



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom

Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

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

**Tuesday, August 9, 2022
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

John L. Varela, Chair Pro Tem -
District 1
Barbara Keegan - District 2
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5
Tony Estremera - District 6
Gary Kremen - 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) 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

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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 wear a mask and 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 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.

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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://emmas.msrbo.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

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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:

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**

[22-0945](#)

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 Purchase, Sale, or Exchange of Property Interest in APNs: 72937016, 72937017, 72937018, 72937019, 72937029, 72937030, 72937020, 72937021, 72937022

Agency Negotiators: Rick Callender, Melanie Richardson, Chris Hakes, Ryan McCarter, Kathy Bradley, Bill Magleby, and Edna Campero

Negotiating Parties: James H. Woodward; Rebecca Grace Watkin; Hao Tan Le; Robert Tomio Weir; Nicole Marie Weir; John B. Schlaefer; Martin E. Holler, Trustee; Laura Nuno, Trustee; Guy Trujillo; and Janice M. Schultz, Trustee

***2.2. CLOSED SESSION**

[22-0959](#)

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)
7 Potential Cases

1:00 PM

***2.3. District Counsel Report on Closed Session.**

***2.4. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS ITEM 1.2.)**

*2.5. Orders of the Day. (PREVIOUSLY LISTED AS ITEM 1.3.)

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

*2.6. Time Open for Public Comment on any Item not on the Agenda.
(PREVIOUSLY LISTED AS ITEM 1.4.)

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.

*2.7. Recognition of the Synopsys Science Fair Special Award Recipients. [22-0771](#)
(PREVIOUSLY LISTED AS ITEM 2.1.)

Recommendation: Recognize the Synopsys Science Fair Special Award Recipients.

Manager: Donald Rocha, 408-630-2238

Attachments: [Attachment 1: Synopsys Awardees](#)

Est. Staff Time: 5 Minutes

*2.8. Youth Commission Drought Awareness and Conservation Toolkit. [22-0727](#)
(PREVIOUSLY LISTED AS ITEM 2.2.)

Recommendation: Receive information on the Santa Clara Valley Water District Youth Commission's Drought Awareness and Conservation Toolkit.

Manager: Donald Rocha, 408-630-2238

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

- *2.9. Presentation of the Santa Clara Valley Water District Youth Commission's (Youth Commission) Accomplishments Report and Recognition of the 2022 Outgoing Youth Commission Members. (PREVIOUSLY LISTED AS ITEM 2.3.) [22-0770](#)

Recommendation: A. Receive and accept the Youth Commission's Accomplishments Report; and
 B. Acknowledge and recognize the 2022 outgoing Youth Commission Members.

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

Attachments: [Attachment 1: Youth Commission's Accomplishments Report](#)
 [Attachment 2: Copies of Certificates of Recognition](#)

Est. Staff Time: 10 Minutes

- *2.10 Monthly Drought Emergency Response and Water Supply Update. [22-0895](#)
(PREVIOUSLY LISTED AS ITEM 2.4.)

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: August 2022 Water Tracker](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - *3.8) (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. Consider Nominations for the Board to approve the Re-Appointments and New Appointments for Two-Year Terms to the Santa Clara Valley Water Youth Commission. [22-0868](#)

Recommendation: Consider Nominations for the Board to approve the Re-Appointments and New Appointments for Two-Year Terms to the Santa Clara Valley Water Youth Commission.

Manager: Donald Rocha, 408-630-2238

Attachments: [Attachment 1: Tran Application](#)
[Attachment 2: Wei Application](#)
[Attachment 3: Gao Application](#)
[Attachment 4: Kubota Application](#)
[Attachment 5: Zhang Application](#)
[Attachment 6: Bak Application](#)
[Attachment 7: Kakulapati Application](#)
[Attachment 8: Zhu Application](#)
[Attachment 9: Lopez Application](#)
[Attachment 10: Romero Application](#)
[Attachment 11: Banerjee Application](#)
[Attachment 12: Van Kerckhove Application](#)
[Attachment 13: SCVWD Resolution No. 17-75](#)

- 3.2. Deny Claim of Downtown L.A. Law Group on behalf of Felicia Saabedra. [22-0783](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim](#)

- 3.3. Adopt Resolution Authorizing Conveyance of Real Property Interest to the County of Santa Clara; and Authorize the Chief Executive Officer to Execute a Purchase and Sale Agreement and the Grant Deed for the Uvas Road Bridge Replacement Project, APN No. 712-30-005, Real Estate File No. 5018-3.1 (District 1). [22-0813](#)

