



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED 3:30 PM CLOSED SESSION AND 6:00 PM REGULAR MEETING AGENDA**

**Tuesday, April 27, 2021
3:30 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.

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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:

3:30 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

[21-0449](#)

CONFERENCE WITH LEGAL COUNSEL

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

One Potential Case

***2.2. CLOSED SESSION**

[21-0493](#)

Conference with Real Property Negotiators

Government Code Section 54956.8

Setting Negotiation Parameters for Price and Terms of Payment for
Acquiring Property

Interest in Property Interest in APNs

049-220-015, 049-220-016, 049-220-017,

049-220-018, 049-220-019, 049-220-020,

049-200-005, 049-200-019, 049-200-020,

049-200-021, 049-200-022, 049-200-023,

049-200-024, 049-200-025, 065-030-004,

049-240-016, 049-240-017.

Negotiators: Rick Callender, Aaron Baker, Cindy Kao, Andrew Garcia, Bill
Magleby

*2.3. CLOSED SESSION

[21-0494](#)

CONFERENCE WITH LEGAL COUNSEL

PENDING LITIGATION

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

Kiewit Infrastructure West Co. vs. Santa Clara Valley Water District

Flatiron West, Inc., a Delaware corporation, Dragados/Obayashi ADTP

Joint Venture,

Real Parties in Interest

Santa Clara County Superior Court

Case No. 21CV380382

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/95060012118>

Meeting ID: 950 6001 2118

Join by Phone:

1 (669) 900-9128, 95060012118#

*2.4. District Counsel Report on Closed Session. (Previously Listed as Item 2.2)

*2.5. Pledge of Allegiance/National Anthem. (Previously Listed as Item 2.3)

*2.6. Orders of the Day. (Previously Listed as Item 2.4)

A. *Approximate Discussion Time (Board); and*

B. *Adjustments to the Order of Agenda Items.*

*2.7. Time Open for Public Comment on any Item not on the Agenda. (Previously Listed as Item 2.5)

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.

- *2.8. Conduct Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2022-2026 Five-Year Capital Improvement Program. (Continued from April 13, 2021) (Previously Listed as Item 2.6) [21-0495](#)

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 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

- *2.9. *Conduct Public Hearing on February 2021 Annual Report on the Protection and Augmentation of Water Supplies and Recommended Increases to Groundwater Production and Other Water Charges for Fiscal Year 2021-2022 (continued from April 15, 2021). (Previously Listed as Item 2.7)

[21-0470](#)

Recommendation:

- A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider Valley Water's FY 2021-22 Annual Report on the Protection and Augmentation of Water Supplies (continued from April 15);
- B. Hear public comments from groundwater producers and any interested persons regarding such report; and
- C. At the close of the public hearing, count all written protests received, if any, regarding proposed surface water rates.

Manager: Aaron Baker, 408-630-2135

Attachments:

- [Attachment 1: Staff Report](#)
- [Attachment 2: PowerPoint](#)
- [Attachment 3: SCVWD Resolution No. 12-10](#)
- [*Handout 2.9-A: CSJ](#)
- [*Handout 2.9-B: SCV OSA](#)
- [*Handout 2.9-C: Davis](#)
- [*Handout 2.9-D: Dauberg](#)
- [*Handout 2.9-E: Blaser](#)
- [*Handout 2.9-F: Barousse](#)
- [*Handout 2.9-G: Fran](#)
- [*Handout 2.9-H: Jeanne](#)
- [*Handout 2.9-I: Patti](#)
- [*Handout 2.9-J: Rodgers](#)
- [*Handout 2.9-K: Fewkes](#)
- [*Handout 2.9-L: Walton](#)
- [*Handout 2.9-M: Barreras](#)
- [*Handout 2.9-N: Mendoza](#)
- [*Handout 2.9-O: Randles](#)
- [*Handout 2.9-P: Singal](#)
- [*Original Agenda Memorandum](#)
- [*Supplemental Agenda Memorandum](#)
- [*Supplemental Attachment 1: PowerPoint](#)
- [*041321 Handout 2.10-A: OSA SCV Letter](#)
- [*041321 Handout 2.10-B: Farm Bureau Letter](#)
- [*041321 Handout 2.10-C: K. Irvin Comments](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.10) (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 Declaring May 1, 8, 15, 22 and 29, 2021 as National River Cleanup Days in Santa Clara County. [21-0325](#)

