



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** **AMENDED 4:00 PM CLOSED SESSION AND 6:00 PM** **REGULAR MEETING** **AGENDA**

Tuesday, June 22, 2021
4:00 PM

***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
Tony Estremera, Chair - District 6
Gary Kremen, Vice Chair - District 7
John Varela - District 1
Barbara Keegan - District 2
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5

During the COVID-19 restrictions, 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 to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body, or through a link in the Zoom Chat Section during the respective meeting. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.
Chief Executive Officer

MICHELE L KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org

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
AGENDA**

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

Tuesday, June 22, 2021

4:00 PM

Teleconference Zoom Meeting

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.

Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

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.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the District on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <http://emmas.msrb.org> / www.valleywater.org and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/81127097622>

Meeting ID: 8112 709 7622

Join by Phone:

1 (669) 900-9128, 81127097622#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

4:00 PM

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
INITIATION OF LITIGATION
Government Code Section 54956.9(d)(4)
One Potential Case

[21-0645](#)

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

[21-0664](#)

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/81127097622>

Meeting ID: 8112 709 7622

Join by Phone:

1 (669) 900-9128, 81127097622#

2.3. District Counsel Report on Closed Session.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

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

- 2.6. Time Open for Public Comment on any Item not on the Agenda.
Notice to the public: Members of the public who wish to address the Board on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in order requests are received and granted speaking access to address the Board. 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.

- 2.7. Presentation of the Santa Clara Valley Water District Youth Commission's (Youth Commission) Accomplishments Report and Recognition of the 2021 Outgoing Youth Commission Members. [21-0613](#)

Recommendation: A. Receive and accept the Youth Commission's Accomplishments Report; and
 B. Acknowledge and recognize the 2021 outgoing Youth Commission Members.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: YC's Accomplishments Report](#)
 [Attachment 2: Certificates of Recognition](#)

Est. Staff Time: 20 Minutes

- *2.8. Consider Santa Clara Valley Water District Youth Commission's Recommendation for Blossom Hill Annex Pilot Mural Design Criteria from Commission's May 19, 2021 Meeting. (PREVIOUSLY LISTED AS ITEM 4.4) [21-0697](#)

Recommendation: Approve the recommendation of the Santa Clara Valley Water District Youth Commission regarding the Pilot Mural Design Criteria.

Manager: Marta Lugo, 408-630-2237

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - *3.6) (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 submit a request to speak to the Clerk of the Board.

- *3.1. Adopt Recommended Positions on State Legislation: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances; *AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [21-0700](#)

- Recommendation:
- A. Adopt a Position of “Support” on: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; and
 - B. Adopt a Position of “Support” on: AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances.
 - C. *Adopt a Position of “Support” on: AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans.

Manager: Donald Rocha, 408-630-2338

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)

- 3.2. Approve Amendment No. 2 to Agreement No. A4155R, with P.S. Creations, LLC for the PlateScrape Project, a Safe, Clean Water FY 2018 Priority A Water Conservation Grant Agreement for a No-cost Extension of the Agreement to June 30, 2023. [21-0526](#)

Recommendation: Approve Amendment No. 2 to Agreement No. A4155R with P.S. Creations, LLC, to extend the Agreement expiration date from June 30, 2021 to June 30, 2023, as a 24-month, no-cost extension.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Agreement A4155R](#)
[Attachment 2: P.S. Creations Agreement Amendment Request](#)
[Attachment 3: Amendment No. 1](#)
[Attachment 4: Amendment No. 2](#)

- 3.3. Approve Amendment No. 2 to Agreement No. A4153R with Trust for Conservation Innovation, doing business as Multiplier, providing a 12-month no-cost extension of the agreement expiration date from June 30, 2021 to June 30, 2022, for the Beyond Leak Detection: Evaluating Water Conservation and Leak Notification Benefits of “Smart Home” Devices Project, a Safe, Clean Water and Natural Flood Protection Program Fiscal Year 2018 Priority A Water Conservation Program Grant Agreement. [21-0527](#)

Recommendation: Approve Amendment No. 2 to Agreement No. A4153R with Trust for Conservation Innovation, doing business as Multiplier, providing a 12-month no-cost extension of the agreement expiration date from June 30, 2021 to June 30, 2022, for the Beyond Leak Detection: Evaluating Water Conservation and Leak Notification Benefits of “Smart Home” Devices Project, a Safe, Clean Water and Natural Flood Protection Program Fiscal Year 2018 Priority A Water Conservation Program Grant Agreement.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Agreement No. A4153R](#)
[Attachment 2: Amendment Request](#)
[Attachment 3: Amendment No. 1](#)
[Attachment 4: Amendment No. 2](#)

- 3.4. Approve the Agreement with MBK Engineers for the CalSim 3 Modeling to Support Climate Impact Analysis on Water Supply Project, Project No. 91151001, CAS File No. 5173, for a Not-to-exceed Fee of \$350,000. [21-0619](#)

Recommendation: Approve the agreement with MBK Engineers for CalSim 3 Modeling to Support Climate Impact Analysis on Water Supply for a not-to-exceed fee of \$350,000.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Agreement](#)

