

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
August 10, 2015**

**CALL TO ORDER**

Vice President Handley called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ABSENT: Jennifer Toy, President

STAFF: Paul Eldredge, General Manager  
Karen Murphy, District Counsel  
Dave O'Hara, Special District Counsel  
Rich Cortés, Business Services Manager  
Sami Ghossain, Technical Services Manager  
James Schofield, Collection Services Manager  
Robert Simonich, Fabrication, Maintenance, and Construction Manager  
Michelle Powell, Communications and Intergovernmental Relations Coordinator  
Mohammad Ghoury, Engineering Technician II  
Regina McEvoy, Assistant to the GM/Board Secretary

GUESTS: Alice Johnson, League of Women Voters

**APPROVAL OF THE MINUTES OF THE MEETING OF JULY 27, 2015**

It was moved by Secretary Kite, seconded by Director Fernandez, to Approve the Minutes of the Regular Meeting held July 27, 2015. Motion carried with the following vote:

AYES: Handley, Fernandez, Kite, Lathi  
NOES: None  
ABSENT: Toy  
ABSTAIN: None

## **WRITTEN COMMUNICATIONS**

There were no written communications.

## **ORAL COMMUNICATIONS**

There were no oral communications.

## **RESOLUTION NO. 2766, ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8119 LOCATED BETWEEN ALICE STREET AND WASHINGTON BOULEVARD IN THE CITY OF FREMONT**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Lennar Homes of California is constructing a housing tract between Alice Street and Washington Boulevard in the City of Fremont. Sanitary sewer service to the residential development will be provided by a new 8-inch main in a private street, named Casa Bella Common, which does not meet the City of Fremont street dimension requirements and structure setbacks. A sanitary sewer easement is required due to the sewer main not being built within a dedicated public street. The new sewer main has been constructed and Lennar Homes has granted a sanitary sewer easement for the District to access and maintain the sewer. The easement was granted at no cost to the District. Staff recommended the Board accept the sanitary sewer easement for tract 8119 located between Alice Street and Washington Boulevard in the City of Fremont.

It was moved by Director Lathi, seconded by Director Fernandez, to approve Resolution No. 2766, Accept a Sanitary Sewer Easement for Tract 8119 Located Between Alice Street and Washington Boulevard in the City of Fremont. Motion carried by the following vote:

AYES:	Handley, Fernandez, Kite, Lathi
NOES:	None
ABSENT:	Toy
ABSTAIN:	None

**####**

RESOLUTION NO. 2766

ACCEPT A SANITARY SEWER EASEMENT  
FOR TRACT 8119 LOCATED BETWEEN ALICE STREET AND WASHINGTON  
BOULEVARD  
LOCATED IN FREMONT, CALIFORNIA

BE IT RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from Lennar Homes of California, Inc., executed on May 13, 2015 as described in the Grant of Easement for Sanitary Sewer Purposes and by attached Exhibit A and Exhibit B. Legal Counsel for the District is hereby authorized to attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on August 10, 2015:

AYES: Handley, Fernandez, Kite, Lathi

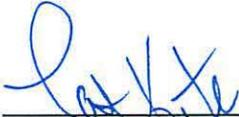
NOES: ----

ABSENT: Toy

ABSTAIN: ----

  
\_\_\_\_\_  
JENNIFER TOY  
President, Board of Directors  
Union Sanitary District

Attest:

  
\_\_\_\_\_  
PAT KITE  
Secretary, Board of Directors  
Union Sanitary District

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Union Sanitary District  
5072 Benson Road  
Union City, CA 94587  
Attention: Regina McEvoy

Record Without Fee  
*Pursuant to Government Code  
Section 27383*

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*Space Above Reserved for Recorder's Use Only*

## **GRANT OF EASEMENT**

**BY AND BETWEEN**

**LENNAR HOMES OF CALIFORNIA, INC.**

**AND**

**UNION SANITARY DISTRICT**

**Effective Date: May 13, 2015**

**GRANT OF EASEMENT**

**FOR SANITARY SEWER PURPOSES**

THIS INDENTURE, made this 13<sup>th</sup> day of May 2015, by and between Lennar Homes of California, Inc., a California Corporation, the Party/Parties of the First Part, and Union Sanitary District, the Party/Parties of the Second Part,

