



Santa Clara Valley Water District Board of Directors Meeting

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

***AMENDED/APPENDED AGENDA**

**Tuesday, December 8, 2015
6:00 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

Gary Kremen, Chair - District 7
Dennis Kennedy, Vice Chair - District 1
Barbara Keegan - District 2
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5
Tony Estremera - District 6

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.

BEAU GOLDIE
Chief Executive Officer

MICHELE L. KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org
5750 Almaden Expressway
San Jose, CA 95118-3686

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/APPEDED
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District Headquarters Board Room

1. CALL TO ORDER:

- 1.1. Roll Call.
- 1.2. Pledge of Allegiance/National Anthem.
- 1.3. Orders of the Day.
 - A. *Approximate Discussion Time (Board); and*
 - B. *Adjustments to the Order of Agenda Items.*
- 1.4. 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. TIME CERTAIN: (6:00 p.m.)

- 2.1. Fiscal Year 2014 Safe, Clean Water Program Grantee Project [15-0345](#)
Completion by San Jose Parks Foundation on the Trash Free Coyote Creek Cleanup and Surveillance Project and Education and Outreach Project.
Recommendation: Receive a presentation from San Jose Parks Foundation on the Trash Free Coyote Creek Cleanup and Surveillance Project and Education and Outreach Project that received District funding during the Fiscal Year (FY) 2014 grant cycle.

Attachments: [Attachment 1: Fact Sheet](#)
[Attachment 2: PowerPoint](#)

Estimated Time: 10 Minutes

3. CONSENT CALENDAR: (Item 3.1 - 3.12) (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 item delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10); and CEO monitoring reports that do not reflect policy violations or call for debate of policy criteria (GP 4.5). 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 Authorizing the Conveyance of Interest in Real Property to San Jose Water Company Along the Calero/Almaden Canal for the McKean Road Tank and Pipeline Project.

[15-0414](#)

- Recommendation:
- A. Consider the Initial Study/Mitigated Negative Declaration for the McKean Road Tank and Pipeline Project prepared by the City of San Jose as the Lead Agency;
 - B. Adopt a Resolution MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO USE THE MCKEAN ROAD TANK AND PIPELINE PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE APPROVAL TO GRANT EASEMENTS TO SAN JOSE WATER COMPANY;
 - C. Adopt a Resolution AUTHORIZING CONVEYANCE OF INTEREST IN REAL PROPERTY TO SAN JOSE WATER COMPANY APN:742-09-013, 742-09-047; and
 - D. Authorize the Chief Executive Officer, or designee to execute the Easement Deed (Document No. 9272-25.3) for the SJWC McKean Road Tank and Pipeline Project.

Attachments: [Attachment 1: Mitigated Negative Declaration](#)
[Attachment 2: Resolution Making Responsible Agency Findings](#)
[Attachment 3: Resolution Authorizing Conveyance of Interest](#)
[Attachment 4: Easement Deed](#)
[Attachment 5: Location Map 9272-25.3](#)

- 3.2. Resolution of the Board of Directors of the Santa Clara Valley Water District Amending the District Records Retention Schedule. [15-0461](#)
Recommendation: Adopt the Resolution AMENDING THE DISTRICT RECORDS RETENTION SCHEDULE.

Attachments: [Attachment 1: Resolution](#)
- *3.3. Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2015. [15-0499](#)
Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2015; and

B. Approve the report, if the reimbursements comply with Board Policy.

Attachments: [Attachment 1: BOD Qtrly Exp Report](#)
[*Attachment 2: Handout 3.3 A Email form D Muirhead](#)
- 3.4. Approval of Budget Adjustment and Cooperative Agreement Concerning Quito Road Bridge Replacements (Saratoga/Los Gatos). [15-0406](#)
Recommendation: A. Approve a budget adjustment for the amount of \$105,000; and

B. Approve the Cooperative Agreement Concerning Quito Road Bridge Replacements with the City of Saratoga and the Town of Los Gatos.

Attachments: [Attachment 1: Cooperative Agreement](#)
- 3.5. Moved to Item 5.1.
- *3.6. Claim of Dale Jelsema. [15-0530](#)
Recommendation: Deny the claim.

Attachments: [*Attachment 1: Handout 3.6 A](#)
- 3.7. Claim of James and Gwendolyn Zamlich. (Removed From 10/27/2015 Agenda) [15-0559](#)
Recommendation: Deny the claim.

