



Santa Clara Valley Water District Board of Directors Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

***AMENDED/APPENDED CLOSED SESSION AND REGULAR MEETING AGENDA**

**Tuesday, March 11, 2025
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

Tony Estremera, Chair-District 6
Richard P. Santos, Vice Chair-District 3
John L. Varela-District 1
Shiloh Ballard-District 2
Jim Beall-District 4
Nai Hsueh-District 5
Rebecca Eisenberg-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 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. 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) 630-2277.

MELANIE RICHARDSON
Interim Chief Executive
Officer

CANDICE KWOK-SMITH
Interim Clerk of the Board
(408) 630-2277
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

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IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water 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 Valley Water 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://emmsa.msrb.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/84454515597>

Meeting ID: 844 5451 5597

Join by Phone:

1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 11:00 AM - CLOSED SESSION:

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 - ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case | <u>25-0244</u> |
| *2.2. CLOSED SESSION
PUBLIC EMPLOYEE DISCIPLINE
Pursuant to Government Code Section 54957(b)(1) | <u>25-0264</u> |
| *2.3. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code 54956.9(d)(2)
One Potential Case, Claim of Fariba Seyed | <u>25-0270</u> |
| *2.4. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation
Pursuant to Government Code Section 54956.9(d)(4)
DWR v. All Persons Interested
(Potential Answer to Delta Conveyance Project Bond Validation Action)
Sacramento Superior Court Case No. 25CV000704 | <u>25-0275</u> |

- *2.5. District Counsel Report on Closed Session.
(*Previously listed as Item 2.2)

3. 1:00 PM - TIME CERTAIN:

- 3.1. Pledge of Allegiance/National Anthem.

- 3.2. Orders of the Day.

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

- 3.3. 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/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to three minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/Committee 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/Committee may take action on any item of business appearing on the posted agenda.

- *3.4. Receive the Safe, Clean Water and Natural Flood Protection Program
Independent Monitoring Committee's Annual Report for Fiscal Year
2023-2024.

[25-0184](#)

(*Previously listed as Item 3.6)

Recommendation: Receive the Safe, Clean Water and Natural Flood Protection
Program Independent Monitoring Committee's Annual Report for
Fiscal Year 2023-2024.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Letter to the Board](#)
[Attachment 2: IMC Annual Report](#)
[Attachment 3: Notes for Future Annual Reports](#)

Est. Staff Time: 10 Minutes.

- *3.5. Accept Management Response to the Independent Monitoring Committee
Report on the Safe, Clean Water and Natural Flood Protection Program
Annual Report for Fiscal Year 2023-2024.

[25-0185](#)

(*Previously listed as Item 3.7)

Recommendation: A. Accept Management Response to the Independent

Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2023-2024; and

B. Provide additional direction as necessary.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Management Response Table](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes.

- *3.6. Accept the 2024 Board Advisory Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission's Accomplishments Reports or as Presented by the Board's Advisory Committees/Commission Chairs. [25-0142](#)
(*Previously listed as Item 3.5)

Recommendation: Receive and accept the 2024 Board Advisory Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission's Accomplishments Reports or as presented by the Board's Advisory Committees/Commission Chairs.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: 2024 Accomplishments Report, AWAC](#)
[Attachment 2: 2024 Accomplishments Report, EWRC](#)
[Attachment 3: 2024 Accomplishments Report, SCVWC](#)

Est. Staff Time: 10 Minutes.

- *3.7. Consider the January 2025 Board Advisory Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission's Recommendations to Approve the Board Advisory Committee Annual Work Plans. [25-0183](#)

Recommendation: Consider the January 2025 Board Advisory Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission's recommendations to approve the Board Advisory Committee Annual Work Plans.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: 2025 Work Plan, AWAC](#)
[Attachment 2: 2025 Work Plan, EWRC](#)
[Attachment 3: 2025 Work Plan, SCVWC](#)

Est. Staff Time: 10 Minutes.

- *3.8. Adopt a Resolution Certifying the Final Environmental Impact Report, [24-1072](#)

Adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, for the Coyote Creek Flood Protection Project; and Approve the Coyote Creek Flood Protection Project, Project No. 26174043 (San Jose, Districts 2, 3, and 6).
(*Previously listed as Item 3.4)

- Recommendation:
- A. Consider the Environmental Effects of the Coyote Creek Flood Protection Project as discussed in the Final Environmental Impact Report;
 - B. Adopt the Resolution CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COYOTE CREEK FLOOD PROTECTION PROJECT AND ADOPTING CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM for the Coyote Creek Flood Protection Project; and
 - C. Approve the Coyote Creek Flood Protection Project.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: CCFPP Final EIR](#)
[Attachment 2: Resolution](#)
[Attachment 3: Project Delivery Process](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 20 Minutes.

- *3.9. Authorize Distribution of Santa Clara Valley Water District's Capital Improvement Program Draft Fiscal Years 2026-30 Five-Year Plan. [24-0779](#)
(*Previously listed as Item 3.8.)

- Recommendation:
- A. Review the Capital Improvement Program Draft Fiscal Years 2026-30 Five-Year Plan; and
 - B. Authorize release of the document to all cities and land use authorities in Santa Clara County and the County of Santa Clara for review as to its consistency with their General Plans.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: CIP Draft FY 2026-2030 Five-Year Plan](#)
[Attachment 2: Project Plan Updates](#)
[Attachment 3: PowerPoint](#)

Est. Staff Time: 20 Minutes.

