

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
January 12, 2015**

**CALL TO ORDER.**

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

**PLEDGE OF ALLEGIANCE.**

**ROLL CALL.**

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

STAFF: Paul Eldredge, General Manager/District Engineer  
Dave O'Hara, District Counsel  
Rich Cortés, Business Services Manager  
Sami Ghossain, Technical Services Manager  
Robert Simonich, Fabrication, Maintenance, and Construction Manager  
James Schofield, Collection Services Coach  
Armando Lopez, Treatment & Disposal Services Manager  
Maria Scott, Principal Financial Analyst  
Regina McEvoy, Assistant to the GM/Board Secretary

**APPROVAL OF THE MINUTES OF DECEMBER 8, 2014.**

It was moved by Director Lathi, seconded by Director Kite, to Approve the Minutes of the Board of Director's Meeting held December 8, 2014. Motion carried unanimously.

**MONTHLY OPERATIONS REPORT FOR NOVEMBER, 2014.**

Paul Eldredge reported the following:

- Two odor complaints were received in November, both in the City of Newark. One was investigated with no odor found. Upon investigating the other complaint, it was discovered three USD manholes had high sewer gas. The odor was addressed, and staff conducted follow up testing for a week with no odors detected.
- There were no recordable injuries in November.
- Fabrication, Maintenance, and Construction crews completed 840 preventive maintenance work orders, and completed 65 of 71 corrective work orders initiated in the month of November.
- Collection Services Maintenance Team cleaned over 13 miles and inspected over 10 miles of sanitary sewer. Collection Services Construction Team completed 47 main repairs and responded to 17 service requests.

- The plant effluent remained in compliance with all NPDES permit requirements. Approximately 67% of power required was produced by the Cogen.
- An Administrative Order was issued to Safety-Kleen which was appealed, and the appeal was responded to. Staff continued to work with Safety-Kleen to return to compliance.
- The operation test for the Cogeneration Project engine generators and digester gas conditioning system was completed, and demolition of the existing digester gas equipment has begun.
- Approximately 95% of the interior coating replacement for the Primary Digester No. 5 Rehabilitation Project has been completed, and the corrosion consultant completed their evaluation of the condition of the disaster dome and side skirt.
- John Hwang joined the District as Construction Inspector II.
- Andy Trinh joined the District as Engineering Technician I.
- The Human Resources Administrator and Human Resources Analyst attended the California Public Employers' Labor Relations Association Annual Conference on updates to employment law, labor relations court decisions, and best practices.
- The General Manager met with Kris Braunschweig from Republic Services to discuss opportunities to partner together in the future.
- The General Manager met with Fremont City Manager Fred Diaz to introduce himself, and let the City know the District values them.
- The General Manager did a presentation for the League of Women Voters, in partnership with Alameda County Water District, titled "Water In/Water Out" at the Fremont Library.
- The General Manager met with Jason Werner, General Manager of the Oro Loma Sanitation District.
- Candidates were interviewed for Collection Services Manager and Treatment & Disposal Services Manager, and the two new Work Group Managers were hired in November.
- A USD Video and a Newsletter Workshop were held in November.
- The General Manager met with representatives from the Fremont Public Works Department for further discussions on their Fremont Boulevard widening project.

Maria Scott reported the following:

- Revenues – The District has received 74% of the total budget for capacity fees due to increased construction.
- Gross Operating Expenses by Work Group – the General Manager/Admin budget was at 47% due to recently paid professional organization membership fees for the District.

### **WRITTEN COMMUNICATIONS.**

There were no written communications.

### **ORAL COMMUNICATIONS.**

There were no oral communications.

**RESOLUTION NO. 2746, APPROVING EXCEPTION TO THE 180-DAY WAITING PERIOD FOR POST-RETIREMENT EMPLOYMENT FOR DAVID E. LIVINGSTON.**

The Personnel Committee reviewed this item. Paul Eldredge stated Treatment & Disposal Services Manager Armando Lopez had less than three weeks to be mentored by the retiring manager, David E. Livingston. Given the scope of responsibilities for Work Group Managers, it is critical there be sufficient time for the retiring Manager and the new Manager to work together to allow essential knowledge transfer to occur. Retirement law allows for an agency to waive the 180-day period that typically elapses prior to the retired "annuitant" (employee) returning to temporary employment for the purpose of performing a special project/assignment. This is the resolution the Board is being asked to approve.

It was moved by Director Kite, seconded by Secretary Handley, to Approve Exception to the 180-Day Waiting Period for Post-Retirement Employment for David E. Livingston. Motion carried unanimously.

