

MINUTES

Tuesday, February 10, 2015

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

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:14 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call. Director Andy Katz was not present at roll call, but arrived later in Conference Room 8A/B for the Closed Session meeting.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Item 1a), and Attorney Derek McDonald (Item 1a).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

President Frank Mellon called to order the Regular Business Meeting of the Board of Directors at 1:21 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

PRESENTATION

The Board recognized former Director Katy Foulkes for 20 years of District service. President Mellon spoke about her accomplishments including being a strong advocate for supplemental water supplies and playing a key role in promoting regional partnerships and collaboration statewide. Additionally, she was the first President and a long-time member of the Freeport Regional Water Authority Board, assisted in forming the Upper Mokelumne River Water Authority (UMRWA), as well as being an active member of the UMRWA Board for many years, and a member of the Association of California Water Agencies (ACWA) Region 5 Board and ACWA Board of Directors.

He went on to say that Mrs. Foulkes championed many important EBMUD initiatives, including addressing local fire-flow concerns, investing in infrastructure reliability, protecting watershed lands, supporting salmon fisheries, and promoting conservation and recycled water use. She was involved with the Alameda County Local Agency Formation Commission, Bay Area Water Forum, National Women's Political Caucus, Oakland's Pardee Home Board, and former Mayor of the City Piedmont.

President Mellon presented Mrs. Foulkes with her 20 year service pin and certificate, an EBMUD resolution acknowledging her public service achievements, and a federal proclamation signed by U.S. Senator Diane Feinstein. The Board applauded and thanked Mrs. Foulkes for her years of service and dedication to the District. Mrs. Foulkes thanked the Board and staff for the recognition and said that she enjoyed her work on the EBMUD Board.

Next, General Manager Coate announced that EBMUD is the recipient of the Society for Protective Coatings 2014/2015 Structure Award. The Mokelumne Aqueduct Phase 8 Recoating Project – Slough Crossings was awarded the E. Crone Knoy Award. This award acknowledges “outstanding achievement in industrial or commercial coatings work that demonstrates innovation, durability or utility.”

General Manager Coate pointed out that many District employees made this project come to fruition, and noted that two were in the audience to represent the entire team. Representing the Pipeline Infrastructure Division was Associate Corrosion Control Specialist and Project Engineer Mark Lewis and representing the Construction Division was Senior Construction Inspector Robert A. Johnson. Dan Zavesky, Chairman of the Northern California/Nevada Section of the Society for Protective Coatings, presented the award to staff. The Board congratulated staff on this achievement.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Items 1 and 6 were removed from the Consent Calendar for separate discussion.
 - Motion by Director McIntosh, seconded by Director Young, to approve Items 2-5 and 7-9 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 023-15 --** Approved the Regular Meeting Minutes of January 27, 2015 (as amended).
 - Director Mellon pulled Item 1 to amend the Closed Session Roll Call. He asked that the Minutes reflect that Director Andy Katz was not present at roll call but later joined the Board for the Closed Session meeting in Conference Room 8A/B.
 - Motion by Director Mellon, seconded by Director McIntosh, to approve the minutes as amended, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).
 2. The following correspondence was filed with the Board: 1) Picture of Mokelumne Aqueduct Slough Crossing; 2) Copy of Senate Bill No. 188; 3) Document submitted by Director Marguerite Young entitled "DRAFT EBMUD Resolution, Mokelumne WS dated February 4, 2015"; and 4) Presentation entitled "Water Supply Briefing," dated February 10, 2015.
 3. **Motion No. 017-15 --** Awarded contracts to the lowest responsive/responsible bidders Cemex, CM Excavating Inc., S&S Trucking (DBA SN Sands), and Haver Transport in a total annual amount, after the addition of taxes, not to exceed \$2,233,739 for supplying backfill materials to locations throughout the District for 3 years, beginning on or after February 11, 2015 with 2 options to renew for an additional 1-year period for a total cost of \$11,168,695 under Request for Quotation No. 1507
 4. **Motion No. 018-15 --** Authorized renewal of an agreement with Dynamic Systems Inc. (Dynamic) beginning on or after April 1, 2015 in an amount not to exceed \$43,000 annually for Oracle (Sun Microsystems) equipment hardware and software maintenance at the Administration Building in Oakland for three years for a total cost of \$129,000. The additional \$129,000 will increase the total cost for Dynamic's services under the agreement to \$178,000.
 5. **Motion No. 019-15 --** Authorized an agreement beginning on or after February 11, 2015 with Bay Area Traffic Solutions Inc., TPR Traffic Solutions, YCAT-C, CMC Traffic Control Specialists, Traffic Management, Western Traffic Supply, Inc., and Cal-Safety Inc. in an amount not to exceed \$280,000 annually for flagging services for two years with three options to renew for additional one-year periods for a total cost of \$1,400,000.

6. **Motion No. 024-15** -- Authorized an agreement beginning on or after February 10, 2015 with Monterey Mechanical Company in an amount not to exceed \$147,000 for the Administration Building Cooling Tower Recycled Water Piping Project.
 - Director Colman pulled Item 6 to commend staff on this project and suggested that the District seek opportunities to promote District use of recycled water to the media.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended action, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).
7. **Motion No. 020-15** -- Authorized the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental regulatory matters and environmental litigation in an additional amount not to exceed \$100,000.
8. **Motion No. 021-15** -- Authorized the Office of General Counsel to continue the employment of the law firm of Liebert Cassidy Whitmore for specialized legal services related to labor and employment matters in an additional amount not to exceed \$80,000.
9. **Motion No. 022-15** -- Adopted the 2015 Affirmative Action Programs.