**WITNESSETH:**

That said Party/Parties of the First Part does hereby grant to the Party of the Second Part and to its successors and assigns forever, for the use and purposes herein stated, the rights of way and easements hereinafter described, located in the City of Fremont, County of Alameda, State of California:

**See Exhibit "A" and Exhibit "B"**

together with the right and privilege of constructing, reconstructing, cleaning, repairing and maintaining at any time, a sanitary sewer and appurtenances along, upon, over, in, through and across the above described property; together with free ingress and egress to and for the said Party of the Second Part, its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools, along, upon, over, in, through and across said right of way; together with the right of access by its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools to said right of way from the nearest public street, over and across the adjoining property, if such there be; otherwise by such route or routes across said adjoining property as shall occasion the least practicable damage and inconvenience to the Party of the First Part, for constructing, cleaning, repairing and maintaining said sanitary sewer and appurtenances; together with free ingress and egress over the land immediately adjoining for maintenance, repair and replacement as well as the initial construction of said sewer.

IN WITNESS WHEREOF the said Party/Parties of the First Part have executed this indenture the day and year first above written.

  
\_\_\_\_\_  
Signature

By: Gordon D. Jones  
(Print or type name and title of signatory)  
**Party/Parties of the First Part**

(Notarize)

**EXHIBIT A  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT  
TRACT 8119  
FREMONT, CALIFORNIA**

ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL A AND THAT CERTAIN PORTION OF PARCEL C LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8119 RECORDED IN BOOK 327 OF MAPS AT PAGES 3 THROUGH 7, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 10,780 SQUARE FEET OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

**END OF DESCRIPTION**



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MARK H. WEHBER, P.L.S.  
L.S. NO. 7960



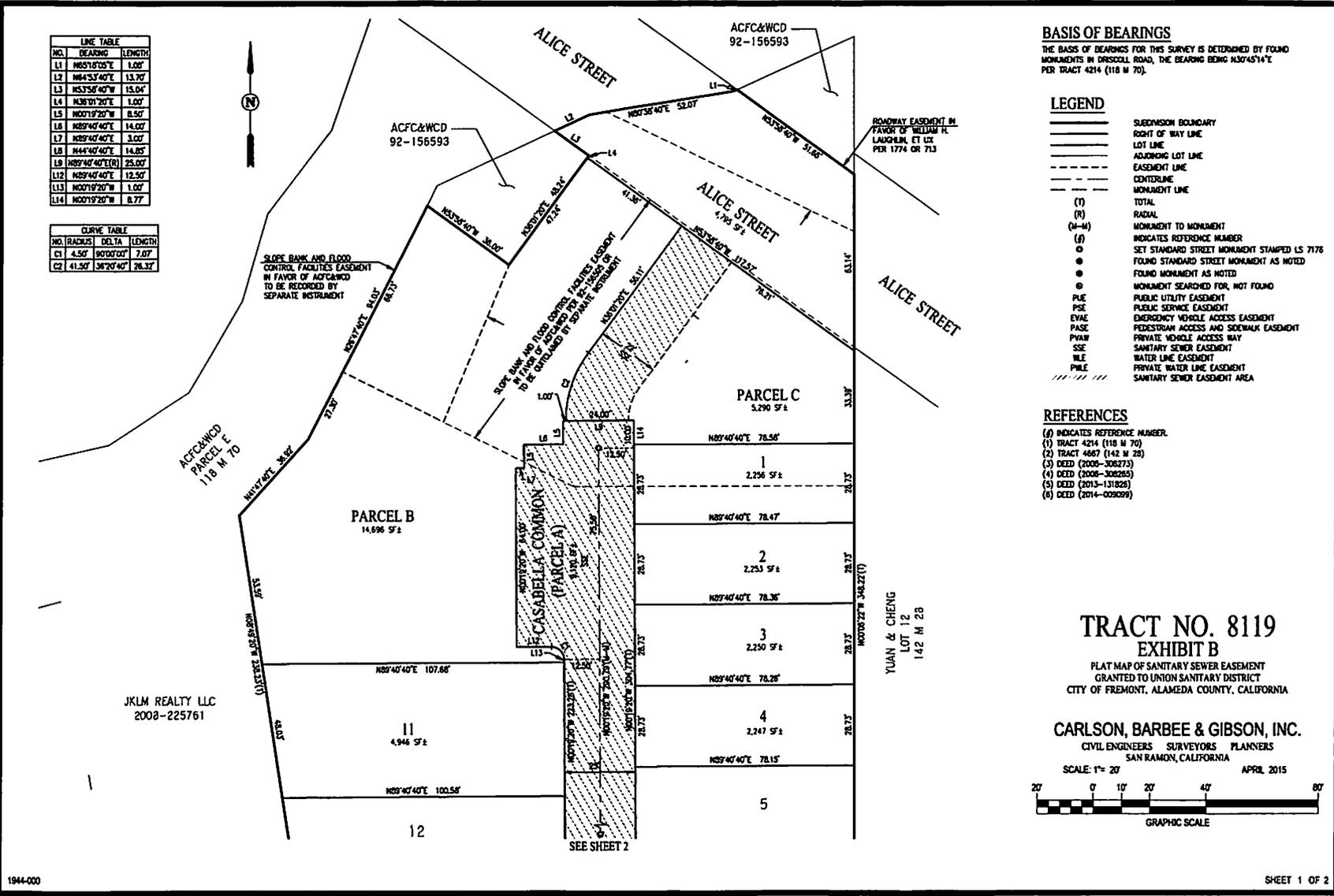
*[Faint, illegible text, possibly bleed-through from the reverse side of the page]*

