

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
January 28, 2013**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

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

**ABSENT:** None

**STAFF:** Richard Currie, General Manager/District Engineer  
Judi Berzon, HR Administrator (arrived 7:13 p.m.)  
Richard Cortes, Business Services Manager  
Jesse Gill, Technical Support & Customer Services Manager  
Todd Jacob, IT Administrator  
Dave Livingston, Treatment and Disposal Services Manager  
Andy Morrison, Collection Services Manager  
David O'Hara, Legal Counsel  
Ric Pipkin, Senior Engineer  
Larry Simmers, Total Productive Operations Coach  
Robert Simonich, Fabrication, Maintenance & Construction Manager  
Tom Graves, Assistant to the General Manager/Board Secretary

**CONSULTANTS:** Glenn Berkheimer, IEDA Professional Staff (arrived 7:08 p.m.)

**VISITORS:** None.

GM Currie asked that the Deputy General Manager recruitment be added as an item to the Closed Session agenda. Legal Counsel O'Hara stated that the addition was in accordance with Calif. Code Section 54957(b). The item was added to the Closed Session agenda. Mr. O'Hara noted that because this subject is an internal procedural matter only, involving scheduling, it would be okay to add it to the agenda at this time.

4. **APPROVAL OF THE MINUTES OF JANUARY 14, 2013**

Action On a motion made by Director Toy and seconded by Director Fernandez, the Minutes of the Board of Directors Meeting of January 14, 2013 were approved. The motion carried unanimously.

5. **WRITTEN COMMUNICATIONS**

There were no official communications.

6. **ORAL COMMUNICATIONS**

There were no oral communications.

7. **RECOGNIZING TPO COACH LARRY SIMMERS FOR RECEIVING THE ALDITMAN PROFESSIONAL DEVELOPMENT AWARD.**

Treatment & Disposal Services Manager Dave Livingston presented the award to Coach Larry Simmers, and congratulated him on his achievement. GM Currie also said that Larry is the key individual in the Leadership Program here at USD, which is comprised of fifteen on-site classes here, classes at Ohlone College, and a mentoring component with members of the Executive Team. The first group of 8 employees has completed the training, and 8 more have been accepted for the next cohort. Board members also expressed their congratulations.

8. **MONTHLY OPERATIONS REPORT FOR DECEMBER, 2012.**

Mr. Currie presented a summary overview. There were two odor complaints, neither of which was found to be caused by the District. The multi-day bypass of the Boyce Road Pump Station for installation of the new connection from the new station was completed without incident. Staff from FMC manned the station on a 24 hour/day basis. The Hours Worked per Employee is down slightly, and Sick Leave Usage is up. This may continue with the onset of the flu season.

Rich Cortes presented the financial report. There were no questions from the Board.

9. **AWARDING THE CONSTRUCTION CONTRACT FOR THE RAS PUMP STATION PIPING IMPROVEMENTS PROJECT TO ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.**

Jesse Gill presented the report, stating that staff recommends the Board award the construction contract for the RAS Pump Station Piping Improvements Project to Anderson Pacific Engineering Construction, Inc. (APEC) in the amount of \$506,200. Mr. Gill stated that this will be the first of two phases for the project, with the second phase occurring in FY18. The Project has been budgeted in the Renewal and Replacement Fund as Project No. 800-372.

Action

On a motion made by Director Handley and seconded by Director Fernandez, the construction contract for the RAS Pump Station Piping Improvements Project was awarded to Anderson Pacific Engineering Construction, Inc. The motion carried unanimously.

10. **AWARDING THE CONSTRUCTION CONTRACT FOR THE THICKENER CONTROL BUILDING INTERIM IMPROVEMENTS PROJECT TO ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.**

Senior Engineer Ric Pipkin presented the report, stating that staff recommends the Board award the construction contract for the Thickener Control Building Interim Improvements Project (Project) to Anderson Pacific Engineering Construction, Inc. in the amount of \$633,001. The Project is budgeted in the Renewal and Replacement Fund of the Capital Improvement Program. Director Fernandez asked if the Engineer's Estimate is made available to bidders. Mr. Gill responded in the affirmative.