DETERMINATION AND DISCUSSION

10. **Legislative Update.**

Legislative/Human Resources Committee Chair John A. Coleman reported that due to time constraints, the Committee did not have an opportunity to discuss the Legislative Report. Manager of Legislative Affairs Marlaigne K. Dumaine provided updates on the bills included in Legislative Report No. 01-15.

- Motion by Director Coleman, seconded by Director Patterson, to approve the staff recommended positions in Legislative Report No. 01-15, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 025-15 -- Accepted Legislative Report No. 01-15 and approved positions on the following bills: SPONSOR SB 188 (Hancock) Legislation to Eliminate the 2015 Sunset Date on EBMUD's Lien Authority for Delinquent Water and Wastewater Charges; SUPPORT AB 1 (Brown) Drought: Local Government: Fines; SUPPORT AB 149 (Chavez) Urban Water Management Plans; SUPPORT SB 20 (Pavley) Wells: Reports: Public Availability; and SUPPORT S. 176 (Boxer)/H.R. 291 (Napolitano) Water in the 21st Century Act.

President Mellon provided an update on scheduled meetings with local and state legislators.

Director Young introduced for consideration a proposed resolution in support of the California Wild and Scenic River designation of the Mokelumne River. President Mellon commented that this topic should be referred to the Legislative/Human Resources Committee. Director Linney requested that staff provide an assessment on Assembly Bill 142 which was introduced in January 2015. Director Young said that the resolution offered was independent of any particular legislation and sought to clearly state the Board's position on state wild and scenic designation. Following discussion, there was consensus that this issue would be discussed at the Legislative/Human Resources Committee before coming to the full board.

Director Coleman requested to have the Long-Term Water Supply Workshop rescheduled to March 10 so that all Board members are available. He pointed out that he and Director McIntosh would be in Washington, D.C. on February 24.

11. General Manager's Report.

Operations and Maintenance Department Manager Eileen M. White presented the water supply update. She reported that since the last briefing there has been no rainfall and January 2015 is on track to be the driest January on record. Customer demand is 36 million gallons per day less than last year and total system storage is 54 percent. California's overall water supply is significantly below average and state water allocations are expected in late February. In concluding, Ms. White reviewed the water supply schedule of activities for Water Year 2015 which will conclude in late April with the Water Supply Availability and Deficiency Report and consideration of approval of using Freeport water. Staff will continue updating the Board.

General Manager Coate reported that staff provided copies of the Water Shortage Emergency Action Plan Update and the Monthly Report for January 2015 in the Board packet.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- Filed with the Board were the Minutes of the January 27, 2015 Finance/Administration Committee.

13. Director Comments.

- Director Coleman reported attending/participating in the following events: Presentation at Save Mt. Diablo Executive Council on January 28 in Walnut Creek; ACWA strategic planning meeting on January 29 in Sacramento; ACWA Board meetings on January 30 in Sacramento; ACWA Executive Committee meeting on February 2 in Oakland; Interview about drought and rates on Talk Radio 910 AM on EBMUD on February 2 in Oakland; Friends of the River Mokelumne Art Show on February 6 in Oakland; and ACWA Executive Committee Meeting on February 9 in Oakland. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee meeting on February 17 in Oakland; Speech on local water issues on February 17 in Rossmoor; San Francisco Business Times Mayors Breakfast on February 19 in Oakland; and ACWA DC Conference February 22-25 2015 in Washington, DC.

- Director Katz had no report.
- Director Linney had no report.
- Director McIntosh reported attending a meeting with City of Richmond Mayor Tom Butt on February 5.
- Director Patterson reported attending/participating in the following events: East Bay Black Elected Officials meeting on January 28; meeting with Alameda County Supervisor Keith Carson on January 29; EBMUD Black History Month Kick-Off event on February 3 in Oakland; Oakland Unified School District McClymonds/West Oakland community meeting on February 3; Oakland Unified School District Conference on February 4; Oakland NAACP Education and Violence Prevention meetings on February 5; and a meeting with City of Oakland Mayor Libby Schaaf and staff on February 9. He reported on plans to attend/participate in the following upcoming events: San Leandro Senior's Black History Program on February 11 and Peralta Community College Board meeting on February 11.
- Director Young had no report.
- President Mellon reported attending/participating in the following events: Civic Leader of the Year Award event on January 24; San Leandro Business Awards Dinner on January 29; San Ramon Mayor Bill Clarkson's monthly meeting on January 30 in San Ramon; meeting with City of Richmond Mayor Tom Butt on February 5; and the Contra Costa Mayor's Conference on February 5 in El Cerrito.

ADJOURNMENT

President Mellon adjourned the meeting in honor of Black History Month. The meeting was adjourned at 2:31 p.m.

SUBMITTED BY:


Lynelle M. Lewis, Secretary of the District

APPROVED: February 24, 2015


Frank Mellon, President of the Board