



BOARD OF DIRECTORS MEETING

---

# MINUTES

---

**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, APRIL 9, 2019  
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

A Closed Session and Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 11:00 a.m.

1.1. Roll Call.

Board members in attendance were Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, and John L. Varela, constituting a quorum of the Board.

Director Tony Estremera was excused from attending. Director Gary Kremen arrived as noted below.

Staff members in attendance were N. Camacho, Chief Executive Officer (CEO), S. Yamamoto, District Counsel, M. King, Clerk, Board of Directors, K. Arends, L. Bankosh, M. Baratz, R. Callender, G. De La Piedra, C. Hakes, G. Hall, N. Hawk, N. Nguyen, L. Orta, K. Oven, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke.

Chairperson LeZotte announced that the Board would adjourn to Closed Session for consideration of Item 2.1. During Closed Session, Director Kremen arrived.

**2. TIME CERTAIN:**

**11:00 AM**

During Closed Session, Director Kremen arrived.

- 2.1. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation  
Pursuant to Government Code Section 54956.9(d)(2)  
One Potential Case.

Upon return to Open Session, the same Board members, including Director Kremen and excluding Director Estremera, and staff were present.

**1:00 PM**

2.2. District Counsel Report.

Mr. Stan Yamamoto, District Counsel, reported that in regards to Item 2.1, the Board met in Closed Session with all members present, excluding Director Estremera, and gave direction to staff.

2.3. Pledge of Allegiance/National Anthem.

Chairperson LeZotte led all present in reciting the Pledge of Allegiance.

2.4. Orders of the Day.

Chairperson LeZotte confirmed that Item 4.1 would be continued to April 23, 2019 meeting.

2.5. Time Open for Public Comment on any Item not on the Agenda.

Chairperson LeZotte declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

2.6. Public Hearing – Annual Report on the Protection and Augmentation of Water Supplies – February 2019 and Recommended Groundwater Production and Other Water Charges for Fiscal Year 2019-2020 (FY 2019-20).

- Recommendation:
- A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider the District FY 2019-20 Annual Report on the Protection and Augmentation of Water Supplies, and direct staff to review such report with, and solicit comments from Valley Water's advisory committees;
  - B. Hear public comments from groundwater producers and any interested persons regarding such report; and
  - C. Continue the public hearing regarding such report to the April 11, 2019 special meeting, at 7:00 p.m.

Chairperson LeZotte opened the public hearing.

Ms. Nina Hawk, Chief Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and Mr. Darin Taylor, Chief Financial Officer, reviewed the corresponding presentation materials contained in Attachment 2.

Chairperson LeZotte acknowledged receipt of the attached comments from the Agricultural Water Advisory Committee (AWAC), Mr. Paul Jensen, Los Altos Hills resident, and Mr. Dhruv Khanna, Kirigin Cellars, identified as Handouts 2.6-A through 2.6-C herein, respectively. Copies of the Handouts were distributed to the Board and made available to the public.

Chairperson LeZotte declared time open for public comments and, seeing no one present who wished to speak, continued the Public Hearing to the April 11, 2019 special meeting.

### 3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.10 under one motion.

Four statements expressing support for approval of Item 3.5 were received from: Ms. Katherine Oven, Executive Co-sponsor of the Green Team Employee Resource Group (ERG); Ms. Kirsten Struve, Ms. Valerie Onuoha, and Ms. Samantha Greene, members of the Green Team ERG Leadership Team.

Ms. Onuoha and Ms. Greene additionally invited the Directors to attend the April 30, 2019 BioBlitz event, hosted by the Green Team ERG.

3.1. Notice of Completion of Contract and Acceptance of Work for the Almaden Valley Pipeline Inspection and Rehabilitation Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0631 (San Jose, Los Gatos, Unincorporated Santa Clara County) (Districts 4 and 7).

Recommendation:   A. Accept the work as complete on the Almaden Valley Pipeline Inspection and Rehabilitation Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0631; 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 County of Santa Clara Office of the Clerk-Recorder.

3.2. Notice of Completion of Contract and Acceptance of Work for the Almaden Valley Pipeline Emergency Response Support Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0640 (San Jose, Unincorporated Santa Clara County) (Districts 4 and 7).

Recommendation:   A. Accept the work as complete on the Almaden Valley Pipeline Emergency Response Support Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0640; 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 County of Santa Clara Office of the Clerk-Recorder.

3.3. Budget Adjustment, Increase to the Construction Contract Contingency Sum, and Notice of Completion of Contract and Acceptance of Work for the Permanente Creek Flood Protection Project – Permanente Creek Channel Improvements, Robert A. Bothman Construction, Inc., Contractor, Project No. 26244001, Contract No. C0625 (Mountain View, Los Altos) (District 7).

