



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED**
11:00 AM AMENDED CLOSED SESSION AND 1:00 PM
REGULAR MEETING
AGENDA

Tuesday, May 12, 2020
11:00 AM

***ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA
ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS	All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.	NORMA CAMACHO Chief Executive Officer
Nai Hsueh, Chair, District 5		MICHELE L KING, CMC Clerk of the Board (408) 265-2600 Fax (408) 266-0271 www.valleywater.org
Tony Estremera, Vice Chair, District 6		
John L Varela, District 1		
Barbara Keegan, District 2		
Richard P. Santos, District 3		
Linda J. LeZotte, District 4		
Gary Kremen, District 7		

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

**Santa Clara Valley Water District
Board of Directors**

***AMENDED/APPEDED
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Tuesday, May 12, 2020

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IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Board of Directors, District staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Santa Clara Valley Water District (District), in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in District Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled District Board meeting to ensure that the District may assist you.

1. CALL TO ORDER:

Join Zoom Meeting:

<https://valleywater.zoom.us/j/97544667532>

Meeting ID: 975 4466 7532

Join by Phone:

1 (669) 900-9128, 97544667532#

1.1. Roll Call.

2. TIME CERTAIN:

11:00 AM

Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.

2.1. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Santa Clara Valley Water District v. Century Indemnity Co., as successors

to CCI Insurance Co., as successors to Insurance Company of America

Santa Clara County Superior Court

Case No. 115CV286500

[20-0291](#)

*2.2. ITEM REMOVED FROM AGENDA
CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: CEO, District Counsel and Clerk of the Board

*2.3. CLOSED SESSION
PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957(b)(1)
Title: Chief Executive Officer/General Manager

[20-0441](#)

Rejoin Zoom Meeting:
<https://valleywater.zoom.us/j/99285032125>
Meeting ID: 992 8503 2125
Join by Phone:
1 (669) 900-9128, 99285032125#

1:00 PM

*2.4. District Counsel Report. (PREVIOUSLY LISTED AS ITEM 2.3)

*2.5. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS ITEM 2.4)

*2.6. Orders of the Day. (PREVIOUSLY LISTED AS ITEM 2.5)

- A. *Approximate Discussion Time (Board); and*
- B. *Adjustments to the Order of Agenda Items.*

*2.7. Time Open for Public Comment. (PREVIOUSLY LISTED AS ITEM 2.6)

[20-0431](#)

Attachments: [*Handout 2.7-A, D. Muirhead Email](#)

Notice to the public: This item is reserved for persons desiring to address the Board on any matter not on this agenda. Members of the public who wish to address the Board on any item not listed on the agenda should complete a Speaker Card and present it to the Clerk of the Board. The Board Chair will call individuals to the podium in turn. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board may take action on any item of business appearing on the posted agenda.

- *2.8. Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2021-2025 Five-Year Capital Improvement Program. [20-0426](#)
(Continued from 04/29/2020) (PREVIOUSLY LISTED AS ITEM 2.7)

Recommendation: A. Open the public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Fiscal Years 2021-2025 Five-Year Capital Improvement Program; and
 B. Continue the public hearing to May 26, 2020.

Manager: Chris Hakes, 408-630-3796
 Ngoc Nguyen, 408-630-2632
 Heath McMahon, 408-630-3126
 Vincent Gin, 408-630-2633
 Roslyn Fuller, 408-630-2379
 Michael Cook, 408-630-2347

Attachments: [Attachment 1: Draft FY 2021-25 CIP](#)
 [Attachment 2: Notice of Public Hearing](#)

Est. Staff Time: 20 Minutes

3. CONSENT CALENDAR: (3.1 - 3.8) (Est. Time: 5 Minutes)

Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items should complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Adopt a Resolution Authorizing Conveyance of Real Property Rights to San Jose Water Company at APN No. 404-07-033, Real Estate File No. 9417-2.1 (Campbell) (District 4). [20-0173](#)

Recommendation: A. Adopt the Resolution AUTHORIZING CONVEYANCE OF REAL PROPERTY RIGHTS TO THE SAN JOSE WATER COMPANY; and
B. Authorize the Chief Executive Officer to execute the Quitclaim Deed Agreement, Real Estate File No. 9417-2.1.