*[Handwritten signature or scribble]*



LINE TABLE		
NO.	BEARING	LENGTH
L1	N65°16'00"E	1.00'
L2	N64°53'40"E	13.70'
L3	N53°58'40"W	15.04'
L4	N08°01'20"E	1.00'
L5	N00°19'20"W	8.50'
L6	N89°40'40"E	14.00'
L7	N89°40'40"E	3.00'
L8	N89°40'40"E	14.85'
L9	N89°40'40"E(R)	25.00'
L12	N89°40'40"E	12.50'
L13	N00°19'20"W	1.00'
L14	N00°19'20"W	8.77'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	4.50'	90°00'00"	7.07'
C2	41.50'	38°20'40"	28.32'



**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN DRISCOLL ROAD, THE BEARING BEING N43°45'14"E PER TRACT 4214 (118 M 70).

- LEGEND**
- ===== SUBDIVISION BOUNDARY
  - ===== RIGHT OF WAY LINE
  - ===== LOT LINE
  - ADJOINING LOT LINE
  - EASEMENT LINE
  - CENTERLINE
  - MONUMENT LINE
  - (T) TOTAL
  - (R) RADIAL
  - (M-M) MONUMENT TO MONUMENT
  - (#) INDICATES REFERENCE NUMBER
  - SET STANDARD STREET MONUMENT STAMPED LS 7176
  - FOUND STANDARD STREET MONUMENT AS NOTED
  - MONUMENT SEARCHED FOR, NOT FOUND
  - MONUMENT SEARCHED FOR, NOT FOUND
  - PUE PUBLIC UTILITY EASEMENT
  - PSE PUBLIC SERVICE EASEMENT
  - EVAE EMERGENCY VEHICLE ACCESS EASEMENT
  - PASE PEDESTRIAN ACCESS AND SIDEWALK EASEMENT
  - PVAW PRIVATE VEHICLE ACCESS WAY
  - SEE SANITARY SEWER EASEMENT
  - WLE WATER LINE EASEMENT
  - PWLE PRIVATE WATER LINE EASEMENT
  - SSWEA SANITARY SEWER EASEMENT AREA

- REFERENCES**
- (#) INDICATES REFERENCE NUMBER.
  - (1) TRACT 4214 (118 M 70)
  - (2) TRACT 4667 (142 M 28)
  - (3) DEED (2009-308273)
  - (4) DEED (2006-308265)
  - (5) DEED (2013-131826)
  - (6) DEED (2014-009099)

**TRACT NO. 8119**  
**EXHIBIT B**

PLAT MAP OF SANITARY SEWER EASEMENT  
 GRANTED TO UNION SANITARY DISTRICT  
 CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

