



## Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

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

**Tuesday, April 13, 2021**  
**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  
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](http://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.**

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

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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.

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://emmasrb.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/95060012118>**  
**Meeting ID: 950 6001 2118**  
**Join by Phone:**  
**1 (669) 900-9128, 95060012118#**

**1. CALL TO ORDER:**

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. ITEM REMOVED FROM AGENDA**

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Setting Negotiation Parameters for Price and Terms of Payment for Acquiring Property Interest in APN 728-34-020, 729-36-001, 725-06-008, 678-02-031 and 678-02-034

Negotiators: Rick Callender, Melanie Richardson, Sue Tippetts, Christopher Hakes, Eli Serrano, and Bill Magleby

Other Negotiating Parties: County of Santa Clara

**\*2.2. CLOSED SESSION**

[21-0406](#)

CONFERENCE WITH LEGAL COUNSEL

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)

One Potential Case

**\*2.3. CLOSED SESSION**

[21-0427](#)

PUBLIC EMPLOYMENT

Pursuant to Government Code Section 54957(b)(1)

Title: District Counsel

**\*2.4. CLOSED SESSION**

[21-0384](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: CEO, District Counsel and Clerk of the Board

(PREVIOUSLY LISTED AS 2.2)

**1:00 PM**

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/95060012118>**  
**Meeting ID: 950 6001 2118**  
**Join by Phone:**  
**1 (669) 900-9128, 95060012118#**

- \*2.5. District Counsel Report on Closed Session. (PREVIOUSLY LISTED AS 2.3)
- \*2.6. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS 2.4)
- \*2.7. Orders of the Day. (PREVIOUSLY LISTED AS 2.5)
  - A. *Approximate Discussion Time (Board); and*
  - B. *Adjustments to the Order of Agenda Items.*
- \*2.8. Time Open for Public Comment on any Item not on the Agenda.  
(PREVIOUSLY LISTED AS 2.6)  
*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.*

- \*2.9. Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2022-2026 Five-Year Capital Improvement Program.  
(PREVIOUSLY LISTED AS 2.7)

[21-0172](#)

- Recommendation:
- A. Open the public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Fiscal Years 2022-2026 Five-Year Capital Improvement Program; and
  - B. Continue the public hearing to the regular Board Meeting scheduled for April 27, 2021 and the Board's Budget Work Study Sessions currently set for April 28 and April 29, 2021, and conclude at the regularly scheduled Board meeting on May 11, 2021.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Draft FY2022-2026 CIP](#)  
[Attachment 2: Notice of Public Hearing](#)  
[Attachment 3: PowerPoint](#)

Est. Staff Time: 10 Minutes

- \*2.10 Public Hearing on the February 2021 Annual Report on the Protection and [21-0321](#)  
Augmentation of Water Supplies and Recommended Increased  
Groundwater Production Charge and Other Water Charges for Fiscal Year  
2021-22. (PREVIOUSLY LISTED AS 2.8)

Recommendation:

- A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider Valley Water's Fiscal Year (FY) 2021-22 Annual Report on the Protection and Augmentation of Water Supplies and recommended increases to the groundwater production charge and other water charges;
- B. Hear public comments from groundwater producers and any interested persons regarding such report;
- C. Consider any written protests to proposed surface water rate increases;
- D. Direct staff to review such report with, and solicit comments from, Valley Water's advisory committees; and
- E. Continue the public hearing regarding such report to the April 15, 2021 special meeting, at 7:00 pm.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Staff Report](#)  
[Attachment 2: PowerPoint](#)  
[Attachment 3: SCVWD Resolution No. 12-10](#)  
[\\*Handout 2.10-A: OSA SCV Letter](#)  
[\\*Handout 2.10-B: Farm Bureau Letter](#)  
[\\*Handout 2.10-C: K. Irvin Comments](#)

