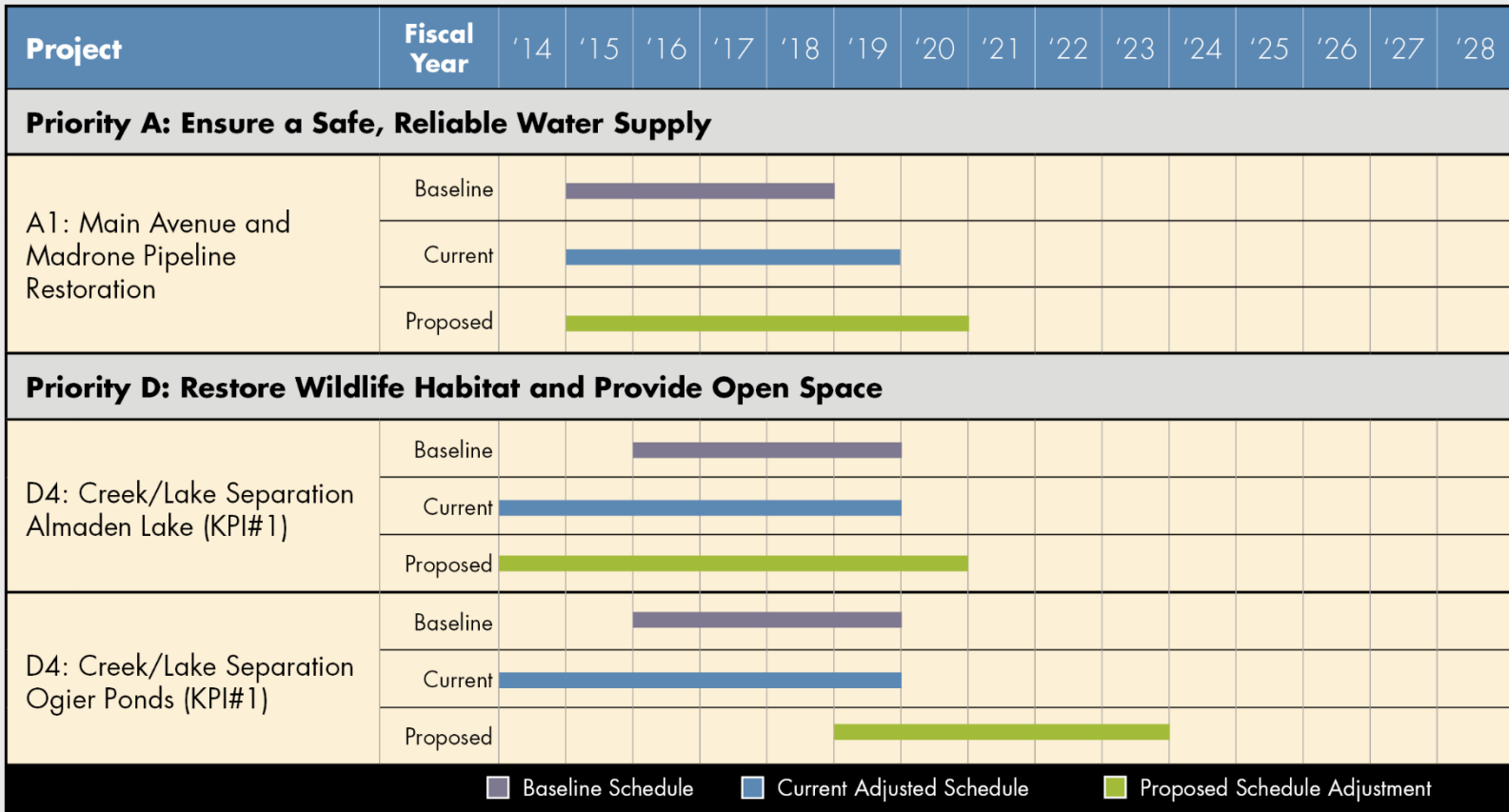


# Board Approved Schedule Adjustments to Original Program Estimated Completion Dates Fiscal Year 2018-2019

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# FY2018-19 Key Watersheds Capital Projects' Status Report