Recommendation: Adopt the Resolution DECLARING MAY 1, 8, 15, 22 AND 29, 2021 AS NATIONAL RIVER CLEANUP DAYS IN SANTA CLARA COUNTY.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.2. Approve Amendment No. 1 to Agreement No. A4257R, with the Santa Clara County Office of Education for the Environmental Education and Student Assessment Project, a Safe, Clean Water and Natural Flood Protection Program FY 2019 Priority D3 Restore Wildlife Habitat Partnership Funding Agreement. [21-0358](#)

Recommendation: Approve Amendment No. 1 to Agreement No. A4257R between the Santa Clara Valley Water District and the Santa Clara County Office of Education retroactively extending its term and modifying the Project scope due to COVID-19 pandemic restrictions.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Agreement A4257R](#)
[Attachment 2: SCCOE Amendment Request](#)
[Attachment 3: Amendment No. 1](#)

- 3.3. Budget Adjustment in the Amount of \$530,000 for the San Francisco Bay Shoreline Economic Impact Areas 1-4 Project, Project No. 26444002 (District 7). [21-0359](#)

Recommendation: Approve a budget adjustment in the amount of \$530,000 from the Safe, Clean Water and Natural Flood Protection Program, Fund 26, Operating and Capital Reserves to the San Francisco Bay Shoreline Economic Impact Areas (EIAs) 1-4 Project, Project No. 26444002.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Map](#)

- 3.4. Consider Membership Nomination for Two-Year Committee Appointment to the Santa Clara Valley Water Youth Commission. [21-0389](#)

Recommendation: Consider nomination for two-year membership appointment to the Santa Clara Valley Water Youth Commission.

Manager: Michele King, 408-630-2711

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

*3.5. Adopt Recommended Positions on State Legislation: SB 496 (Laird) Flood Control: Water Development Projects: Pajaro River; *AB 905 (Quirk) Mobile Fueling On-Demand Tank Vehicles: Performance Standards; *AB 959 (Mullin) Park Districts: Regulations: Nuisances: Abatement; *AB 1500 (E. Garcia) The Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022; *SB 45 (Portantino) The Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022; *AB 1110 (R. Rivas) Zero-Emission Vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; *SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and Other Legislation Which May Need Attention of The Board

[21-0465](#)

- Recommendation:
- A. Adopt a Position of “Support” on: SB 496 (Laird) Flood control: water development projects: Pajaro River.
 - B. *Adopt a Position of “Support” on: AB 905 (Quirk) Mobile fueling on-demand tank vehicles: performance standards.
 - C. *Adopt a Position of “Support” on: AB 959 (Mullin) Park districts: regulations: nuisances: abatement.
 - D. *Adopt a Position of “Support and Amend” on: AB 1500 (E. Garcia) the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.
 - E. *Adopt a Position of “Support and Amend” on: SB 45 (Portantino) the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.
 - F. *Adopt a Position of “Support” on: AB 1110 (R. Rivas) Zero-emission vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program.
 - G. *Adopt a Position of “Support” on: SB 372 (Leyva) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

Manager: Donald Rocha, 408-355-4196

Attachments: [*Original Agenda Memorandum](#)

[*Supplemental Agenda Memorandum](#)

3.6. Approval of Minutes.

[21-0412](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 030921 Regular Meeting Minutes](#)
[Attachment 2: 031621 Special Meeting Minutes](#)

*3.7. Accept the CEO Bulletin for the Weeks of April 9 - 22, 2021.

