction Olujimi O. Yoloye (Items 1a, 2a, and 2b), Manager of Maintenance and Construction/Water Operations David A. Briggs (Item 2c), Engineering Manager Lena L. Tam (Item 2c), Assistant General Counsel Fred S. Etheridge (Item 2c), and Attorney Jonathan D. Salmon (Item 2c).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Marguerite Young announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President Marguerite Young called to order the Regular Business Meeting of the Board of Directors at 1:17 p.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young 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 Marguerite Young led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

- The following persons addressed the Board and asked the District to consider rescinding the lease with Verizon to locate a cell tower at Berryman Reservoir in Berkeley: 1) Lucinda Reinold; 2) Jane Hansen; 3) Susan Nunes Fadley; 4) Susan Roth; 5) Christine Fasano; 6) David Rana; 7) Angelina DeAntonis; 8) L. Lloyd Morgan; 9) Allen Myers; 10) Jeff Hunt; 11) JoAnn Driscoll; 12) Oliver Raisner; 13) Dawn Hawk; 14) Christian Raisner; 15) Antoinette Stein; 16) Paul Teicholz; and 17) Phoebe Sorgen.

President Young and Director Katz thanked the speakers for their comments. Director Katz requested an opportunity for the Board to review the District's current policy on leasing District property for telecommunication purposes at a future meeting. General Manager Coate stated staff will prepare a written update for the Board on the Verizon cell tower lease.

CONSENT CALENDAR

- Item 8 was pulled from the Consent Calendar for separate discussion.
 - Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-7, and 9 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 182-19** – Approved the Regular Meeting Minutes of October 22, 2019.
 2. The following correspondence was filed with the Board: **1)** Memorandum dated November 12, 2019, to Board of Directors from Manager of Human Resources Laura A. Acosta, regarding Letter to Retirees Regarding the COLA Error; **2)** Memorandum dated November 12, 2019, to Marguerite Young, Board President and Doug Higashi, Retirement Board President from Frank Mellon, regarding International Foundation of Employee Benefit Plans, Annual Conference – October 20-23, 2019, San Diego, California; **3)** Documentation submitted by speaker L. Lloyd Morgan entitled, “Risk of Exposure to Radio Frequency Radiation from Cell Phones, Wi-Fi, Base Stations and More: Published Peer Review Science”; **4)** Documentation submitted by speaker L. Lloyd Morgan entitled, “Published Peer Review Science on Risk of Cancers from Cellphone Use”; and **5)** Speakers’ Bureau and Outreach Record CY19, dated November 12, 2019.

3. **Motion No. 183-19** – Awarded a contract to the lowest responsive/responsible bidder, Ranger Pipelines Incorporated, in the amount of \$11,315,000 for construction of the Oak, 98th and Sequoia Rate Control Stations Rehabilitation, University Pumping Plant, and University No. 2 Reservoir Replacement under Specification 2146.
 4. **Motion No. 184-19** – Authorized an agreement beginning on or after November 12, 2019 with DKS Associates and SANDIS Civil Engineers Surveyors Planners in an amount not to exceed \$400,000 for preparation of signed, stamped, and site-specific traffic control plans for a two-year period.
 5. **Motion No. 185-19** – Authorized an agreement beginning on or after November 12, 2019 with InfraTerra, Inc., in an amount not to exceed \$293,900 for the Main Wastewater Treatment Plant Seismic Structural Evaluation and Conceptual Design Project.
 6. **Motion No. 186-19** – Authorized an amendment to the agreement authorized under Board Motion No. 157-17 with FAAZ Consulting to increase the amount by \$3,778,400 for five additional one-year periods for a total amount not to exceed \$4,648,400 to provide on-site consulting services for Human Resources Information System support.
 7. **Motion No. 187-19** – Approved the assignment of the agreement, originally awarded under Board Motion No. 073-16, for preparation of an Environmental Impact Report for the Leland Reservoir Replacement Project pursuant to the California Environmental Quality Act in an amount not to exceed \$1,076,812 from RMC Water and Environment, to Woodard & Curran, Inc.
 8. **Motion No. 189-19** – Approved enhancements to the District’s Contract Equity Program to 1) expand the definition of small businesses to include lesbian, gay, bisexual, transgender business enterprises certified as small businesses; and 2) adopt a local hire component to encourage, monitor, and report on participation of local residents on all construction projects over \$500,000, with good faith goals of 50 percent for local residents with 30 percent from the county(ies) directly impacted by the project, effective January 1, 2020.
- The following persons addressed the Board to acknowledge the 35th anniversary of the District’s Contract Equity Program and to express appreciation for the District and Contract Equity Administrator Beverly D. Johnson: 1) Len Turner, Turner Group Construction; 2) Mar Velez, Congressional Aide to Congresswoman Barbara Lee presented a Certificate of Recognition for the program from Congresswoman Lee; 3) Rosemary Wetzel, Director of Certification, Western Regional Minority Supplier Development Council; 4) Joe Partida, President, Oakland Latino Chamber of Commerce; 5) Pamela Isom, CEO and President, ICE Safety Solutions; and 6) Marianela Mendoza, Executive Director, Oakland Latino Chamber of Commerce.

