



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

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

**Tuesday, March 13, 2018
11:00 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

Richard P Santos, Chair, District 3
Linda J LeZotte, Vice Chair, District 4
John L Varela, District 1
Barbara Keegan, District 2
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

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Board of Directors**

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Tuesday, March 13, 2018

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. CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: District Counsel, Clerk of the Board and Chief Executive Officer

[18-0140](#)

*2.2. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Government Code section 54957.6

Agency designated representatives: Norma Camacho, Anil Comelo

Unrepresented employees: All unclassified employee classifications

[18-0168](#)

1:00 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.

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. Item Removed From Agenda.

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Coyote Creek Levee Rodent Damage Repair Upstream of SR 237 Project, Project No. 62084001, Task No. 5168, Contract No. C0639, (San Jose) (District 3) [17-0827](#)

- Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Coyote Creek Levee Rodent Damage Repair Upstream of SR 237, Project (Project) per the Notice to Bidders; and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Notice to Bidders](#)
[Attachment 2: Map](#)
[Attachment 3: Project Delivery Process Chart](#)

- 3.3. Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2017. [18-0094](#)
- Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2017; and
- B. Approve the report, if the reimbursements comply with Board Policy.
- Manager: Darin Taylor, 408-630-3068
- Attachments: [Attachment 1: Quarterly Expense Reports](#)
- 3.4. Update on the Condition of the Almaden Valley Pipeline Inspection and Rehabilitation Project, and Determine that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose, Los Gatos, Unincorporated Santa Clara County) (Districts 4 and 7). [18-0115](#)
- Recommendation: A. Receive an update on the Almaden Valley Pipeline Inspection and Rehabilitation 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 December 5, 2017, pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline (San Jose, Los Gatos, Unincorporated Santa Clara County) (Districts 4 and 7).
- Manager: Kurt Arends, 408-630-2284
- Attachments: [Attachment 1: Emergency Declaration](#)
- *3.5. CEO Bulletins for the Weeks of February 23, through March 1, and March 2-8, 2018. [18-0150](#)
- Recommendation: Accept the CEO Bulletins.
- Manager: Norma Camacho, 408-630-2084
- Attachments: [Attachment 1: 030118 CEO Bulletin](#)
[*Attachment 2: 030818 CEO Bulletin](#)

3.6. Approval of Minutes.

[18-0118](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 011718 Special Meeting Minutes](#)
[Attachment 2: 012318 Regular Meeting Minutes](#)
[Attachment 3: 013018 Special Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Board Committee Reports.

5. WATER UTILITY ENTERPRISE:

5.1. Amendment No. 3 to Agreement No. A3639A with URS Corporation, a Nevada Corporation dba URS Corporation Americas, for Planning, Environmental, and Design Consultant Services for a Not-to-Exceed Fee of \$3,000,000, Resulting in a Total Not-to-Exceed Fee of \$9,419,000 for the Almaden Dam Improvements Project, Project No. 91854001 (San Jose) (District 1).

[17-0751](#)

Recommendation: Approve Amendment No. 3 to Agreement No. A3639A with URS Corporation for Planning, Environmental, and Design Consultant Services for the Almaden Dam Improvements Project for a not-to-exceed fee of \$3,000,000, resulting in a total not-to-exceed fee of \$9,419,000 and to extend the Agreement term.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Amendment No. 3](#)

Est. Staff Time: 10 Minutes

*5.2. Resolution Authorizing Acquisition of Real Property from the County of Santa Clara for the Upper Llagas Creek Flood Protection Project, (Morgan Hill), (District 1). (Previously Listed as Item 6.1)

[18-0159](#)

- Recommendation:
- A. Approve the Purchase and Sale Agreement for Real Estate File No. 5010-229 to Acquire Real Property (APNs 779-03-114, 779-06-030, and 779-49-014) from the County of Santa Clara, a political subdivision of the State of California, for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 and other potential benefits (Morgan Hill), (District 1);
 - B. Authorize the Chief Executive Officer to execute the Purchase and Sale Agreement for Real Estate File No. 5010-229 (Assessor's Parcels 779-03-114, 779-06-030, and 779-49-014);
 - C. Authorize the Chief Executive Officer to execute the Certificate of Acceptance for Grant Deed 5010-229;
 - D. Authorize the Chief Executive Officer to execute and grant a Conservation Easement Deed for Real Estate File No. 5010-229.2 (APNs 779-03-114, 779-06-030, and 779-49-014) and Real Estate File No. 5010-244.1 (APN 779-06-032) to the County of Santa Clara, a political subdivision of the State of California and the City of Morgan Hill, a municipal corporation of the State of California for park purposes of trail connectivity, habitat conservation, and open space preservation;
 - E. Exempt the Lake Silveira property (APNs 779-03-114, 779-06-030, and 779-49-014) from Resolution 82-30 (Declaring Policy to Govern Joint Use of Lands Acquired for Upper and Lower Llagas Creek PL 566 Watershed Projects); and
 - F. Adopt the Resolution ACQUISITION OF A GRANT DEED FROM COUNTY OF SANTA CLARA, CONVEYANCE OF A CONSERVATION EASEMENT TO COUNTY OF SANTA CLARA AND CITY OF MORGAN HILL FOR LAKE SILVEIRA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (MORGAN HILL), AND EXEMPTION OF LAKE SILVEIRA FROM RESOLUTION 82-30.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Map](#)
[Attachment 2: Purchase and Sale Agreement](#)
[Attachment 3: Notice of Determination](#)
[Attachment 4: SCVWD Resolution 82-30](#)
[Attachment 5: Resolution](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