**####**

**RESOLUTION NO. 2746**

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD  
GC sections 7522.56 & 21224**

WHEREAS, in compliance with Government Code section 7522.56 the Union Sanitary District Board of Directors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, David E. Livingston, SSN last four digits 4707, retired from Union Sanitary District in the position of Manager, Treatment & Disposal Services, effective December 30, 2014; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 29, 2015 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Board of Directors, the Union Sanitary District and David E. Livingston certify that David E. Livingston has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Board of Directors hereby appoints David E. Livingston as an extra help retired annuitant to perform the duties of Limited Term Trainer/Adviser to the Manager, Treatment & Disposal Services for the Union Sanitary District under Government Code section 21224, effective January 15, 2015; and

WHEREAS, the entire employment agreement, contract or appointment document between David E. Livingston and the Union Sanitary District has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position \$188,670.00 and the hourly equivalent is \$90.7069, and the minimum base salary for this position is \$143,748.00 and the hourly equivalent is \$69.1097; and

WHEREAS, the hourly rate paid to David E. Livingston will be \$90.7069; and

WHEREAS, David E. Livingston has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby certifies the nature of the appointment of David E. Livingston as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Limited Term Trainer/Adviser to the Manager, Treatment & Disposal Services for the Union Sanitary District by January 15, 2015 because Mr. Livingston has unique knowledge based on his tenure as Manager, Treatment & Disposal Services and is needed to train and mentor his replacement in the numerous, high-level responsibilities of the Manager, Treatment & Disposal Services while the new Manager assumes his duties and continues to fulfill the duties of the first-line management position from which he was promoted.

On a motion duly made and seconded, this resolution was adopted by the following vote on January 12, 2015:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: ----  
—

ABSENT: ----

ABSTAIN: ----



MANNY FERNANDEZ  
President, Board of Directors  
Union Sanitary District

Attest:



TOM HANDLEY  
Secretary, Board of Directors  
Union Sanitary District

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH CAROLLO ENGINEERS FOR PROVIDING ENGINEERING SERVICES FOR THE DESIGN OF THE FREMONT AND PASEO PADRE LIFT STATIONS IMPROVEMENTS PROJECT.**

The Construction Committee reviewed this item. Sami Ghossain stated the purpose of this item is to approve engineering services necessary to maintain the 30 year old Fremont and Paseo Padre Lift Stations (LS). This Project would include replacement of two enclosed screw pumps at each the Fremont and Paseo Padre LS, structural and electrical improvements, and relocation of the existing Fremont LS generator. Carollo Engineers was selected due to the experience of their engineering staff and their proposed approach to the Project.

It was moved by Director Lathi, seconded by Vice President Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Carollo Engineers in the Amount of \$198,799 for Providing Engineering Services for the Design of the Fremont and Paseo Padre Lift Stations Improvements Project. Motion carried unanimously.

**RESOLUTION NO. 2747, ACCEPTING CONSTRUCTION OF THE BOYCE ROAD LIFT STATION PROJECT – PHASE 2 FROM PACIFIC INFRASTRUCTURE CORPORATION AND AUTHORIZE THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE A COMPLETION.**

The Construction Committee reviewed this item. Sami Ghossain stated the Board awarded the Project's construction contract to Pacific Infrastructure Corporation (PIC) in the amount of \$330,000 on May 12, 2014. The purpose of the project was to make improvements necessary to maintain the Boyce Road Lift Station. PIC substantially completed the project on December 9, 2014.

It was moved by Secretary Handley, seconded by President Fernandez, to Adopt Resolution No. 2745, Accepting Construction of the Boyce Road Lift Station Project – Phase 2 From Pacific Infrastructure Corporation and Authorize the Attorney for the District to Record a Notice of Completion. Motion carried unanimously.

**####**

RESOLUTION NO. 2747

ACCEPT CONSTRUCTION OF THE  
BOYCE ROAD LIFT STATION PROJECT - PHASE 2  
FROM PACIFIC INFRASTRUCTURE CORPORATION  
LOCATED IN FREMONT, CALIFORNIA

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the Boyce Road Lift Station Project - Phase 2 from Pacific Infrastructure Corporation, effective January 12, 2015; 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 12, 2015:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: ----

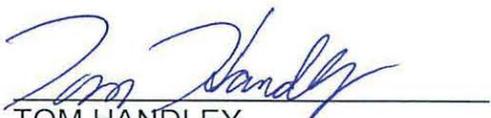
ABSENT: ----

ABSTAIN: ----



MANNY FERNANDEZ  
President, Board of Directors  
Union Sanitary District

Attest:



TOM HANDLEY  
Secretary, Board of Directors  
Union Sanitary District

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO.1 WITH CAROLLO ENGINEERS FOR THE PUMP STATION MASTER PLAN.**

The Construction Committee reviewed this item. Sami Ghossain stated staff is recommending a Pump Station Master Plan be conducted to plan and budget for future improvements in order to maintain long-term capacity and reliability of the pump stations. Carollo Engineers was selected for this project due to their prior experience designing several pump station and force main project for the District, and qualifications of their personnel.

It was moved by Director Kite, seconded by Director Lathi, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 in the Amount of \$175,465 with Carollo Engineers for the Pump Station Master Plan. Motion carried unanimously.