Recommendation: A. Adopt the Resolution authorizing CONVEYANCE OF REAL PROPERTY TO THE COUNTY OF SANTA CLARA;
 B. Authorize the Chief Executive Officer to execute a Purchase and Sale Agreement between the County of Santa Clara and Santa Clara Valley Water District, for the conveyance of real property interest, located at Uvas Creek, based upon the terms and conditions as set forth in the Agreement; and
 C. Authorize the Chief Executive Officer to execute the grant deed, Real Estate File No. 5018-3.1.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Location Map](#)
 [Attachment 2: Resolution](#)

- 3.4. Approve and Authorize the Chief Executive Officer to Execute Amendment No. 1 to Agreement A4214R, with the Santa Clara Valley Transportation Authority, for the Safe, Clean Water and Natural Flood Protection Program, FY2018 Priority B3 Grant Pollution Prevention Agreement for the Keep Santa Clara Valley Beautiful Project, to Retroactively Extend the Agreement Expiration Date as a No-Cost Extension and Reallocate Funding in the Project Budget (Countywide). [22-0656](#)

Recommendation: Approve and authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement A4214R Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program, FY2018 Safe, Clean Water Project B3 Grant Agreement with the Santa Clara Valley Transportation Authority, for the Keep Santa Clara Valley Beautiful Project, to retroactively extend the Agreement expiration date from November 9, 2021, to June 30, 2024, as a no-cost extension and reallocate funding in the Project budget.

Manager: Donald Rocha, 408-630-2338

Attachments: [Attachment 1: SCVWD Agreement No. A4214R](#)
 [Attachment 2: VTA Amendment Request](#)
 [Attachment 3: Amendment No. 1 to Agreement](#)

- *3.5. Adopt Resolution Approving the Application for Grant Funds from the United States Bureau of Reclamation (USBR) for Expanded Water Conservation Services in an Amount up to \$2,000,000 from Fiscal Years 2023-2025, and Authorize the CEO, or Designee, to Accept the Grant, Negotiate, and Execute a Grant Agreement with USBR for the Drought Emergency Project, Project Number 91061008, and Other Related Actions.

[22-0880](#)

- Recommendation:
- A. Approve the grant application submitted by the Chief Executive Officer (CEO) on July 28, 2022, to the United States Bureau of Reclamation for grant funds;
 - B. Authorize the CEO, or designee appointed by the CEO if the grant is awarded to Santa Clara Valley Water District, to:
 - i. Accept the grant and negotiate and execute a grant agreement with USBR for expanded water conservation services, provided all grant requirements can be met;
 - ii. Sign and submit any required documents, invoices, and reports to USBR to obtain grant fund reimbursements to be made pursuant to the Grant Agreement; and
 - iii. As needed, to provide management and support services required for the performance of the work and administration pursuant to the grant agreement, as deemed necessary and appropriate; and
 - C. Adopt the Resolution of the Board of Directors of the Santa Clara Valley Water District APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE UNITED STATES BUREAU OF RECLAMATION FOR EXPANDED WATER CONSERVATION SERVICES.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Grant Application](#)

- *3.6. Adopt Resolution by the Santa Clara Valley Water District Authorizing Representatives to Submit a Grant Application to the Environmental Protection Agency's Water Quality Improvement Program for the San Francisco Bay Region for Fiscal Year 2023 and, if Awarded, Delegate Authority to the Chief Executive Officer (CEO) or Designee, to Negotiate and Execute a Grant Agreement and Any Amendments Thereto, for a Creek Cleanup Initiative at Eight Creeks in Santa Clara County and a Bank repair and Trash Raft and Woody Debris Removal Project at Coyote Creek, Project Numbers 26771027 and 62761027.