Action

On a motion made by Director Fernandez and seconded by Director Lathi, the construction contract for the Thickener Control Building Interim Improvements Project (Project) was awarded to Anderson Pacific Engineering Construction, Inc. The motion carried unanimously.

11. **RESOLUTION NO. 2694, ACCEPTING THE CONSTRUCTION OF THE PRIMARY CLARIFIER REHABILITATION PROJECT FROM ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION.**

Ric Pipkin presented this item as well, stating that staff recommends the Board accept the construction of the Primary Clarifier Rehabilitation Project (Project) from Anderson Pacific Engineering Construction, Inc. by Resolution, and that the Board authorize the Attorney for the District to record a Notice of Completion at the Alameda County Recorder's Office. Change Orders for the project were at 3½%

Director Lathi inquired to Mr. O'Hara about the lawsuit involving Anderson Pacific and one of their subcontractors. Mr. Currie said USD has not been involved and has not included Mr. O'Hara in the process to date. If this should change, he would come back to the Board with more information.

Mr. Currie said this has been a very long and complicated project, and he congratulated Mr. Pipkin and the rest of the staff on a job well done.

Director Toy also commended staff on the successful completion of this very complicated project.

**Action**

On a motion made by Director Lathi and seconded by Director Fernandez, Resolution No. 2694 accepting the construction of the Primary Clarifier Rehabilitation Project from Anderson Pacific Engineering Construction, Inc. and authorizing the Attorney for the District to record a Notice of Completion was adopted. The motion carried unanimously.

**###**

**RESOLUTION NO. 2694**

**ACCEPTING CONSTRUCTION OF THE  
PRIMARY CLARIFIER REHABILITATION PROJECT FROM ANDERSON  
PACIFIC ENGINEERING CONSTRUCTION, INC.  
LOCATED IN UNION CITY, CALIFORNIA**

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the Primary Clarifier Rehabilitation Project from Anderson Pacific Engineering Construction, Inc., effective January 28, 2013; and be it

FURTHER RESOLVED: That the attorney for the District is authorized to file a "Notice of Completion" for the project.

On motion duly made and seconded, this resolution was adopted by the following vote on January 28, 2013:

AYES: Fernandez, Handley, Lathi, Kite, Toy

NOES: ----

ABSENT: ----

ABSTAIN: ----



PAT KITE  
President, Board of Directors  
Union Sanitary District

Attest:



MANNY FERNANDEZ  
Secretary, Board of Directors  
Union Sanitary District

12. **AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH INFOR FOR A THREE YEAR SOFTWARE SUPPORT AGREEMENT.**

IT Administrator Todd Jacob presented a brief report on this item. Five projects have been completed, five are on schedule, and one (Boyce Road Pump Station) is behind schedule. There were no questions from the Board.

Action

On a motion made by Director Lathi and seconded by Director Toy, the Board authorized the General Manager to execute a contract with INFOR for a three year Hansen Computerized Maintenance Management System (CMMS) Software Support Agreement for the amount of \$102,112. The motion carried unanimously.

**INFORMATION ITEMS**

13. **STATUS OF PRIORITY 1 CAPITAL IMPROVEMENT PROJECTS.**

Jesse Gill presented a brief oral report on the item. There were no questions from the Board.

14. **CAL-CARD QUARTERLY ACTIVITY REPORT.**

Rich Cortes presented an overview of Cal Card use for the Second Quarter of FY13, covering transactions for the CAL-Card billing period September 25, 2012 through December 24, 2012. During this quarter, there were 260 transactions totaling \$63,464.84. Director Handley asked about one charge for "Remote Satellite". This was for a charger for our satellite phone in the Emergency Operations Center.

15. **STATUS REPORT ON COMPUTER PURCHASE AND STUDENT LOAN PROGRAM.**

Rich Cortes presented an oral report to the Board.

Director Toy asked if there had ever been a student loan request through the program. Mr. Cortes responded that there had not.

16. **REPORT FROM THE EAST BAY DISCHARGERS AUTHORITY MEETING OF JANUARY 24, 2013.**

Director Lathi presented an oral report. There were no questions from the Board.

**17. CHECK REGISTER.**

The Board had no questions.

