

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
May 14, 2018**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

STAFF: Paul Eldredge, General Manager
Karen Murphy, District Counsel
Sami Ghossain, Technical Services Manager
Armando Lopez, Treatment and Disposal Services Manager
Robert Simonich, Fabrication, Maintenance, and Construction Manager
James Schofield, Collection Services Manager
Gene Boucher, Human Resources Manager
Laurie Brenner, Business Services Coach
Michael Marzano, Environmental Health & Safety Program Manager
Michelle Powell, Communications and Intergovernmental Relations Coordinator
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Alice Johnson, League of Women Voters
Roelle Balan, Tri-City Voice Newspaper
Lily Mei, Fremont Mayor
Al Nagy, Newark Mayor
Carol Dutra-Vernaci, Union City Mayor
Scott Haggerty, Alameda County Supervisor
Paul Sethy, Alameda County Water District Director
Amanda Martin, Representative from Congressman Swalwell's Office
Rocky Fernandez, Representative from Senator Wiekowski's Office

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 23, 2018

It was moved by Vice President Lathi, seconded by Director Handley, to approve the Minutes of the Regular Meeting of April 23, 2018. Motion carried unanimously.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APRIL 26, 2018

It was moved by Director Fernandez, seconded by Director Toy, to approve the Minutes of the Regular Meeting of April 26, 2018. Motion carried unanimously.

PRESENTATION OF CEREMONIAL RESOLUTIONS HONORING UNION SANITARY DISTRICT'S CENTENNIAL

The following individuals provided ceremonial recognition in honor of the District's Centennial:

Fremont Mayor Mei
Newark Mayor Nagy
Union City Mayor Dutra-Vernaci
Alameda County Board of Supervisors Member Haggerty
Alameda County Water District Director Sethy
Representative from Representative Swalwell's Office
Representative from Senator Wiekowski's Office

President Kite recessed the meeting at 7:20 p.m. for a reception in honor of the District's Centennial.

President Kite reconvened the meeting at 7:40 p.m.

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

There were no oral communications.

CONSIDER APPROVAL OF SETTLEMENT AGREEMENT AND MUTUAL RELEASE BY AND AMONG UNION SANITARY DISTRICT, WESTERN ENERGY SYSTEMS, A DIVISION OF PENN POWER GROUP, LLC, AND GE DISTRIBUTED POWER INC.

General Manager Eldredge stated one of the District's GE Jenbacher Cogen engines failed on April 25, 2016. The District has reached a proposed settlement for damages incurred as a result of that failure with Western Energy and GE. The terms of the settlement were:

- Cancellation of all bills related to Cogen 1 failure; and
- Direct costs incurred by USD applied to DIA.NE.EXT upgrade costs; and
- Waiver of the DIA.NE.XT system upgrade costs for Cogen 1; and
- Discount the DIA.NE.EXT upgrade costs for Cogen 2.

Staff recommended the Board approve the Settlement Agreement and Mutual Release by and among Union Sanitary District, Western Energy Systems, and GE Distributed Power, Inc.

It was moved by Director Handley, seconded by Vice President Lathi, to Approve the Settlement Agreement and Mutual Release by and among Union Sanitary District, Western Energy Systems, and GE Distributed Power, Inc. Motion carried unanimously.

CONSIDER A RESOLUTION TO ACCEPT THE CONSTRUCTION OF THE CAST IRON/PIPING LINING PROJECT – PHASE VI FROM SOUTHWEST PIPELINES & TRENCHLESS CORP. AND AUTHORIZE RECORDATION OF A NOTICE OF COMPLETION

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Board awarded the construction contract for the Project to Southwest Pipeline & Trenchless, Corp. on July 24, 2017. The purpose of the Project was to rehabilitate 10 existing gravity sewer mains in the cities of Fremont and Union City that had been identified as having structural defects by installing cured-in-place (CIPP) liners. The project was substantially completed November 18, 2017, and all punch list work was completed March 14, 2018. The District has assumed beneficial use of the Project. Staff recommended the Board consider a resolution to accept the construction of the Cast Iron/Piping Lining Project – Phase VI from Southwest Pipeline & Trenchless Corp. and authorize recordation of a Notice of Completion.

