



# Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

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

**Tuesday, October 12, 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

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

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

**\*AMENDED/APPEDED  
AGENDA**

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

---

Tuesday, October 12, 2021

11:00 AM

Teleconference Zoom Meeting

---

IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas), that allows attendance by members of the Board of Directors, Board Committees, District staff, and the public to conduct and participate in meetings of the legislative bodies by teleconference, videoconference, or both.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in the Zoom meeting link listed on the agenda, at the time the item is called. 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://www.valleywater.org> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

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

**Join Zoom Meeting:**

**<https://valleywater.zoom.us/j/83571086504>**

**Meeting ID: 835 7108 6504**

**Join by Phone:**

**1 (669) 900-9128, 83571086504#**

**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. CLOSED SESSION**

[21-1135](#)

**CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, J. Carlos Orellana, Brian Hopper, Tina Yoke, Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks

Employee Organizations: Employees Association, Engineers Society, Professional Managers

**\*2.2. CLOSED SESSION**

[21-1136](#)

**CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION**

Government Code Section 54956.9(d)(4)

One Potential Case

**\*2.3. CLOSED SESSION**

[21-1063](#)

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

Titles: CEO, District Counsel and Clerk of the Board  
(PREVIOUSLY LISTED AS ITEM 2.1)

**1:00 PM**

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/83571086504>**  
**Meeting ID: 835 7108 6504**  
**Join by Phone:**  
**1 (669) 900-9128, 83571086504#**

- \*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. Resolution Establishing Policy Criteria for Public Trails on Santa Clara Valley Water District (Valley Water) Lands and Public Hearing to Amend the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land, as Recommended by the Board Policy and Planning Committee during its January 25, 2021 meeting (PREVIOUSLY LISTED AS ITEM 2.6). [21-0756](#)

Recommendation:      A. Consider the January 25, 2021 Board Policy and Planning Committee recommendation to approve the Policy Criteria and Guidance for Public Trails on Valley Water Lands;  
                                 B. Adopt the Resolution ESTABLISHING POLICY CRITERIA FOR PUBLIC TRAILS ON VALLEY WATER LANDS;  
                                 C. Open the Public Hearing to Consider Amendment of the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land;  
                                 D. Close the Public Hearing; and  
                                 E. Adopt the Resolution AMENDING THE WATER RESOURCES PROTECTION MANUAL TO INCLUDE POLICY CRITERIA AND GUIDANCE FOR PUBLIC TRAILS ON VALLEY WATER LANDS.

Manager:                Lisa Bankosh, 408-630-2618

Attachments:          [\\*Attachment 1: Policy Criteria and Guidance](#)  
                                 [Attachment 2: Resolution, Policy Criteria](#)  
                                 [Attachment 3: Notice of Public Hearing](#)  
                                 [Attachment 4: Resolution, Amending WRPM](#)  
                                 [Attachment 5: PowerPoint](#)

Est. Staff Time:      20 Minutes

- \*2.9. Receive Information on the Downtown San Jose West Mixed-Use Plan (Downtown Google Project) (PREVIOUSLY LISTED AS ITEM 2.7). [21-1019](#)

Recommendation:    Receive information on opportunities and challenges related to the Downtown San Jose West Mixed-Use Plan (Downtown Google Project).

Manager:                Sue Tippets, 408-630-2253

Attachments:          [Attachment 1: Project Map](#)  
                                 [\\*Handout 2.9-A: Google Staff PowerPoints](#)

Est. Staff Time:      15 Minutes

- \*2.10 Monthly Drought Emergency Response and Water Supply Update  
(PREVIOUSLY LISTED AS ITEM 2.8).

[21-1013](#)

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Manager: Aaron Baker, 408-630-2135

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: PowerPoint](#)  
[\\*Supplemental Attachment 2: Drought Response Report](#)  
[\\*Supplemental Attachment 3: October 2021 Water Tracker](#)

Est. Staff Time: 20 Minutes

**3. CONSENT CALENDAR: (3.1 - \*3.5) (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. Approve Federal Funding Requests for Federal Fiscal Years 2022 and 2023.

[21-0960](#)

Recommendation: Approve the recommended federal Fiscal Years (FYs) 2022 and 2023 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: FY22, FY23 Federal Funding Requests](#)

- 3.2. Adopt the Resolution Declaring October 23-30, 2021, as California Flood Preparedness Week in Santa Clara County. [21-0931](#)

Recommendation: Adopt the Resolution DECLARING THE WEEK OF OCTOBER 23-30, 2021, AS CALIFORNIA FLOOD PREPAREDNESS WEEK IN SANTA CLARA COUNTY.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.3. Approve the Nomination of Ms. Vaishali "Shali" Sirkay, by District 7 Vice Chair Gary Kremen, as Replacement to the District 7 Representative Seat on the Santa Clara Valley Water District 2021 Redistricting Advisory Committee. [21-1033](#)

Recommendation: Approve the nomination of Ms. Vaishali "Shali" Sirkay, by District 7 Vice Chair Gary Kremen, as a replacement to the District 7 Representative seat on the Santa Clara Valley Water District 2021 Redistricting Advisory Committee.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: Nominee Qualifications](#)

- 3.4. Approval of Minutes. [21-1053](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 032521 Special CS Meeting Minutes](#)  
[Attachment 2: 032621 Special Meeting and CS Minutes](#)  
[Attachment 3: 062221 CS and Regular Meeting Minutes](#)  
[Attachment 4: 070621 Special CS Meeting Minutes](#)

- \*3.5. Accept the CEO Bulletin for the Weeks of September 24 - October 7, 2021. [21-1092](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 100721 CEO Bulletin](#)

**REGULAR AGENDA:**

**4. BOARD OF DIRECTORS:**

\*4.1. Board Committee Reports.

[21-1093](#)

Attachments:

[\\*Handout 4.1-A: 092021 CIP Summary](#)

[\\*Handout 4.1-B: 092121 JRWAC \(Sunnyvale\) Summary](#)

[\\*Handout 4.1-C: 092721 WCDM Summary](#)

[\\*Handout 4.1-D: 092921 RAC Summary](#)

[\\*Handout 4.1-E: 100421 AWAC Summary](#)

[\\*Handout 4.1-F: 100521 RAC Summary](#)

[\\*Handout 4.1-G: 101321 RAC Agenda](#)

[\\*Handout 4.1-H: 101921 HEC Agenda](#)

4.2. Proposed Future Board Member Agenda Items.

**5. WATER UTILITY ENTERPRISE:**

5.1. Receive the Capital Improvement Program Committee's September 20, 2021 Request for Staff to Present to the Board the Recommendation to Proceed to the Request For Proposal Stage With a Single Proposer for the Coyote Pumping Plant Adjustable Speed Drive Replacement Project, Project No. 91234002, (Morgan Hill), (District 1).

[21-1057](#)

Recommendation:

A. Receive an update on the Coyote Pumping Plant Adjustable Speed Drive Replacement Project Design-Build Request for Qualifications;

B. Approve staff's recommendation to proceed with a single proposer, as supported by the Capital Improvement Program Committee during their September 20, 2021 meeting; and

C. Provide direction to staff as necessary.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 15 Minutes

**6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**



9.1. Fiscal Year 2020-21 Fourth Quarter Financial Status Update.

[21-1059](#)

Recommendation: Receive the Fiscal Year 2020-21 fourth quarter financial status update as of June 30, 2021.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

\*9.2. CEO and Chiefs' Report.

[21-1094](#)

Attachments: [\\*Handout 9.2-A: Watersheds O&M Report](#)

[\\*Handout 9.2-B: 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 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on October 26, 2021, to be called to order in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).