**CARLSON, BARBEE & GIBSON, INC.**  
 CIVIL ENGINEERS SURVEYORS PLANNERS  
 SAN RAMON, CALIFORNIA

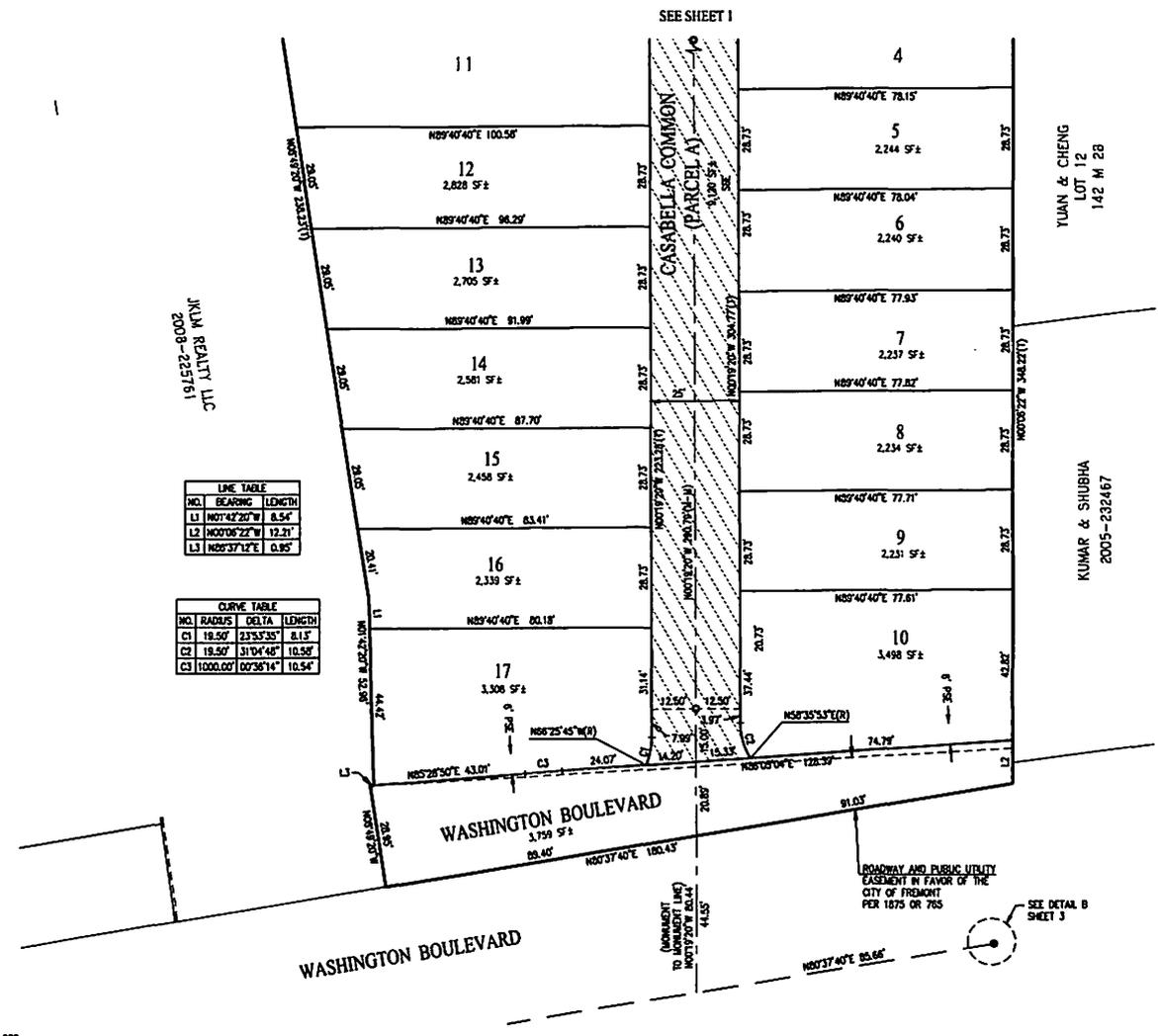
SCALE: 1" = 20' APRIL 2015



JKLN REALTY LLC  
2008-225761

LINE TABLE		
NO.	BEARING	LENGTH
L1	N07°42'20"W	8.54'
L2	N00°06'22"W	12.21'
L3	N26°37'12"E	0.85'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	19.50'	23°35'35"	8.13'
C2	19.50'	31°04'48"	10.38'
C3	1000.00'	00°36'14"	10.54'



**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN DRISCOLL ROAD, THE BEARING BEING N37°45'14"E PER TRACT 4214 (118 M 70).

