

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
May 13, 2013**

**1. CALL TO ORDER**

President Kite called the Board to Order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

ABSENT: Tom Handley, Director

STAFF: Richard Cortes, Business Services Mgr., Acting General Manager  
Sami Ghossain, Capital Improvements Projects Coach  
Jesse Gill, Technical Support & Customer Services Manager  
Dave Livingston, Treatment & Disposal Services Manager  
James Schofield, Collection Services Coach  
David O'Hara, Legal Counsel  
Robert Simonich, Fabrication, Maintenance & Construction Manager  
Tom Graves, Assistant to the General Manager/Board Secretary

CONSULTANTS: None

VISITORS:

Regina Bastian, Janitor  
Lourdes Cardenas, Janitor  
Pete Chaparro, Mechanic  
Carol Churma, Office Assistant  
Sol Cooper, Mechanic  
Rich Czapkay, Planner/Scheduler  
Manuel Del Toro, CSW  
Lilly De Melo, Fee Analyst  
Dave Drake, Plant Operator  
Mariela Espinosa, Fee Analyst  
Maurice Fortner, Plant Operator  
Mohammad Ghoury, Eng. Tech

Tom Herlihy, CSW  
Marco Lopez, CSW  
Ed McCormick, EBMUD  
Michael Mosley, Instrument Tech/Electrician  
Joe Pereira, CSW  
Louis Rivera, Mechanic  
Jamie Rojo, Accounting Tech Specialist  
Jose Rodrigues, CSW, Honoree  
Dustin Strasburg, Utility Worker  
Allen Tarnowski, CSW  
Victor Vasut, CSW

4. **APPROVAL OF THE MINUTES OF APRIL 22, 2013**

This item was taken out of agenda order.

Action

On a motion made by Director Toy and seconded by Director Fernandez, the Minutes of the Board of Directors Meeting of April 22, 2013 were approved. The motion carried unanimously (Director Handley absent).

5. **WRITTEN COMMUNICATIONS**

There were no official written communications.

6. **ORAL COMMUNICATIONS**

There were no oral communications.

7. **RECOGNIZING COLLECTION SYSTEM WORKER II JOSE RODRIGUES FOR RECEIVING THE COLLECTION SYSTEM PERSON OF THE YEAR AWARD.**

This item was taken out of agenda order.

Collections Services Coach James Schofield spoke briefly about Mr. Rodrigues' accomplishments, and said the entire District is proud of him and what he has accomplished.

Jose Rodrigues thanked his colleagues on the staff, and the management for giving him opportunities to grow and succeed outside his normal work environment.

Director Toy commented on the number of people in the Boardroom, and said it has never been so full before. Director Lathi and the rest of the Board also expressed their congratulations to Mr. Rodrigues.

8. **SCHEDULING PUBLIC HEARINGS TO: 1) ADOPT SEWER SERVICE CHARGE ORDINANCE NO. 31.36, 2) ESTABLISH SEWER SERVICE CHARGES FOR FISCAL YEAR 2014, 2015, AND 2016; AND 3) SET AND COLLECT SEWER SERVICE CHARGES FOR FISCAL YEAR 2014 ON THE TAX ROLL.**

Acting GM Rich Cortes made a brief presentation about this item.

Action

On a motion made by Director Fernandez and seconded by Director Toy, the Board approved a Public Hearing on June 24, 2013 at 7:00 p.m. pursuant to Sections 5471 and 5473, et seq. of the Health and Safety Code, and USD Ordinance No. 31.36. The motion carried unanimously (Director Handley absent).

9. **SCHEDULING PUBLIC HEARING TO: 1) ESTABLISH CAPACITY FEES OF ORDINANCE NO. 35.20, AND 2) ADOPT CAPACITY FEES FOR FISCAL YEAR 2014.**

Acting GM Rich Cortes made a brief presentation about this item.

Action

On a motion made by Director Lathi and seconded by Director Fernandez, the Board approved a Public Hearing on June 24, 2013 at 7:00 p.m. pursuant to Sections 5471 and 5473, et seq. of the Health and Safety Code, and USD Ordinance No. 35.20. The motion carried unanimously (Director Handley absent).