It was moved by Secretary Fernandez, seconded by Vice President Lathi, to Adopt Resolution No. 2827 Accepting Construction of the Cast Iron/Piping Lining Project – Phase VI from Southwest Pipeline & Trenchless, Corp. Located in Union City, California and Fremont, California. Motion carried unanimously.

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RESOLUTION NO. 2827

**ACCEPT CONSTRUCTION OF THE
CAST IRON/PIPING LINING PROJECT – PHASE VI
FROM SOUTHWEST PIPELINE & TRENCHLESS, CORP.
LOCATED IN UNION CITY, CALIFORNIA AND FREMONT, CALIFORNIA**

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the Cast Iron/Piping Lining Project – Phase VI from Southwest Pipeline & Trenchless, Corp., effective May 14, 2018.

FURTHER RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT authorize the General Manager/District Engineer, or his designee, to execute and record a “Notice of Completion” for the Project.

On motion duly made and seconded, this resolution was adopted by the following vote on May 14, 2018:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None


ABSENT: None

ABSTAIN: None



PAT KITE
President, Board of Directors
Union Sanitary District

Attest:



MANNY FERNANDEZ
Secretary, Board of Directors
Union Sanitary District



2018099432

05/18/2018 11:37 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
STEVE MANNING
RECORDING FEE 0.00

**RECORDING REQUESTED BY
AND WHEN RECORDED
RETURN TO:**



2 PGS

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

NO RECORDING FEE – PER GOVERNMENT CODE SECTIONS 6103 & 27283

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN by the **UNION SANITARY DISTRICT**, Alameda County, California, that the work hereinafter described, the contract for the construction of which was entered into on August 10, 2017 by said District and **SOUTHWEST PIPELINE & TRENCHLESS CORP.**, Contractor for the Project, "**CAST IRON/PIPING LINING PROJECT – PHASE VI**," substantially completed the Project on November 18, 2017 and accepted by said District on May 14, 2018.

The name and address of the owner is the **UNION SANITARY DISTRICT**, at 5072 Benson Road, Union City, CA 94587.

The estate or interest of the owner is: **HOLDER OF SANITARY SEWER EASEMENTS AND LICENSES.**

The descriptions of the sites where said work was performed and completed is at various locations in the City of Fremont and City of Union City, County of Alameda, State of California.

The undersigned declares under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 2018 at UNION CITY, CALIFORNIA.

PAUL R. ELDRIDGE, P.E.,
GENERAL MANAGER/DISTRICT ENGINEER
UNION SANITARY DISTRICT

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
County of Alameda)

On May 15, 2018 before me, Regina Dyan McEvoy, Notary Public
(insert name and title of the officer)

personally appeared Paul R. 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.



Signature Regina McEvoy (Seal)

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF HAYWARD TO ALLOW TEMPORARY OUT OF AREA SERVICE FOR THE BAY AREA RAPID TRANSIT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated Bay Area Rapid Transit (BART) owns a parcel located in the City of Hayward just north of Whipple Road at the City of Union City border. The parcel is currently the site of BART's rail storage yard and BART intends to expand the use of the parcel by installing temporary trailers that will contain two bathrooms and two small kitchens for additional maintenance personnel. While the parcel is located in the City of Hayward service area, the temporary trailers will be installed at the south end of the parcel that is closer to existing USD facilities. BART has requested the District provide sewer service for these trailers. The Alameda County Local Agency Formation Commission (LAFCo) is the agency responsible for arranging for efficient provision of services. LAFCo has determined the City of Hayward and Union Sanitary District need to enter into an out of service area agreement to allow USD to provide sewer service for the BART parcel. The Agreement allows the District to provide sewer service to BART for a term of five years, and BART will be required to pay all applicable fees and charges per District ordinances. When the temporary service is no longer needed, BART will be required to remove the sewer connection under the District's permit. Staff recommended the Board authorize the General Manager to execute the proposed Agreement with the City of Hayward to allow temporary out of area sewer service for BART.