*6.1. Agenda Item Moved To 5.2.

6.2. Reduction of Construction Contract Retention for the Lower Berryessa Creek Flood Protection Project Phase 2, Brosamer & Wall, Inc., Contractor, Project No. 40174005, Contract No. C0614 (Milpitas) (District 3). [17-0873](#)

Recommendation: Authorize reducing the current construction contract retention of ten percent (10%) to five percent (5%), consistent with the minimum amount required by the California Public Contract Code.

Manager: Ngoc Nguyen, 408-630-2632

Est. Staff Time: 10 Minutes

6.3. Staff Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 4 Annual Report for Fiscal Year 2016-2017. [18-0109](#)

Recommendation: A. Accept Staff Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 4 Annual Report for Fiscal Year 2016-2017; and

B. Provide additional direction as necessary.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Staff Response to IMC Report](#)

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

- *7.1. *Board Approval of Recommendations for Fiscal Year (FY) 2018 Grants [18-0160](#)
for the Safe, Clean Water Grants Program to Support Volunteer Cleanup
Efforts & Education (B7) and Provide Access to Trails & Open Space
(D3) Based on Applicants Supplemental Questionnaire Responses.

- Recommendation: A. Review and discuss staff's recommendations for FY2018
Safe, Clean Water Grant Awards;
- B. *For proposals submitted to Support Volunteer Cleanup
Efforts & Education (B7) grant program, authorize the
Chief Executive Officer (CEO), following California
Environmental Quality Act (CEQA) compliance, to
approve and execute agreements in a total amount
not-to-exceed \$228,552, for the projects as outlined in
this memorandum;
- C. For proposals submitted to Provide Trails & Open Space
(D3) grant program, authorize the Chief Executive Officer
(CEO), following CEQA compliance, to approve and
execute agreements in a total amount not-to-exceed
\$571,000 for the three projects as outlined in this
memorandum; and
- D. *Authorize the CEO to execute no-cost extensions (up to
12 months) for the approved grant agreements.

Manager: Rick Callender, 408-630-2017

Attachments: [*Original Board Agenda Memorandum](#)
[*Original Attachment 1: Evaluation Criteria for B7 & D3 Grant Pro](#)
[*Original Attachment 2: FY2018 Scoring Matrix](#)
[*Original Attachment 3: Letter of Support – MH Chamber of Comm](#)
[*Original Attachment 4: Letter of Support – Almaden Cycle Tourin](#)
[*Supplemental Board Agenda Memorandum](#)
[*Supplemental Attachment 1: Revised Funding Recommendations](#)
[*Handout 7.1-A - MidPen Letter](#)

Est. Staff Time: 10 Minutes

- *7.2. Federal Authorization and Appropriation Requests for Federal Fiscal Years 2018 and 2019. [18-0162](#)

Recommendation: Adopt the recommended Federal Fiscal Year 2018 and Fiscal Year 2019 authorization and appropriation requests for District-sponsored and District-supported projects.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: Authorization/Appropriation Requests](#)
[*Handout 7.2-A: Revised Authorization/Appropriation Requests](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

- *8.1. Chief Executive Officer Report. [18-0178](#)

Attachments: [*Handout 8.1-A - Communications Update](#)

9. ADMINISTRATION:

- 9.1. Diversity and Inclusion Quarterly Report for the Second Quarter of Fiscal Year 2018. [18-0142](#)

Recommendation: Receive information about diversity demographics for the Second Quarter of Fiscal Year 2018.

Manager: Anil Comelo, 408-630-2470

Attachments: [Attachment 1: Workforce Comparison Matrix](#)
[Attachment 2: Applicant Matrix](#)
[Attachment 3: Temporary Employee Data](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 10 Minutes

10. DISTRICT COUNSEL: NONE.

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 5:00 p.m. Special and 6:00 p.m. Joint Board Meeting with the Milpitas City Council, on March 21, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.