- 3.8. Agreement with Arthur J. Gallagher & Company for Insurance Broker Services, Contract No. 4651. [15-0549](#)
- Recommendation: Approve the Consultant Agreement with Arthur J. Gallagher & Company for Insurance Broker Services for a not-to-exceed fee of \$267,500 (Year 1: \$52,500, Year 2: \$52,500, Year 3: \$52,500, Optional Year 4: \$55,000, Optional Year 5: \$55,000).
- Attachments: [Attachment 1: Consultant Agreement](#)
[Attachment 2: Consultant Justification Form](#)
- 3.9. Authorize the Chief Executive Officer (CEO) to Execute No-Cost Extensions and Amendments to Existing Grants and Partnership Agreements originally authorized under the Fiscal Year 2010 and Fiscal Year 2011 Clean, Safe Creeks and Natural Flood Protection Program. [15-0564](#)
- Recommendation: A. Authorize the Chief Executive Officer (CEO) to execute a no-cost two-year extension and amendment for Agreement No. A3500R with the City of San Jose (CSJ) under the Fiscal Year 2010 (FY 2010) Clean, Safe Creeks and Natural Flood Protection Program (CSC) for the Penitencia Creek Trail Project; and
- B. Authorize the CEO to execute a no-cost two-year extension and amendment for Agreement No. A3536R with the CSJ under the Fiscal Year 2011 (FY 2011) CSC Program for the Three Creeks Trail, Trestle and Interim Improvements Project.
- Attachments: [Attachment 1: Amendment No. 1 to Agreement A3500R](#)
[Attachment 2: Amendment No. 1 to Agreement A3536R](#)
- 3.10. Approval of Minutes. [15-0579](#)
- Recommendation: Approve the minutes.
- Attachments: [Attachment 1: 102715 Special Closed Session Minutes](#)
[Attachment 2: 102715 Regular Minutes](#)
- *3.1 CEO Bulletin for the Week of November 20 - 26, and November 27 through December 3, 2015. [15-0595](#)
1. Recommendation: Accept the CEO Bulletin.
- Attachments: [Attachment 1: CEO Bulletin for November 20 - 26, 2015](#)
[*Attachment 2: CEO Bulletin for the Week of November 27 - Dece](#)

3.12. Property Acquisition, Conservation Easement and Long-term Management Plan for Rancho Cañada de Pala Preserve - Stream and Watershed Land Preservation.

[15-0468](#)

- Recommendation:
- A. Authorize a budget adjustment appropriating \$715,000 from the Watershed and Stream Stewardship Fund Operating and Capital Reserve to the SMP Mitigation - Stream and Watershed Land Preservation Project (62184001) for the acquisition of the Rancho Cañada de Pala Preserve (Preserve);
 - B. Approve the acquisition of the Preserve (Attachment 1) from The Nature Conservancy (TNC);
 - C. Adopt the resolution AUTHORIZING CONVEYANCE OF A CONSERVATION EASEMENT ON THE RANCHO CAÑADA DE PALA PRESERVE AREA 3 TO THE NATURE CONSERVANCY;
 - D. Adopt the resolution PROVIDING ANNUAL FUNDING FOR MANAGEMENT COSTS FOR THE RANCHO CAÑADA DE PALA PRESERVE AREA 3 LONG-TERM MANAGEMENT PLAN;
 - E. Authorize the CEO or designee to execute the Letter of Credit (LOC) and related documents from the Bank of the West for a principal amount of \$147,910 and authorize the CEO or designee to execute financing documents to renew or replace the LOC or other similar financing instruments to meet the ongoing mitigation requirements at any time as required;
 - F. Authorize the CEO or designee to execute necessary additional funding documents including a Memorandum of Understanding with the United States Army Corps of Engineers to satisfy the regulatory requirements for the Preserve to provide mitigation for the 2002 Multi-Year Stream Maintenance Program; and
 - G. Authorize the CEO or designee to execute necessary additional documents with TNC for acquisition and conveyance of a conservation easement.

Attachments:

[Attachment 1: Project Vicinity Map](#)

[Attachment 2: Resolution Authorizing Conveyance of a Conservat](#)

[Attachment 3: Resolution Providing Annual Funding for Managem](#)

[Attachment 4: Draft Notice of Exemption](#)

REGULAR AGENDA:

4. WATER UTILITY ENTERPRISE:

- 4.1. Amendment No. 2 to Agreement No. A3639A With URS Corporation, a Nevada Corporation dba URS Corporation Americas, for Planning, Environmental, and Design Consultant Services for Almaden Dam Improvements Project-Project No. 91854001 (San Jose). [15-0357](#)

Recommendation: Approve Amendment No. 2 to Agreement No. A3639A with URS Corporation, a Nevada Corporation dba URS Corporation Americas, for Planning, Environmental, and Design Consultant Services for the Almaden Dam Improvements Project for a not-to-exceed fee of \$2,400,000 and to extend the Agreement term.

Attachments: [Attachment 1: Amendment No. 2 to Agreement A3639A](#)
[Attachment 2: Summary of Tasks and Fees](#)

Estimated Time: 15 Minutes

- 4.2. Planning for Fiscal Year 2016-17 Groundwater Production Charges. [15-0523](#)

Recommendation: Discuss planning for Fiscal Year 2016-17 (FY 2016-17) Groundwater Production Charges and provide feedback to staff.

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: District Resolution 99-21 \(Pricing Policy\)](#)
[Attachment 3: District Resolution 12-10 \(Surface Water Charges\)](#)
[Attachment 4: District Resolution 12-11 \(Groundwater Charges\)](#)

Estimated Time: 10 Minutes

5. WATERSHEDS:

- *5.1. Board Approval of Fiscal Year (FY) 2016 District Grants and Partnership for the Safe, Clean Water Program for Pollution Prevention (Project B3) and Wildlife Habitat Restoration (Project D3).

