



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED**

**4:00 P.M. CLOSED SESSION AND 6:00 P.M. REGULAR
MEETING
AGENDA**

**Tuesday, May 28, 2019
4:00 PM**

***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

Linda J. LeZotte, Chair, District 4
Nai Hsueh, Vice Chair, District 5
John L Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

NORMA CAMACHO
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**

***AMENDED/APPENDED
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Tuesday, May 28, 2019	4:00 PM	Headquarters Building Boardroom
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1. CALL TO ORDER:

- 1.1. Roll Call.

2. TIME CERTAIN:

4:00 PM

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 CONFERENCE WITH LEGAL COUNSEL Liability Claim/s Government Code Section 54956.9 (e)(3) Receipt of Claim/s; Claimant: Susan Landry Against Santa Clara Valley Water District	<u>19-0492</u>
*2.2. CLOSED SESSION 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 Acquiring Property Interest in APNs 049-220-015, 049-220-016, 049-220-017, 049-220-018, 049-220-019, 049-220-020, 049-200-005, 049-200-019, 049-200-020, 049-200-021, 049-200-022, 049-200-023, 049-200-024, 049-200-025, 065-030-004, 049-240-016, 049-240-017. Negotiators: Norma Camacho, Nina Hawk, Garth Hall, Cindy Kao, Brad Arnold, Eli Serrano, Bill Magleby	<u>19-0556</u>

6:00 PM

- *2.3. District Counsel Report. (Previously listed as Item 2.2.)
- *2.4. Pledge of Allegiance/National Anthem. (Previously listed as Item 2.3.)

- *2.5. Orders of the Day. (Previously listed as Item 2.4.)
 - 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 2.5.)

Notice to the public: This item is reserved for persons desiring to address the Board on any matter not on this agenda. Members of the public who wish to address the Board on any item not listed on the agenda should complete a Speaker Card and present it to the Clerk of the Board. The Board Chair will call individuals to the podium in turn. 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 Outgoing Youth Commission Members. (Previously listed as Item 2.6.) [19-0539](#)

Recommendation: Recognition and present certificates of appreciation to outgoing Youth Commission Members.

Manager: Rick Callender, 408-630-2017
Est. Staff Time: 5 Minutes

- *2.8. Recognition of Synopsys Science Fair Award Recipients. (Previously listed as Item 2.7.) [19-0533](#)

Recommendation: Recognize the Synopsys Science Fair Special Award Recipients.

Manager: Rick Callender, 408-630-2017
Est. Staff Time: 5 Minutes

*2.9. Candidate Interviews for Vacant Director Position on the Santa Clara Valley Water District Public Facilities Financing Corporation. (Previously listed as Item 2.8.)

19-0102

Recommendation:

- A. Interview the candidates;
- B. Appoint a candidate as a Director to the Santa Clara Valley Water District Public Facilities Financing Corporation (PFFC) Board of Directors; and
- C. Adopt the resolution FILLING THE VACANCY ON THE PUBLIC FACILITIES FINANCING CORPORATION.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Notice of Intent to Fill Vacancy](#)

[Attachment 2: Candidates Application Material](#)

[Attachment 3: Resolution](#)

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - 3.9) (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 complete a Speaker Card and present it to the Clerk of the Board.

3.1. Resolution Amending the Conflict of Interest Code for the Santa Clara Valley Water District to include the Newly-Created Position of Administrative Services Manager - Watershed Business Planning and Analysis Manager Including the Appendices Wherein the Positions Required to File Statements of Economic Interest Are Designated. 19-0388

Recommendation: Adopt the Resolution AMENDING THE CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY WATER DISTRICT TO INCLUDE THE NEWLY-CREATED POSITION OF ADMINISTRATIVE SERVICES MANAGER - WATERSHED BUSINESS PLANNING AND ANALYSIS MANAGER INCLUDING THE APPENDICES WHEREIN THE POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTEREST ARE DESIGNATED.

