

MINUTES OF SILICON VALLEY CLEAN WATER
SPECIAL MEETING – December 6, 2018
8:00 a.m.

ITEM 1

CALL TO ORDER

The meeting was called to order at 8:00 a.m.

ITEM 2

ROLL CALL - Commissioners Duly Appointed by Each Agency

Council Member John Seybert, Redwood City – Chair
Council Member Warren Lieberman, PhD., Belmont– Vice Chair
Mayor Robert Grassilli, San Carlos – Secretary
Board Member George B. Otte, P.E., West Bay Sanitary District

Staff, Consultants and Visitors Present

Teresa A. Herrera, SVCW Manager
Christine C. Fitzgerald, SVCW Legal Counsel
Jennifer Flick, Human Resources Manager
Matt Anderson, SVCW Chief Financial Officer/Administration Manager
Monte Hamamoto, SVCW Chief Operating Officer
Kim Hackett, SVCW Authority Engineer
Arvind Akela, SVCW Engineering Director
Willian Bryan, SVCW Senior CIP Manager
Jessica Mangual, SVCW Administrative Clerk
EJ Shalaby, Senior Consultant, DNS Strategic Partners
Derek Rampone, City of Redwood City
Molly Flowerday, City of Redwood City
Bill Tanner, Tanner Pacific, Inc.
Mark Minkowski, Kennedy/Jenks
Aren Hansen, Brown & Caldwell
Sheldon Chavan, Chavan & Associates LLP
David Ferrie, Cascade Integration & Development
Philip Leung, 928 Governor's Bay Drive, Redwood City, CA
Herman Young, 930 Governor's Bay Drive, Redwood City, CA
Charlie Joyce, Brown & Caldwell
Thomas Fluehr, Shea Parsons Joint Venture
Bruce Burnworth, MPF Consulting

ITEM 3

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by those in attendance.

ITEM 4
PUBLIC COMMENT

There were no public comments.

ITEM 5
SAFETY MOMENT AND REPORTS

Ms. Herrera discussed holiday tree safety.

Reporting on a previous Commission request regarding use of Front of Plant, Stage 2A allowance funds: the allowance covered 40 additional piles; no additional piles were needed.

A status on both SRF and WIFIA funding was provided; both program applications are in progress.

In appreciation for the outgoing Commissioners, Messrs. Seybert and Grassilli, two SVCW parking lots were named for them; the signs that will be placed were presented to the two outgoing Commissioners.

ITEM 6
MATTERS OF COMMISSION MEMBER'S INTEREST

Elect a new Commission Chair and new Secretary to be effective at January 2019 meeting. Nominate and vote for Warren Lieberman to the position of Commission Chairman

Motion/Second: Mr. Seybert / Mr. Grassilli

The Motion carried by Unanimous Roll Call Vote.

Nominate and vote for George Otte to the position of Commission Secretary

Motion/Second: Mr. Grassilli / Mr. Lieberman

The Motion carried by Unanimous Roll Call Vote

Note that 2019 meetings will be moved to third Mondays of each month.

ITEM 7
CONSIDERATION OF MOTION APPROVING CONSENT CALENDAR ITEMS 7A THROUGH 7F

Motion/Second: Mr. Lieberman / Mr. Otte

The Motion carried by Unanimous Roll Call Vote

ITEM 8A

The Commission was provided a written staff report with supporting documentation, as well as visual and oral background information on the public project and proposed real property acquisitions necessary for the project for Agenda Items 8A, 8B and 8C. Statutory requirements for adoption of Resolutions of Necessity under the laws of Eminent Domain were reviewed, including required findings and that proper notice of the Commission's public hearing was given to all of the property owners and that owners Young/Leung and Lau/Chang made written requests to appear and be heard at the hearing.

The public hearing for Agenda Item 8A was opened and the Commission received testimony from Mr. Herman Young who expressed his concerns regarding the impact of the project on his home and family. The Commission directed staff to provide the Chair's personal email to Mr. Young for his use, if needed.

Motion to close public hearing on Item 8A.

Motion/Second: Mr. Grassilli / Mr. Otte

The Motion carried by Unanimous Roll Call Vote

PUBLIC HEARING TO CONSIDER RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A SUBSURFACE EASEMENT FROM PROPERTY LOCATED AT 930 GOVERNOR'S BAY DRIVE, REDWOOD CITY (APN 095-380-210) FOR THE GRAVITY PIPELINE PROJECT.

Move adoption of RESOLUTION OF THE COMMISSION OF SILICON VALLEY CLEAN WATER DECLARING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY FOR THE REGIONAL ENVIRONMENTAL SEWER CONVEYANCE UPGRADE PROGRAM GRAVITY PIPELINE PROJECT (APN 095-380-210 YOUNG/LEUNG) (2/3rds weighted vote count required).

Motion/Second: Mr. Grassilli / Mr. Otte

The Resolution carried by Unanimous Roll Call Vote

ITEM 8B

The background information and statutory requirements for adoption of Resolutions of Necessity under the laws of Eminent Domain provided prior to agenda item 8A is incorporated here by reference. Details on the second real property addressed in Agenda Item 8B was provided and the public hearing for this item was opened. The Commission recognized and received testimony from Mr. Philip Lau who concurred with the previous testimony of Mr. Young and requested soil settlement monitoring. The Commission noted

to Mr. Lau and Mr. Young that they should contact the SVCW Manager directly with any concerns they have.

Motion to close public hearing on Item 8B.