10. **SCHEDULING PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON PROPOSED RATE INCREASE FOR 2014, 2015, AND 2016.**

Acting GM Rich Cortes made a brief presentation about this item, as well. He also explained that this hearing is being scheduled on June 10, 2013 as a result of the proposition 218 rate increase notices recently mailed to ratepayers. To date, the District has received 29 phone calls with 10 objections, 1 in support, and the balance in inquiries about the proposed increase.

Director Kite inquired if there was any confusion expressed by the public about what the District does. Mr. Cortes said there was confusion expressed by some about how the District bills for services.

Action

On a motion made by Director Lathi and seconded by Director Toy, the Board approved a Public Hearing on June 10, 2013 at 7:00 p.m. pursuant to Proposition 218 and to Sections 5471 and 5473, et seq. of the Health and Safety Code. The motion carried unanimously (Director Handley absent).

11. **RESOLUTION NO. 2705, ACCEPTANCE OF ONE SANITARY SEWER EASEMENT FOR HAMPTON INN LOCATED NEAR THE INTERSECTION OF ALVARADO NILES ROAD AND UNION LANDING IN THE CITY OF UNION CITY.**

Technical Support and Customer Services Manager Jesse Gill said there is an existing 61 foot long 8-inch diameter private sanitary sewer main connected to a District manhole on Alvarado Niles Boulevard that serves the Holiday Inn Express, and the Developer has proposed to connect the new Hampton Inn Hotel to this private sewer main, as well.

In order to comply with USD Ordinance 34, Article VII Section 5 that requires every building to be separately and independently connected to a main sewer, staff requested that the 8-inch private sewer main be granted to the District together with a 15-foot wide sewer easement for access and maintenance. This will ensure that each building has a separate building sewer connected to the District main in case of a future subdivision.

The Developer is granting the sewer main together with the sanitary sewer easement at no cost to the District. The sanitary sewer main has been video inspected and was found to be in very satisfactory condition.

Action

On a motion made by Director Lathi and seconded by Director Fernandez, the Board approved Resolution 2705. The motion carried unanimously (Director Handley absent).

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**RESOLUTION NO. 2705**

**ACCEPTANCE OF SANITARY SEWER EASEMENT  
FOR HAMPTON INN LOCATED IN  
CITY OF UNION CITY, CALIFORNIA**

BE IT RESOLVED, by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement for sanitary sewer purposes from Lotus Hotels described by the legal description attached as Exhibit A and shown on the accompanying plat map. 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 May 13, 2013:

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



PAT KITE  
President, Board of Directors  
Union Sanitary District

Attest:



MANNY FERNANDEZ  
Secretary, Board of Directors  
Union Sanitary District

12. **REVIEWING AND APPROVING POLICY NO. 3060, COMMUNICATION WITH THE MEDIA AND PUBLICLY-ELECTED OFFICIALS BY MEMBERS OF THE BOARD OF DIRECTORS.**

Rich Cortes commented briefly on this revision, since it had been before the Board several times before. Director Kite observed that even if a Boardmember adds the disclaimer, the publisher may remove it.

Action

On a motion made by Director Fernandez and seconded by Director Lathi, the Board reviewed and approved Policy No. 3060, Communication with the Media and Publicly-Elected Officials by Members of the Board of Directors. Director Lathi clarified that while individual Board members may understand the scope of the policy, they can have no responsibility for what other people or entities do. The motion carried unanimously (Director Handley absent).

13. **RESOLUTION NO. 2707, ACCEPTING THE CONSTRUCTION OF THE MISCELLANEOUS SANITARY SEWER SPOT REPAIRS PROJECT PHASE IV FROM W. R. FORDE ASSOCIATES AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION.**

Jesse Gill said that on July 23, 2012, the Board awarded a construction contract to W. R. Forde Associates for the construction of the Miscellaneous Sanitary Sewer Spot Repairs Project Phase IV in the amount of \$549,517.

Staff issued the Notice to Proceed to W. R. Forde Associates on August 13, 2012. The 120-day project was scheduled to be complete on December 10, 2012. USD granted a time extension of 102 additional days to complete Change Order No. 1, and W. R. Forde Associates substantially completed the project on April 3, 2013. USD staff provided construction management services for the project, with support from The Covello Group. The project includes four (4) Change Orders at a total cost of \$73,012.44, which is approximately 13.29% of the original contract amount. All negotiations have been finalized and the Change Orders have been executed.