[15-0497](#)

- Recommendation:
- A. Review and discuss staff recommendations for FY 2016 District Grants and Partnership agreements;
 - B. For proposals submitted for the Pollution Prevention (B3) Grants and Partnership Project, authorize the Chief Executive Officer (CEO) following District CEQA compliance to approve and execute agreements up to \$700,000 for eight (8) projects with seven (7) entities;
 - C. For Wildlife Habitat Restoration (D3) Grants and Partnership Project, authorize the CEO following District CEQA compliance to:
 - 1. Approve and execute agreements up to \$893,680 for four projects with three entities;
 - 2. Solicit, negotiate and execute an agreement in an amount estimated at \$200,000 for a Stream Corridor Priority Plan; and
 - 3. Solicit proposals until February 18, 2016, negotiate and execute additional grants and partnership agreements in a total amount not to exceed \$763,320; and
 - D. Authorize the CEO following District CEQA compliance to execute future no-cost extensions and amendments to the above grants and partnership agreements.

Attachments:

- [Attachment 1: 032315 Board Agenda Item 5.1](#)
- [Attachment 2: FY 2016 List of Proposals](#)
- [Attachment 3: FY 2016 Ranking for 14 Proposals](#)
- [*Attachment 4: Handout 5.1 A](#)
- [*Attachment 5: Handout 5.1 B](#)
- [*Attachment 6: Handout 5.1 C](#)
- [*Attachment 6: Handout 5.1 D](#)
- [*Attachment 6: Handout 5.1 E](#)
- [*Attachment 6: Handout 5.1 F](#)
- [*Attachment 6: Handout 5.1 G](#)
- [*Attachment 6: Handout 5.1 H](#)

6. CHIEF EXECUTIVE OFFICER:

6.1. Chief Executive Officer Report.

7. ADMINISTRATION: NONE

8. DISTRICT COUNSEL:

8.1. District Counsel Report of Fact Finding Conducted as a Result of Ethics/Misconduct Complaint.

[15-0591](#)

Recommendation: Give direction to District Counsel.

Estimated Time: 10 Minutes

9. BOARD OF DIRECTORS:

*9.1. Review and Accept Letters of Interest for District 1 Board of Directors' Vacant Seat.

15-0573

- Recommendation:
- A. Review and accept letters of interest submitted for consideration to fill District 1 vacant seat; and
 - B. Review interview documents used during prior processes and make modifications if needed.

Attachments:

[Attachment 1: Appointment Deadline Chart](#)
[Attachment 2: Applicant Rating Sheet](#)
[Attachment 3: Interview Notes](#)
[*Attachment 4: Supplemental Board Agenda Memorandum](#)
[*Supplemental Attachment 1: Applicant List](#)
[*Supplemental Attachment 2: Jenny Derry](#)
[*Supplemental Attachment 3: James Dill](#)
[*Supplemental Attachment 4: Joe Eisenman](#)
[*Supplemental Attachment 5: Carol Frederickson](#)
[*Supplemental Attachment 6: Erin Gil](#)
[*Supplemental Attachment 7: Haniotis John](#)
[*Supplemental Attachment 8: Trina Hineser](#)
[*Supplemental Attachment 9: Fernando Huerta](#)
[*Supplemental Attachment 10: John Perez](#)
[*Supplemental Attachment 11: Laura Quemada](#)
[*Supplemental Attachment 12: Ken Ragghanti](#)
[*Supplemental Attachment 13: Glenn Stansbury](#)
[*Supplemental Attachment 14: John Varela](#)
[*Supplemental Attachment 15: Forrest Williams](#)
[*Supplemental Attachment 16: Rolando Alvarado](#)
[*Supplemental Attachment 17: Charlie Andrews](#)
[*Supplemental Attachment 18: Joseph Carrillo](#)
[*Supplemental Attachment 19: Joe Cassibba](#)
[*Supplemental Attachment 20: Richard Constantine](#)
[*Supplemental Attachment 21: Jeffrey Cristina](#)
[*Supplemental Attachment 22: Tom Cruz](#)
[*Supplemental Attachment 23: Handout 9.1-A, Doug Muirhead](#)

Estimated Time: 10 Minutes

- *9.2. Memorandum of Understanding with Imagine H2O, a Non-Profit Organization, to Collaborate on Identifying Cutting-Edge Water Industry Technologies and Exploring Their Potential Applicability to District Operations.

[15-0601](#)

Recommendation: Receive information on the District's intent to enter into a Memorandum of Understanding with Imagine H2O.

Attachments: [Attachment 1: Original Board Agenda Memo 11102015.pdf](#)
[Attachment 2 MOU with Imagine H2O.docx](#)
[Attachment 3 Imagine H2O Board of Directors.docx](#)

Estimated Time: 5 Minutes

10. ADJOURN:

- 10.1. Board Member Reports/Announcements.
- 10.2. Clerk Review and Clarification of Board Requests.
- 10.3. Adjourn to Special Meeting at 10:00 a.m., on December 9, 2015, in the Campbell Community Center, Roosevelt Redwood Room Q-80, 1 West Campbell Avenue, Campbell, California