



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, November 9, 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
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11:00 AM

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IMPORTANT NOTICES

*****BY VIRTUAL TELECONFERENCE ONLY*****

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

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 <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/84757884064>
Meeting ID: 847 578 84064
Join by Phone:
1 (669) 900-9128, 84757884064#

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 [21-1250](#)
CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION Pursuant to Government Code Section
54956.9(d)(2)
*Six Potential Cases
- *2.2. CLOSED SESSION [21-1251](#)
CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION Pursuant to Government Code Section
54956.9(d)(4)
*Six Potential Cases
- *2.3. CLOSED SESSION [21-1239](#)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Silicon Valley Advanced Water Purification Center, 4190 Zanker
Road, San Jose, CA 95134 (APN: 01531063)
Agency negotiators: Rick Callender, *Melanie Richardson, Aaron Baker,
Vincent Gin, Kirsten Struve, Darin Taylor, Charlene Sun
Negotiating party: City of San Jose
- 2.4. CLOSED SESSION [21-1217](#)
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Titles: CEO, District Counsel and Clerk of the Board

1:00 PM

Rejoin Zoom Meeting:
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- 2.5. District Counsel Report on Closed Session.
- 2.6. Pledge of Allegiance/National Anthem.
- 2.7. Orders of the Day.
 - 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.
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. Delta Conveyance Project Update. [21-1219](#)

Recommendation: Receive presentations regarding the Delta Conveyance Project and discuss. This is an information-only item and no action is required.

Manager: Vincent Gin, 408-630-2633

Attachments: [*Handout 2.9-A: PowerPoint](#)

Est. Staff Time: 20 Minutes

*2.10 Monthly Drought Emergency Response and Water Supply Update. [21-1182](#)

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 Board Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Supplemental Attachment 2: Drought Response Report](#)
[*Supplemental Attachment 3: November Water Tracker Report](#)

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. Resolution Declaring November 2021 as National Native American Heritage Month. [21-1169](#)

Recommendation: Adopt the RESOLUTION DECLARING NOVEMBER 1 TO NOVEMBER 30, 2021, AS NATIONAL NATIVE AMERICAN HERITAGE MONTH.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

3.2. Resolution Proclaiming November 14-20, 2021, as United Against Hate Week. [21-1187](#)

Recommendation: Adopt a RESOLUTION PROCLAIMING NOVEMBER 14-20, 2021, AS UNITED AGAINST HATE WEEK.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.3. Approve the First Amendment to 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: 728-34-020, 729-36-001, 678-02-031 & -034, and 725-06-008; Real Estate File Nos. 9186-35, 9186-39, 9188-17, and 9232-52, Providing a No-Cost time extension to the Agreement (Unincorporated Santa Clara County) (District 1). [21-1198](#)

Recommendation: Approve the First Amendment to Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara, providing a no-cost time extension to the agreement.

Manager: Sue Tippets, 408-630-2253

Attachments: [Attachment 1: Agreement](#)
[Attachment 2: First Amendment to Agreement](#)

- *3.4. Approval of Minutes. [21-1143](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 081021 CS and Regular Meeting](#)
[Attachment 2: 082321 Special Joint Minutes](#)
[Attachment 3: 082421 CS and Regular Meeting Minutes](#)
[Attachment 4: 090821 Special CS Meeting Minutes](#)
[Attachment 5: 091421 Regular Minutes](#)
[Attachment 6: 092021 Special CS Meeting](#)
[Attachment 7: 092821 Special Minutes](#)
[Attachment 8: 092821 CS and Regular Minutes](#)

- *3.5. Accept the CEO Bulletin for the Weeks of October 22 - November 4, 2021. [21-1212](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 110421 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

*4.1. Board Committee Reports.

[21-1213](#)

- Attachments: [*Handout 4.1-A: 092221 RWC Summary](#)
[*Handout 4.1-B: 102121 BPPC Summary](#)
[*Handout 4.1-C: 102521 JRWPC Summary](#)
[*Handout 4.1-D: 102721 Water Commission Summary](#)
[*Handout 4.1-E: 102721 RAC Summary](#)
[*Handout 4.1-F: 110321 RAC Summary](#)

4.2. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve Sole-Source Purchase of Parts, Refurbishments, and Maintenance and Calibration Services from Xylem Water Solutions U.S.A., Inc. - WEDECO for Valley Water's Ozone Generating and Ultraviolet Disinfection Systems Over the Lifetime of Such Systems with Near-Term Procurements Estimated to Cost of \$920,000.