All punch list work is completed, and the District has assumed beneficial use of the Miscellaneous Sanitary Sewer Spot Repairs Project Phase IV.

Director Toy inquired how many more phases would be necessary, and Mr. Gill replied that it would probably require five more, spreading over about 7 years. Technical is currently working on a plan with Collections staff to prioritize the next phase.

Action

On a motion made by Director Toy and seconded by Director Fernandez, the Board accepted the construction of the Miscellaneous Sanitary Sewer Spot Repairs Project Phase IV from W. R. Forde Associates by Resolution No. 2707, and authorized the Attorney for the District to file a Notice of Completion with the Alameda County Recorder's Office. The motion carried unanimously (Director Handley absent).

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**RESOLUTION NO. 2707**

**ACCEPT PROJECT FROM  
W. R. FORDE ASSOCIATES  
FOR  
MISCELLANEOUS SANITARY SEWER SPOT REPAIRS PROJECT PHASE IV  
IN THE CITIES OF FREMONT AND UNION CITY, CALIFORNIA**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Miscellaneous Sanitary Sewer Spot Repairs Project Phase IV from W. R. Forde Associates, effective May 13, 2013.

Legal Counsel is hereby authorized to record a "Notice of Completion" for the project.

On motion duly made and seconded, this resolution was adopted by the following vote on May 13, 2013:

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



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PAT KITE  
President, Board of Directors  
Union Sanitary District

Attest:



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MANNY FERNANDEZ  
Secretary, Board of Directors  
Union Sanitary District



14. **AUTHORIZING THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 3 WITH WEST YOST ASSOCIATES TO PROVIDE DESIGN SUPPORT SERVICES DURING CONSTRUCTION OF THE I-680 AT SABERCAT ROAD SANITARY SEWER RELOCATION.**

Jesse Gill stated that on March 28, 2011, the General Manager executed an Agreement and Task Order No. 1 to identify and evaluate alternatives for the Project design. On October 10, 2011, the General Manager executed Task Order No. 2 for the Project design, including permits acquisition and coordination, environmental compliance, geotechnical investigation, detailed design, and bid period services. Amendment No. 1 to Task Order No. 2 provided for additional work not included in the original Task Order. The design was completed and the Project was advertised on March 2, 2013, and March 12, 2013, and bids were opened on March 27, 2013. The Project was awarded to Ranger Pipelines, Inc., in the amount of \$1,804,245, at the April 22, 2013, Board meeting.

Work under Task Order No. 3 will begin in May 2013, and the Project is expected to be completed by the end of October, 2013.

Action

On a motion made by Director Toy and seconded by Director Lathi, the Board authorized the General Manager to execute Task Order No. 3 with West Yost Associates for \$44,685 to provide design support services during construction of the I-680 at Sabercat Rd. Sanitary Sewer Relocation Project. The motion carried unanimously (Director Handley absent).

15. **AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH BROWN AND CALDWELL TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE I-680 AT SABERCAT ROAD SANITARY SEWER RELOCATION PROJECT.**

Jesse Gill said the purpose of the Project is to replace the existing 12-inch diameter sewer crossing under Interstate 680 at Sabercat Road. The existing sewer crossing is 852 feet in length and crosses the Hayward Fault near the shoulder of southbound I-680. At that location, the pipeline has experienced severe offset joints due to the lateral movement associated with fault creep. Further lateral movement will critically compromise the pipe joints, allowing the erosion of soils outside the pipe, and thus undermining the I-680 freeway. West Yost & Associates was hired by the District to design the Project and to provide design support during the Project's bid period. On April 22, 2013, the Board of Directors awarded the construction contract to Ranger Pipelines, Inc., in the amount of \$1,804,245.

The purpose of Task Order No. 1 is to authorize construction management services to Brown & Caldwell for the duration of the Project. The negotiated cost proposal is \$168,186, which represents 9.3% of the construction contract. The scope of work and cost proposal for Task Order No. 1 have been reviewed by staff and determined to be appropriate.

Director Kite inquired if USD was working alongside a water district in this area, and Mr. Gill replied he wasn't aware of any water district construction there.

