



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

AMENDED 11 A.M. CLOSED SESSION AND 1:00 P.M. REGULAR MEETING AGENDA

**Tuesday, November 12, 2019
11:00 AM**

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 11 A.M. CLOSED SESSION AND 1:00 P.M. REGULAR MEETING
AGENDA**

Tuesday, November 12, 2019

11:00 AM

Headquarters Building Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

11:00 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. ITEM REMOVED FROM AGENDA. (CLOSED SESSION)

2.2. CLOSED SESSION [19-1047](#)
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Two Potential Cases

2.3. CLOSED SESSION [19-1049](#)
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government Code Section
54956.9(d)(2)
One potential case

1:00 PM

2.4. District Counsel Report.

2.5. Pledge of Allegiance/National Anthem.

2.6. Orders of the Day.
A. *Approximate Discussion Time (Board); and*
B. *Adjustments to the Order of Agenda Items.*

2.7. 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.

*2.8. Adopt Resolution of the Board of Directors of the Santa Clara Valley Water District Authorizing the Issuance of Not-To-Exceed \$40 Million of Water System Refunding Revenue Bonds, Approving the Execution and Delivery of Certain Documents, and Authorizing Certain Acts In Connection Therewith. (PREVIOUSLY LISTED AS ITEM 8.1) [19-0864](#)

- Recommendation:
- A. Adopt a Resolution Authorizing the Issuance of Not To Exceed \$40 million of Water System Refunding Revenue Bonds, TAXABLE SERIES 2019c, Approving the Execution and Delivery of Certain Documents and Authorizing Certain Acts In Connection Therewith; and
 - B. Authorize and direct the Chief Executive Officer, Chief Financial Officer, Treasury/Debt Officer, District Counsel, and the Clerk of the Board of Directors and such other officers and staff of the District, acting singly, to do any and all things, and to execute and deliver any and all documents, which such officers may deem necessary or advisable in order to consummate the sale and delivery of the Refunding Revenue Bonds.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Preliminary Official Statement](#)
[Attachment 3: Continuing Disclosure Agreement](#)
[Attachment 4 - Indenture of Trust](#)
[Attachment 5: Escrow Agreement](#)
[Attachment 6 - Bond Purchase Contract](#)
[Attachment 7 - Debt Management Policy](#)
[Attachment 8 - Federal Securities Laws - Disclosure Responsibility](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.5) (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. Denial of Claim of Mo-Yun Fong.**

[19-0962](#)

Recommendation: Deny the claim.

Manager: Stan Yamamoto, 408-630-2755

Attachments: [Attachment 1: Claim](#)
[*Handout 3.1-A, Mo-Yun Fong](#)

3.2. Denial of Claim of Robert Middleton.

[19-0964](#)

Recommendation: Deny the claim.

Manager: Stan Yamamoto, 408-630-2755

Attachments: [Attachment 1: Claim](#)
[Attachment 2: Letter from Mr. Middleton](#)

- 3.3. Approve the Sale of Santa Clara Valley Water District Surplus Property Located at 110 South Sunset Avenue, San Jose, APN 481-21-055, File No. 4026-131.1 (District 6) (San Jose). [19-1050](#)

Recommendation: A. Approve the sale of surplus property located at 110 South Sunset Avenue, San Jose, APN 481-21-055, File No. 4026-131.1, to Hien Thi Nguyen and Charles Huu Nguyen, the bidder submitting the high bid in the amount of \$573,000; and
B. Authorize the Chief Executive Officer, or her designee to execute the Real Property Purchase and Sale Agreement with Quitclaim Deed to Hien Thi Nguyen and Charles Huu Nguyen.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: SCVWD Resolution No. 16-71](#)
[Attachment 3: Fair Market Appraisal](#)
[Attachment 4: Purchase and Sale Agreement](#)
[Attachment 5: Quitclaim Deed](#)

- *3.4. Accept the CEO Bulletins for the Weeks of October 18-24 and 25-31, and November 1-7, 2019. [19-1090](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 102419 CEO Bulletin](#)
[Attachment 2: 103119 CEO Bulletin](#)
[*Attachment 3: 110719 CEO Bulletin](#)

- *3.5. Approval of Minutes. [19-1088](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 092419 Regular Meeting Minutes](#)
[*Attachment 2: 100819 Regular Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

Standing Reports (Verbal Reports):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Coyote Flood Risk Reduction (CFRR) Ad Hoc Committee
7. Diversity and Inclusion (D&I) Ad Hoc Committee
8. Fishery and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee
9. Homeless Encampment Ad Hoc Committee
10. Recycled Water Committee (RWC)
11. Water Conservation and Demand Management (WCDM) Committee
12. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

13. Agricultural Water Advisory Committee (AWAC)
14. Environmental and Water Resources Committee (EWRC)
15. Santa Clara Valley Water Commission (Water Commission)
16. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

17. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
18. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
19. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
20. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
21. San Felipe Division Reach One

External Committees/Agencies (Verbal Report):

