

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
April 11, 2016**

CALL TO ORDER

President Toy called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Jennifer Toy, President
Tom Handley, Vice President
Pat Kite, Secretary
Anjali Lathi, Director
Manny Fernandez, Director

STAFF: Paul Eldredge, General Manager
Leah Castella, District Counsel
Armando Lopez, Treatment & Disposal Services Manager
James Schofield, Collection Services Manager
Robert Simonich, Fabrication, Maintenance, and Construction Manager
Raymond Chau, Capital Improvements Projects (CIP) Coach
Michael Dunning, Environmental Compliance Coach
Regina McEvoy, Assistant to the General Manager/Board Secretary

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MARCH 21, 2016

It was moved by Secretary Kite, seconded by Director Fernandez, to approve the Minutes of the Special Meeting of March 21, 2016. Motion carried unanimously.

APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 28, 2016

It was moved by Vice President Handley, seconded by Secretary Kite, to approve the Minutes of the Meeting of March 28, 2016. Motion carried unanimously.

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

There were no oral communications.

CONSIDER AUGUST 14, 2015, CLAIM FILED BY RICHARD AND DENISE TIFFER FOR ASSERTED LOSSES ASSOCIATED WITH DISTRICT MAINTENANCE ACTIVITIES

This item was reviewed by the Legal/Community Affairs Committee. District Counsel Castella stated Richard and Denise Tiffer filed a claim on August 14, 2015, for \$341.64 in plumbing expenses incurred in 2014 and 2015. The Tiffer's allege plumbing services were necessitated by a blockage in the sewer main caused by a "water bullet". The claim was based on statements made to the Tiffer's by their plumber, Star Rooter, and the fact that the problem appeared to be resolved following a District sewer line cleanout completed June 12, 2015. District staff contacted Denise Tiffer on September 16, 2015, to request video footage showing the blockage to assess the claim. The District followed up via e-mail on September 25, 2015, informing Ms. Tiffer that the video had not been received. In the same email, the District informed Ms. Tiffer the claim could not proceed without the requested information. The District followed up again on February 19, 2016, and no additional information was provided by the claimants to date. Staff recommended the Board deny the claim filed by Richard and Denise Tiffer on August 14, 2015.

It was moved by Director Lathi, seconded by Secretary Kite, to Deny the Claim Filed by Richard and Denise Tiffer on August 14, 2015, for Asserted Losses Associated with District Maintenance Activities. Motion carried unanimously.

AWARD THE CONSTRUCTION CONTRACT FOR THE NEWARK BACKYARD SANITARY SEWER RELOCATION PROJECT – PHASE 3 TO MCGUIRE AND HESTER

This item was reviewed by the Construction Committee. CIP Coach Chau stated the Newark Backyard Sanitary Sewer Relocation Project – Phase 3 is the final phase of a project to improve the existing sewer system within the residential neighborhood located northerly of the intersection of Dairy Avenue and Cherry Street in the City of Newark. The goal of the project was to relocate existing backyard sewer mains and laterals to the public streets fronting the homes. Phase 3 of the project will include construction of approximately 3,000 linear feet of 8-inch diameter PVC sanitary sewer by open-cut method, and installation and connection of 4-inch diameter sanitary sewer laterals for approximately 100 residences. Four bids were received and opened on March 24, 2016, and McGuire and Hester was the apparent low bidder with a bid of \$2,107,735. Staff recommended the Board award the construction contract for the Newark Backyard Sanitary Sewer Relocation Project – Phase 3 to McGuire and Hester in the amount of \$2,107,735.

It was moved by Secretary Kite, seconded by Director Lathi, to Award the Construction Contract for the Newark Backyard Sanitary Sewer Relocation Project – Phase 3 to McGuire and Hester in the amount of \$2,107,735. Motion carried unanimously.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH HARRIS AND ASSOCIATES TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE NEWARK BACKYARD SANITARY SEWER RELOCATION PROJECT

This item was reviewed by the Construction Committee. CIP Coach Chau stated the third and final phase of the project will include construction of approximately 3,000 feet of new sewer mains and relocation of 100 sanitary sewer laterals to new sanitary sewer mains along Bonnie Street, Zulmida Avenue, Wilma Avenue, and Noel Avenue in the City of Newark. The purpose of Task Order No. 1 is to authorize Harris and Associates to provide construction management services for the duration of the project. The total negotiated cost for the proposed services is \$196,235. Staff recommended the Board authorize the General Manager to execute an agreement and task order no. 1 with Harris and Associates in the amount of \$196,235 for construction management services for the Newark Backyard Sanitary Sewer Relocation Project – Phase 3.

It was moved by Vice President Handley, seconded by Director Fernandez, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Harris and Associates in the Amount of \$196,235 to Provide Construction Management Services for the Newark Backyard Sanitary Sewer Relocation Project – Phase 3. Motion carried unanimously.