**18. Committee Meetings.** The following committees met before the Board meeting: Budget & Finance, Construction, and Legal/Community Affairs.

**19. General Manager's Report.**

Before he started his GM Report, Mr. Currie said that in the Legal and Community Affairs Committee, the Committee discussed the scope for a Public Employees Pension Reform Act (PEPRA) workshop that the Board had requested.

The Committee also talked about email links for Board members on the public website, and how they would be managed, keeping in mind legal requirements of the Brown Act. The full board had a brief discussion about this as well.

Director Lathi said that it seemed there were two options: one email address that would go to all Board members, and individual email addresses. Ms. Lathi cautioned that hitting "reply all" may cause a communication to become a Brown Act issue.

Director Handley said it would be helpful if communications were differentiated between those affected by the Brown Act, and those that were not.

Director Kite said she did not want to get into a situation where she was responding to inquiries on a personal basis.

Mr. Currie said emails will most probably be managed in the same way that emails to "ContactUSD" are managed, where the appropriate individual in-house drafts a reply, and forwards that reply to the Board members.

Mr. O'Hara said a case arose about eight years ago that the California Attorney General addressed, having to do with a "Reply All" situation, and cautioned that it created some legal issues.

Director Handley asked how other agencies handle email inquiries, and whether they have one email or individual emails. Mr. Currie said he would ask Communications Coordinator Michelle Powell to research the issue and report back to him.

Director Kite asked for a detailed clarification of this topic in writing from Attorney O'Hara.

**19. General Manager's Report (Continued)**

Mr. Currie updated the Board on the leaking pipe at Hayward Marsh. Collections Services has been out to the site to dig a trench around the perimeter of the area to help to intercept the flow so it can either be pumped out or pumped to a sludge drying bed in Hayward. CIP is also working on a plan to TV scope the pipe to ascertain the leak area.

The Bay Area News Group has once again requested salary and benefit information for all employees, as they have in the past, and we have responded to that request.

The CWEA Safety Committee performed a safety inspection of the plant at the request of Safety Coordinator Mike Marzano, and they did make several suggestions to improve plant safety.

The City of Fremont requested a telephone meeting with Mr. Currie to discuss a new development south of the Tesla plant. It's a very large warehouse distribution center in excess of 500,000 square feet. This is similar to the warehouse being built now in Newark. The City of Fremont has asked why the developer is being assessed fees by USD that seem high for a building with this proposed use, and indicated the developer may be making an appeal. Several other equally large distribution centers may be proposed for this area as well.

We received another request from the State Water Resources Control Board to make another visit to our plant to view our training center and, more specifically, the spill volume estimating tool. That visit will occur on February 19, 2013.

**20. OTHER BUSINESS:**

There was no other business.

**21. ADJOURNMENT:**

The Board adjourned to a Closed Session to discuss the performance of a District Employee (Calif. Govt. Code Section 94957).

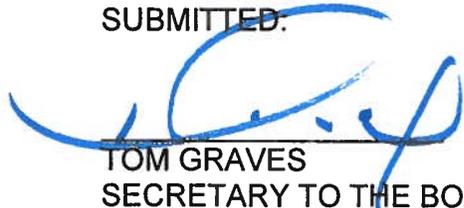
The Board then adjourned to a Closed Session to discuss the Deputy General Manager recruitment.

The Board then adjourned to a Closed Session to discuss labor negotiations with SEIU Local 1021 (Calif. Govt. Code Section 54957.6). Negotiating Team Members Richard Currie, Judi Berzon and Glenn Berkheimer of IEDA may attend this session.

The Board then adjourned to a Closed Session on Tuesday, January 29, 2013 at 6:30 p.m. to discuss the performance of the General Manager for 2012, (Calif. Govt. Code 94957); and

The Board will then adjourn to the next Regular Meeting on February 11, 2013 at 7:00 p.m. in the Boardroom.

SUBMITTED:

  
TOM GRAVES  
SECRETARY TO THE BOARD

ATTEST:

  
ANJALI LATHI  
VICE PRESIDENT, for  
Manny Fernandez,  
SECRETARY

APPROVED:

  
PAT KITE  
PRESIDENT