[21-0466](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 042221 CEO Bulletin](#)

- *3.8. Adopt a Resolution Making Responsible Agency Findings Pursuant to the California Environmental Quality Act for Approval of the Use of the Santa Clara Valley Transportation Authority's Eastridge to BART Regional Connector-Capitol Expressway Light Rail Project Environmental Impact Report to Approve an Agreement for Possession and Use; and Approve and Authorize the Chief Executive Officer to execute the Agreement for Possession and Use between the Santa Clara Valley Transportation Authority and the Santa Clara Valley Water District for Easement Rights on Thompson Creek to Facilitate Construction of the Eastridge to BART Regional Connector-Capitol Expressway Light Rail Project, prior to the conveyance of Real Property Rights, APN Nos. 491-02-066 and 491-48-006, Real Estate File Nos. 4047-6.4 and 4047-0.65 (San Jose) (District 1). (Previously Listed as Item 6.1)

[21-0498](#)

Recommendation:

- A. Adopt a Resolution MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR APPROVAL OF THE USE OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY'S EASTRIDGE TO BART REGIONAL CONNECTOR-CAPITOL EXPRESSWAY LIGHT RAIL PROJECT ENVIRONMENTAL IMPACT REPORT TO APPROVE AN AGREEMENT FOR POSSESSION AND USE; and
- B. Approve and authorize the Chief Executive Officer to execute the Agreement for Possession and Use between the Santa Clara Valley Transportation Authority and the Santa Clara Valley Water District for Easement Rights on Thompson Creek to Facilitate Construction of the Eastridge to BART Regional Connector-Capitol Expressway Light Rail Project.

Manager: Rechelle Blank, 408-630-2615

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

- *3.9. Adopt a Resolution Adopting the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Approve the Palo Alto Flood Basin Tide Gate Structure Replacement Project, Project No. 10394001 (Palo Alto) (District 7). (Previously Listed as Item 6.2) [21-0500](#)

Recommendation: A. Consider the environmental effects of the Palo Alto Flood Basin Tide Gate Structure Replacement Project (Project) as discussed in the Final Mitigated Negative Declaration;
 B. Adopt the Resolution ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PALO ALTO FLOOD BASIN TIDE GATE STRUCTURE REPLACEMENT PROJECT; and
 C. Approve the Project.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Final MND](#)
 [Attachment 2: Resolution](#)
 [Attachment 3: Project Delivery Process Chart](#)
 [*Handout 3.9-A: Anderson](#)

- *3.10 Approve the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information; a program under the Community Rating System of the Federal Emergency Management Agency's National Flood Insurance Program. (Previously Listed as Item 8.1) [21-0508](#)

Recommendation: A. Review the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information; and
 B. Approve the implementation of the PPI 5-Year Plan for the Community Rating System Program.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: 2021 SCC Multi-Jurisdictional PPI](#)
 [Attachment 2: PPI Appendix A](#)
 [Attachment 3: PPI Appendix D](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Revise Board Governance Policy Governance Process GP-3.4 - Board Appointed Officers (BAO) Performance Evaluation and Compensation Review Process. [21-0371](#)
- Recommendation: Review and approve revisions to Board Governance Policy Governance Process GP-3.4 - Board Appointed Officers (BAO) Performance Evaluation and Compensation Review Process.
- Manager: Michele King, 408-630-2711
- Est. Staff Time: 10 Minutes
- 4.2. District Counsel Appointment and Employment Agreement. [21-0385](#)
- Recommendation: Adopt the Resolution APPOINTING JUAN CARLOS ORELLANA AS THE DISTRICT COUNSEL, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, AND APPROVING EMPLOYMENT AGREEMENT.
- Manager: Ingrid Bella, 408-630-3171
- Attachments: [Attachment 1: Resolution and Employment Agreement](#)
- Est. Staff Time: 5 Minutes
- 4.3. Adopt a Resolution Providing for the Appointment and Compensation of the Interim District Counsel. [21-0457](#)
- Recommendation: Adopt a Resolution APPOINTING AND PROVIDING FOR THE COMPENSATION OF THE INTERIM DISTRICT COUNSEL.
- Manager: Rick Callender, 408-630-2017
- Attachments: [Attachment 1: Resolution](#)
- Est. Staff Time: 5 Minutes
- 4.4. Approve Fiscal Year 2021-2022 Board Work Plan. [21-0453](#)
- Recommendation: Review and approve the Fiscal Year 2021-2022 Board Work Plan.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: FY22 Board Work Plan](#)
- Est. Staff Time: 5 Minutes

