



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
REGULAR CLOSED SESSION**

**Tuesday, August 8, 2023**

**11:00 a.m.**

**Boardroom**

**375 11<sup>th</sup> 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. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *Saji Pierce, et al. v. East Bay Municipal Utility District, et al.*  
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
  - b. *Renato Zafra v. East Bay Municipal Utility District*  
USDC, N.D. Cal., Case No. 22-cv-03535-SI
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):  
one matter.
3. Personnel exception pursuant to Government Code section 54957(b)(1) to consider public employee evaluations: (a) General Manager and (b) 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 14 recommendations including 1 resolution.)

1. Approve the Regular Meeting Minutes of July 11, 2023.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Anvil Builders Inc., in an amount not to exceed \$14,290,000 for construction of the Westside Pumping Plant Relocation, Encinal Regulator Installation, and Encinal Reservoir and Pumping Plant Demolition Project, under Specification 2168.
4. Authorize an agreement beginning on or after August 8, 2023, with Ancon Services Inc. for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$4,000,000 for hazardous and non-hazardous waste management services.
5. Authorize agreements for dump truck services.
  - 5a. Authorize agreements beginning on or after August 8, 2023 with Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; Darrah Trucking & Excavating, Inc.; EM Blair Trucking; East Bay Trans, Inc.; Edwards-Enterprise LLC; Galray Trucking Inc.; Gloria Washington Trucking, Inc.; Hills Trucking; Robert Ibarra, Inc. dba Ibarra Trucking; Inder Trucking, Inc.; Jackson Transportation; Mae Trucking; Northbay Logistics Group, Inc.; Royal Trucking/Maintenance; S & L Transport, LLC; Sky Rock, Inc.; SMG Trucking; Sudden Sam's Trucking; TGI Freight, LLC; Tri Valley Water Trucks, Inc.; and Wide Area, Inc. for one year in an aggregate amount not to exceed \$5,900,000 for dump truck services.
  - 5b. Authorize additional agreements for dump truck services on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on August 8, 2023, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the above service providers 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.

**CONSENT CALENDAR:** (Continued)

6. Authorize agreements for grazing vegetation management services.
  - 6a. Authorize agreements beginning on or after August 8, 2023 with Capra Environmental Services, Corp. and Goats R Us for three years, with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,783,254 for grazing vegetation management services.
  - 6b. Authorize additional agreements for grazing vegetation management services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on August 8, 2023, 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.
7. Authorize an amendment to the agreement previously authorized under Board Motion No. 032-21, with the City of Oakland, to increase the agreement amount by \$250,000 to a total amount not to exceed \$600,000 for the Leimert Bridge Pipeline – Contract Services for Pipeline Improvements.
8. Authorize an amendment to the agreement previously authorized under Board Motion No. 186-19 with FAAZ Consulting to increase the agreement amount by \$5,335,000 to a total amount not to exceed \$9,983,400 and extend the agreement term to September 12, 2028 for providing on-site consulting services for PeopleSoft Human Resources Information System support.
9. Authorize an amendment to the cost-sharing agreement previously authorized under Board Motion No. 228-22 with seven other water agencies to increase the agreement amount by \$1,239,000 to a total amount not to exceed \$4,597,910 for EBMUD, and extend the agreement term to June 30, 2024 to continue to provide preconstruction services prior to executing the Los Vaqueros Reservoir Expansion Project agreements in spring 2024.
10. Authorize amendments to the agreements previously authorized under Board Motion No. 116-20 with GSI Environmental Inc. and Terraphase Engineering Inc., to increase the aggregate amount of those agreements by \$2,000,000 to a total aggregate amount not to exceed \$5,000,000 for general environmental services through June 30, 2025.

**CONSENT CALENDAR:** (Continued)

11. Authorize amendments to the agreements for flagging services.
  - 11a. Authorize amendments to the agreements previously authorized under Board Motion No. 218-22, with Bay Area Traffic Solutions, Inc.; Cal-Safety, Inc.; CMC Traffic Control Specialists Inc.; TPR Traffic Solutions; Traffic Control Pros; Traffic Management Inc.; and Yolanda's Construction Administration & Traffic Control Inc. to increase the aggregate amount of those agreements by \$950,000 to a total aggregate amount not to exceed \$2,850,000 for flagging services through November 22, 2023.
  - 11b. Authorize additional agreements for flagging services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on November 22, 2022, 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.
12. Approve the assignment of the agreement previously authorized under Board Motion No. 199-20, from Lone Tree Trucking, Inc. to Kleen Solution Environmental for hauling and disposal of wastewater treatment residuals from the Main Wastewater Treatment Plant.
13. Authorize the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters in an additional amount not to exceed \$80,000.
14. Adopt a resolution to appoint a Standby Officer in Ward No. 7 for the East Bay Municipal Utility District Board of Directors as outlined in the Director's Emergency Succession Plan.

(Resolution)

**DETERMINATION AND DISCUSSION:**

15. General Manager's Report.
  - Service Award Recipients – April through June 2023
  - EBMUD Title VI Program
  - Centennial Employee/Retiree Picnic
  - General Manager's Monthly Report – July 2023

**REPORTS AND DIRECTOR COMMENTS:**

16. Committee Reports:
  - Planning
  - Legislative/Human Resources
17. Other Items for Future Consideration.
18. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 22, 2023.***

**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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

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## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
Tuesday, August 8	Planning Committee	9:00 a.m. Boardroom	<ul style="list-style-type: none"> <li>Fiscal Year 2023 Annual Readiness Report</li> <li>Regulatory Compliance Semi-Annual Report – January 1, 2023 through June 30, 2023</li> <li>Project Labor Agreements Review</li> </ul>
	Legislative/Human Resources Committee		<i>Cancelled</i>
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Tuesday, August 22	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Monday, September 4	Labor Day observed		<i>Offices Closed</i>
Tuesday, September 12	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"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Tuesday, September 26	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>

### 2023 Board Committee Members

Finance/Administration	Patterson {Chair}, Chan, Coleman
Legislative/Human Resources	McIntosh {Chair}, Coleman, Patterson
Planning	Linney {Chair}, McIntosh, Young
Sustainability	Young {Chair}, Katz, Linney