[20-1156](#)

Recommendation: Approve Sole-Source Purchase of Parts, Refurbishments, and Maintenance and Calibration Services from Xylem Water Solutions U.S.A., Inc. - WEDECO for Valley Water's Ozone Generating and Ultraviolet Disinfection Systems Over the Lifetime of Such Systems with Near-Term Procurements Estimated to Cost of \$920,000.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: 071321 Vendor Sole Source Letter](#)

Est. Staff Time: 5 Minutes

- 5.2. Approve Sole Source Purchase of Two (2) Online Trihalomethane (THM) Analyzers from Aqua Metrology Systems Limited (AMS) for Continuous Finished Water THM Monitoring at the Rinconada Water Treatment Plant (Project No. 93291012) and Penitencia Water Treatment Plant (Project No. 93231009) for a Not-To-Exceed amount of \$200,000.

[21-1050](#)

Recommendation: Authorize the Chief Executive Officer to negotiate, execute, and amend the sole source purchase of two (2) online THM analyzers from AMS to obtain real-time THM data at Rinconada and Penitencia Water Treatment Plants from Aqua Metrology Systems Limited (AMS), in a not-to-exceed cost of \$200,000.

Manager: Sam Bogale, 408-630-3505

Est. Staff Time: 5 Minutes

- 5.3. Approve Agreement with Stantec Consulting Services, Inc. for Design Services for the Penitencia Water Treatment Plant Residuals Management Project, Project No. 93234044, CAS File No. 5204, for a Not-to-Exceed Fee of \$5,938,518 (San Jose), (District 3). [21-1051](#)

Recommendation: Approve the Consultant Agreement with Stantec Consulting Services, Inc. for Design Services for the Penitencia Water Treatment Plant Residuals Management Project, Project No. 93234044, for a not-to-exceed fee of \$5,938,518.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- *5.4. Update on the Condition of the Almaden Valley Pipeline and Determination that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose) (District 3). [21-1238](#)

Recommendation: A. Receive an update on the Almaden Valley Pipeline; and
B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on November 2, 2021 pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Declaration of Emergency](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- *7.1. Receive and Discuss Information on the Pacheco Reservoir Expansion Project and Water Storage Investment Program Award Discussion, and Adopt a Resolution for Water Storage Investment Program Funding Commitment for the Pacheco Reservoir Expansion Project. [21-1006](#)

Recommendation: A. Receive and discuss information regarding the Pacheco Reservoir Expansion Project;
 B. Water Storage Investment Program Award Discussion;
 and
 C. Adopt the RESOLUTION for WATER STORAGE INVESTMENT PROGRAM FUNDING COMMITMENT FOR THE PACHECO RESERVOIR EXPANSION PROJECT.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Resolution](#)
 [Attachment 2: Rate Impact](#)
 [*Handout 7.1-A: Email, J. Michael](#)
 [*Handout 7.1-B: Email, Sierra Club](#)
 [*Handout 7.1-C: Email, K. Carpenter](#)

Est. Staff Time: 10 Minutes

- 7.2. Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of the Fiscal Year 2022-23 (FY23) Currently Unfunded Projects. [21-1142](#)

Recommendation: A. Receive overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule;
 B. Review list of Currently Unfunded Capital Projects; and
 C. Provide feedback as necessary.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

- *7.3. Report of Bids Received and Award of Construction Contract to Garney Pacific, Inc., in the Sum of \$12,867,059, for the Cross Valley Pipeline Extension Project, as Part of the Anderson Dam Seismic Retrofit Project, Project No. 91864005, Contract No. C0676 (Morgan Hill, Santa Clara County) (District 1). [21-1230](#)

Recommendation: A. Ratify Addenda No. 1, 2, 3, 4 and 5 to the Contract Documents for the Cross Valley Pipeline Extension Project;
 B. Award the Contract to Garney Pacific Construction, Inc in the sum of \$12,867,059; and
 C. Approve a contingency sum of \$1,930,059 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Chris Hakes, 408-630-3796

Attachments: [Attachment 1: Addenda Nos. 1, 2, 3, 4, and 5](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Location Map](#)

Est. Staff Time: 20 Minutes

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- *9.1. CEO and Chiefs' Report. [21-1214](#)

Attachments: [*Handout 9.1-A: Office of Racial Equity, Diversity & Inclusion](#)
[*Handout 9.1-B: Office of Communications Activities](#)
[*Handout 9.1-C: Watersheds Operations & Maintenance Report](#)

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 November 23, 2021.