



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

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

Tuesday, June 23, 2020
4:00 PM

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

DISTRICT BOARD OF DIRECTORS

Nai Hsueh, Chair, District 5
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

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

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

Tuesday, June 23, 2020

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” or “Chat” tools 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 <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

1. CALL TO ORDER:

Join Zoom Meeting:

<https://valleywater.zoom.us/j/92630770864>

Webinar ID: 926 3077 0864

Join by Phone:

1 (669) 900-9128, 92630770864#

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-EXISTING LITIGATION

Pursuant to Government Code §54956.9(d)(1);

Guadalupe Coyote Resource Conservation District v. SCVWD - Water Rights Complaint before the State Water Resources Control Board

[20-0519](#)

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

[20-0513](#)

6:00 PM

- 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" or "Chat" tools 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. Public Hearing on the Engineer's Report and the CEQA Emergency Exemption Determination for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project; Resolution Approving the Engineer's Report; and Project Approval for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project, Project No. 91864005 (Morgan Hill) (District 1).

[20-0544](#)

- Recommendation:
- A. Conduct Public Hearing on the Engineer's Report and the CEQA Emergency Exemption Determination for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project (FOCP);
 - B. Close the Public Hearing;
 - C. Approve the CEQA emergency exemption determination for the FOCP;
 - D. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE FOCP; and
 - E. Approve the Project.

Manager: Christopher Hakes, 408-630-3796

- Attachments:
- [Attachment 1: Project Description](#)
 - [Attachment 2: Draft Notice of Exemption](#)
 - [Attachment 3: Engineer's Report](#)
 - [Attachment 4: Notice of Public Hearing](#)
 - [Attachment 5: Sierra Club Letter and Response](#)
 - [Attachment 6: Resolution](#)
 - [Attachment 7: PowerPoint](#)
 - [*Supplemental Board Agenda Memo](#)
 - [*Supplemental Attachment 1: Revised Project Description](#)
 - [*Supplemental Attachment 2: Revised Draft Notice of Exemption](#)
 - [*Supplemental Attachment 3: Revised PowerPoint](#)
 - [*Handout 2.7-A, K. Irvin](#)
 - [*Handout 2.7-B, E. Ruder](#)
 - [*Handout 2.7-C, A. Kaewphokha](#)
 - [*Handout 2.7-D, C. Hakes \(Responding to K. Irvin, Handout 2.7-A\)](#)
 - [*Handout 2.7-E, G. Pugh](#)
 - [*Handout 2.7-F, J. Fioretta](#)

Est. Staff Time: 15 Minutes

*2.8. Update on Exploratory Efforts to Update and Enhance the Safe, Clean Water and Natural Flood Protection Program for Future Funding Measure.

[20-0525](#)

Recommendation:

- A. Receive information on the collective public engagement efforts, resulting in draft community-preferred program report;
- B. Receive information on the final proposed ballot language;
- C. Provide direction to staff on the draft community-preferred program report for the renewal of the Safe, Clean Water and Natural Flood Protection Program;
- D. Provide direction to staff to bring back the final renewal ballot measure and final community-preferred program report for the Safe, Clean Water and Natural Flood Protection Program in July for Board's final consideration of ballot placement adoption.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Executive Summary](#)
[Attachment 2: Resolution](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Community-Preferred Draft Program](#)
[*Supplemental Attachment 2: Community Input Data Compiled](#)
[*Supplemental Attachment 3: PowerPoint](#)
[*Handouts 2.8-A—2.8-ZZ](#)
[*Handouts 2.8-HHH—2.8-OOO](#)

Est. Staff Time: 20 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 complete a Speaker Card and present it to the Clerk of the Board.

- *3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements, Project No. 91214010, Contract No. C0653 (Merced County). [20-0534](#)

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements Project per the Notice to Bidders; and
B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Notice to Bidders](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Map](#)
[Attachment 4: Plans and Specifications](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised Notice to Bidders](#)

- 3.2. Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Canoas Creek Rodent Damage Repair Project, Establishment Maintenance Phase - Stage 2, Granite Construction Company, Contractor, Project No. 30114002, Contract No. C0612 (San Jose) (District 6). [20-0443](#)

Recommendation: A. Accept the work on the Canoas Creek Rodent Damage Repair Project, Establishment Maintenance Phase - Stage 2, Granite Construction Company, Contractor, Project No. 30114002, Contract No. C0612 as complete; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Notice of Completion](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Construction Summary](#)
[Attachment 5: Project Delivery Process Chart](#)

- 3.3. Approve Amendment No. 1 to Agreement A4277A with AECOM Technical Services, Inc., for the Second Phase of the Large Woody Debris and Gravel Augmentation Study, Project No. 26042002, CAS File No. 4915, to Increase Not-to-exceed Fee by \$400,000, Resulting in a Total not-to-exceed Fee of \$720,000, Extend the Term to January 10, 2024, and Add Michael Love and Associates, Inc. to the List of Authorized Subconsultants (Gilroy, Mountain View) (Districts 1, 7). [20-0466](#)

Recommendation: Approve Amendment No. 1 to Agreement A4277A with AECOM Technical Services, Inc., for the Second Phase of the Gravel Augmentation and Large Woody Debris Placement Study to increase the not-to-exceed fee by \$400,000, resulting in a total not-to-exceed fee of \$720,000; extend the Agreement term to January 10, 2024; and add Michael Love and Associates, Inc. to the list of authorized subconsultants.

