



Santa Clara Valley Water District Board of Directors Meeting

District Headquarters Board Room
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED AGENDA**

**Tuesday, October 10, 2017
11:30 AM**

***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

John L. Varela, Chair - District 1
Richard Santos, Vice Chair - District 3
Barbara Keegan - District 2
Linda J. LeZotte - District 4
Nai Hsueh - District 5
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

**Santa Clara Valley Water District
Board of Directors**

***AMENDED/APPEDED
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Tuesday, October 10, 2017

11:30 AM

District Headquarters Board Room

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

11:30 AM

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: LIABILITY CLAIMS [17-0678](#)

Government Code Section 54956 (e)(3)

Receipt of Claim

Claimant: Edward and Annamarie Murphy, against: Santa Clara Valley Water District

2.2. CLOSED SESSION [17-0655](#)
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Chief Executive Officer

1:00 PM

2.3. District Counsel Report.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

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.

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. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Morgan Hill Plaza, Necessary to Complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill) (District 1) (Continued From September 26, 2017).

[17-0668](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Morgan Hill Plaza necessary to complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Map](#)

[Attachment 2: Resolution](#)

[*Handout: Item 2.7-A, PowerPoint](#)

*2.8. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Eleanor Sade, Trustee, Necessary to Complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill) (District 1) (Continued From September 26, 2017).

[17-0669](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Eleanor Sade, Trustee necessary to complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Map](#)
[Attachment 2: Resolution](#)
[*Handout 2.8-A, PowerPoint](#)

*2.9. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from MH Sterling Group, LLC, Necessary to Complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill) (District 1) (Continued From September 26, 2017).

[17-0670](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from MH Sterling Group, LLC necessary to complete the Upper Llagas Creek Flood Protection Project, Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Map](#)
[Attachment 2: Resolution](#)
[*Handout 2.9-A, PowerPoint](#)

- *2.10 Expedited Purified Water Program - San Diego County Water Authority's Experiences with Project Delivery Methods; Additional Information on Design/Build and Public-Private Partnership for Program Delivery; Program Status Update. [17-0621](#)

- Recommendation: A. Receive information from San Diego County Water Authority on their experiences with various project delivery methods;
- B. Receive staff's response to questions posed by the Board at its March 27, 2017 Board Work Study Session regarding various impacts of choosing Design/Build (DB) or a Public-Private Partnership (P3);
- C. Receive information on the Program Status; and
- D. Provide direction to staff on next steps for the Expedited Purified Water Program procurement process.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Summary of Prior Board Work Study Sessions](#)
[Attachment 2: Biography, B. Yamada, Director of Water Resource](#)
[Attachment 3: SDCWA PowerPoint](#)
[Attachment 4: SCVWD PowerPoint](#)
[Attachment 5: 021517 Letter from City of San Jose](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Handout 2.10-A, Poseidon](#)

Est. Staff Time: 20 Minutes

3. CONSENT CALENDAR: (3.1 - *3.6) (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 Recognizing the 27th Anniversary of the Americans with Disabilities Act and National Disability Employment Awareness Month. [17-0606](#)
Recommendation: Adopt the Resolution RECOGNIZING THE 27th ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH.

Manager: Garth Hall, 408-630-2750
Attachments: [Attachment 1: Resolution](#)
- 3.2. Notice of Completion of Contract and Acceptance of Work for the John D. Morgan Park Monitoring Wells Project, Cascade Drilling, L.P., Contractor, Project No. 91304001, Contract No. C0622 (Campbell) (District 4). [17-0619](#)
Recommendation: A. Accept the work as complete; and

B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Katherine Oven, 408-630-3126
Attachments: [Attachment 1: Notice Completion of Contract/Acceptance of Work](#)
[Attachment 2: Recommendation of Construction Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: PowerPoint](#)
[Attachment 5: Project Delivery Process Chart](#)
- 3.3. Update of the Condition of the Coyote Percolation Dam (San Jose) (District 1) and Determination that the Condition of the Coyote Percolation Dam Continues to Constitute an Emergency. [17-0638](#)
Recommendation: Determine by a four-fifths vote that there is a need to continue the emergency action declared by the Board on August 22, 2017, pursuant to California Public Contract Code §22050, to repair the Coyote Percolation Dam.

Manager: Kurt Arends 408-630-2284

- 3.4. Update on the Condition of the Stevens Creek Bank Erosion Repair Emergency Project, Project No. 62062003 (El Nino Flood Emergency Response) (Mountain View) (District 7), and Determination that the Condition of the Stevens Creek Bank Erosion Continues to Constitute an Emergency. [17-0639](#)

Recommendation: A. Receive an update on the condition of the Stevens Creek bank erosion emergency project; and

B. Determine by a four-fifths vote of the Board, that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on August 18, 2017, pursuant to California Public Contract Code §22050, to repair Stevens Creek bank erosion, downstream of El Camino Real, (SR-82) (Project) Project No. 62062003 (El Nino Flood Emergency Response), Task Code No. 1062, Facility ID No. 1029, (Mountain View) (District 7).

Manager: Ngoc Nguyen, 408-630-2632

- *3.5. CEO Bulletins for the Weeks of September 22 - 28, 2017 and September 29 - October 5, 2017. [17-0677](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 092217 CEO Bulletin](#)
[Attachment 2: 100517 CEO Bulletin](#)

- *3.6. Approval of Minutes. [17-0645](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 082217 Regular Meeting](#)
[Attachment 2: 082517 Special Meeting](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- *4.1. Coyote Creek Flood Risk Reduction Ad Hoc Committee's Recommendations and Associated Staff Analysis from the Committee's October 5, 2017, Meeting. [17-0658](#)

- Recommendation: A. Receive a report from the Coyote Creek Flood Risk Reduction Ad Hoc Committee and staff analysis.
- B. Provide direction to staff to operate the Anderson Reservoir system through the winter of 2017/2018 following the 40% exceedance rule curve that was recommended by the Coyote Creek Flood Risk Reduction Ad Hoc Committee at the October 5, 2017 meeting to reduce the risk of flooding along Coyote Creek and provide adequate water supply while balancing other beneficial uses.

Manager: Kurt Arends, (408) 630-2284

Attachments: [Attachment 1: 083117 CCFRR Ad Hoc Committee Agenda and M](#)
[Attachment 2: 100517 CCFRR Ad Hoc Committee Agenda and M](#)

Est. Staff Time: 10 Minutes

- *4.2. Fiscal Year 2018-2019 Board Strategic Priorities Planning Session Development. [17-0673](#)

Recommendation: Review and provide input on the Board Policy and Planning Committee's recommended planning process to engage the Board in the Fiscal Year 2018-2019 Strategic Priorities planning session.

Manager: Michele King, 408-630-2711

Est. Staff Time: 10 Minutes

- *4.3. Board Committee Reports. (Previously Listed as Item 4.1.)

5. **WATER UTILITY ENTERPRISE: NONE**

6. **WATERSHEDS: NONE**

7. **EXTERNAL AFFAIRS: NONE**

8. **CHIEF EXECUTIVE OFFICER:**

8.1. Chief Executive Officer Report.

9. **ADMINISTRATION: NONE**

10. **DISTRICT COUNSEL: NONE**

11. **ADJOURN:**

- 11.1. Board Member Reports/Announcements.
- 11.2. Clerk Review and Clarification of Board Requests.
- 11.3. Adjourn to Special Meeting at 1:00 p.m., on October 17, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.