*4.5. Review Fiscal Year 2021 Board Policy Planning Calendar. [21-0501](#)

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](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

4.6. Consider Santa Clara Valley Water District Youth Commission's Recommendations and Associated Staff Analyses from Commission's February 24, 2021, Meeting: Participation in Pilot Mural Art Project and Approve Proposed Location for Pilot Mural; and Consider Becoming Annual Sponsor of the Synopsys Championship Science Fair's Special Awards (up to \$5,000). [21-0284](#)

Recommendation: That the Board consider the following recommendations by the Santa Clara Valley Water District Youth Commission:

- A. Participate in the pilot Mural Art Project and approve proposed location for the pilot mural (Blossom Hill Annex); and
- B. Become an annual sponsor for the Synopsys Championship Science Fair's Special Awards (up to \$5,000).

Manager: Marta Lugo, 408-630-2237

Est. Staff Time: 5 Minutes

*4.7. Consider the Agricultural Water Advisory Committee's Recommendation and Associated Staff Analysis from the Committee's April 5, 2021 Meeting. [21-0452](#)

Recommendation: Consider accepting the Agricultural Water Advisory Committee's recommendation to support the requests stated in the Santa Clara County Farm Bureau's April 5, 2021, letter.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: 040521 SCC Farm Bureau Letter](#)

Est. Staff Time: 5 Minutes

- *4.8. Receive Update on 2021 Water Supply Conditions and Consider Recommendations Resulting from the March 30 and April 12, 2021 Water Conservation and Demand Management Committee. (Item Previously Listed as Item 5.2) [21-0497](#)

Recommendation: A. Receive, review, and discuss information on water supply conditions; and
 B. Consider the following recommendations unanimously approved by the Water Conservation and Demand Management Committee on March 30 and April 12, 2021:
 i. Increase the Landscape Rebate Program incentive to \$2.00 a square foot;
 ii. Support maintaining the current voluntary call for conservation; and
 iii. Direct staff to increase water conservation messaging and programs to inspire additional water savings.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: PowerPoint](#)
 [Attachment 2: April 2021 Water Tracker](#)
 [*Handout 4.8-A: Governors Declaration](#)
 [*Handout 4.8-B: SFPUC Memo](#)

Est. Staff Time: 15 Minutes

- *4.9. Board Committee Reports. (Previously listed as Item 4.7) [21-0469](#)

Attachments: [*Handout 4.9-A: 040521 WSEC Summary](#)
 [*Handout 4.9-B: 041221 WCDM Summary](#)
 [*Handout 4.9-C: 041421 Water Commission Summary](#)
 [*Handout 4.9-D: 041921 EWRC Summary](#)
 [*Handout 4.9-E: 042021 HEC Summary](#)
 [*Handout 4.9-F: 042621 CIP Agenda](#)
 [*Handout 4.9-G: 042621 BAC Agenda](#)

- *4.10. Proposed Future Board Member Agenda Items. (Previously Listed as Item 4.8)

5. WATER UTILITY ENTERPRISE:

- 5.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Rinconada Water Treatment Plant Residuals Remediation Project, Project No. 93294058, Contract No. C0671 (Los Gatos) (District 7).