REJECT THE SOLE BID RECEIVED FOR THE COGENERATION IMPROVEMENTS PROJECT

This item was reviewed by the Construction Committee. CIP Coach Chau stated the Cogeneration System and digester gas conditioning system (DGCS) were placed into operation in November 2014. Staff have since identified the need to provide localized cooling of the two cogeneration engines to improve their performance during hot weather. Staff also identified the need to individually shut down the digester gas blowers. There is also a need for additional emergency lights in the Cogeneration Building to enable staff to have adequate lighting during a power outage. The Cogeneration Improvements Project's major elements are: installation of two air conditioning units at the Cogeneration Building along with associated ducting, supports, and dampers; electrical modifications to the DGCS and addition of new circuit breakers for the digester gas blowers; and installation of new emergency lighting inside the Cogeneration Building to provide safe access to plant personnel during a power outage. The only bid received for the project was from D.W. Nicholson and was 50% over the Engineer's Estimate for the project. Staff will re-evaluate the project scope and determine if modifications are necessary to draw more interest in the project when it is re-bid. Staff recommended the Board reject the sole bid received from D.W. Nicholson Corporation for the Cogeneration Improvements Project.

It was moved by Director Fernandez, seconded by Vice President Handley, to Reject the Sole Bid Received for the Cogeneration Improvements Project. Motion carried unanimously.

REJECT ALL BIDS RECEIVED FOR THE PINE STREET EASEMENT IMPROVEMENTS PROJECT AND AUTHORIZE STAFF TO RE-BID THE PROJECT

This item was reviewed by the Construction Committee. CIP Coach Chau stated the District owns and maintains a 12-inch diameter sewer main that parallels Mammoth Creek in southeastern Fremont. The sewer main aerially crosses a small creek tributary to Mammoth Creek behind the residences on Sabercat Place. Erosion has exposed approximately two feet of the eastern foundation's side. Though there has not been damage to the bridge or pipeline to date, further soil movements and erosion may result in damage and could expose the creek to wastewater. The Pine Street Easement Improvements Project would eliminate structural dependence upon the eastern pier by constructing a stronger eastern abutment and strengthening the existing bridge span. Details regarding the two non-responsive bids received for the project were included in the Board meeting packet. Public Contract Code Section 20805 allows the District to reject bids in its discretion. Since both bids were found to be non-responsive, staff recommended the Board reject all bids received for the project and authorize staff to re-bid the project.

It was moved by Vice President Handley, seconded by Director Lathi, to Reject All Bids Received for the Pine Street Easement Improvements Project and Authorize Staff to Re-Bid the Project. Motion carried unanimously.

CONSIDER CONFIRMING AND DECLARING THE NEED TO CONTINUE THE EMERGENCY ACTION TO REPAIR THE 33-INCH SEWER ON ALVARADO BOULEVARD AND UPDATE ON THE REPAIRS

This item was reviewed by the Construction Committee. CIP Coach Chau stated on March 23 and 29, 2016, PG&E re-installed and reconnected the gas line which was disconnected and removed during Phase 1. A storm drain line temporarily relocated to facilitate the shaft excavation was replaced on April 4-5, 2016. Street paving is expected to begin the week of April 11, 2016. The estimated date for substantial completion is April 15, 2016, at which time it is anticipated the road will be re-opened and normal traffic operations will resume.

Pursuant to Public Contract Code section 22050, the Board is required to review the status of the emergency action at each subsequent meeting until the emergency action is terminated. Authorization to continue the emergency action must be approved by a four-fifths vote of the Board. Staff recommended the Board approve a motion to confirm and declare the need to continue the emergency action to repair the 33-inch sewer on Alvarado Boulevard.

It was moved by Director Fernandez, seconded by Secretary Kite, to Confirm and Declare the Need to Continue the Emergency Action to Repair the 33 Inch Sewer on Alvarado Boulevard. Motion carried unanimously.

REVIEW AND APPROVE PROPOSED CHANGES TO POLICY NO. 3210, BOARDMEMBER USE OF EMAIL FOR DISTRICT BUSINESS

This item was reviewed by the Personnel Committee. District Counsel Castella stated that on September 28, 2015, the Board considered options regarding revisions to the Use of Email for District Business Policy ("Email Policy") that was adopted in April 2014. The

Board requested staff revise the Policy in accordance with the conversation at the September 28, 2015, Board meeting and bring it back for further consideration. The updated version of the policy included in the Board meeting packet incorporated the following revisions: updated the procedure for assigning and managing individual Board e-mails; created a general Board e-mail account and established procedures for staff monitoring of that account; and created procedures for staff response to the general Board e-mail account. Staff recommended the Board take one of the following actions:

- a. Approve the policy as drafted.
- b. Approve the policy with amendments.
- c. Form an Ad-Hoc Committee and send policy to committee for revisions.
- d. Send the item to a future Board workshop for additional discussion

The Board requested clarifying language be added to the last paragraph of the policy to more clearly indicate staff may reply to emails with requested information. The Board also requested text be added to provide greater flexibility for the manner in which emails received are added to a Board meeting agenda for discussion.

It was moved by Director Lathi, seconded by Director Fernandez, to Approve Proposed Changes Including Additional Edits Proposed at the Meeting to Policy No. 3210, Boardmember Use of Email for District Business. Motion carried unanimously.

