



Santa Clara Valley Water District

File No.: 22-1337

Agenda Date: 11/22/2022

Item No.: *6.1.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

SUBJECT:

Approve and Authorize the Chief Executive Officer to Execute a License Agreement with Google LLC, Receive Report of Bids, Approve a Budget Adjustment in the Amount of \$2,157,000, Ratify Addenda Nos. 1 and 2, Approve the Contingency Fund, and Award the Construction Contract to Anvil Builders Inc. for the Permanente Creek Flood Protection Project - Floodwall Retrofit, Project No. 10244001, Contract No. C0689 (Mountain View, District 7).

REASON FOR SUPPLEMENTAL MEMORANDUM:

This report conveys additional information received after the initial report was released, consistent with Executive Limitation Policy EL-7-10-5.

RECOMMENDATION:

- A. Approve and Authorize the Chief Executive Officer to execute a License Agreement to Use Temporary Spaces with Google LLC;
- B. Approve the Budget Adjustment in the amount of \$2,157,000 for the Permanente Creek Flood Protection Project - Floodwall Retrofit;
- C. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Permanente Creek Flood Protection Project - Floodwall Retrofit;
- D. Award the Contract to Anvil Builders Inc., located in San Francisco, California, in the sum of \$1,097,210; and
- E. Approve a contingency sum of \$164,581.50 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

SUMMARY:

The License Agreement for Temporary Uses (License Agreement) (Attachment 1) recommended by staff for board approval will grant Valley Water an irrevocable license to temporarily use a portion of Google LLC's (Google) real property for staging and site access during construction of its Permanente Creek Flood Protection Project - Floodwall Retrofit (Project).

In exchange for Google granting Valley Water a license, the License Agreement also grants Google an irrevocable license to temporarily use a portion of Google's property on which Valley Water owns an easement. Google will install a temporary transformer required for the construction of its facilities

(Google Landings Project). This exchange of licenses, in the single License Agreement, does not involve the exchange of monetary funds.

The License Agreement executed by Google was not previously available, and is now included with this Supplemental Agenda Memorandum as Attachment 1.

License Agreement Subject to Board Approval

The granting of an irrevocable license to Google is subject to approval by the board, consistent with Executive Limitation Policy EL-6.7 and 6.7.9, which provide as follows:

“6.7. Acquire, encumber, or dispose real property interest, only when authorized by the Board or one of the following exemptions is applicable:

6.7.9. The disposition is a revocable license or right-of-entry that grants non-possessory real property interests so long as the term of any such license or right-of-entry does not exceed two years or the District reserves the right to revoke any such license or right-of-entry at will, and any such license or right-of-entry does not grant the right to construct any permanent improvement on District real property that is incompatible with District purposes.”

ENVIRONMENTAL JUSTICE IMPACT:

Staff has identified a benefit for the surrounding community upon completion of this Project. Completion of the Project will allow staff to complete the FEMA LOMR process to remove properties from the FEMA floodplain maps. No negative impacts have been identified and no Disadvantaged Communities were identified within the Project's impact area.

FINANCIAL IMPACT:

No change from original memo.

CEQA:

No Change from original memo.

ATTACHMENTS:

*Supplemental Attachment 1: License Agreement

UNCLASSIFIED MANAGER:

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