Manager: Anna Noriega, 408-630-3089

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Conflict of Interest Code, Red-Lined Version](#)
[Attachment 3: Conflict of Interest Code, Proposed Final Version](#)
[Attachment 4: California Form 804, Report of New Positions](#)

3.2. Cost Reimbursement Agreement with Google, LLC for Construction of Bay Trail Improvements as Part of the Sunnyvale East Channel and West Channel Flood Protection Project, Project No. 26074002 (Sunnyvale) (District 3). 19-0448

Recommendation: Approve the Cost Reimbursement Agreement with Google, LLC for Construction of Bay Trail Improvements as Part of the Sunnyvale East Channel and West Channel Flood Protection Project.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Agreement](#)

3.3. Relinquishment of Hale Avenue and Conveyance Agreement Between the County of Santa Clara, City of Morgan Hill and Santa Clara Valley Water District for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill), (District 1). 19-0517

Recommendation:

- A. Authorize the Chief Executive Officer to execute the Relinquishment of Hale Avenue and Conveyance Agreement Between the County of Santa Clara, City of Morgan Hill and Santa Clara Valley Water District for the Upper Llagas Creek Flood Protection Project;
- B. Adopt Resolution AUTHORIZING CONVEYANCE OF REAL PROPERTY INTEREST TO THE COUNTY OF SANTA CLARA; and
- C. Authorize the Chief Executive Officer to execute Quitclaim Deeds for Real Estate File Nos. 4029-09.1 and 4029-10.1 to the County of Santa Clara.

Manager: Chris Hakes, 408-630-3796

Attachments:

[Attachment 1: Relinquishment Conveyance Agreement](#)
[Attachment 2: Resolution](#)
[Attachment 3: Quitclaim Deed 4029-09.1](#)
[Attachment 4: Quitclaim Deed 4029-10.1](#)
[Attachment 5: Notice of Determination](#)
[Attachment 6: Map](#)

3.4. Agreement with the City of Morgan Hill for Maintenance and Operation of the Upper Llagas Creek Flood Protection Project and West Little Llagas Creek, Project No. 26174051 (Morgan Hill), (District 1). 19-0527

Recommendation:

Authorize the Chief Executive Officer to execute the Agreement with the City of Morgan Hill for Maintenance and Operation for the Upper Llagas Creek Flood Protection Project and West Little Llagas Creek.

Manager: Chris Hakes, 408-630-3796

Attachments:

[Attachment 1: Agreement](#)
[Attachment 2: Notice of Determination](#)
[Attachment 3: Map](#)

3.5. Memorandum of Understanding and Standby Letter of Credit with U.S. Army Corps of Engineer; Conservation Easement Monitoring Funding Agreement for \$350,000 with the Land Trust of Santa Clara Valley; Mitigation Conservation Easement Deed for the Lake Silveira Compensatory Mitigation Preserve; and Open Space/Recreation Conservation Easement Deed to County of Santa Clara and City of Morgan Hill for the Upper Llagas Creek Flood Protection Project, Project No. 26174051, (Morgan Hill) (District No.1).

[19-0420](#)

Recommendation:

- A. Authorize the Chief Executive Officer (CEO) to negotiate and execute the Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers (USACE) to ensure long term protection and financial assurance for the Lake Silveira Compensatory Mitigation Preserve;
- B. Authorize the CEO to negotiate and execute any standby Letter of Credit agreements in the future to comply with the MOU requirements;
- C. Authorize the CEO to negotiate and execute the Conservation Easement Monitoring Funding Agreement in the amount of \$350,000 with the Land Trust of Santa Clara Valley, a California non-profit corporation, for perpetual duties and obligations as the Conservation Easement Holder in accordance with the Conservation Easement Management Plan for the Lake Silveira Compensatory Mitigation Preserve;
- D. Authorize the CEO to execute and grant a Mitigation Conservation Easement Deed for the Lake Silveira Compensatory Mitigation Preserve (15.993± acres), Real Estate File No. 5010-229.1 to the Land Trust of Santa Clara Valley for the Project; and
- E. Authorize the CEO to execute and grant an Open Space/Recreation Conservation Easement Deed (Real Estate File Nos. 5010-229.2 and 5010-244.1) to County of Santa Clara and City of Morgan Hill, subordinate to the Mitigation Conservation Easement Deed.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: MOU](#)