Action

On a motion made by Director Fernandez and seconded by Director Toy, the Board authorized the General Manager to execute an Agreement and Task Order No. 1 with Brown & Caldwell for \$168,186 to provide construction management services for the I-680 at Sabercat Rd. Sanitary Sewer Relocation Project. The motion carried unanimously (Director Handley absent).

16. **RESOLUTION NO. 2706, ACCEPTING OF THE ASSIGNMENT OF FOUR SANITARY SEWER EASEMENTS FROM THE CITY OF FREMONT FOR THE KATO ROAD GRADE SEPARATION PROJECT, LOCATED AT KATO ROAD BETWEEN MILMONT DRIVE AND WARM SPRINGS DRIVE IN THE CITY OF FREMONT.**

Jesse Gill stated that in 2008, the District received a notice to relocate the District's existing 10-inch diameter sewer main that crosses Kato Road in south Fremont. The sewer line was in the vicinity of the City of Fremont's Kato Road Grade Separation Project, located between Milmont Drive and Warm Springs Boulevard, which was a City project to lower Kato Road under the future BART tracks and the Union Pacific Railroad tracks.

In 2011, the Board authorized approval of a Cost Sharing Agreement with the City of Fremont. The agreement defined the responsibility and allocation of costs for the construction of a new sewer main to replace the existing sewer. The Board approved license agreements with BART and UPRR on March 11, 2013 and January 9, 2011 respectively, that allow the sewer main to exist within the BART and UPRR right-of-ways. For the sewer crossing through the private properties, the City acquired four sewer easements via eminent domain. In order to transfer these sanitary sewer easements from the City to the District, the City has assigned these easements to the District.

Staff and legal counsel have reviewed the legal descriptions and assignment language for the four sewer easements and recommend acceptance by the Board.

Action

On a motion made by Director Toy and seconded by Director Fernandez, the Board Accepted the Four Sanitary Sewer Easements from the City of Fremont by Adoption of Resolution No. 2706, and Directed Legal Counsel to Certify Acceptance and Record the Easements. The motion carried unanimously (Director Handley absent).

**RESOLUTION NO. 2706**

**ACCEPTANCE OF THE ASSIGNMENT OF FOUR SANITARY SEWER  
EASEMENTS FROM THE CITY OF FREMONT FOR THE KATO ROAD  
GRADE SEPARATION PROJECT, LOCATED AT KATO ROAD  
BETWEEN MILMONT DRIVE AND WARM SPRINGS DRIVE  
IN THE CITY OF FREMONT**

BE IT RESOLVED, by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Assignment of Four (4) Sanitary Sewer Easements described by their individual legal descriptions attached as Exhibits A , B, and C and shown on their accompanying plat maps. 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 May 13, 2013:

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



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PAT KITE  
President, Board of Directors  
Union Sanitary District

Attest:



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MANNY FERNANDEZ  
Secretary, Board of Directors  
Union Sanitary District

24. **AUTHORIZING THE GENERAL MANAGER TO APPROVE A PURCHASE ORDER WITH ANDRITZ SEPARATION INC. FOR THE UPGRADE OF THE CENTRIFUGE CONTROLS EQUIPMENT.**

This item was taken out of agenda order.

Jesse Gill stated that the Alvarado Wastewater Treatment Plant utilizes four centrifuges, installed in 2003, to dewater biosolids prior to hauling off-site for land application, composting, and alternative daily cover at a landfill.

During the past few months, the VFDs at Centrifuge No. 3 have had intermittent faults that have caused the centrifuge to be non-operable. Staff investigated and discovered that the VFD was obsolete and that replacement components were no longer supported and maintained by the manufacturer. Since the VFDs on the other centrifuges were installed at the same time, staff believes it is critical to replace all eight centrifuge VFDs so that we can maintain reliable operation of this key treatment plant process.

Staff believes Andritz is the best vendor to replace the equipment and to upgrade the controls. Andritz was the manufacturer of the existing centrifuges and had provided the existing VFDs, PLCs, and OITs. By contracting directly with Andritz, it would ensure the centrifuge controls will conform to their standards and the District's performance criteria.

