



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA
REGULAR CLOSED SESSION

Tuesday, July 9, 2024

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

*****Please see appendix for public participation instructions*****

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Conference with Labor Negotiators Keith Fleming and Stacey Cue from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Cindy R. Charan, Director of Human Resources; and Adam Smyer, Manager of Employee Relations, pursuant to Government Code section 54957.6: American Federation of State, County and Municipal Employees, Locals 444 and 2019; International Union of Operating Engineers, Local 39; and International Federation of Professional and Technical Engineers, Local 21.
2. Personnel exception pursuant to Government Code section 54957 to consider the annual public employee evaluations of the General Manager and the General Counsel.

(The Board will discuss Closed Session agenda items in Conference Room 8.)

REGULAR BUSINESS MEETING
1:15 p.m.

*****Please see appendix for public participation instructions*****

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

CONSENT CALENDAR: (Single motion and vote approving 16 recommendations.)

1. Approve the Regular Meeting Minutes of June 11, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in an amount not to exceed \$2,895,000 for the construction of the Lafayette Water Treatment Plant Control Systems Improvements Project, under Specification 2177.
4. Authorize actions related to construction services for the Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.
 - 4.1. Award a contract to the lowest responsive/responsible bidder, Thompson Builders Corporation, in an amount not to exceed \$5,980,000 for the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project, under Specification 2180.
 - 4.2. Authorize an agreement beginning on or after July 9, 2024, with Mott MacDonald Group, Inc. in an amount not to exceed \$328,940 for engineering services during construction for the construction of the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.
5. Authorize an agreement beginning on or after July 9, 2024 with Arup US, Inc. in an amount not to exceed \$462,790 for design services for security improvements at the District's Adeline Maintenance Center Campus located in West Oakland, California.
6. Authorize an agreement beginning on or after July 9, 2024 with Brown and Caldwell in an amount not to exceed \$1,677,699 for engineering consultant services for the planning phase of the Dewatering Improvements Project at the Main Wastewater Treatment Plant.

CONSENT CALENDAR: (Continued)

7. Authorize an agreement beginning on or after July 9, 2024 with ConvergeOne, Inc. for \$524,810 for three years, with one option to renew for an additional three-year period for a total, including option years, not to exceed \$864,505 for implementation, system support services and software licenses for call center management software.
8. Authorize an agreement beginning on or after July 9, 2024 with Corcus Construction, Inc. in an amount not to exceed \$432,800 for District sewer lateral maintenance including sewer location services, installation of sewer appurtenances, replacements, and compliance testing.
9. Authorize an agreement beginning on or after July 9, 2024 with Dynamic Systems, Inc. for one year, with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$830,546 for Oracle Premier software maintenance and support services. This agreement will be made under State of California contracts available for use by local governments.
10. Authorize an agreement beginning on or after July 9, 2024 with Eaton Corporation in an amount not to exceed \$1,619,151 for the Orinda Water Treatment Plant Main Plant Switchgear Breaker Replacement project.
11. Authorize an agreement beginning on or after July 9, 2024 with FlowWest in an amount not to exceed \$793,092 for the planning, design, and permitting of two floodplain and spawning habitat restoration projects along the Mokelumne River.
12. Authorize an agreement beginning on or after July 9, 2024 with GEMS Environmental Management Services, Inc. in an amount not to exceed \$432,188 for the installation of a standby generator diesel tank and day tank at Sobrante Water Treatment Plant.
13. Authorize an agreement beginning or after July 9, 2024 with the Peralta Community College District in an amount not to exceed \$119,500 for tuition, student support services, and appropriate materials required for the fourth iteration of the Cohort Learning Program during the period of August 2024 to May 2026.
14. Authorize an agreement beginning on or after July 9, 2024 with TJC and Associates, Inc. in an amount not to exceed \$999,718 for as-needed electrical engineering services during construction in support of the Upper San Leandro Water Treatment Plant Maintenance and Reliability Project.
15. Award a contract beginning on or after July 9, 2024 to the lowest responsive/responsible bidder, ePlus Technology, Inc., for supplying Arista Networks' converged cloud fabric switches for the District's data center, for a total cost, after the addition of taxes, not to exceed \$208,332 under Request for Quotation No. 2409A.