Manager: Vincent Gin, 408 630-2633

Attachments: [Attachment 1: Agreement](#)
[Attachment 2: Amendment No. 1](#)

- 3.4. Approve Purchase of 2390 Cochrane Road, Morgan Hill, Assessor's Parcel Number: 728-34-011 for the Anderson Dam Tunnel Project, Real Estate File 9186-34 (Morgan Hill) (District 1). [20-0488](#)

Recommendation:

- A. Approve the purchase of the property located at 2390 Cochrane Road in Morgan Hill for the Anderson Dam Tunnel Project in the amount of \$804,000;
- B. Authorize the Chief Executive Officer or her Designee to issue a Notice of Exercise of Option to Frances J. Coyle pursuant to the Option Agreement for the Purchase of Real Property with Frances J. Coyle; and
- C. Authorize the Chief Executive Officer or her Designee to deposit funds into Escrow, take all necessary actions, and execute all real estate documents necessary to complete the purchase of the property located at 2390 Cochrane Road in Morgan Hill.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Option Agreement](#)
[Attachment 2: Appraisal Report](#)
[Attachment 3: Location Map](#)

- 3.5. Resolution Recognizing June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. [20-0521](#)
- Recommendation: Adopt the Resolution RECOGNIZING JUNE AS LGBT PRIDE MONTH.
- Manager: Tina Yoke, 408-630-2385
- Attachments: [Attachment 1: Resolution](#)

- *3.6. Accept the CEO Bulletin for the Week of June 5-18, 2020. [20-0505](#)
- Recommendation: Accept the CEO Bulletin.
- Manager: Norma Camacho, 408-630-2084
- Attachments: [Attachment 1: 061820 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Board Committee Reports.

- *4.2. Proposed Future Board Member Agenda Items [20-0555](#)
- Attachments:
Handout 4.2-A, DCA Report
- Attachments: [*Handout 4.2-A, DCA Report](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve and Authorize CEO to Execute Sole Source Consultant Services Agreement with National Water Research Institute for a Not-To-Exceed Amount of \$323,840 for Independent Advisory Panel Services for the Recycled and Purified Water Program, Project No. 91101004. [20-0478](#)

Recommendation: A. Approve a sole source consultant services agreement with National Water Research Institute to provide Independent Advisory Panel services for the Recycled and Purified Water Program for a not-to-exceed amount of \$323,840, and
B. Authorize the Chief Executive Officer to execute the attached agreement with National Water Research Institute to provide Independent Advisory Panel services for the Recycled and Purified Water Program.

Manager: Gerald De La Piedra, 408-630-2257

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- *5.2. 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 or her Designee to Execute it; and Approve and Authorize the District Counsel to File a Validation Action for the Mercy Springs Repayment Contract. [20-0547](#)

Recommendation: A. Receive an update on the Central Valley Project contract conversion process under the Water Infrastructure Improvements for the Nation Act;
B. *Adopt the resolution APPROVAL OF MERCY SPRINGS REPAYMENT CONTRACT and authorize the Chief Executive Officer or her designee to execute the Mercy Springs Repayment Contract; and
C. Approve and authorize District Counsel to file a validation action for the Mercy Springs Repayment Contract.

Manager: Jerry De La Piedra, 408-630-2257

Attachments: [*Original Board Agenda Memo](#)
[*Original Attachment 1: Mercy Springs Repayment Contract](#)
[*Original Attachment 2: Resolution](#)
[*Original Attachment 3: PowerPoint](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: Revised Resolution](#)
[*Handout 5.2-A, M. Giberson](#)

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

- 6.1. Fiscal Year 2020 Schedule Adjustments to Projects in Safe, Clean Water and Natural Flood Protection Program. [20-0393](#)

Recommendation: Approve Fiscal Year 2020 Safe, Clean Water Project Schedule Adjustments.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 5 Minutes

- 6.2. Approve Amendment No. 1 to Agreement A4150A with Stillwater Ecosystem, Watershed and Riverine Sciences, Inc., for Water Year 2018 and 2019 Guadalupe River Mitigation Monitoring Project, Project No. 30151026, CAS File No. 4860, Increasing the Fee by \$552,920 for a Total Revised Fee of \$1,291,570 (San Jose) (Districts 2, 3, 4, and 6). [20-0465](#)

Recommendation: Approve Amendment No. 1 to Agreement A4150A with Stillwater Ecosystem, Watershed and Riverine Sciences, Inc. for Water Years 2018 and 2019 Guadalupe River Mitigation Monitoring Project to: provide two additional years of mitigation monitoring and reporting services; increase the Agreement not-to-exceed amount by \$552,920, resulting in a total Agreement not-to-exceed fee of \$1,291,570; and extend the Agreement expiration date from June 30, 2020 to June 30, 2022.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Agreement](#)
[Attachment 2: Amendment No. 1](#)

Est. Staff Time: 10 Minutes

6.3. Approve Budget Adjustment, Increase to Construction Contract Contingency Sum, and Notice of Completion of Contract and Acceptance of Work for the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project (Stage 2), Kiewit Infrastructure West Company, Contractor, Project No. 26244001, Contract No. C0616 (Mountain View) (District 7).