## Board Approved Schedule Adjustments on March 23, 2019



# FY2018-19 Key Watersheds Capital Projects' Status Report

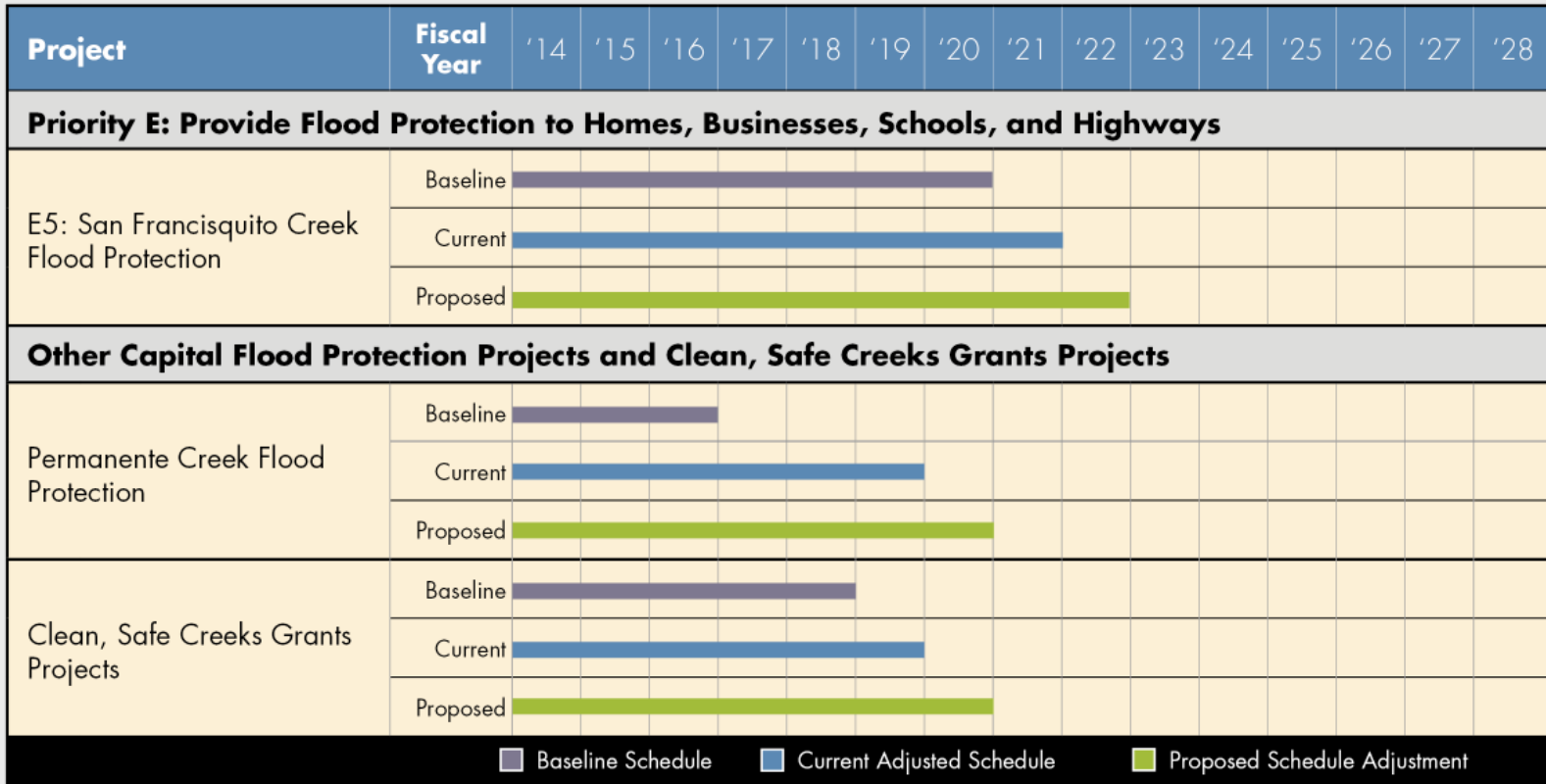
## Board Approved Schedule Adjustments on March 23, 2019