[Attachment 2: Monitoring Funding Agreement](#)

[Attachment 3: Mitigation Conservation Easement Deed](#)

[Attachment 4: OS/REC Conservation Easement Deed](#)

[Attachment 5: Notice of Determination](#)

[Attachment 6: Map](#)

3.6. Resolution Setting Time and Place of Public Hearing on the Engineer's Reports for the Vasona Pumping Station Fence and Gates Replacement, Project No. 92764009, (Los Gatos, District 7); the Santa Teresa Water Treatment Plant Air Wash Line Replacement, Project No. 93764004, (San Jose, District 7); and the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements, Project No. 91214010, (Unincorporated County, District 1). 19-0483

Recommendation: Adopt the Resolution SETTING TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORTS FOR THE VASONA PUMPING STATION FENCE AND GATES REPLACEMENT; THE SANTA TERESA WATER TREATMENT PLANT AIR WASH PIPELINE REPLACEMENT; AND PACHECO PUMPING PLANT PRIORITY 1 FIRE ALARM AND SUPPRESSION SYSTEM IMPROVEMENTS, to occur on June 11, 2019, at 1:00 PM, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Resolution](#)

[Attachment 2: Engineer's Report, Vasona](#)

[Attachment 3: Engineer's Report, Santa Teresa](#)

[Attachment 4: Engineer's Report, Pacheco](#)

[Attachment 5: Notice of Public Hearing](#)

3.7. Agreement with Maze and Associates for Financial Audit Services for Fiscal Years 2019, 2020, and 2021, With Option to Extend Two Additional Years. 19-0500

Recommendation: Approve the agreement with Maze and Associates for financial audit services for Fiscal Years 2019, 2020, and 2021 for a fee of \$222,480, with option to extend two additional years for an additional fee of \$160,061, making the total \$382,541 for five years.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Agreement](#)

*3.8. CEO Bulletins for the Weeks of May 10-16, and 17-23, 2019. 19-0552

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 051619 CEO Bulletin](#)

[*Attachment 2: 052319 CEO Bulletin](#)

*3.9. Approval of Minutes.

19-0528

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 042319 Regular Meeting Minutes](#)

[Attachment 2: 042419 Special Meeting Minutes](#)

[Attachment 3: 050319 Special Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Fiscal Year 2019 Board Policy Planning and Performance Monitoring
Calendars.

18-0853

Recommendation: Review, discuss, and revise the Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY 19 Policy Planning Calendar](#)

[Attachment 2: FY 19 Performance Monitoring Calendar](#)

Est. Staff Time: 5 Minutes

*4.2. Update on Santa Clara Valley Water District's Membership in the San Luis and Delta-Mendota Water Authority.

19-0461

Recommendation: Receive information on the Santa Clara Valley Water District's (Valley Water) membership in the San Luis and Delta-Mendota Water Authority (SLDMWA) and the benefits that Valley Water receives from that membership.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: SLDMWA Service Area Map](#)

[Attachment 2: SLDMWA Member Agencies](#)

[Attachment 3: Goals and Objectives](#)

[Attachment 4: PowerPoint](#)

[*Supplemental Agenda Memorandum](#)

[*Supplemental Attachment 1: Revised PowerPoint](#)

Est. Staff Time: 10 Minutes

*4.3. Board Committee Reports. 19-0559

A. Delta Conveyance Design and Construction Authority Update.

B. Delta Conveyance Finance Authority Update.

*C. 042919 Coyote Creek Flood Risk Reduction (CCFRR) Ad Hoc Committee Meeting Summary

*D. 050219 Board Audit Committee (BAC) Meeting Summary

*E. 052019 Recycled Water Committee (RWC) Meeting Summary

*F. 052019 Water Storage Exploratory Committee (WSEC) Meeting Summary

Attachments: [*Attachment 1: 042919 CCFRR Ad Hoc Committee Meeting Sumr](#)

[*Attachment 2: 050219 BAC Meeting Summary](#)

[*Attachment 3: 052019 RWC Meeting Summary](#)