[22-0881](#)

Recommendation:

- A. Adopt A RESOLUTION BY THE SANTA CLARA VALLEY WATER DISTRICT AUTHORIZING REPRESENTATIVES TO SUBMIT A GRANT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY'S WATER QUALITY IMPROVEMENT PROGRAM FOR THE SAN FRANCISCO BAY REGION FOR FISCAL YEAR 2023 AND IF AWARDED, TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, FOR A CREEK CLEANUP INITIATIVE AT EIGHT CREEKS IN SANTA CLARA COUNTY AND A BANK REPAIR AND TRASH RAFT AND WOODY DEBRIS REMOVAL PROJECT AT COYOTE CREEK, Project Numbers 26771027 and 62761027;
- B. Delegate authority to the Chief Executive Officer (CEO), or designee appointed by the CEO, to apply for grant funds and, if successful, negotiate and execute a Grant Agreement with the US Environmental Protection Agency (EPA) for funding to support a Creek Cleanup Initiative at eight creeks in Santa Clara County and a bank repair and trash raft and woody debris removal project at Coyote Creek;
- C. Delegate authority to the CEO, or designee appointed by the CEO, to sign and submit invoices and requests to the EPA for grant fund reimbursements to be made pursuant to the Grant Agreement; and
- D. Delegate to the CEO, or designee appointed by the CEO, such other authority as needed to provide management and support services required to perform and administer the work pursuant to the grant agreement, as deemed necessary and appropriate.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Creek Cleanup Site Maps](#)
[Attachment 3: Coyote Creek Erosion Site Photos](#)
[Attachment 4: CSJ Letter of Commitment](#)

- *3.7. Accept the CEO Bulletins for the Weeks of July 8-21, and July 22 Through August 4, 2022. [22-0935](#)

Recommendation: Accept the CEO Bulletins.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 072122 CEO Bulletin](#)
[Attachment 2: 080422 CEO Bulletin](#)

- *3.8. Approval of Minutes. [22-0915](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 042722 Special Meeting Minutes](#)
[Attachment 2: 051022 CS and Regular Meeting Minutes](#)
[Attachment 3: 052422 CS and Regular Meeting Minutes](#)
[Attachment 4: 061422 CS and Regular Meeting Minutes](#)
[Attachment 5: 062822 CS and Regular Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Vacancy on the Santa Clara Valley Water District Public Facilities Financing Corporation Board of Directors Resulting from the Resignation of David Vanni; adopt a Resolution of Appreciation for Mr. Vanni; and Appointment of Replacement. [22-0839](#)

Recommendation:

- A. Accept Resignation of Public Facilities Financing Corporation Director David Vanni;
- B. Adopt the Resolution EXPRESSING APPRECIATION TO DAVID VANNI;
- C. Discuss the Public Facilities Financing Corporation Board of Directors vacancy and provide direction to the Clerk of the Board as to how the Board wishes to fill the vacancy; or
- D. Adopt a Resolution FILLING THE VACANCY ON THE PUBLIC FACILITIES FINANCING CORPORATION BOARD OF DIRECTORS.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resignation - Vanni](#)
[Attachment 2: Resolution of Appreciation](#)
[Attachment 3: PFFC Articles of Incorporation & Bylaws](#)
[Attachment 4: Sample Appointment Resolution](#)
[*Handout 4.1-A: Memo from Staff](#)

Est. Staff Time: 5 Minutes

- 4.2. Board Committee Reports. [22-0942](#)

Attachments: [*Handout 4.2-A: 061322 CIP Summary](#)
[*Handout 4.2-B: 062222 RWC Summary](#)
[*Handout 4.2-C: 062722 WCaDM Summary](#)
[*Handout 4.2-D: 070622 BAC Summary](#)
[*Handout 4.2-E: 070622 JWRC \(Gilroy/Morgan Hill\) Summary](#)
[*Handout 4.2-F: 071122 AWAC Summary](#)
[*Handout 4.2-G: 071322 WSE Summary](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve Agreement with V & A Consulting Engineers to provide On-Call Corrosion Engineering and Support Services, PB File No. VW0035, for a Not-to-Exceed Fee of \$2,000,000. [22-0888](#)

Recommendation: Approve the Standard On-Call Consultant Agreement with V & A Consulting Engineers for On-Call Corrosion Engineering and Support Services for a not-to-exceed fee of \$2,000,000.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- 9.1. CEO and Chiefs' Report. [22-0943](#)

Attachments: [*Handout 9.1-A: Office of Civic Engagement Update](#)
[*Handout 9.1-B: Office of Communications Update](#)
[*Handout 9.1-C: Watersheds Operation & Maintenance Report](#)

10. ADMINISTRATION:

11. DISTRICT COUNSEL:

12. ADJOURN:

- 12.1. Board Member Reports/Announcements.
- 12.2. Proposed Future Board Member Agenda Items.
- 12.3. Clerk Review and Clarification of Board Requests.
- 12.4. Adjourn to Regular Meeting at 1:00 p.m., on August 23, 2022.