Est. Staff Time: 45 Minutes

- \*2.11 Adopt the Resolution Approval of the Central Valley Project Repayment Contract, Authorize the Board Chair to Execute the Central Valley Project Repayment Contract, and Authorize District Counsel to File a Validation Action for the Central Valley Project Repayment Contract. (PREVIOUSLY LISTED AS 2.9) [21-0173](#)

Recommendation: A. Receive information and discuss the proposed Central Valley Project Repayment Contract;  
B. Approve the Central Valley Project Repayment Contract by adopting the Resolution entitled APPROVAL OF CENTRAL VALLEY PROJECT REPAYMENT CONTRACT;  
C. Authorize the Board Chair to execute the Central Valley Project Repayment Contract; and  
D. Authorize District Counsel to file a validation action for the Central Valley Project Repayment Contract.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.9) (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 a Resolution Recognizing April 22, 2021 as Earth Day. [21-0319](#)

Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2021, AS EARTH DAY.

Manager: Lisa Bankosh, 408-630-2618  
Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Resolution](#)



- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Rinconada Water Treatment Plant Interim Site Restoration Project, Project No. 93294057, Contract No. C0670 (Los Gatos) (District 7). [21-0240](#)

Recommendation:     A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Rinconada Water Treatment Plant Interim Site Restoration 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: Location Map](#)  
                              [Attachment 4: Plans](#)  
                              [Attachment 5: Specifications](#)

- 3.3. Deny Claim of Lawrence and Roberta Drake. [21-0241](#)

Recommendation:   Deny the claim.

Manager:               Stan Yamamoto, 408-630-2755

Attachments:         [Attachment 1: Claim](#)  
                              [Attachment 2: EFI Global Forensic ERI \(Certain Photos Redacted\)](#)

- 3.4. Notice of Completion of Contract and Acceptance of Work for the Coyote Warehouse Project (Stage 1 of Construction), Calstate Construction, Inc., Contractor, Project No. 91234011, Contract No. C0635 (Morgan Hill) (District 1). [21-0282](#)

Recommendation:      A. Accept the work on the Coyote Warehouse Project (Stage 1 of Construction), Calstate Construction, Inc., Contractor, Project No. 91234011, Contract No. C0635 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:                Heath McMahon, 408-630-3126

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

- 3.5. Consider Membership Nomination for Board Chair Committee Appointment to the 2012 Safe, Clean Water Independent Monitoring Committee. [21-0286](#)

Recommendation:    Consider the Membership Nomination for Board Chair Committee Appointment to the 2012 Safe, Clean Water Independent Monitoring Committee (2012 SCW IMC).

Manager:                Michele King, 408-630-2711

Attachments:          [Attachment 1: SCVWD Resolution No. 13-61](#)  
                                 [Attachment 2: Application \(Nunez\)](#)

- 3.6. Approve the Agreement with NBS Government Finance Group for Water Supply and Flood Protection Development Impact Fee Analyses, CAS File 5150, For a Not-To-Exceed Fee of \$357,660. [21-0330](#)

Recommendation:    Approve the Agreement with NBS Government Finance Group for Water Supply and Flood Protection Development Impact Fee Analyses (Project) for a not-to-exceed fee of \$357,660.

Manager:                Darin Taylor, 408-630-3068

Attachments:          [Attachment 1: Agreement](#)

- 3.7. Provide Notice of Time and Place of Public Hearing Regarding Flood Control Benefit Assessments for Fiscal Year 2021-2022 (FY 2021-22). [21-0355](#)

Recommendation: Set a time and place for the public hearing on Flood Control Benefit Assessments for FY 2021-22 at 1:00 p.m. on May 11, 2021, by Teleconference Zoom Board Meeting.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Staff Report](#)  
[Attachment 2: Notice of Public Hearing](#)

- \*3.8. Accept the CEO Bulletin for the Weeks of March 19 Through April 8, 2021. [21-0390](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 040821 CEO Bulletin Placeholder](#)

- \*3.9. Approval of Minutes. [21-0378](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 022321 Regular Meeting Minutes](#)