Motion/Second: Mr. Grassilli / Mr. Otte

The Motion carried by Unanimous Roll Call Vote

PUBLIC HEARING TO CONSIDER RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A SUBSURFACE EASEMENT FROM PROPERTY LOCATED AT 928 GOVERNOR'S BAY DRIVE, REDWOOD CITY (APN 095-380-220) FOR THE GRAVITY PIPELINE PROJECT.

Move adoption of RESOLUTION OF THE COMMISSION OF SILICON VALLEY CLEAN WATER DECLARING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY FOR THE REGIONAL ENVIRONMENTAL SEWER CONVEYANCE UPGRADE PROGRAM GRAVITY PIPELINE PROJECT (APN 095-380-220 LAU/CHANG) (2/3rds weighted vote count required).

Motion/Second: Mr. Grassilli / Mr. Lieberman

The Resolution carried by Unanimous Roll Call Vote

ITEM 8C

The public hearing for this item was opened. There were no public speakers and a motion was made to close the public hearing.

Motion/Second: Mr. Otte / Mr. Lieberman

The Motion carried by Unanimous Roll Call Vote

PUBLIC HEARING TO CONSIDER RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A SUBSURFACE EASEMENT FROM PROPERTY LOCATED WITHIN A COMMON AREA AND PRIVATE STREET ALONG GOVERNOR'S BAY DRIVE, REDWOOD CITY FOR THE GRAVITY PIPELINE PROJECT.

Move adoption of RESOLUTION OF THE COMMISSION OF SILICON VALLEY CLEAN WATER DECLARING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY FOR THE REGIONAL ENVIRONMENTAL SEWER CONVEYANCE UPGRADE PROGRAM GRAVITY PIPELINE PROJECT LOT B, LOT F AND PORTION OF GOVERNOR'S BAY DRIVE HOA) (2/3rds weighted vote count required).

Motion/Second: Mr. Lieberman / Mr. Otte

The Resolution carried by Unanimous Roll Call Vote

ITEM 8D

CONSIDERATION OF RESOLUTION APPROVING STAGE 2D AMENDMENT TO THE FRONT OF PLANT (FOP) DESIGN-BUILD AGREEMENT WITH SHEA PARSONS JOINT VENTURE (SPJC), APPROVE TASK ORDER FOR OWNER'S ENGINEERING ADVISOR SERVICES FOR BROWN & CALDWELL AND FREYER & LAURETA AND APPROVE A TASK ORDER FOR CONSTRUCTION QUALITY ASSURANCE SERVICES FOR TANNER PACIFIC ASSOCIATED WITH THE FRONT OF PLANT PROJECT (CIP #9502). APPROVE PROGRAM MANAGEMENT SERVICES FOR THE OVERALL RESCU PROGRAM (CIP # 6008, 9501 AND 9502)

A staff presentation was provided giving details of and rationale for each action and including a 3D model of the proposed Front of Plant project facilities.

- i. Move adoption of RESOLUTION APPROVING STAGE 2D AMENDMENT TO THE DESIGN-BUILD AGREEMENT FOR FRONT OF PLANT PROJECT (CIP #9502) AUTHORIZING EXECUTION OF STAGE 2D AMENDMENT AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS AND ALLOWANCES UP TO TNE PERCENT (10%) OF THE CONTRACT PRICE AND SAID AMENDMENT – SHEA PARSONS JOINT VENTURE - \$93,904,235
- ii. Move approval of TASK ORDER SCOPE AND BUDGET FOR OWNER'S ADVISOR SERVICES FOR THE FRONT OF PLANT PROJECT STAGE 2D (CIP #9502) IN AN AMOUNT NOT TO EXCEED \$3,200,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT (10%) CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BROWN AND CALDWELL CONSULTANTS.
- iii. Move approval of TASK ORDER SCOPE AND BUDGET FOR OWNER'S ADVISOR SERVICES FOR THE FRONT OF PLANT PROJECT STAGE 2D (CIP #9502) IN AN AMOUNT NOT TO EXCEED \$600,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT (10%) CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – FREYER AND LAURETA CONSULTANTS.
- iv. Move approval of TASK ORDER SCOPE AND BUDGET FOR OWNER'S ADVISOR SERVICES FOR THE FRONT O PLANT PROJECT STAGE 2D (CIP #9502) IN AN AMOUNT NOTE TO EXCEED \$400,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT (10%) CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BEECHER ENGINEERING CONSULTANTS.
- v. Move approval of TASK ORDER SCOPE AND BUDGET FOR CONSTRUCTION QUALITY ASSURANCE SERVICES FOR THE FRONT OF PLANT PROJECT STAGE 2D (CIP #9502) IN AN AMOUNT NOT TO EXCEED \$7,700,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT (10%)

CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS –
TANNER PACIFIC, INC.

- vi. Move approval of TASK ORDER SCOPE AND BUDGET FOR PROGRAM MANAGEMENT SERVICES FOR RESCU PROGRAM (CIP #6008, 9501 AND 9502) IN AN AMOUNT NOT TO EXCEED \$5,716,650 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT (10%) CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – KENNEDY/JENKS CONSULTANTS.

A motion to approve Agenda Item 8D, Subitems i through vi was made.

Motion/Second: Mr. Otte / Mr. Lieberman

The Motion carried by Unanimous Roll Call Vote

ITEM 9
CLOSED SESSION

Closed Session was called to order at 9:14 a.m.

ITEM 10
RECONVENE FROM CLOSED SESSION

Open Session reconvened at 9:23 a.m.

Ms. Fitzgerald reported that as to Item 9A there was no reportable action taken and direction was given to Counsel. As to Item 9B, no reportable action was taken.

ITEM 11
ADJOURN

There being no further business, the meeting adjourned at 9:24 a.m.

Minutes prepared by Teresa A. Herrera


George Otte, Secretary