[*Attachment 4: 052019 WSEC Meeting Summary](#)

5. WATER UTILITY ENTERPRISE:

5.1. District's Capital Improvement Program Fiscal Year 2018-19 Progress Report for Water Supply and Information Technology Capital Projects. 19-0459

Recommendation: Receive information from staff on the FY2018-19 Capital Improvement Program (CIP) progress reports for key Water Supply and Information Technology Capital Projects.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 15 Minutes

6. WATERSHEDS:

6.1. Standard On-Call Consulting Agreements (2) for On-Call Geotechnical Engineering Services, with Kleinfelder, Inc., for a Not-to-Exceed Fee of \$1,000,000, and with Cal Engineering & Geology, Inc., for a Not-to-Exceed Fee of \$1,000,000. 19-0422

Recommendation:

- A. Approve the Standard On-Call Consulting Agreement with Kleinfelder, Inc., for on-call geotechnical engineering services for a not-to-exceed fee of \$1,000,000; and
- B. Approve the Standard On-Call Consulting Agreement with Cal Engineering & Geology, Inc., for on-call geotechnical engineering services for a not-to-exceed fee of \$1,000,000.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Agreement, Kleinfelder, Inc.](#)

[Attachment 2: Agreement, Cal Engineering & Geology, Inc.](#)

Est. Staff Time: 5 Minutes

*6.2 Report of Bids Received and Award of Construction Contract to Odin Construction Solutions, Inc., in the sum of \$3,754,817, for Construction of Uvas Creek Levee Rehabilitation Project Phase 2, Project No. 62084001, Task No. 5175, Contract No. C0648, (Gilroy) (District 1). 19-0360

Recommendation:

- A. Ratify Addendum No. 1 to the Contract Documents for the Uvas Creek Levee Rehabilitation Project Phase 2;
- B. Award the Construction Contract to Odin Construction Solutions, Inc., in the sum of \$3,754,817; and
- C. Approve a contingency sum of \$375,482, and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)

[Attachment 2: Addendum No. 1](#)

[Attachment 3: Project Delivery Process Chart](#)

Est. Staff Time: 5 Minutes

7. EXTERNAL AFFAIRS:

7.1. Recommended Positions on State Legislation: AB 782 (Berman) California Environmental Quality Act: Exemption for Land Transfers by Public Agencies; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. 18-0933

Recommendation: Adopt a position of "Support" on: AB 782 (Berman) California Environmental Quality Act: Exemption for Land Transfers by Public Agencies.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

7.2. Recommendations on Federal Legislation: HR 1621 (McClintock) - Water Supply Permitting Coordination Act; HR 2313 (Huffman) - Water Conservation Rebate Tax Parity Act; S 923 (Feinstein) - Fighting Homelessness Through Services and Housing Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board. 18-0943

Recommendation:

- A. Adopt a position of "Support" on HR 1621(McClintock) - Water Supply Permitting Coordination Act;
- B. Adopt a position of "Support" on HR 2313 (Huffman) - Water Conservation Rebate Tax Parity Act; and
- C. Adopt a position of "Support" on S 923 (Feinstein) - Fighting Homelessness Through Services and Housing Act.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

7.3. Update on the Santa Clara Valley Water District Signage Project. 19-0423

Recommendation: Receive an update on the Santa Clara Valley Water District (Valley Water) Signage Project, including inventory, replacement of damaged signs, and pilot signage need for locations with immediate need.

Manager: Rick L. Callender, 408-630-2017

Attachments: [Attachment 1: Creek Signage Mockups](#)

[Attachment 2: Legacy Signage Mockups](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

8.1. CEO and Chiefs' Report.

9. ADMINISTRATION:

10. DISTRICT COUNSEL:

11. ADJOURN:

- 11.1. Board Member Reports/Announcements.
- 11.2. Proposed Future Board Member Agenda Items.
- 11.3. Clerk Review and Clarification of Board Requests.
- *11.4. Adjourn to 9:30 a.m. Special Meeting on June 3, 2019, in the Santa Clara Valley Water District, Conf. Room B-108, 5750 Almaden Expressway, San Jose, California.