[21-0253](#)

Recommendation:

- A. Find that the Rinconada Water Treatment Plant (RWTP) Residuals Remediation Project is substantially complex and requires a construction contract retention of ten percent;
- B. Find that Square D PowerLogic ION electrical power monitoring system (or most current) should be designated by specific brand name and catalog item as a sole source product, to match other products already in use at the Rinconada Water Treatment Plant. (Sole source justification previously approved by the Board on June 11, 2013 for the RWTP Residuals Management Project No. 93294051 and on February 10, 2015 for the RWTP Reliability Improvement Project No. 93294057). PCC 3400(c)(2);
- C. Find that Schneider Electric Modicon Unity Pro PLC programming software (or most current), and iFix HMI and Historian software by GE Intelligent Platforms (or most current) should be designated by specific brand name and catalog item as sole source products, to match other products already in use at the Rinconada Water Treatment Plant. (Sole source justification previously approved by the Board on June 11, 2013 for the RWTP Residuals Management Project No. 93294051 and on February 10, 2015 for the RWTP Reliability Improvement Project No. 93294057). PCC 3400(c)(2);
- D. Find that Cisco (IE3300 or most current) rack-mounted ethernet switches should be designated by specific brand name and catalog item as a sole source product, to match other products already in use at the Rinconada Water Treatment Plant. (Sole source justification previously approved by the Board on June 11, 2013 for the RWTP Residuals Management Project No. 93294051 and on February 10, 2015 for the RWTP Reliability Improvement Project No. 93294057). PCC 3400(c)(2);
- E. Find that RFIdeas RFID Reader (RDR-6081AKU or most current) and ESM Software TSL-RFID Security Software (or most current) should be designated by specific brand name and catalog item as a sole source product, to match other products already in use at the Rinconada Water Treatment Plant. PCC 3400(c)(2);
- F. Find that Hiller Separation & Process DP66-422 Centrifuges, identical to the two existing centrifuges, should be designated by specific brand name and catalog item as a sole source product, to match other

- products already in use at the Rinconada Water Treatment Plant. PCC 3400(c)(2);
- G. Find that Schneider Electric M580 PLCs (updated version of the Schneider Electric Modicon PLCs no longer in production) should be designated by specific brand name and catalog item as a sole source product, to match other products already in use at the Rinconada Water Treatment Plant. PCC 3400(c)(2);
 - H. Consider the Second Addendum to the RWTP Residuals Management Project Initial Study/Mitigated Negative Declaration (IS/MND);
 - I. Approve the Rinconada Water Treatment Plant Residuals Remediation Project;
 - J. Adopt the plans and specifications and authorize advertisement for bids for the construction of the Rinconada Water Treatment Plant Residuals Remediation Project per the Notice to Bidders; and
 - K. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

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](#)
[Attachment 6: PowerPoint](#)
[Attachment 7: Second Addendum to MND](#)
[Attachment 8: Final MND](#)

Est. Staff Time: 10 Minutes

*5.2. (Moved to Item 4.8)

6. WATERSHEDS:

*6.1. (Moved to Consent Calendar Item 3.8)

*6.2. (Moved to Consent Calendar Item 3.9)

- *6.3. Receive Update on Feasibility Study Findings for the Calabazas and San Tomas Aquino Creek Realignment Project, a Part of Salt Ponds A5-11 Restoration Project, Project No. 20444001, Approve Proceeding with a Formal Planning Study to Identify a Preferred Realignment Project Alternative, and Approve Preliminary Budget and Schedule for Proceeding with Planning Phase. [21-0235](#)

Recommendation: A. Approve Proceeding with a formal Planning Study for the Calabazas and San Tomas Aquino Creek Realignment Project (Realignment Project), to Identify a Preferred Realignment Project Alternative; and
 B. Approve the recommended preliminary budget and schedule for proceeding with the Realignment Project.