## **REGULAR AGENDA:**

### **4. BOARD OF DIRECTORS:**

- \*4.1. Board Committee Reports. [21-0391](#)

Attachments: [\\*Handout 4.1-A: 031121 SPOC Summary](#)  
[\\*Handout 4.1-B: 031721 BAC Summary](#)  
[\\*Handout 4.1-C: 033021 HEC Summary](#)  
[\\*Handout 4.1-D: 033021 WCDM Summary](#)  
[\\*Handout 4.1-E: 040521 AWAC Summary](#)  
[Handout 4.1-F: 040521 BPPC Summary](#)  
[\\*Handout 4.1-G: 041221 WCDM Agenda](#)  
[\\*Handout 4.1-H: 041421 Water Commission Agenda](#)  
[\\*Handout 4.1-I: 041921 EWRC Agenda](#)

- 4.2. Proposed Future Board Member Agenda Items.

### **5. WATER UTILITY ENTERPRISE:**

## 6. WATERSHEDS:

- \*6.1. Report of Bids Received and Award of Construction Contract to Flatiron West, Inc. in the sum of \$43,989,600 for the Upper Llagas Creek Flood Protection Project Phase 2A, Project No. 26174052, Contract No. C0665 (Morgan Hill) (District 1). [21-0361](#)

Recommendation:      A. Ratify Addenda Nos. 1, 2, 3, 4, 5, and 6 to the Contract Documents for the Upper Llagas Creek Flood Protection Project, Phase 2A;  
                                 B. Award the Contract to Flatiron West, Inc. located in Benicia, California, in the sum of \$43,989,600; and  
                                 C. Approve a contingency sum of \$8,797,920 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager:                Rechelle Blank, 408-630-2615

Attachments:        [Attachment 1: Addendum No. 1](#)  
                             [Attachment 2: Addendum No. 2](#)  
                             [Attachment 3: Addendum No. 3](#)  
                             [Attachment 4: Addendum No. 4](#)  
                             [Attachment 5: Addendum No. 5](#)  
                             [Attachment 6: Addendum No. 6](#)  
                             [Attachment 7: Location Map](#)  
                             [Attachment 8: Project Delivery Process Chart](#)

Est. Staff Time:      5 Minutes

## 7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Approve Amendment No. 1 to Agreement No. A4325G, with Horizon Water and Environment, LLC, for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, for a Not-to-Exceed Fee of \$2,974,005, Increasing the Total Not-to-Exceed Fee to \$7,468,230 (Morgan Hill) (District 1). [21-0285](#)

Recommendation: Approve Amendment No. 1 to Agreement No. A4325G with Horizon Water and Environment, LLC for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, for a Not-to-Exceed Fee of \$2,974,005, Increasing the Total Not-to-Exceed Fee to \$7,468,230.

Manager:                Christopher Hakes, 408-630-3796

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

Est. Staff Time:      10 Minutes

- 7.2. Approve Amendment No. 9 to Agreement No. A3555A, with Black and Veatch Corporation, for Project Management Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, Increasing the Not-to-Exceed Fee in the Amount of \$10,172,942, Resulting in a Revised Total Not-to-Exceed Fee of \$28,832,004, and Extending the Agreement Term to December 31, 2023 (Morgan Hill) (District 1). [21-0320](#)

Recommendation: Approve Amendment No. 9 to Agreement A3555A, with Black and Veatch Corporation, for project management services for the Anderson Dam Seismic Retrofit Project, increasing the not-to-exceed fee by \$10,172,942, resulting in a revised total not-to-exceed amount of \$28,832,004, and extending the Agreement term.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Amendment No. 9](#)

Est. Staff Time: 5 Minutes

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**

- \*9.1. CEO and Chiefs' Report. [21-0442](#)

Attachments: [\\*Handout 9.1-A, Office of Communications 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 Special Meeting at 1:00 p.m., on April 14, 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.

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