

MINUTES

Tuesday, July 14, 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 11:05 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Doug Linney (via teleconference), Lesa R. McIntosh, William B. Patterson and President Frank Mellon were present at roll call. Director Andy Katz was absent at roll call but arrived at 11:25 a.m. Director Marguerite Young was absent (excused).

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

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Ruben Rodriguez, AFSCME Local 444, provided an update on the union's meet and confer meeting with staff regarding food waste preprocessing work; 2) Mark Foley, President, AFSCME Local 2019 asked the Board to direct staff to allow Local 2019 to set up an information table on the 2nd floor of the Administration Building to distribute the local's Memorandum of Understanding (MOU) to its members; 3) M. Rosa Merced, AFSCME Local 2019, asked the Board to direct staff to allow Local 2019 to set up an information table to distribute their MOU; and 4) Jamie MacDonald, AFSCME Local 2019, questioned staff's response to the local's request to set up an information table to distribute their MOU. Following discussion, regarding the union's request, the Board requested an information memo regarding how other public agencies address similar requests.

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 1:20 p.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney (via teleconference), Lesa R. McIntosh, William B. Patterson and President Frank Mellon were present at roll call. Director Marguerite Young was absent (excused).

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

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

Addressing the Board was Bettye Gavigan, an Orinda customer, who commented about a District easement located in her driveway and asked for the District's help with sharing in the cost of resurfacing her driveway. Ms. Gavigan was referred to Sherri Hong, Manager of Customer and Community Services for assistance.

CONSENT CALENDAR

- Item 13 was removed from the Consent Calendar for discussion.
 - Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-12 on the Consent Calendar, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson and Mellon); NOES (None); ABSTAIN (None); ABSENT (Young).
1. **Motion No. 125-15** – Approved the Regular Meeting Minutes of June 23, 2015.
 2. The following correspondence was filed with the Board: 1) memorandum (undated) that contained language from sections 5.3 through 5.5 of the AFSCME Local 2019 2013-2017 MOU and a copy of District Procedure 703 – District Facilities: use by Employee and Outside GroupsM; 2) Documents (undated) entitled “Attachment 1 – Delinquent EBMUD Charges for Transfer to the Alameda County 2015-2016 Property Tax Roll” and “Attachment 2 - Delinquent EBMUD Charges for Transfer to the Contra Costa County 2015-2016 Property Tax Roll”; and 3) Presentation entitled “Critical Drought Action Plan – July 14, 2015 Update.”
 3. **Motion No. 126-15** – Awarded a contract to the lowest responsive/responsible bidder Pacific Aqua Technologies in an amount, after the addition of taxes, not to exceed \$310,761 for supplying ultrafiltration membrane skids for the District's Camanche Recreation Area beginning on or after July 15, 2015 under Request for Quotation No. 1512.

4. **Motion No. 127-15** – Awarded a contract to the lowest responsive/responsible bidder Pape Machinery, Inc., in the total amount of \$651,275, after the addition of taxes, for supplying five small backhoe loaders for the District Fleet under Request for Quotation No. 1517A.
5. **Motion No. 128-15** – Awarded a contract to the lowest responsive/responsible bidder, L.N. Curtis & Sons, in the estimated annual amount of \$92,351, after the addition of taxes, for supplying work gloves for three years, beginning on or after July 17, 2015, with two options to renew for an additional one-year period for a total amount not to exceed \$461,555 under Request for Quotation No. 1522.
6. **Motion No. 129-15** – Authorized the direct award purchase of two Burlingame Engineers Inc. supplied PolyProcessing polyethylene tanks with fabricated 42-inch epoxy coated steel stands with certified and approved seismic restraint systems in an amount, after the addition of taxes and freight, not to exceed \$138,000.
7. **Motion No. 130-15** – Authorized an amendment to the existing agreement with the City of Oakland (City), to increase the maximum cost ceiling by \$150,000 from \$1,170,000 to \$1,320,000 to relocate approximately 650 feet (each) of 30-inch and 8-inch diameter pipelines as part of the City's Lake Merritt Channel Improvements at 10th Street Project.
8. **Motion No. 131-15** – Authorized an agreement beginning on or after August 1, 2015 with Innovyze in an amount not to exceed \$73,000 annually for software maintenance and support for the InfoWater™ and InfoSurge™ hydraulic modeling software for one year with four options to renew for an additional one-year period for a total cost of \$365,000.
9. **Motion No. 132-15** – Authorized an extension to the existing Western Electricity Coordinating Council Agreement to participate in the Western Renewable Energy Generation Information System from July 14, 2015 to June 30, 2025, in an amount not to exceed \$50,000 for the duration of the agreement.
10. **Motion No. 133-15** – Authorized an amendment to the existing Western Area Power Administration Scheduling Coordinator Services Agreement to extend the termination date from September 30, 2015 to September 30, 2020 in an amount not to exceed \$450,000 for the duration of the agreement.
11. **Motion No. 134-15** – Approved enhancements to the District's Contract Equity Program to:
1) Pilot a local hire component on four targeted construction projects with good faith goals of 50 percent for local residents with 30 percent being from the county(ies) directly impacted by the project, and; 2) Expand the definition of small business to include disabled veteran business enterprises effective October 1, 2015.
12. **Motion No. 135-15** – Filed the annual General Manager's Report and Recommendation to Transfer Unpaid Delinquent Charges to the 2015-2016 Property Tax Rolls.