**LEGEND**

- SUDENHSON BOUNDARY
- RIGHT OF WAY LINE
- LOT LINE
- ADJOINING LOT LINE
- EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (S) INDICATES REFERENCE NUMBER
- SET STANDARD STREET MONUMENT STAMPED LS 7176
- FOUND STANDARD STREET MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- MONUMENT SEARCHED FOR, NOT FOUND
- PUE PUBLIC UTILITY EASEMENT
- PSE PUBLIC SERVICE EASEMENT
- EVAC EMERGENCY VEHICLE ACCESS EASEMENT
- PASE PEDESTRIAN ACCESS AND SIDEWALK EASEMENT
- PHAW PRIVATE VEHICLE ACCESS WAY
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- PWLE PRIVATE WATER LINE EASEMENT
- SWE SANITARY SEWER EASEMENT AREA

**REFERENCES**

- (S) INDICATES REFERENCE NUMBER
- (1) TRACT 4214 (118 M 70)
- (2) TRACT 4687 (142 M 28)
- (3) DEED (2008-306273)
- (4) DEED (2008-306285)
- (5) DEED (2013-131828)
- (6) DEED (2014-050099)

**TRACT NO. 8119  
EXHIBIT B**

PLAT MAP OF SANITARY SEWER EASEMENT  
GRANTED TO UNION SANITARY DISTRICT  
CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

**CARLSON, BARBEE & GIBSON, INC.**

CIVIL ENGINEERS SURVEYORS PLANNERS  
SAN RAMON, CALIFORNIA

SCALE: 1"= 20' APRIL 2014 APRIL 2015



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Contra Costa )

On May 13, 2015 before me, L. Bitzer, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Gordon J. Jones  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

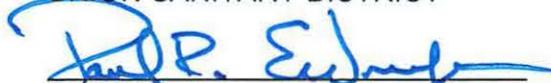
**CERTIFICATE OF ACCEPTANCE**  
(Grant of Easement)

This is to certify that the interest in real property conveyed by the Grant of Easement for Sanitary Sewer Purposes, dated May 13, 2015, from LENNAR HOMES OF CALIFORNIA, INC., a California corporation, to UNION SANITARY DISTRICT, an independent special district ("**District**"), is hereby accepted by the undersigned officer or agent on behalf of the District pursuant to authority conferred by Resolution No. 2766, dated August 10, 2015, and the District consents to recordation thereof by its duly authorized officer.

Date: August 26, 2015

District

UNION SANITARY DISTRICT

  
Paul R. Eldredge, General Manager

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California                    )  
  ) ss  
County of Alameda    )

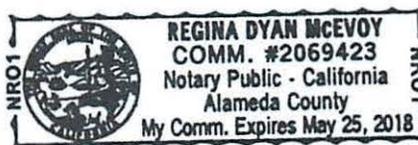
On August 26, 2015, before me, Regina McEvoy, Notary Public,  
(Name of Notary)

notary public, personally appeared Paul Eldredge  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
(Notary Signature)



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*[Faint handwritten text]*

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*[Faint handwritten text]*

RECEIVED  
COMM. #308483  
Notary Public - California  
Alameda County  
My Comm. Expires May 23, 2011



*[Faint handwritten text]*

## **REVIEW AND APPROVE NEW FACT SHEET REGARDING RECENTLY ADOPTED SEWER SERVICE CHARGES**

A desk item was presented for this item, and was attached to the Board meeting packet.

This item was reviewed by the Legal/Community Affairs Committee. General Manager Eldredge stated that following adoption of FY16 sewer service charges, staff generated a new fact sheet regarding said charges. General Manager Eldredge presented a desk item which included suggested edits to the fact sheet submitted by the Legal/Community Affairs Committee.

It was moved by Director Fernandez, seconded by Secretary Kite, to Approve the New Fact Sheet Regarding Recently Adopted Sewer Service Charges, Accepting the Revisions Presented as a Desk Item. Motion carried with the following vote:

AYES: Handley, Fernandez, Kite, Lathi  
NOES: None  
ABSENT: Toy  
ABSTAIN: None

### **INFORMATION ITEMS:**

#### **Check Register**

All questions were answered to the Board's satisfaction.