CONSENT CALENDAR: (Continued)

16. Authorize actions related to welding services.
 - 16a. Authorize amendments to the agreements previously authorized under Board Motion No. 119-23, with Eyeball Enterprises, Inc.; Ferguson Welding Service, Inc.; John Arthur Welding, Inc.; Larsson Welding; Mid Mountain Mechanical, Inc.; Nicole Welding, Inc.; and Woods Welding to increase the aggregate amount of those agreements by \$125,000 to a total aggregate amount not to exceed \$375,000 and extend the term of the agreements to July 9, 2025 for welding services.
 - 16b. Authorize additional agreements for welding services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on July 9, 2024 with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

PUBLIC HEARING:

17. Take actions related to the transfer of delinquent EBMUD charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls. (Resolution)
 - 17.1. Conduct a public hearing and consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.
 - 17.2. Adopt the General Manager's Report dated June 11, 2024 and authorize the General Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before August 10, 2024, the date in which the report will be sent to Alameda and Contra Costa counties.
 - 17.3. Authorize the transfer of delinquent EBMUD charges to the Alameda and Contra Costa counties' 2024-2025 property tax rolls.

PUBLIC HEARING:

18. Take actions related to the collection of the Wet Weather Facility Charge (WWFC) on Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls. (Resolution)
 - 18.1. Conduct a public hearing to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the Wet Weather Facilities Charge and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' Fiscal Year (FY) 2024-2025 Property Tax Rolls.
 - 18.2a. Adopt the written report and authorize the District to collect the FY 2025 WWFC on the Alameda and Contra Costa counties' property tax rolls by at least two-thirds of the members of the Board (i.e., five Board members).
 - 18.3b. Authorize District staff to adjust the FY 2025 WWFC for any affected parcels as new information is provided by the counties.
 - 18.4c. Direct the Secretary of the District to file a copy of the Report on or before August 10, 2024, with the Alameda County Auditor-Controller and the Contra Costa County Auditor-Controller.

DETERMINATION AND DISCUSSION:

19. Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreement with General Manager and General Counsel.
20. Conduct a first reading of an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance, to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations. (Introduction and First Reading – Ordinance No. 377-24)
21. Provide input and direction to the Office of General Counsel and Office of the Secretary on the development of Governance Policies for the Board of Directors.
22. Take actions related to the Walnut Creek Water Treatment Plant Pretreatment Project. (Resolution)
 - 22a. Certify the Final Environmental Impact Report for the Walnut Creek Water Treatment Plant Pretreatment Project.
 - 22b. Make findings in accordance with the California Environmental Quality Act (CEQA), including a Statement of Overriding Considerations.
 - 22c. Adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA.
 - 22d. Adopt the Practices and Procedures Monitoring and Reporting Plan.
 - 22e. Approve the Project.

DETERMINATION AND DISCUSSION: (Continued)

23. General Manager's Report.

- Service Award Recipients – April through June 2024
- Forecast and Summary of 2024 Board Committee and Workshop Agenda Topics
- Monthly Report – June 2024

REPORTS AND DIRECTOR COMMENTS:

24. Committee Reports:

- Planning
- Legislative/Human Resources

25. Other Items for Future Consideration.

26. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 13, 2024.

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, July 9	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> Fiscal Year 2024 Pipeline Rebuild Program Update Cull Creek Regulator Construction and Campus, Keller, Gramercy, and Villareal Regulators Replacement Project Update
	Legislative/Human Resources Committee	10:00 a.m. Boardroom	<ul style="list-style-type: none"> Diversity, Equity, and Inclusion Strategic Plan Update
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, July 23	Finance/Administration Committee		<ul style="list-style-type: none"> <i>Canceled</i>
	Board of Directors		<ul style="list-style-type: none"> <i>Canceled</i>
Tuesday, August 13	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, August 27	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> Closed Session Regular Meeting
<u>2024 Board Committee Members</u>			
Finance/Administration		Katz {Chair}, Chan, Patterson	
Legislative/Human Resources		Patterson {Chair}, Gómez, McIntosh	
Planning		Young {Chair}, Chan, Linney	
Sustainability		Linney {Chair}, Katz, Young	



Closed Session and Regular Business Meetings 11:00 a.m. and 1:15 p.m.

*EBMUD public Board meetings will be conducted in person and accessible via Zoom.
These meetings are recorded, live-streamed, and posted on the District's website.*

Online*

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
- If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject line of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To view the livestream of Board meetings, please visit:
<https://www.ebmud.com/about-us/board-directors/board-meetings/>