President Young presented the Certificate of Recognition from Congresswoman Barbara Lee to Contract Equity Administrator Beverly D. Johnson. The Board congratulated Ms. Johnson for her work on the program and in the business community over the years. Ms. Johnson thanked the Board for their leadership and continued support.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 8, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
9. **Motion No. 188-19** – Cancelled the December 24, 2019 Closed Session and Regular Meetings of the Board of Directors.

DETERMINATION AND DISCUSSION

10. **General Manager's Report.**

General Manager Coate announced the October 2019 Monthly Report had been provide in the Board's packet and the latest Speakers' Bureau and Outreach Record had been provided at their places. Mr. Coate responded to Board questions regarding the costs incurred by the District in responding to the most recent Pacific Gas and Electric Public Safety Power Shutoff (PSPS) event. Mr. Coate advised staff will present an update on the District's response to all PSPS events at the December 10 regular meeting. The Board asked that the presentation include overtime and lost opportunity costs, as well as the amount of revenue lost due to recreation areas being closed during the events.

REPORTS AND DIRECTOR COMMENTS

11. **Committee Reports.**

- Filed with the Board were the Sustainability/Energy and Finance/Administration Committee Minutes of October 22, 2019.

Planning Committee Chair Doug Linney reported the Committee met at 9:45 a.m. and received updates on the Wastewater Pretreatment and Pollution Prevention Programs; Central Reservoir Replacement Project and Announcement of the Availability of the Draft Environmental Impact Report; and the WaterSmart Software Vendor Service.

Legislative/Human Resources Committee Chair John A. Coleman reported the Committee met at 10:30 a.m. and received information on the Fiscal Year 2019 Contract Equity Program Annual Report.

12. **Other Items for Future Consideration.**

- Consider adopting a policy that would preclude the District from buying or leasing vehicles from car companies that adopt the federal auto emissions standards which are less stringent than California's standards.

13. **Director Comments.**

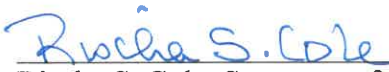
- Director Coleman reported plans to attend the East Bay Leadership Council Water Task Force meeting on November 19 in Walnut Creek.
- Director Mellon reported attending the DERWA Board meeting on October 14 in San Ramon; EBMUD Retirement Board meeting on October 17 in Oakland; International Foundation of Employee Benefit Plans Annual Conference on October 20-23 in San Diego (including a written report); San Ramon Mayor Breakfast on October 25 in San Ramon; Fairview Harvest Festival on October 26 in Fairview; and the Alameda County Special Districts Association meeting on November 6 in Oakland.
- President Young reported attending the Contra Costa Water District/EBMUD Board President and General Manager breakfast on October 24 in Lafayette; Contra Costa County Grand Jury interviews on November 5 in Martinez; and California Special Districts Association Climate Adaption Roundtable on November 6 in Berkeley.
- Directors Katz, Linney, McIntosh, and Patterson had no report.

ADJOURNMENT

President Young announced that in recognition of Veteran's Day 2019, which was observed on November 11, the District will honor employees and Board members who have self-identified to the District as having served in the U.S. military. The Board and staff stood by as the names of these employees and Board members were displayed in an onscreen presentation.

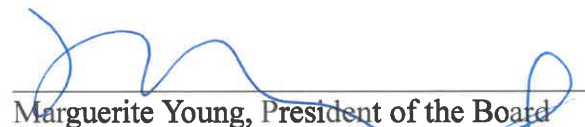
President Young adjourned the meeting at 2:26 p.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: November 26, 2019



Marguerite Young, President of the Board