Project	Fiscal Year	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	'25	'26	'27	'28
<b>Priority D: Restore Wildlife Habitat and Provide Open Space</b>																
D6: Creek Restoration and Stabilization - Hale Creek Enhancement Pilot Project	Baseline															
	Proposed															
D6: Creek Restoration and Stabilization - Bolsa Road Bridge Project	Baseline															
	Proposed															
D6: Creek Restoration and Stabilization - Los Gatos Creek Restoration Project	Baseline															
	Proposed															

Baseline Schedule
  Current Adjusted Schedule
  Proposed Schedule Adjustment

# FY2018-19 Key Watersheds Capital Projects' Status Report

## Board Approved Schedule Adjustments on March 23, 2019



## **2019 Schedule Adjustments**

Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) project schedules change due to various factors, including: construction delays resulting from unexpected rain; additional time required to update the environmental documents based on further site analysis; additional time required to execute a partnership agreement with outside entities; additional time required to secure regulatory permits and funding; construction delays resulting from the discovery of historic remains; and Board approved amendments extending grant project agreement completion dates.

To keep the Board informed and seek Board approval of Safe, Clean Water Program schedule adjustments to Program-identified completion dates, staff includes Safe, Clean Water Program schedule adjustments in the annual progress report for capital projects.

As referenced in the staff presentation and noted in Attachment 1, staff is recommending adjustments to the estimated schedule completion dates. Rationale for each proposed schedule adjustment is included below:

### *Project A1: Main and Madrone Avenue Pipelines Restoration*

The current Board approved schedule for A1: Main Avenue and Madrone Pipelines Restoration project has a completion date of June 2019 (FY19). Staff is recommending the completion date be adjusted to August 2019 (FY20) due to construction work delays caused by the recent rains.

### *Project D4: Creek/ Lake Separation (KPI #1)*

In FY17, the Board approved a schedule adjustment for Project D4 to separate out the scheduled completion dates for the Key Performance Indicators. At that time, the Almaden Lake project was estimated to be completed by FY19. The Ogier Ponds schedule had not yet been set.

*Almaden Lake* – Planning and design for Almaden Lake was started in FY 16 and was originally set to be completed in FY19. Additional time was required to complete the analysis for the lake water source and update the environmental document accordingly. This additional effort has delayed release of the Administrative Draft environmental document and completion of design by one year. The staff is recommending that the date for completion of planning and design be adjusted to FY20.

*Ogier Ponds* – The final feasibility study for Ogier Ponds was presented to the District's Board of Directors in March 2018. The Board recommended moving the project into planning should the land owner, Santa Clara County Parks, agree to continue the partnership into the next phase of planning. District staff is working on an agreement with County staff to continue with the planning and design phases for the creek/lake separation at Ogier Ponds. Execution of the final agreement is anticipated in April 2019. Once the agreement is executed, the planning and design work will commence. The anticipated completion date for the Planning Study Report with a staff recommended alternative is

September 2121. However, the schedule is dependent on County staff availability; therefore, staff recommends that the date for completion of planning and design be adjusted to FY22.

*Project D6: Creek Restoration and Stabilization*

The original Safe, Clean Water Program estimated schedule for Project D6 extended from FY18 to FY21. At that time the three projects to be constructed had not yet been identified. Staff has since identified the three geomorphically designed projects to be constructed and recommends that the Board approve a separate schedule for each of the three projects. While all three projects are still scheduled to be completed by FY21, having three project schedules will more accurately reflect the KPI.

*Hale Creek Enhancement Project* – The recommended schedule for the Hale Creek Enhancement Pilot Project is FY17 to FY21, with construction estimated to start in FY20 and be completed in FY21.

*Bolsa Road Bridge Project* – The recommended schedule for construction of the Bolsa Road Bridge Project is FY20 to FY21.

*Los Gatos Creek Restoration Project* – The recommended schedule for the Los Gatos Creek Restoration Project is FY20 to FY21.