Staff received a preliminary quotation from Andritz and is in the process of reviewing and negotiating the terms and costs. The final cost of the work is expected to be \$190,000, including sales tax.

Action

On a motion made by Director Fernandez and seconded by Director Lathi, the Board authorized the General Manager to approve a purchase order with Andritz Separation Inc. in the amount of \$190,000 for the upgrade of the centrifuge controls equipment. The motion carried unanimously (Director Handley absent).

## **INFORMATION ITEMS**

### **17. AWARDING CERTIFICATES OF MERIT TO UNION SANITARY DISTRICT'S CLASS I PERMITTED INDUSTRIES.**

Jesse Gill stated that on May 21, 2013 at 3:00 p.m., the District has invited representatives from twenty-seven Significant Industrial Users (SIUs) with Class I Wastewater Discharge Permits, to receive Certificates of Merit. These certificates recognize those industries that have exceeded the requirements of their wastewater discharge permits during 2012 and demonstrated their continued commitment to protecting the environment.

In addition, these industries consistently complied with and implemented pollution prevention measures, maintained a cooperative relationship with the District and demonstrated continuing awareness and understanding of environmental issues and requirements.

The District staff commends these twenty-seven SIU's for their excellent performance during 2012

Director Lathi asked in committee that the Board have input about the date and time of future events such as this, and that these events be scheduled later in the afternoon.

### **18. REPORT ON THE APRIL, 2013 CASA CONFERENCE**

Rich Cortes asked Boardmembers to direct any questions to Rich Currie, and said that Director Handley intends to report to the Board at the May 28, 2013 Board meeting.

### **19. CHECK REGISTER**

The Board reviewed the Check Register. There were no questions.

### **20. COMMITTEE MEETING REPORTS**

The following committees met: Legal/Community Affairs, Budget & Finance, Construction, personnel and Legislative.

**21. GENERAL MANAGER'S REPORT**

Acting GM Rich Cortes reported that April was the 11<sup>th</sup> month in a row with no spills to report.

He also updated the Board on the Deputy GM recruitment. Director Kite inquired about scheduling of the candidates, and Mr. Cortes reiterated that both May 20 and May 22, 2013 should be kept open by the Board for candidate interviews. Staff will send an email to the Board on how many candidates will be seen each day.

In addition, Federal Mediator Joel Schaeffer will be here on Friday, May 17, 2013 to mediate a contract agreement between USD management and SEIU Local 1021. The Board will meet in Closed Session on May 28, 2013 to discuss the follow-up on the mediation.

The GM has scheduled a District-wide meeting on June 5, 2013 at 3:30 p.m. in the Boardroom to discuss Succession Planning, a safety update, an update on the Deputy GM recruitment, the rate increase, and information about the Hayward Marsh.

Employees have gone 90 days without an OSHA-reportable accident, so \$20 gas cards will be distributed to all employees.

Mr. Cortes then asked Jesse Gill to give an update on the Cogen Project.

Mr. Gill said that in March of 2013 the Board awarded the construction contract to D. W. Nicholson in the amount of \$10.56M. On April 4 the District received confirmation from PG&E that they were awarding us a \$3.38M grant. The District issued the Order to Proceed to Nicholson on April 5, 2013, and construction prep is already underway. The District is working closely with PG&E at this point in time on an agreement the energy manufactured by the Cogen plant will not go upstream to PG&E, but will stay within the District's energy systems.

Mr. Currie and Michelle Powell were interviewed by the Tri-City Voice recently, and that interview should appear 2-3 issues from now.

**22. OTHER BUSINESS:**

There was no other business.


23. **ADJOURNMENT**

At 7:36 p.m., the Board adjourned to the next Regular Board Meeting on Tuesday, May 28, 2013 at 7:00 p.m. in the Boardroom.

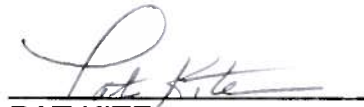
SUBMITTED:

  
\_\_\_\_\_  
TOM GRAVES  
SECRETARY TO THE BOARD

ATTEST:

  
\_\_\_\_\_  
MANNY FERNANDEZ  
SECRETARY

APPROVED:

  
\_\_\_\_\_  
PAT KITE  
PRESIDENT

Adopted this 28th day of May, 2013.