It was moved by Vice President Lathi, seconded by Director Handley, to Authorize the General Manager to Execute the Proposed Agreement with the City of Hayward to Allow Temporary Out of Area Sewer Service for BART. Motion carried unanimously.

INFORMATION ITEMS:

Status of Priority 1 Capital Improvement Program Projects

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Board approved the Capital Improvement Program (CIP) Budget for Fiscal Year 2018 (FY18) in the amount of \$10.08 million for design and construction of 30 CIP projects. The 30 projects were ranked as Priority 1, 2, or 3 based upon criteria prepared by staff and approved by the Executive Team. The status of Priority 1 projects is reviewed by the Executive Team at the end of each quarter, and a copy of the status report was included in the Board meeting packet for review. For FY18, 10 projects were ranked as Priority 1, and remaining 20 are ranked as Priority 2 or 3.

Third Quarter Report on the Capital Improvement Program for FY18

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated first quarter expenditures for FY18 were presented on budget projection graphs included in the Board meeting packet. The graphs depict actual expenditures versus approved budget for Capacity Fund 900, Renewal and Replacement Fund 800, as well as for both funds combined. Total CIP expenditures up to March 31, 2018, were under projections by approximately \$594,000.

East Bay Regional Communication System Authority (EBRCSA)

This item was reviewed by the Legal/Community Affairs Committee. Environmental Health & Safety Program Manager Marzano stated the District has an ongoing Emergency Preparedness program that requires maintenance of multiple types of communication equipment that may be needed during an emergency. The District previously worked in conjunction with Fremont, Newark, Union City, school districts, hospitals, ACWD, and PG&E to maintain the Tri-City Emergency Services Association (TESA) radio system, which has been discontinued. In 2015, Alameda and Contra Costa Counties worked together to establish the East Bay Regional Communications System Authority (EBRCSA). While the primary use was for police and fire department inter-agency communication during emergencies, the system has been expanded to include many special districts. Many of the former TESA agencies have also shifted their emergency communications to EBRCSA. The District will sign an Implementation Agreement with EBRCSA that will enable communication during emergencies using the updated regional system. The Agreement will allow direct communication to and from Fremont, Newark, and Union City police and fire departments as well as other utilities, local hospitals, and school districts. The District budgeted \$14,000 to purchase two handheld radios programmed to operate on the EBRCSA frequency.

Castro Valley Private Sewer Lateral Program

Collection Services Manager Schofield provided an overview of the townhall meeting hosted by Castro Valley Sanitary District (CV San) on April 24, 2018. The purpose of the meeting was for CV San to share its proposed Private Sewer Lateral Program.

Report on the East Bay Dischargers Authority (EBDA) Meeting of April 19, 2018

Director Toy provided an overview of the EBDA Commission meeting summary included in the Board meeting packet.

Check Register

There were no comments or questions regarding the check register included in the Board meeting packet.

COMMITTEE MEETING REPORTS:

The Engineering and Information Technology and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

General Manager Eldredge reported the following:

- The District's Centennial Open House will be held from 10:00 a.m. – 2:00 p.m. on Saturday, May 19, 2018.
- General Manager Eldredge attended the Oro Loma Open House held Saturday, May 5, 2018.
- General Manager Eldredge commended District staff for their hard work in preparing for the Centennial Open House.

OTHER BUSINESS:

Secretary Fernandez stated he attended the Alameda County Special District's Association meeting hosted by East Bay Regional Park District on May 9, 2018.

ADJOURNMENT:

The meeting was adjourned at 8:20 p.m. to a Special Meeting in the Boardroom on Monday, June 4, 2018, at 7:00 p.m.

SUBMITTED:

ATTEST:


REGINA McEVOY
BOARD CLERK


MANNY FERNANDEZ
SECRETARY

APPROVED:


PAT KITE
PRESIDENT

Adopted this 4th day of June 2018