*Project E5: San Francisquito Creek Flood Protection*

The original project schedule for the San Francisquito Creek Flood Protection Project has an estimated completion date of FY20 for both the preferred project and the local-state funding-only project. In FY18, a schedule adjustment to extend the completion by one year to FY21 was approved due to delays in preparing the draft Environmental Impact Report (EIR). In FY19, additional time was needed to prepare and finalized the draft EIR. Staff anticipates that obtaining regulatory permits for construction and securing funding will require additional time and therefore staff recommends adjusting the project completion date to FY22.

*Permanente Creek Flood Protection*

The original project schedule for the Permanente Creek Flood Protection Project had an estimated completion date of FY16. In FY16, a schedule adjustment was approved to push the completion date back to FY19. In February 2018, work was temporarily halted in accordance with protocols established through the State Office of Historic Preservation in Rancho San Antonio site. The District has been working with various stakeholders for construction to continue this year. This delay has pushed back the project completion date by one year and staff recommends adjusting the project completion date to FY20.

On October 23, 2018 and January 8, 2019, the Board approved amendments for the following project:

*Clean, Safe Creek Grants Projects*

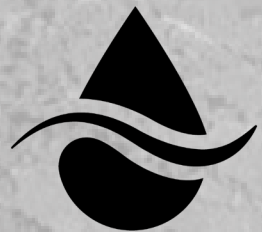
During the Clean, Safe Creeks plan, 22 projects were awarded grants with agreements to be completed by FY18. In FY18, all of the projects were completed, except for two and the Board approved extending those agreements to the end of the 2018 calendar year (FY19). Due to further delays in the projects, the Board approved amendments extending the project completion to FY20. This additional time will allow staff time to manage and close-out these two extended grant agreements. Based upon the Board approved amendments, staff recommends adjusting the Clean, Safe Creeks Grants Projects completion date from FY19 to FY20.



# Board Approved Schedule Adjustments to Program Estimated Completion Dates Fiscal Year 2018-2019

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June 25, 2019



**Valley Water**

Clean Water • Healthy Environment • Flood Protection



# Board Approved Schedule Adjustments on June 25, 2019

Project	Fiscal Year	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	'25	'26	'27	'28
<b>Priority D: Restore Wildlife Habitat and Provide Open Space</b>																
D6: Creek Restoration and Stabilization - Los Gatos Creek Restoration Project	Baseline															
	Proposed															
<b>Priority E: Provide Flood Protection to Homes, Businesses, Schools, and Highways</b>																
E5: San Francisquito Creek Flood Protection	Baseline															
	Current															
	Proposed															
E6: Upper Llagas Creek Flood Protection	Baseline															
	Current															
	Proposed															
<b>Other Capital Flood Protection Projects and Clean, Safe Creeks Grants Projects</b>																
Sunnyvale East and West Channels Flood Protection	Baseline															
	Current															
	Proposed															

Baseline Schedule
  Current Adjusted Schedule
  Proposed Schedule Adjustment

## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Update Change Control Process for Safe, Clean Water and Natural Flood Protection Program Schedule Adjustments and approve Fiscal Year 2019 Schedule Adjustments.

### **RECOMMENDATION:**

- A. Approve update to Change Control Process for Safe, Clean Water and Natural Flood Protection Program Schedule Adjustments; and
- B. Approve Fiscal Year 2019 Schedule Adjustments.

### **SUMMARY:**

#### **Background**

Approved by voters in November 2012, the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program was developed to allow for adjustments as needed, to ensure that key performance indicators (KPIs) are achieved on time and within budget.

On April 26, 2016, the Board approved the Change Control Process that identified the processes for making adjustments and modifications to the program (Attachment 1). In general, adjustments are made by the Board during public board meetings and the approved changes are incorporated into subsequent annual reports and 5-year implementation plans.

At the onset of the Safe, Clean Water Program, the majority of schedule adjustments were for capital projects. In turn, the Change Control Process identified the Board's annual capital project status report as the appropriate time to request schedule adjustments for Safe, Clean Water projects.

#### **Recommended Process Improvement for Schedule Adjustments**

Over the course of the past six years of implementing the Safe, Clean Water Program, there have been non-capital projects that have required schedule adjustments. On such occasions, those schedule adjustments have been included in the capital project status report item for approval by the Board.