13. Resolution No. 34044-15 – Appointing Laura A. Brunson As Manager Of Human Resources.

- Director Mellon pulled Item 13 to congratulate Ms. Brunson on her appointment and to welcome her to the District. Ms. Brunson thanked the Board for the opportunity and said she looks forward to working with the District.
- Motion by Director Mellon, seconded by Director Patterson, to approve the recommended action, carried (6-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson and Mellon); NOES (None); ABSTAIN (None); ABSENT (Young).

DETERMINATION AND DISCUSSION

14. General Manager's Report.

General Manager Coate noted that there would be no Legislative update because Manager of Legislative Affairs Marlaigne K. Dumaine was attending meetings in Sacramento on behalf of the District. He also noted that the Summary of 2015 Board Committee Agendas for January through June 2015 and Forecast Agenda Topics for July through December 2015 along with the June 2015 Monthly Report were provided in the Board's packets.

Special Assistant to the General Manager Cheryl A. Farr provided an update on the 2015 Critical Drought Action Plan which was implemented to help the District support customer conservation and customer compliance with drought-related regulations. She noted that based on water production, June demand was down 31 percent compared to the same time period in 2013, surpassing the 20 percent goal set by the Board and the 16 percent target EBMUD is required to achieve based on state requirements. She highlighted the District's outreach goals and recent alerts sent to customers about drought restrictions. In June, customers who were near or who exceeded the excessive use threshold during the April-May billing cycle received courtesy letters informing them of the District's excessive use ordinance and letting them know that the penalty would be applicable to water use starting July 1 and would show up on September bills. In July, supersaver customers (those customers who use 8 or less units of water bimonthly) began receiving a bill insert recognizing them for their efforts to conserve water. Additional outreach efforts include plans to post new conservation videos on our website and to activate the District's Twitter account to share conservation messages.

Manager of Water Conservation Richard W. Harris, provided an update on the District's conservation outreach for FY2015. He reported on the rebate programs, the Home Water Report participation, and water waste report outreach. He pointed out that beginning July 1, water agencies are required to report monthly water waste information to the State Water Resources Control Board in four categories. He noted that the District reported the following information for the month of June: water waste complaints (990); contact follow up (627); warning actions (85); and penalties (fines issued) (0). Also, the District's Water Theft Penalty ordinance is in effect and to date, nine accounts have received warning letters. Director Coleman asked where the accounts receiving warning letters are located and if the language in the letters specified that a \$1,000 fine was being assessed. Staff confirmed the location of the accounts and the language in the letters sent.

Next, Mr. Harris highlighted the District's Trucked Recycled Water Program, expansion projects on the recycled water distribution system and staff's work to secure additional supplemental supplies. President Mellon advised that the San Leandro Chamber of Commerce staff requested hyperlinks to drought related videos posted on the EBMUD website. Staff agreed to make contact with San Leandro and other area chambers to provide this information. Director Coleman brought up the practice of other agencies' water trucks using water from EBMUD fire hydrants to flush sewer systems and asked if there were alternative processes available. General Manager Coate advised he would be meeting with the staff of one of the agencies to discuss this issue and other items of mutual interest.

REPORTS AND DIRECTOR COMMENTS

15. Committee Reports.

- Filed with the Board were the meeting Minutes of the June 23, 2015 Finance/Administration Committee.

16. Director Comments.

Director Coleman reported attending/participating in the following events: Meeting with constituent Thomas Raeth regarding EBMUD landscape issues on June 29 in Lafayette; ACWA Executive Committee teleconference meeting on June 29 in Oakland; ACWA Committee meeting regarding water transfers on July 1 in Sacramento; Pod Cast teleconference for Eden Housing regarding drought on July 2; ACWA Executive Committee teleconference meeting on July 6; meeting with constituent Greg Jones on July 7 in Oakland; ACWA Executive Committee teleconference meeting on July 13 in Oakland; and telephone interview on water theft with ABC TV News Los Angeles on July 13. He reported on plans to attend/participate in the following upcoming events: ACWA Water Transfer Group meeting on July 17 in Sacramento; East Bay Leadership Council meeting on July 17 in Walnut Creek; EBMUD Landscape Advisory Committee meeting on July 27 in Oakland; and ACWA Executive Committee teleconference meeting on July 27 in Oakland.

- Director Katz had no report.
- Director Linney had no report.
- Director McIntosh had no report.
- Director Patterson had no report.
- Director Young had no report.

- President Mellon reported attending/participating in the following events: Retirement event for EBMUD employee Steve Diers at Pardee on June 25; drought update meeting with the Mayor of Hercules on June 29; and a meeting with Assemblymember Baker at the Pleasant Hill Chamber of Commerce on June 29.

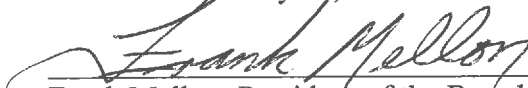
ADJOURNMENT

President Mellon adjourned the meeting at 1:54 p.m.

SUBMITTED BY:


Rischa S. Cole, Acting Secretary of the District

APPROVED: July 28, 2015


Frank Mellon, President of the Board