22. ACWA and ACWA Joint Powers Insurance Authority
23. Baylands Shoreline Steering Committee
24. California WaterReuse Association
25. Joint Venture Silicon Valley Board of Directors
26. Landscape Committee
27. Local Agency Formation Commission (LAFCO)
28. Northern California Latino Water Coalition
29. Pajaro River Watershed Flood Protection Authority
30. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
31. Safe, Clean Water Independent Monitoring Committee (SCW IMC)
32. San Francisquito Creek JPA
33. Santa Clara County Water Retailers
34. Santa Clara Valley Habitat Conservation Plan JPA
35. San Luis and Delta-Mendota Water Authority Board and Delta Habitat Conservation & Conveyance Plan Steering Committee
36. Santa Clara County Emergency Operations Area Council
37. Santa Clara County Recycling and Waste Reduction Commission
38. Santa Clara County Special Districts Association
39. South County Regional Wastewater Authority (SCRWA)

40. Station Area Advisory Group (SAAG)
41. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy
Liaison Committee

Attachments: [*Handout 4.1.3-A: 102319 BAC Summary](#)
[*Handout 4.1.4-A: 102519 BPPC Summary](#)
[*Handout 4.1.5-A: 102119 CIP Summary](#)
[*Handout 4.1.5-B: 111819 CIP Agenda](#)
[*Handout 4.1.7-A: 103019 D&I Ad Hoc Summary](#)
[*Handout 4.1.9-A: 093019 HEAHC Summary](#)
[*Handout 4.1.9-B: 111519 HEAHC Agenda](#)
[*Handout 4.1.10-A: 111319 RWC Agenda](#)
[*Handout 4.1.11-A: 111919 WCDM Agenda](#)
[*Handout 4.1.14-A: 102119 EWRC Summary](#)
[*Handout 4.1.15-A: 102319 Water Commission Summary](#)
[*Handout 4.1.16-A: 112019 Youth Commission Agenda](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Next Steps for the Untreated Surface Water Program (Continued From [19-1068](#)
October 22, 2019).

Recommendation: Review Board Policy and Planning Committee's recommendation to seek stakeholder input on the future of the Untreated Surface Water Program, including the recommendation to sunset the Program.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Valley Water 032216 Board Item 5.2](#)
[Attachment 2: Map, Untreated Surface Water Users by District](#)
[Handout 5.1-A, PowerPoint](#)

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

- 6.1. Approve a Budget Adjustment in the Amount of \$4,700,000, from Fund 26 Operating and Capital Reserves to the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin, Project No. 26244001, for the Following Purposes: To Increase the Contract Contingency Fund in the Amount of \$3,000,000; To Provide \$1,450,000 Funding for In-House Engineering Support, Construction Inspection, and Contract Management Services; and To Provide \$250,000 Funding for Additional Native American Consultant Services; Approve the Increase to the Contract Contingency Fund; and Approve Amendment No. 1 to Agreement A4170G with Andrew Galvan (Cupertino) (Districts 5 and 7). [19-0882](#)

Recommendation:

- A. Approve a Fiscal Year 2020 budget adjustment in the amount of \$4,700,000, from Fund 26 Operating and Capital Reserves to the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin, Project No. 26244001, for the following purposes: to increase the contract contingency fund in the amount of \$3,000,000; to provide \$1,450,000 funding for in-house engineering support, construction inspection, and contract management services; and to provide \$250,000 funding for additional Native American consultant services;
- B. Approve an increase of \$3,000,000 to the construction contract contingency fund for Contract No. C0617 with Granite Construction Company; and
- C. Approve Amendment No. 1 to Agreement A4170G with Andrew Galvan increasing the not-to-exceed compensation limit by \$250,000, for a new Not-To-Exceed Fee of \$398,500 and extending the Agreement term to March 31, 2021.

Manager: Ngoc Nguyen, 408-630-2632
Attachments: [Attachment 1: Amendment No. 1](#)
Est. Staff Time: 5 Minutes

- 6.2. Stormwater Resource Planning in Santa Clara County. [19-1045](#)

Recommendation: Receive and discuss information on stormwater resource planning in Santa Clara County.

Manager: Vincent Gin, 408-630-2633
Attachments: [Attachment 1: Santa Clara Basin SWRP Executive Summary](#)
Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

- 7.1. Approve and Implement Proposed Rebranded Artwork for Water Truck Design. [19-0928](#)

Recommendation: Review and approve the design and implementation of the proposed artwork for the Valley Water Truck Design, which incorporates the rebranded logo, moniker, and tagline for Valley Water.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Recommended Artwork](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

- *8.1 Moved to Item 2.8.

- 8.2. Approve the Addition of Seventeen Full-Time Santa Clara Valley Water (Valley Water) District Employee Positions. (Previously Listed as Item 8.2) [19-1060](#)

Recommendation: Approve the addition of seventeen (17) Valley Water Full-Time Employee (FTE) positions, including sixteen (16) classified positions and one (1) unclassified position.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Staff Memo](#)

Est. Staff Time: 10 Minutes

- *8.3. [19-1122](#)

Attachments: *Handout 8.3-A, Stream Maintenance Report
*Handout 8.3-B, Office of Civic Engagement Update
*Handout 8.3-C, Office of Communications Update

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 11:30 a.m. Closed Session and 12:00 p.m. Special Meeting, on November 20, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.