Manager: *Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Location Map](#)
[Attachment 2: Resolution](#)
[Attachment 3: Quitclaim Deed Agreement](#)

- 3.2. Adopt the Resolution Delegating Authority to Deposit and Invest Funds to the Treasurer or his or her Designee, and Approve the Board Investment Policy for Fiscal Year 2020-21. [20-0340](#)

Recommendation: A. Adopt a Resolution DELEGATING AUTHORITY TO DEPOSIT AND INVEST FUNDS TO THE TREASURER OR HIS OR HER DESIGNEE, during Fiscal Year 2020-21; and
B. Approve the Board Investment Policy for Fiscal Year 2020-21.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: FY 20-21 Board Investment Policy](#)

- 3.3. Adopt the Resolution Proclaiming May 17-23, 2020 as National Public Works Week. [20-0360](#)

Recommendation: Adopt a Resolution PROCLAIMING MAY 17-23, 2020 AS NATIONAL PUBLIC WORKS WEEK.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Poster of 2020 Public Works Week](#)

- 3.4. Adopt Resolution Recognizing May as Asian-Pacific American Heritage Month. [20-0388](#)
Recommendation: Adopt the Resolution RECOGNIZING MAY AS ASIAN-PACIFIC AMERICAN HERITAGE MONTH.
Manager: Ngoc Nguyen, 408-630-2632
Attachments: [Attachment 1: Resolution](#)
- 3.5. Approve Amendment No. 3 to Agreement No. A4055F with Kadesh and Associates, LLC., for Federal Lobbying Services, Project No. 60231003, CAS File 4766, Increasing the Not-to-exceed Fee by \$37,600, for a Total Revised Fee of \$376,000, and Extend the Agreement Term to June 30, 2020. [20-0386](#)
Recommendation: Approve Amendment No. 3 to Agreement No. A4055F with Kadesh and Associates, LLC., for Federal Lobbying Services, to increase the not-to-exceed fee from \$338,400 by \$37,600, resulting in a total not-to-exceed fee of \$376,000, and extend the Agreement term to June 30, 2020.
Manager: Rachael Gibson, 408-630-2884
Attachments: [Attachment 1: Amendment No. 3](#)
- 3.6. Sponsorship of Silicon Valley Leadership Group's 2020 Energy and Sustainability Summit in San Jose, California, for \$12,000. [20-0387](#)
Recommendation: A. Receive information on the Silicon Valley Leadership Group's 2020 Energy and Sustainability Summit; and
B. Approve the request for sponsorship in the amount of \$12,000.
Manager: Rachael Gibson, 408-630-2884
Attachments: [Attachment 1: SVLG Summit Sponsorship Letter](#)
- 3.7. Approval of Minutes. [20-0409](#)
Recommendation: Approve the minutes.
Manager: Michele King, 408-630-2711
Attachments: [Attachment 1: 040620 CS and Special Meeting Minutes](#)
[Attachment 2: 041420 Special CS Meeting Minutes](#)
[Attachment 3: 042120 Special CS Meeting Minutes](#)
[Attachment 4: 042220 Special CS Meeting Minutes](#)

*3.8. Accept the CEO Bulletin for the Week of April 24-May 7, 2020.

[20-0411](#)

Recommendation: Accept the CEO Bulletin.

Manager: Norma Camacho, 408-630-2084

Attachments: [*Attachment 1: 05072020 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Receive and Discuss the Final Audit Report and Management Response for the Contract Change Order Audit Conducted by TAP International, Inc.

[20-0337](#)

Recommendation: Receive and discuss the Final Audit Report, and Management Response, for the Contract Change Order Audit conducted by TAP International, Inc.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Final Audit Report, Contract Change Order Audit](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

4.2. Board Committee Reports.

4.3. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

*5.1. ITEM REMOVED FROM AGENDA.

Receive an Update on the Central Valley Project Contract Conversion Process Under the Water Infrastructure Improvements for the Nation Act; Adopt a Resolution Approving Mercy Spring Repayment Contract and Authorizing the Chief Executive Officer to Execute it; and Approve and Authorize the District Counsel to File a Validation Action for the Mercy Springs Repayment Contract.