Recommendation:   A. Approve a budget adjustment transferring an amount of \$708,223.83 from Fund 26 Operating and Capital

Reserves to the Permanente Creek Flood Protection Project, Project No. 26244001, Fund 26;

- B. Approve an increase of \$108,223.83 to the construction contract contingency sum for the Permanente Creek Flood Protection Project – Permanente Creek Channel Improvements;
- C. Accept the work as complete for the Permanente Creek Flood Protection Project – Permanente Creek Channel Improvements, Robert A. Bothman Construction, Inc., Contractor, Project No. 26244001, Contract No. C0625; and
- D. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the County of Santa Clara Office of the Clerk-Recorder.

- 3.4. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Uvas Creek Levee Rehabilitation Project Phase 2, Project No. 62084001, Task No. 5175, Contract No. C0648, (Gilroy) (District 1).

- Recommendation:
- A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Uvas Creek Levee Rehabilitation Project Phase 2 per the Notice to Bidders; and
  - B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

- 3.5. Resolution Recognizing April 22, 2019 as Earth Day.

- Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2019 AS EARTH DAY.

- 3.6. Designation of Impartial Third Party to Oversee Validation and Tabulation of Written Protests for Fiscal Year 2019-2020 Surface Water Charges.

- Recommendation: Designate the Clerk of the Board as the impartial third party to oversee the verification and tabulation of the written surface water protests for Fiscal Year 2019-2020.

- 3.7. Providing Notice of Time and Place of Public Hearing Regarding Flood Control Benefit Assessments for Fiscal Year 2019-2020 (FY 2019-20).

- Recommendation: Set a time and place for the public hearing on Flood Control Benefit Assessments for FY 2019-20 at 1:00 p.m. on May 14, 2019, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

- 3.8. Membership Nomination for Committee Appointment to the Environmental and Water Resources Committee (EWRC).

Recommendation: Consider nomination for a two-year membership appointment of Ms. Susan Blake to the Environmental and Water Resource Committee.

- 3.9. CEO Bulletin for the Week of March 22-28, and March 29-April 4, 2019.

Recommendation: Accept the CEO Bulletins.

- 3.10. Report of Bids Received, Award of Construction Contract to Silicon Valley Paving, Inc. for the Construction of Gold Street Median Removal Project, Project No. 00761023, Contract No. C0646 (San Jose), (District 3).

Recommendation:

- A. Ratify Addendum Nos.1 and 2 to the Contract documents for the Gold Street Median Removal Project;
- B. Waive minor irregularities in Silicon Valley Paving, Inc.'s Bid;
- C. Award the Contract to Silicon Valley Paving, Inc., in the sum of \$74,993; and
- D. Approve a contingency sum of \$7,500 and authorize the Operations & Maintenance Engineering Support Unit Manager to approve individual change orders up to the designated amount.

Motion: Approve Consent Calendar Items 3.1 through 3.10 under one motion, as follows: accept the work as complete and direct the Clerk of the Board to sign the Notices of Completion of Contract and Acceptance of Work and submit for recording at the Santa Clara County Clerk-Recorder for the Almaden Valley Pipeline Inspection and Rehabilitation and Almaden Valley Pipeline Emergency Response Support Projects, as contained in Items 3.1 and 3.2; approve a budget adjustment and increase to the construction contract contingency sum, accept the work as complete, and direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work, and submit for recording at the Santa Clara County Clerk-Recorder for the Permanente Creek Flood Protection Project, as contained in Item 3.3; adopt Plans and Specifications, authorize Advertisement for Bids, and authorize the Designated Engineer to issue addenda for the Uvas Creek Levee Rehabilitation Project Phase 2, as contained in Item 3.4; adopt Resolution No. 19-31, RECOGNIZING APRIL 22, 2019, AS EARTH DAY, by roll call vote, as contained in Item 3.5; designate the Clerk of the Board to oversee the verification and tabulation of the written surface water protests, as contained in Item 3.6; set a time and place for the public hearing on Flood Control

Benefit Assessments on May 14, 2019 at 1:00 p.m. at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, as contained in Item 3.7; approve nomination for a two-year membership appointment of Ms. Susan Blake to the Environmental and Water Resources Committee, as contained in Item 3.8; accept the CEO Bulletins, as contained in Item 3.9; ratify Addendum, waive minor irregularities in bid, award the Contract to Silicon Valley Paving, Inc., approve a contingency sum, and authorize the Operations and Maintenance Engineering Support Unit Manager to approve individual change orders, as contained in Item 3.10.

Move to Approve: Barbara Keegan  
Second: John L. Varela  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela  
Nays: None  
Abstains: None  
Recuses: None  
Absent: Tony Estremera  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

#### **REGULAR AGENDA:**

#### **4. BOARD OF DIRECTORS:**

##### **4.1. District Living Wage Policy.**

Recommendation: A. Receive information on the District's current Living Wage Policy; and  
B. Direct District staff to return with proposed updates to the Living Wage Policy, for future discussion and approval by the Board.

The Board continued this item to the April 23, 2019 regular meeting.

##### **4.2. Board Committee Reports.**

A. Delta Conveyance Design and Construction Authority Update.  
B. Delta Conveyance Finance Authority Update  
C. Water Conservation and Demand Management Committee (WCDM) Update.