[20-0486](#)

- Recommendation:
- A. Approve a Fiscal Year 2020 budget adjustment in the amount of \$1,682,000 from Fund 26 Operating and Capital Reserves to the Permanente Creek Flood Protection Project;
 - B. Approve an increase of \$1,682,000 to the construction contract contingency sum for the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project, Project No. 26244001, Contract No. C0616;
 - C. Accept the work as complete; and
 - D. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work for Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project (Stage 2) and submit for recording to the County of Santa Clara Office of the Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Notice of Completion](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Project Delivery Chart](#)

Est. Staff Time: 10 Minutes

- 6.4. Transfer of Funds from the Watersheds Stream Stewardship Fund to the Safe, Clean Water and Natural Flood Protection Program Fund to Support the Upper Penitencia Creek Flood Protection Project Contributed Funds Agreement with the United States Army Corps of Engineers. [20-0514](#)

Recommendation: A. Approve a fund transfer in the amount of \$2 million from multiple Watersheds Stream Stewardship Fund (Fund 12) Operations Projects Unspent FY20 Budgets to the Safe, Clean Water and Natural Flood Protection Program Fund (Fund 26) to Support the Upper Penitencia Creek Flood Protection Project Contributed Funds Agreement with the United States Army Corps of Engineers; and
B. Approve budget adjustment adding \$2 million to the Upper Penitencia Creek Flood Protection Project Fiscal Year 2020 budget.

Manager: Vincent Gin, 408-630-2633

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

- 7.1. Adopt Recommended Positions on State Legislation: SB 54 (Allen) Solid Waste Packaging and Products; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [20-0492](#)

Recommendation: Adopt a Position of "Support" on: SB 54 (Allen) Solid Waste Packaging and Products.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Updates on the Fiscal Year 2020-2021 Santa Clara Valley Water District Investment Policy. [20-0457](#)

Recommendation: A. Approve the Revised Fiscal Year 2020-2021 Santa Clara Valley Water District Investment Policy; and
B. Provide direction to staff regarding additional investment prohibitions.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Revised Investment Policy](#)
[Attachment 2: BankTrack Human Rights Benchmark Report](#)

Est. Staff Time: 5 Minutes

8.2. Resolution Establishing Appropriations Limit for Fiscal Year 2020-21. [20-0462](#)

- Recommendation: A. Select the cost-of-living factor to establish the Santa Clara Valley Water District's Appropriations Limit; and
 B. Adopt the Resolution ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

*8.3. ITEM REMOVED FROM AGENDA.

Receive and Discuss Information Regarding Pension Liability and Related Financing Alternatives.

*8.4. Receive Information and Provide Direction to Staff on Solicitation of Bank Line(s) of Credit with Aggregate Stated Amount Not to Exceed \$180 Million. [20-0535](#)

- Recommendation: A. Receive information regarding bank line(s) of credit solicitation; and
 B. Provide staff with direction on the bank(s) with which to proceed with negotiations and execution of line(s) of credit.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: BankTrack](#)
[*Supplemental Attachment 2: Revised Bank Proposals](#)
[*Supplemental Attachment 3: MUFG ESG Response](#)
[*Supplemental Attachment 4: JPM ESG Response](#)
[*Supplemental Attachment 5: US Bank ESG Response](#)
[*Supplemental Attachment 6: UBS ESG Response](#)
[*Supplemental Attachment 7: Bank of America ESG Response](#)

Est. Staff Time: 10 Minutes

8.5. Update on COVID-19 Response.

8.6. CEO and Chiefs' Report.

9. ADMINISTRATION:

9.1. Approve the Addition of Two (2) Unclassified Officer Positions

[20-0470](#)

- Recommendation:
- A. Receive information on the creation of two new unclassified positions: Assistant Officer, Emergency Services & Security and Environmental Health & Safety; and Assistant Chief Executive Officer, Operations over Watershed & Water Utility; and
 - B. Approve the addition of an Assistant Officer level unclassified position and an Assistant Chief Executive Officer position per Governance Policies of the Board of Directors, Recruitment and Employment, Policy No. EL3.7, and salary range per Attachment 1.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Classification and Compensation Study](#)

Est. Staff Time: 5 Minutes

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 6:00 p.m., on July 28, 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.