**INFORMATION ITEMS:**

**Check Register.** All questions were answered to the Board's satisfaction.

**Pine Street Easement Improvements Project.**

Sami Ghossain stated the District owns and maintains a 12-inch diameter VCP sewer main that parallels Mammoth Creek in Fremont. This pipeline aerially crosses a small creek tributary to Mammoth Creek, and approximately two feet of the aerial crossing's eastern foundation has been exposed by erosion. Further soil movements and erosion may result in damage, and failure could expose the tributary creek and Mammoth Creek to wastewater. In January, 2015, the General Manager executed an Agreement and Task Order No. 1 with West Yost Associates in the amount of \$58,887. The scope of services for Task Order No. 1 includes agency coordination and permitting, a detailed evaluation of the two design alternatives approved by the Regional Water Quality Control Board, and initial project design. Task Order No. 1 is expected to be completed by late April, 2015. A second task order for final project design will follow, with full design completion expected by summer of 2015.

**High Speed Aeration Blower Project.**

Sami Ghossain stated the General Manager will execute an Agreement and Task Order No. 1 with Carollo Engineers in the amount of \$96,500 to design the High Speed Aeration Blower Project. The purpose of the Project is to install one 700-horsepower high speed aeration blower at the west aeration blower room, improve the blower room's ventilation system, replace existing pipe gaskets, and check valves on the aeration pipe header. The detailed design of the Project is expected to be completed by June of 2015, and it is anticipated construction will be completed by early 2016.

**Report on the EBDA Commission Meeting of December 18, 2014.**

President Fernandez reported the following:

- The Managers Advisory Committee meeting included a presentation on Biogas Energy Maximization, provided by guest speaker David Schneider of Anaergia.
- The Financial Management Committee recommended EBDA withdraw from CASA for one year due to the revised assessment of membership dues which raised EBDA's membership fee from \$1,500 to \$8,500.

- The Regulatory Affairs Committee received an update from the General Manager on the status of the State Coastal Conservancy grant and the results of the first technical review workshop held at the Hayward Shoreline Interpretive Center on November 7.
- The O&M Committee and the General Manager reviewed recent wet weather events as diversion to the Hayward Ponds was required due to high flows throughout the system.

### **COMMITTEE MEETING REPORTS:**

The Construction, Budget & Finance, and Personnel Committees met.

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

Paul Eldredge reported the following:

- The Alameda County Water District (ACWD) will expand its low-flow toilet rebate program to include residential customers.
- ACWD staff completed the minutes from the Joint Meeting of the Union Sanitary District Board and the Alameda County Water District Board held September 25, 2014. The minutes will be submitted for approval at the next regular Board meeting.
- The Fourth Amended Joint Exercise of Powers Agreement of the East Bay Dischargers Authority will be presented at the next regular Board meeting.
- The District received a public records request from the Bay Area News Group for 2014 employee compensation, and staff will respond with the requested information.
- An RFP for Services as General Counsel for the District was issued January 8, 2015.
- Environmental Compliance staff are working on the pre-treatment compliance audit, which is conducted every 2-3 years.
- Paul and staff will tour the Hayward March project with the Water Quality Control Board staff this week.
- Staff continues to communicate with Safety-Kleen, and will keep the Board apprised of the situation.
- There were 42 applications received for Collection Services Coach, and 20 for Wastewater Operations (TPO) Night Coach prior to close of recruitment. Interviews for the two positions will be held over the next few weeks, and the new Coach's may start work as early as March.
- At the last regular meeting, the Board had inquired about a recently paid claim that appeared on the check register. Specifically, there was concern regarding an apparent lack of information presented to the Board prior to the claim being paid. Paul stated the Board was not informed of the issue in advance, and staff will improve communication regarding such matters in the future.

### **OTHER BUSINESS:**

Vice President Toy stated she attended the Alameda County Water District Finance Authority meeting on January 8, 2015. Vice President Toy stated the meeting included

confirmation of officers for the upcoming year, and adoption of the conflict of interest code.

President Fernandez inquired about the impact flushable wipes have had on the District. Armando Lopez stated solid material has not significantly increased, which may be due to the preventative work completed by the District's Collection Services crews. Paul Eldredge stated that most material, including flushable wipes, ends up on the bar screen and the width of the bar screens will soon be reduced to capture more material.

**ADJOURNMENT:**

The meeting was adjourned at 8:05 p.m. to the Newsletter Draft Review Workshop in the Centerville Conference Room on Monday, January 26, 2015 at 5:30 p.m.

The Board will then adjourn to the next Regular Meeting in the Boardroom on Monday, January 26, 2015 at 7:00 p.m.

SUBMITTED:

  
REGINA McEVOY  
SECRETARY TO THE BOARD

ATTEST:

  
TOM HANDLEY  
SECRETARY

APPROVED:

  
MANNY FERNANDEZ  
PRESIDENT

Adopted this 26<sup>th</sup> day of January, 2015