There was no update on the Delta Conveyance Design and Construction, and Finance Authorities given, and the Board noted the attached WCDM update without formal action.

#### **5. WATER UTILITY ENTERPRISE:**

- 5.1. Agreement With GEI Consultants, Inc., for Engineering Services for the Lenihan and Stevens Creek Dams Safety Evaluations and Budget Adjustment for Supplemental Tasks for the Dam Seismic Stability Evaluations Project, Project No. 91084019 (Los Gatos, Cupertino) (District 7).

Recommendation: A. Approve a budget adjustment transferring an amount not-to-exceed \$1,700,000 from the Almaden Dam Improvements Project (Project No. 91854001) to the Dam Seismic Stability Evaluations Project (Project No. 91084019) to fund the Lenihan and Stevens Creek Dams Safety Evaluations; and  
B. Approve the Agreement with GEI Consultants, Inc., for engineering services for the Lenihan and Stevens Creek Dams Safety Evaluations for a not-to-exceed fee of \$2,453,283.

Move to Approve: Nai Hsueh  
Second: Barbara Keegan  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela  
Nays: None  
Abstains: None  
Recuses: None  
Absent: Tony Estremera  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

- 5.2. Calero Reservoir Operations and System Reliability.

Recommendation: A. Receive an update on the operation and use of Calero Reservoir; and  
B. Direct staff to proceed with the Calero Seismic Retrofit Project.

Mr. Kurt Arends, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Board requested that staff meet with Director Kremen to address specific concerns, and come back to the Board for additional discussion.

## 6. WATERSHEDS:

- 6.1. Proposed Pilot Project for Using Unmanned Aerial Vehicles (UAV) in Land Surveying and Mapping Activities.

Recommendation: A. Receive information and discuss issues identified for using UAV in land surveying and mapping activities; and  
B. Provide direction to staff.

Mr. Ngoc Nguyen, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and Mr. Kris Puthoff, Land

Surveying and Mapping Unit Manager, reviewed the corresponding presentation materials contained in Attachment 3.

The Board noted the information without formal action.

**7. EXTERNAL AFFAIRS:**

None.

**8. CHIEF EXECUTIVE OFFICER:**

8.1. CEO and Chiefs' Report.

Ms. Melanie Richardson, Chief Operating Officer, reported on Valley Water's receipt of the 2019 Project Achievement Award from the Construction Management Association of America, Northern California Chapter, for the San Francisquito Creek Flood Protection Project; and on Valley Water's participation at an upcoming Association of State Floodplain Managers Foundation report, that would include national policy recommendations on urban flooding and be distributed to federal, state, and local representatives.

Mr. Rick Callender, Chief of External Affairs, distributed and reviewed the attached Office of Civic Engagement and Office of Communications Updates, identified as Handouts 8.1-A and 8.1-B, herein respectively. Copies of the Handouts were distributed to the Board and made available to the public.

**9. ADMINISTRATION:**

None.

**10. DISTRICT COUNSEL:**

None.

**11. ADJOURN:**

11.1. Board Member Reports/Announcements.

Director Varela reported attending the American Association of University Women Wildflower Run, a Santa Clara County Farm Bureau meeting, an Association of California Water Agencies Region 5 meeting, and a Pajaro River Watershed Flood Prevention Authority meeting, and participating as a speaker at a Morgan Hill Chamber of Commerce meeting.

Director Santos reported attending a Berryessa Citizen's Advisory Council meeting, a Landscape Committee meeting, an Agricultural Water Advisory Committee (AWAC) meeting, and a River Oaks Homeowner's Association meeting.

Director Hsueh reported participating in the Board's annual visit to Washington DC, and attending the aforementioned AWAC meeting.

Director Keegan reported attending a Fish and Aquatic Habitat Collaborative Effort (FAHCE) meeting, a Dean Democratic Club of Silicon Valley meeting, and various meetings with staff.

Director Kremen reported attending a San Luis Delta-Mendota Water Authority meeting, a meeting with Ms. Newsha Ajami of the Regional Water Quality Control Board, and various meetings with staff.

Chairperson LeZotte reported attending the aforementioned FAHCE meeting, a Thousand Oaks Neighborhood Association meeting, a Local Agency Formation Commission of Santa Clara County meeting, and various meetings with staff.

11.2. Proposed Future Board Member Agenda Items.

None.

11.3. Clerk Review and Clarification of Board Requests.

Ms. Michele King confirmed that there were no new Board Member Requests.

11.4. Adjourn to Special Meeting at 7:00 p.m., on April 11, 2019, at Morgan Hill City Hall, Council Chambers, 17555 Peak Avenue, Morgan Hill, California.

Chairperson LeZotte adjourned the meeting at 2:45 p.m., to the 7:00 p.m. Special meeting on April 11, 2019, at Morgan Hill City Hall, Council Chambers, 17555 Peak Avenue, Morgan Hill, California.

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date:

**THIS PAGE INTENTIONALLY LEFT BLANK**