REVIEW AND APPROVE PROPOSED CHANGES TO POLICY NO. 3060, COMMUNICATION BY MEMBERS OF THE BOARD OF DIRECTORS

This item was reviewed by the Personnel Committee. District Counsel Castella stated the September 28, 2015, Board meeting included a discussion regarding revisions to the communications policy for Board Members. The updated version of the policy incorporated the following revisions: established a detailed set of protocols for Boardmembers to adhere to when responding to communications from the public; established best practices for ensuring the public is informed of and able to meaningfully participate in Boardmember decision-making; established a set of protocols for staff to adhere to when responding to communications sent to Boardmembers; created a method for agendaizing for discussion items raised in communications from the public. Staff recommended the Board take one of the following actions:

- a. Approve the policy as drafted.
- b. Approve the policy with amendments.
- c. Form an Ad-Hoc Committee to review and revise the policy.
- d. Send the item to a future Board workshop for additional discussion.

The Board discussed concerns regarding proposed changes to Policy No. 3060.

The Board directed staff to incorporate the edits discussed at the meeting, and agreed by consensus to continue the item to the Board meeting to be held May 9, 2016.

INFORMATION ITEMS:

Check Register

All questions were answered to the Board's satisfaction.

Certificates of Merit to Union Sanitary District's Class I Permitted Industries

This item was reviewed by the Legal/Community Affairs Committee. A desk item was presented for this item to correct errors contained in the report included in the Board meeting packet, and the desk item was incorporated into the Board meeting packet. Environmental Compliance Coach Dunning stated the Certificates of Merit event is an annual event held to recognize industries that have exceeded the requirements of their wastewater discharge permits during the prior calendar year and have demonstrated continued commitment to protecting the environment. The District invited representatives from 33 Significant Industrial Users with Class I Wastewater Discharge Permits to receive Certificates of Merit on May 25, 2016, at 3:00 p.m. in the Boardroom.

Earth Day 2016

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Coach Dunning stated Environmental Compliance staff will participate in the Earth Day event to be hosted by the City of Fremont and Washington Hospital. The event will be held at Washington Hospital's Conrad E. Anderson. M.D. Auditorium, at 2500 Mowry Avenue in Fremont from 11:00 a.m. – 3:00 p.m. on Saturday, April 23, 2016.

Director Lathi requested PDF files of the Earth Day event advertisements be emailed to the Board.

COMMITTEE MEETING REPORTS:

The Construction, Legal/Community Affairs, and Personnel Committees met.

GENERAL MANAGER'S REPORT:

General Manager Eldredge reported the following:

- The Newark Chamber of Commerce will host the Newark State of the City Luncheon on Thursday, April 21, 2016.
- There was a Category 3 spill on April 6, 2016, on Paseo Padre Parkway in Fremont. A cleanout was overflowing due to a main plugged with grease. Staff worked quickly to recover all that was spilled, approximately 1,000 gallons, and ensured none of the spill entered any waterways. Although the sewer line is on a standard maintenance program, staff will adjust maintenance activities as needed.
- District staff will hold a public information meeting regarding the Newark Backyard Sanitary Sewer Relocation Project – Phase 3. The meeting will be held at the James Graham Elementary School Multi-Purpose Room located at 36270 Cherry Street in Newark on Thursday, April 21, 2016, beginning at 6:00 p.m.
- The Academic Core Buildings Project Groundbreaking will be held at Ohlone College on April 13, 2016.

- Dublin San Ramon Services District (DSRSD) appointed Daniel McIntyre as the new General Manager. Mr. McIntyre recently served as the Engineering Services Manager at DSRSD and was the Public Works Director for the City of Livermore.
- The District received its annual letter from the California Sanitation Risk Management Authority (CSRMA) stating the X-Mod was 0.72, which is the lowest in District history.

OTHER BUSINESS:

Vice President Handley stated he recently attended a meeting of the Bay East Association of Realtors and was approached regarding potential future requirements for inspection of sewer laterals.

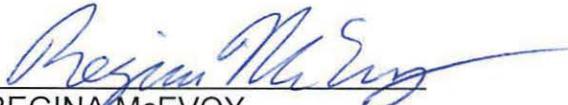
Director Lathi expressed interest in attending the California Water Environment Association (CWEA) conference to be held in Santa Clara, April 26 – 29, 2016. Pursuant to Board Policy No. 3030, Director Lathi requested Board approval for overnight accommodations at the conference due to physical limitations which make it difficult for her to drive. The Board approved Director Lathi's request by consensus.

ADJOURNMENT:

The meeting was adjourned at 8:12 p.m. to the Newsletter Draft Layout and Content Review Board Workshop to be held in the Alvarado Conference Room on Tuesday, April 19, 2016, at 11:30 a.m.

The Board will then adjourn to the next scheduled Regular Board Meeting to be held in the Boardroom on Monday, April 25, 2016, at 7:00 p.m.

SUBMITTED:


REGINA McEVOY
SECRETARY TO THE BOARD

ATTEST:


PAT KITE
SECRETARY

APPROVED:


JENNIFER TOY
PRESIDENT

Adopted this 25th day of April, 2016