#### **CalPERS Replacement Benefit Plan**

This item was reviewed by the Budget & Finance Committee. Business Services Manager Cortes stated Internal Revenue Code Section 415(b) is a federal provision which limits the annual retirement benefit a retiree can be paid from a tax qualified defined benefit pension plan such as CalPERS. CalPERS established a Replacement Benefit Plan (RBP), in accordance with Government Code Section 21750. CalPERS invoices employers for the amount above the annually calculated limit based on the amount of service credit earned by the member with that employer. CalPERS factors these payments into future actuarial reports and will reduce the employer contribution accordingly, thereby ensuring the District will not be paying twice for the benefit. The District first became affected by the RBP with the retirement of two managers late last year. The District has been invoiced and paid a total of \$46,335 to CalPERS for both individuals. The District hired an actuary to project payments for future budgets. A total of \$88,000 has been budgeted for FY16. Future costs will primarily depend upon when employees retire, age of retiree, and federal limit changes. Staff will provide an update regarding this matter during the spring Board Budget Workshop.

Vice President Handley requested staff present the next actuarial report upon receipt.

### **Fourth Quarterly Report on the Capital Improvement Plan**

This item was reviewed by the Construction Committee. Technical Services Manager Ghossain stated the FY 15 Capital Improvement Plan (CIP) budget was \$14.87 million for design and construction of 21 projects. Total FY15 CIP expenditures up to June 30, 2015, were over projections for the fourth quarter by about \$1 million.

### **Status of Priority 1 Capital Improvement Plan**

This item was reviewed by the Construction Committee. Technical Services Manager Ghossain stated the FY 15 CIP budget was \$14.87 million for design and completion of 21 projects. The 21 projects were ranked as Priority 1 and 2 projects based upon approved criteria. For FY 15, nine projects were ranked as Priority 1 and the remaining 12 were ranked as Priority 2.

### **Report on the East Bay Dischargers Authority (EBDA) Commission meeting of July 16, 2015**

Vice President Handley stated EBDA will be working with a new firm for assistance with NPDES (National Pollutant Discharge Elimination System) permit reissuance. EBDA approved a resolution authorizing a personal services agreement with Eisenberg, Olivieri, and Associates, Inc. for said assistance.

Vice President Handley stated Castro Valley Sanitary District did not approve proposed amendments to the EBDA JPA. The Authority's legal counsel met with the Ad Hoc Committee to discuss options for extending, modifying, or terminating the long-term EBDA JPA. The Ad Hoc Committee directed EBDA's General Manager to schedule a workshop for member agencies to begin to develop a new long-term vision for the Authority.

### **COMMITTEE MEETING REPORTS:**

The Budget & Finance, Construction, and Legal/Community Affairs Committees met.

### **GENERAL MANAGER'S REPORT:**

General Manager Eldredge reported the following:

- Staff continue to work on the Co-digestion pilot project, commonly known as the cheese waste project. The material had initially been injected into digester four at a rate of 1 gallon/minute, which increased gas production by approximately 5%. In an effort to further increase gas production, the flow rate was increased to 1.5 gallons/minute on August 7, 2015.
- Fabrication, Maintenance, and Construction (FMC) Electrical Team Coach David Leath will be retiring. David's last day at the District will be August 14, 2015.
- Christopher Pachmayer, former Associate Engineer for the CIP team, began his new position as FMC Electrical Team Coach on August 10, 2015.
- General Manager Eldredge will attend the California Association of Sanitation Agencies (CASA) Conference August 18 – 21, 2015.

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

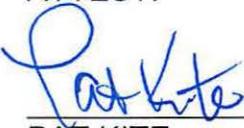
The meeting was adjourned at 7:34 p.m. to the Special Meeting to be held in the Boardroom on Monday, August 17, 2015, at 4:00 p.m.

The Board will then adjourn to the next Regular Board Meeting in the Boardroom on Monday, August 24, 2015, at 7:00 p.m.

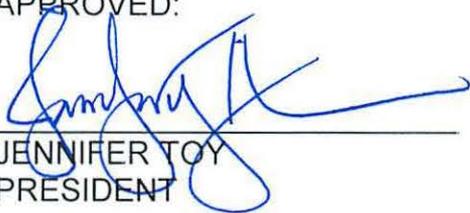
SUBMITTED:

  
REGINA McEVOY  
SECRETARY TO THE BOARD

ATTEST:

  
PAT KITE  
SECRETARY

APPROVED:

  
JENNIFER TOY  
PRESIDENT

Adopted this 24<sup>th</sup> day of August, 2015