

**COMMISSION OF SILICON VALLEY CLEAN WATER
JOINT POWERS AUTHORITY
REGULAR MEETING – Thursday, November 8, 2018
8:00 a.m.**

Pelican Conference Room
Silicon Valley Clean Water
1400 Radio Road, 2nd Floor
Redwood City, CA 94065

COMMISSIONERS

COUNCIL MEMBER JOHN SEYBERT, REDWOOD CITY – CHAIR
COUNCIL MEMBER WARREN LIEBERMAN, PhD., BELMONT – VICE CHAIR
BOARD MEMBER GEORGE S. OTTE, P.E., WEST BAY SANITARY DISTRICT – MEMBER
MAYOR ROBERT GRASSILLI, SAN CARLOS – SECRETARY

MANAGER: TERESA A. HERRERA

ATTORNEY FOR THE AUTHORITY: CHRISTINE C. FITZGERALD

CONTROLLER: KIMBRA MCCARTHY

TREASURER: MATT ANDERSON

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact SVCW (650) 591-7121. Notification in advance of the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Any member of the public may address and ask questions of the Chair under this item relating to any matter within the Commission's jurisdiction that does not appear as a separate item on the Agenda. An opportunity will be provided for members of the public to address the Chair and ask questions about any item that is listed on the agenda at the time the Commission considers the item and before action is taken. If you address the Commission on a non-agenda item, please be aware that the Ralph M. Brown Act (Gov. C. § 54950 et seq.) prohibits the Commission from acting on or discussing such matters at this meeting. Any such item may be referred to staff for a decision with regard to placing it on a future agenda for discussion, action or a report.

5. SAFETY MOMENT and REPORTS

- A. Safety Moment
- B. Manager's Report (verbal)
- C. Financial Reports
 - 1. Investment Report September 30, 2018
 - 2. Quarterly Financial Status Update Presentation
- D. Engineering Projects Status Update October 2018
- E. Commission Requested Staff-Level Action Items
- F. RESCU Program Design-Build Project Status Update

6. MATTERS OF COMMISSION MEMBER'S INTEREST

- A. 2019 Commission Meeting Dates

7. CONSIDERATION OF MOTION APPROVING CONSENT CALENDAR

8. BUSINESS ITEMS

- A. CONSIDERATION OF RESOLUTION ADOPTING FINDINGS THAT THE PUMP STATION IMPROVEMENTS PROJECT (CIP #9501) IS A "SUBSTANTIALLY COMPLEX" PROJECT PURSUANT TO PUBLIC CONTRACT CODE SECTION 7201(B)(4) AND APPROVE THE RETENTION OF 10% OF ALL PROGRESS PAYMENTS MADE DURING STAGE 2 OF EACH PROJECT

Proposed Actions:

- Open Public Hearing and Receive Testimony
 - Close Public Hearing
 - i. Move adoption of RESOLUTION FINDING THAT THE PUMP STATION IMPROVEMENTS PROJECT (CIP #9501) IS "SUBSTANTIALLY COMPLEX" AND APPROVING RETENTION OF 10% OF EACH PROGRESS PAYMENT FOR STAGE 2 OF THE PROJECT
- B. CONSIDERATION OF RESOLUTION ADOPTING RECOMMENDED CHANGES TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) COSTS, UPDATED FOR ANTICIPATED ESCALATION DUE TO MARKET CONDITIONS AND INFLATION AND CHANGES TO PROJECTS

Proposed Actions: Move adoption of RESOLUTION APPROVING AND ADOPTING THE 2018 UPDATE OF THE SILICON VALLEY CLEAN WATER CAPITAL IMPROVEMENT PROGRAM PLAN AND CORRESPONDING CEQA CONCLUSIONS

- C. CONSIDERATION OF RESOLUTION APPROVING STAGE 2B AMENDMENT TO THE GRAVITY PIPE (GP) DESIGN-BUILD AGREEMENT WITH BARNARD BESSAC JOINT VENTURE (BBJV), APPROVE KENNEDY/JENKS TASK ORDER FOR OWNER'S ENGINEERING ADVISOR SERVICES AND TANNER PACIFIC TASK ORDER FOR CONSTRUCTION QUALITY ASSURANCE SERVICES ASSOCIATED WITH STAGE 2 OF THE GRAVITY PIPELINE PROJECT (CIP #6008).

Proposed Actions:

- i. Move adoption of RESOLUTION APPROVING STAGE 2B AMENDMENT TO THE DESIGN-BUILD AGREEMENT FOR GRAVITY PIPELINE PROJECT (CIP #6008); AUTHORIZING EXECUTION OF STAGE 2B AMENDMENT AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS AND ALLOWANCES UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID AMENDMENT – BARNARD-BESSAC JOINT VENTURE - \$206.7 MILLION
- ii. Move approval of TASK ORDER SCOPE AND BUDGET FOR OWNER'S ADVISOR SERVICES FOR THE GRAVITY PIPELINE PROJECT STAGE 2 (CIP #6008) IN AN AMOUNT NOT TO EXCEED \$4,000,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – KENNEDY/JENKS CONSULTANTS
- iii. Move approval of TASK ORDER SCOPE AND BUDGET FOR CONSTRUCTION QUALITY ASSURANCE SERVICES FOR THE GRAVITY PIPELINE PROJECT STAGE 2 (CIP #6008) IN AN AMOUNT NOT TO EXCEED \$7,500,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – TANNER PACIFIC INC.

9. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 (One Potential Case)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Case Name: *Silicon Valley Clean Water and David A. Hall, Petitioners v. Board of Administration, California Public Employees' Retirement System, Respondents* (San Mateo County Superior Court Case No. 18 CIV 01336)

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (12 potential cases): CalPERS' Determination to Exclude Performance Pay from Retirement Benefit Calculations and Opportunity to Appeal Determination

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description: San Carlos Airport Property, various locations

SVCW Negotiators: Lillian Jewell (Hamner, Jewell & Associates);

SVCW Manager, Teresa A. Herrera; Bruce Burnworth (*MPF Consulting, Inc.*)

Negotiating Parties: County of San Mateo

Under Negotiation: Price and terms

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description: 930 Governor's Bay, Redwood City, CA (APN: 095-380-210)

SVCW Negotiators: Lillian Jewell (Hamner, Jewell & Associates);

SVCW Manager, Teresa A. Herrera

Negotiating Parties: Young/Leung

Under Negotiation: Price and terms

F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description: 928 Governor's Bay, Redwood City, CA (APN: 095-380-220)

SVCW Negotiators: Lillian Jewell (Hamner, Jewell & Associates);

SVCW Manager, Teresa A. Herrera

Negotiating Parties: Lau/Chang

Under Negotiation: Price and terms

G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description: Lots B, F and (Portion) Governor's Bay Drive, Redwood City, CA

SVCW Negotiators: Lillian Jewell (Hamner, Jewell & Associates);

SVCW Manager, Teresa A. Herrera

Negotiating Parties: Greenbriar Partners, a California General Partnership

Under Negotiation: Price and terms

10. RECONVENE IN OPEN SESSION – Announce action taken in Closed Session, if any.

11. ADJOURN

CONSENT CALENDAR

NOTICE TO PUBLIC

All matters listed under CONSENT CALENDAR are considered to be routine. There may be discussion on items on the CONSENT CALENDAR. All items will be enacted by one motion with a roll call vote unless members of the Commission, staff, or public request specific items be removed from the CONSENT CALENDAR for separate action.

7. A. APPROVAL OF MINUTES – October 11, 2018, Meeting
- B. CONSIDERATION OF MOTION APPROVING CLAIMS AND CHECKS DATED OCTOBER 5, 2018, AND OCTOBER 19, 2018 AND NECESSARY PAYMENTS THROUGH OCTOBER 2018
- C. CONSIDERATION OF RESOLUTION APPROVING SVCW'S STANDARD CONTRACT DOCUMENTS, VERSION NOVEMBER 2018

Proposed Action: Move adoption of RESOLUTION APPROVING SVCW'S STANDARD LONG-FORM CONSTRUCTION CONTRACT DOCUMENTS, SHORT-FORM CONSTRUCTION CONTRACT DOCUMENTS AND PROCUREMENT CONTRACT DOCUMENTS - VERSIONS NOVEMBER 2018

- D. CONSIDERATION OF RESOLUTION APPROVING MASTER SERVICES AGREEMENT WITH NEXINITE LLC FOR INFORMATION TECHNOLOGY COORDINATION SERVICES

Proposed Action: Move adoption of RESOLUTION APPROVING MASTER SERVICES AGREEMENT FOR INFORMATION TECHNOLOGY COORDINATION SERVICES WITH NEXINITE LLC

- E. CONSIDERATION OF RESOLUTION APPROVING AGREEMENT WITH PG&E FOR GENERATING FACILITY INTERCONNECTIONS ELECTRIC RULE NO. 21 (CIP #9807) AND SUBMIT A FINANCIAL SECURITY POSTING FOR THE INTERCONNECTION COSTS

Proposed Action:

- i. Move adoption of RESOLUTION APPROVING AGREEMENT WITH PG&E FOR GENERATING FACILITY INTERCONNECTIONS ELECTRIC RULE NO. 21 FACILITY FOR NEW 12KV SWITCHGEAR PROJECT (CIP #9807), AUTHORIZING EXECUTION OF AGREEMENT AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID PROJECT – PACIFIC GAS & ELECTRIC – \$192,881
- ii. Move adoption of RESOLUTION OF THE COMMISSION OF SILICON VALLEY CLEAN WATER APPROVING AND AUTHORIZING THE POSTING OF A SECURITY INSTRUMENT THROUGH THE ISSUANCE OF A LETTER OF CREDIT TO PG&E IN THE

AMOUNT OF \$192,881 FOR GENERATING FACILITY INTERCONNECTIONS ELECTRIC
RULE NO. 21 FACILITY FOR NEW 12KV SWITCHGEAR PROJECT (CIP #9807) – PACIFIC
GAS & ELECTRIC