While this approach has met the Safe, Clean Water Program requirement that adjustments be approved by the Board during a public meeting and was aligned with the Change Control Process, to better reflect the needs of the program, staff recommends that the schedule adjustments be approved by the Board annually at the end of each fiscal year (FY) as a standalone item. Further, if there is a justifiable need

for a schedule adjustment outside of that time frame, it can be brought to the Board as a standalone item.

Having schedule adjustments presented as standalone items provides increased transparency to the community regarding Safe, Clean Water Program adjustments. Additionally, having schedule adjustments performed at the end of each FY ensures that the annual report schedules will provide the most up-to-date information to the Independent Monitoring Committee and the community.

If approved by the Board, the Change Control Process will be updated to reflect this process improvement.

### **Fiscal Year 2018-2019 (FY19) Schedule Adjustments**

Safe, Clean Water Program project schedules change due to various factors, including partnership related delays, additional time required to finalize environmental documents, and construction permitting delays.

In addition to the schedule adjustments that were approved by the Board on March 27, 2019, staff has identified additional required FY19 schedule adjustments. Rationale for each proposed schedule adjustment, along with recommended adjustments to the estimated schedule completion dates, is included below:

#### **Project D6: Los Gatos Creek Restoration**

The Los Gatos Creek Restoration Project is one of the three geomorphically designed projects to be constructed under Project D6. The project is dependent on a partnership with a private sponsor, who will be funding design and providing land rights for the project. As a result of this partnership, the schedule will likely be subject to variables that are beyond Valley Water's control. Since the original project schedule was set on March 27, 2019, further discussions with the private partner require that the schedule be adjusted to accurately reflect the estimated timeline. Based upon the updated timeline, staff recommends adjusting the project completion date to FY23.

#### **Project E5: San Francisquito Creek Flood Protection**

Due to the complex nature of the project, the San Francisquito Creek Joint Powers Authority (SFCJPA) and their environmental consultant required additional time to prepare the Draft Environmental Impact Report (DEIR), which was released on April 22, 2019. The EIR is expected to be finalized in the Fall of 2019, which will incorporate the public's comments on the DEIR. The SFCJPA must also secure permits, easements, and additional funding necessary to begin construction. Given the complexities and uncertainties related to securing these items for a multi-jurisdictional project with substantial constraints, construction is not expected to begin until 2021 and will continue into the beginning of 2023. Based upon the updated timeline, staff recommends adjusting the project completion date to FY23.

#### **Project E6: Upper Llagas Creek Flood Protection**

The schedule adjustment is due to the additional time needed to negotiate and acquire a 404 permit from the U.S. Army Corps of Engineers – Regulatory (USACE-Regulatory). As a result, the start of Phase 1 construction was delayed from FY19 start of construction to FY20. Phase 2 construction advertisement is anticipated by December 2019, upon completion of the remaining parcels to be acquired and completion of the final construction documents. As a result, the anticipated construction completion date of the Project (Phase 1 and Phase 2) has shifted from FY22 to FY24 (December 2023). Based upon the updated timeline, staff recommends adjusting the project completion date to FY24.

*Other Clean, Safe, Creeks Projects: Sunnyvale East/West Channels Flood Protection*

The schedule adjustment is due to the additional time needed to incorporate design changes as a result of the Valley Water-Google partnership along a portion of the existing Sunnyvale West Channel and continuing negotiations with the various regulatory agencies. In June 2017, Valley Water Project team submitted all the required permit applications to the various state and federal regulatory agencies and is currently in negotiations with these agencies to acquire the necessary permits. These activities are expected to be finalized by in late FY2020 (March 2020), which would allow project construction to begin in late FY2020 (June 2020) and be complete in FY2023 (December 2022). Based upon the updated timeline, staff recommends adjusting the project completion date to FY23.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Original Change Control Process

Attachment 2: Proposed FY19 Schedule Adjustments PowerPoint

**UNCLASSIFIED MANAGER:**

Melanie Richardson, 408-630-2035