- 5.2. Update on the Condition of the Milpitas Pipeline and Determination that the Condition of the Milpitas Pipeline Continues to Constitute an Emergency (San Jose) (District 3). [20-0413](#)

Recommendation: A. Receive an update on the Milpitas Pipeline; and
 B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on March 16, 2020, pursuant to California Public Contract Code §22050, to repair the Milpitas Pipeline.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Emergency Declaration](#)

Est. Staff Time: 5 Minutes

- 5.3. Approve Consultant Agreement with Mott MacDonald Group, Inc. for Phases 2A and 2B Upper Llagas Creek Flood Protection Project, Project No. 26174052, for Construction Management Services, for a Total Not-to-Exceed amount of \$13,019,441.19, and Authorize Consultant to Only Perform Construction Management Services relating to Phase 2A Now, for a Total Not-to-Exceed Amount of \$6,224,747.45 (Morgan Hill) (District 1). [20-0174](#)

Recommendation: A. Approve Consultant Agreement with Mott MacDonald Group, Inc. for Phases 2A and 2B Upper Llagas Creek Flood Protection Project (Project No. 26174052) for Construction Management Services, Total Not-to-Exceed amount of \$13,019,441.19 and;
 B. Authorize the Consultant to only perform Construction Management Services relating to Phase 2A portion now, for a Total Not-to-Exceed amount of \$6,244,747.45, of Consultant Agreement with Mott MacDonald Group, Inc. for Phases 2A and 2B Upper Llagas Creek Flood Protection Project (Project No. 26174052).

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Project Map](#)
 [Attachment 2: Agreement](#)
 [Attachment 3: City of Morgan Hill Letter](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

- *6.1. Report on Findings of the Pilot Program Using Unmanned Aerial Vehicles in Land Surveying and Mapping Activities, and Approval of Continued Use. [20-0432](#)

Recommendation: Approve continued use of Unmanned Aerial Vehicles for land surveying and mapping activities.

Manager: Ngoc Nguyen, 408-630-2632
*Heath McMahon, 408-630-3126

Attachments: [Attachment 1: UAV Pilot Program Cost](#)
[Attachment 2: Powerpoint](#)
[*Handout 6.1-A: D. Muirhead Email](#)

7. EXTERNAL AFFAIRS:

- *7.1. Receive an Update on Valley Water Signage and Related Cost. [20-0249](#)

Recommendation: Receive an update on Valley Water signage efforts, including information about the signage consultant, signage inventory, campus signage strategy, and pilot signage progress related to project legacy signs and creek markers.

Manager: Rick L. Callender, 408-630-2017

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 7.1-A, Addt'l Slide on COVID-19](#)

Est. Staff Time: 5 Minutes

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Adopt the Resolution Authorizing the Execution and Delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note to Support a Commercial Paper Program and Other Short-Term Obligations, Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Water Utility Enterprise, and Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Safe, Clean Water Program.

[19-0866](#)

- Recommendation:
- A. Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT TAX AND REVENUE ANTICIPATION NOTE AND A TAXABLE TAX AND REVENUE ANTICIPATION NOTE (TRANS) TO SUPPORT A COMMERCIAL PAPER PROGRAM AND OTHER SHORT-TERM OBLIGATIONS;
 - B. Authorize the Chief Executive Officer, or Chief Financial Officer (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS, and the Certificate as to Uncollected Taxes, Income, Revenue, Cash Receipts and Other Money;
 - C. Authorize the Chief Executive Officer, District Counsel, and such other chief executives of the District (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute such other instruments, documents and papers as are necessary to carry out this Commercial Paper Program for Fiscal Year 2020-21;
 - D. Authorize the District Counsel (including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS;
 - E. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE; and
 - F. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Authorizing TRANS](#)
[Attachment 2: Resolution, Obligations for WUE](#)
[Attachment 3: Resolution, Obligations for SCW](#)

Est. Staff Time: 5 Minutes

- 8.2. CEO and Chiefs' Report.

9. ADMINISTRATION:

9.1. Update on COVID-19 Response.

10. DISTRICT COUNSEL:

11. ADJOURN:

11.1. Board Member Reports/Announcements.

11.2. Clerk Review and Clarification of Board Requests.

11.3. *Adjourn to Regular Meeting at 4:00 p.m., on May 26, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.