- 3.5. Approval of Minutes. [21-0562](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 032321 CS and Regular Meeting Minutes](#)
[Attachment 2: 040621 Special and CS Meeting Minutes](#)
[Attachment 3: 041321 CS and Regular Meeting Minutes](#)
[Attachment 4: 041421 Special and CS Meeting Minutes](#)
[Attachment 5: 041521 Special Meeting Minutes](#)

- *3.6. Accept the CEO Bulletin for the Weeks of June 4 through June 17, 2021. [21-0666](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 061721 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Adopt Resolution Placing in Nomination Director John L. Varela as Chair of the Association of California Water Agencies Region 5 Board. [21-0644](#)

Recommendation: Adopt the Resolution Placing in Nomination Director John L. Varela as CHAIR of the Association of California Water Agencies (ACWA) Region 5 Board.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Role, Rules & Regulations, Election Timelinel](#)

Est. Staff Time: 5 Minutes

- 4.2. Consider the May 3, 2021, Board Policy and Planning Committee Recommendations Regarding Revisions to Board Governance Ends Policy E-2: Water Supply. [21-0628](#)

Recommendation: Consider the May 3, 2021, Board Policy and Planning Committee Recommendations Regarding Revisions to Board Governance Ends Policy E-2: Water Supply.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Draft Ends Policy E-2](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 15 Minutes

- 4.3. Consider the March 1, 2021, Board Policy and Planning Committee Recommendations Regarding Modifications to Board Governance Ends Policy E-4: Water Resources Stewardship. [21-0594](#)

Recommendation: Consider the March 1, 2021, Board Policy and Planning Committee Recommendations Regarding Modifications to Board Governance Ends Policy E-4: Water Resources Stewardship

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Revised Ends Policy E-4](#)

Est. Staff Time: 5 Minutes

- 4.4. ITEM MOVED TO 2.8

- 4.5. Review Fiscal Year 2021 Board Policy Planning Calendar. [21-0127](#)

Recommendation: Review, discuss and revise the Fiscal Year 2021 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

- *4.6. Board Committee Reports. [21-0675](#)

Attachments: [*Handout 4.6-A: 052621 BAC Summary](#)
[*Handout 4.6-B: 052621 RWC Summary](#)
[*Handout 4.6-C: 060421 JRWC \(PA, MV\) Summary](#)
[*Handout 4.6-D: 060721 BPPC Summary](#)
[*Handout 4.6-E: 061621 BAC Summary](#)
[*Handout 4.6-F: 062121 WCDM Agenda](#)
[*Handout 4.6-G: 062321 RAC Agenda](#)
[*Handout 4.6-H: 062321 RWC Agenda](#)

- 4.7. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Report of Bids Received and Award of Construction Contract to NTK Construction, Inc. for the Rinconada Water Treatment Plant Interim Site Restoration Project, Project No. 93294057, Contract No. C0670 (Los Gatos), (District 7). [21-0625](#)

Recommendation: A. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Rinconada Water Treatment Plant Interim Site Restoration Project;
B. Award the Construction Contract to NTK Construction, Inc. in the sum of \$2,271,660; and
C. Approve a contingency sum of \$341,000 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Addenda Nos. 1 and 2](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Project Location Map](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Proposed Adjustments and Modifications to the Good Neighbor Program: [21-0627](#)
Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program.

Recommendation: A. Review Proposed Text Adjustments and Key Performance Indicator Modifications for Project F5: Good Neighbor Program: Encampment Cleanup under the renewed Safe, Clean Water and Natural Flood Protection Program; and
 B. Consider whether to set a time and place for a public hearing on the proposed modifications to the Project.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: Resolution 20-64](#)
[Attachment 2: Draft Notice of Public Hearing](#)

Est. Staff Time: 10 Minutes

- 7.2. Approve Agreement with Kleinfelder, Inc. for the Purified Water Program-Preliminary Geotechnical Pipeline Alignment Project, under the Indirect Potable Water Reuse Project No. 91304001, CAS File No. 5167, for a Not-to-Exceed Fee of \$1,107,408 (Cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose and Campbell) (Districts 2, 3, 4, 5 and 7). [21-0662](#)

Recommendation: Approve the Consultant Services Agreement with Kleinfelder, Inc. for the Purified Water Program - Preliminary Geotechnical Pipeline Alignment Project, for a not-to-exceed fee of \$1,107,408.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

8. EXTERNAL AFFAIRS:

8.1. Valley Water Headquarters Campus Signage Update.

[21-0572](#)

Recommendation: Receive information on the progress of the campus signage plans and consider options for the headquarters boardroom glass sign.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 8.1-A: Revised Attachment 1, PowerPoint](#)

Est. Staff Time: 5 Minutes

9. CHIEF EXECUTIVE OFFICER:

*9.1. CEO and Chiefs' Report.

[21-0665](#)

Attachments: [*Handout 9.1-A: Office of Government Relations Update](#)
[*Handout 9.1-B: Office of Civic Engagement Update](#)

10. ADMINISTRATION:

11. DISTRICT COUNSEL:

12. ADJOURN:

12.1. Board Member Reports/Announcements.

12.2. Clerk Review and Clarification of Board Requests.

12.3. Adjourn to Regular Meeting at 1:00 p.m., on July 13, 2021, 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.