- *3.10 Receive the Fiscal Year 2025-26 Second Pass Biennial Budget Overview. [25-0198](#)
(*Previously listed as Item 3.9)

Recommendation: Receive and discuss the overview of the Santa Clara Valley Water District's Fiscal Year 2025-26 Second Pass Biennial

Budget.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Draft Operating Project Details](#)

Est. Staff Time: 20 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.4) (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 may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify themselves to speak.

- 4.1. Adopt a Resolution Commemorating March 9-15, 2025, as Groundwater Awareness Week. [25-0176](#)

Recommendation: Adopt the resolution COMMEMORATING MARCH 9-15, 2025, AS GROUNDWATER AWARENESS WEEK.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Resolution](#)

- 4.2. Approve Appointment for a Two-Year Term to the Environmental and Water Resources Committee. [25-0217](#)

Recommendation: Consider and approve appointment for a two-year term to the Environmental and Water Resources Committee.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)
[Attachment 2: Lam Application, Redacted](#)

- 4.3. Authorize Acquisition of Real Property from Patrick T. Ferraro and Cari Lynn Hoyt Ferraro, Trustees, for the Coyote Creek Flood Protection Project, Project No. 26174043, APN 467-51-070, Real Estate File No. 4021-323 (San Jose, District 2). [25-0153](#)

Recommendation: A. Authorize the Interim Chief Executive Officer to execute a Right of Way Agreement between Patrick T. Ferraro and

Cari Lynn Hoyt Ferraro, Trustees, and the Santa Clara Valley Water District, for acquisition of APN 467-51-070, located at 315 Brookwood Avenue, San Jose, California, based upon the terms and conditions as set forth in the Agreement;

- B. Authorize an incentive payment of \$83,000 to Patrick T. Ferraro and Cari Lynn Hoyt Ferraro, Trustees for the Option to Acquire Real Property Interest based on the terms and conditions as set forth in the Agreement; and
- C. Authorize the Interim Chief Executive Officer to accept a Grant Deed from Patrick T. Ferraro and Cari Lynn Hoyt Ferraro, Trustees, conditioned upon certification of the Coyote Creek Flood Protection Project Environmental Impact Report.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: Right of Way Agreement](#)
[Attachment 2: Grant Deed](#)

Est. Staff Time: 5 Minutes.

- *4.4. Accept the CEO Bulletin for the Weeks of February 21 through March 6, 2025. [25-0247](#)

Recommendation: Accept the CEO Bulletin.

Manager: Melanie Richardson, 408-630-2017

Attachments: [*Attachment 1: 03062025 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- *5.1. Refer the Existing Process to Address Board Appointed Officer Complaints and any recommended changes, if needed, to the Board Policy and Monitoring Committee for Review. [25-0268](#)

Recommendation: Refer the existing process to address Board Appointed Officer complaints and any recommended changes, if needed, to the Board Policy and Monitoring Committee for review.

Manager: Board Chair Tony Estremera

Est. Staff Time: 5 Minutes

- *5.2. Complaint Against a Board Member from a Member of the Public. [25-0269](#)

Recommendation: Consider the request of Chair Estremera, pursuant to GP-6.5.7, to form an Ethics and Conduct Ad Hoc Committee consisting of Chair Estremera and Vice Chair Santos to address a complaint from a member of the public against a Board Member.

Manager: Board Chair Tony Estremera

Attachments: [Attachment 1: GP-6](#)

Est. Staff Time: 10 Minutes

- *5.3. Board Committee Reports.
(*Previously listed as Item 5.1)

[25-0248](#)

Attachments: [*Handout 5.3-A: 01272025 WSDMC, Summary](#)

[*Handout 5.3-B: 02182025 CIP, Summary](#)

[*Handout 5.3-C: 03132025 ECCC, Agenda](#)

Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

- *8.1. Receive an Informational Update on the Pacheco Reservoir Expansion Project, Project No. 91954002 (Santa Clara County, District 1; Merced County).

[25-0146](#)

Recommendation: Receive an informational update on the Pacheco Reservoir Expansion Project, Project No. 91954002.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment 1: PowerPoint](#)

[Attachment 2: PREP FAQs](#)

[*Handout 8.1-A: Peterson](#)

[*Handout 8.1-B: Irvin](#)

Est. Staff Time: 10 Minutes.

- 8.2. Authorize the Interim Chief Executive Officer to Execute Contract Change Order No. 048 up to the Amount of \$17,000,000.00 for Final Tunnel Lining Changes, for the Anderson Dam Tunnel Project, Project No. 91864006, Contract No. C0663 (Morgan Hill, District 1).

[25-0167](#)

Recommendation: Authorize the Interim Chief Executive Officer to Execute Contract Change Order No. 048 up to the Amount of \$17,000,000.00 for Final Tunnel Lining Changes on the Anderson Dam Tunnel Project.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: 01282025 Board Agenda Memorandum](#)
[Attachment 2: 05252021 Board Agenda Memorandum](#)
[Attachment 3: 04272021 Board Agenda Memorandum](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 10 Minutes.

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

*10.1 CEO and Chiefs' Reports.

[25-0249](#)

Attachments: [*Handout 10.1-A: OCE, Monthly Update](#)
[*Handout 10.1-B: OGR, Summary](#)

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

*13.1 Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

[25-0242](#)

Recommendation: Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: FY24-25 Board Policy Planning Calendar](#)
[*Attachment 2: FY24-25 Board Policy Planning Calendar, Revised](#)

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

16. ADJOURN:

16.1 Adjourn to the 1:00 p.m. Regular meeting on March 25, 2025, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.