Manager: John Bourgeois, 408-314-8859

Attachments: [Attachment 1: Project Map](#)
 [Attachment 2: Final Feasibility Report](#)
 [Attachment 3: PowerPoint](#)
 [*Handout 6.3-A: Sierra Club](#)
 [*Handout 6.3-B: J. Lucas](#)
 [*Handout 6.3-C: CCCR](#)
 [*Handout 6.3-D: Kleinhaus](#)

Est. Staff Time: 15 Minutes

7. **ASSISTANT CHIEF EXECUTIVE OFFICER:**

- 7.1. Approve the Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project as parts of the Federal Energy Regulatory Commission Order Compliance Project, under the Anderson Dam Seismic Retrofit Project No. 91864005, APN: 723-34-020, 729-36-001, 678-02-031 & -034, and 725-36-001; Real Estate File Nos. 9186-35, 9186-39, 9188-17, and 9232-52 (Unincorporated Santa Clara County) (District 1). [21-0456](#)

Recommendation: Approve an Agreement for Possession and Use by and between Santa Clara Valley Water District (Valley Water), and the County of Santa Clara (County).

Manager: Sue Tippetts, 408-630-2253

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- 7.2. Budget Adjustment in the Amount of \$13 Million from Fund 61, Water Utility Fund Operating and Capital Reserves, to the Anderson Dam Seismic Retrofit Project, Project No. 91864005 (Morgan Hill) (District 1) [21-0455](#)

Recommendation: Approve a budget adjustment in the amount of \$13 million, from Fund 61 Water Utility Fund Operating and Capital Reserves, to the Anderson Dam Seismic Retrofit Project, Project No. 91864005.

Manager: Christopher Hakes, 408-630-3796

Est. Staff Time: 5 Minutes

*7.3. Report of Bids Received and Award of Construction Contract to Flatiron West Inc. in the sum of \$161,140,321 for the Anderson Dam Tunnel Project, Project No. 91864005, Contract No. C0663 (Morgan Hill) (District 1).

[21-0448](#)

- Recommendation:
- A. Ratify Addenda Nos. 1, 2, 3, 4, 5, 6, 7 and 8 to the Contract Documents for the Anderson Dam Tunnel Project;
 - B. Deny the April 5, 2021 bid protest submitted by Kiewit Infrastructure West, Inc., consistent with the Designated Engineer's April 15, 2021 final decision;
 - C. Award the Contract to Flatiron West Inc., located in Benicia California, in the sum of \$161,140,321: and
 - D. Approve a contingency sum of \$40,000,000 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Project Delivery Process Chart](#)
[Attachment 2: Location Map](#)
[Attachment 3: FERC Letter](#)
[Attachment 4: DSOD Letter](#)
[Attachment 5: Prequalification Application](#)
[Attachment 6: Notice to Bidders](#)
[Attachment 7: Instructions to Bidders](#)
[Attachment 8: Final Prequalified Contractors List](#)
[Attachment 9: Prequalified Contractor Information](#)
[Attachment 10: Flatiron Bid Proposal](#)
[Attachment 11: Kiewit Bid Proposal](#)
[Attachment 12: Dragados Bid Proposal](#)
[Attachment 13: Bid Summary](#)
[Attachment 14: Best Value Bid Summary](#)
[Attachment 15: Kiewit Bid Protest](#)
[Attachment 16: Response Letter to Kiewit Bid Protest](#)
[Attachment 17: Flatiron CA SOS Entity Detail](#)
[Attachment 18: Flatiron CA SOS SDFC](#)
[Attachment 19: Flatiron CSLB Information](#)
[Attachment 20: Dragados CA SOS Entity Detail](#)
[Attachment 21: Dragados CA SOS SDFC](#)
[Attachment 22: Dragados CSLB Information](#)
[Attachment 23: Obayashi CA SOS Entity Detail](#)
[Attachment 24: Obayashi Corporation CA SOS Amended SFC](#)
[Attachment 25: Obayashi CSLB Information](#)
[*Handout 7.3-A: J. Howard](#)
[*Handout 7.3-B: Scott](#)

Est. Staff Time: 10 Minutes

8. EXTERNAL AFFAIRS:

*8.1. (Moved to Consent Calendar Item 3.10)

9. CHIEF EXECUTIVE OFFICER:

*9.1. CEO and Chiefs' Report.

[21-0513](#)

Attachments: [*Handout 9.1-A: Civic Engagement Update](#)
[*Handout 9.1-B: Government Relations 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 6:00 p.m., on April 28, 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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