



Santa Clara Valley Water District Board of Directors Meeting

District Headquarters Board Room
5700 Almaden Expressway
San Jose, CA 95050

***AMENDED/APPENDED AGENDA**

**Tuesday, March 22, 2016
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

Barbara Keegan, Chair - District 2
John L. Varela, Vice Chair - District 1
Richard P. Santos - District 3
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
Interim 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.

Handouts Received During Time Open for Public Comment on Any Item
Not on the Agenda.

16-0221

Recommendation: The law does not permit Board action on, or extended discussion of, any item not on the agenda, except under special circumstances. The Board may place items on a future agenda, or refer items to staff.

Manager: Michele King, 408-630-2711

Attachments: Attachment 1: Handout 1.4-A, M. Lee
Attachment 2: Handout 1.4-B, A. Goetze
Attachment 3: Handout 1.4-C, M. Jones

2. TIME CERTAIN:

- 2.1. Appeal of Permit Authority Decision to Deny Encroachment Permit [16-0114](#)
Application to Continue Private Use of District Property along
Guadalupe River in the City of San Jose, Appellant: Thomas Anderson
(Assessor Parcel 458-02-010).

Recommendation: A. Consider the appeal by Thomas Anderson ("Appellant")
of the decision to deny the issuance of an
encroachment permit to enable the continued use and
presence of encroachments on District property
bordering Appellant's real property at 4841 Tonino
Drive in San Jose, California ("Appeal"); and
B. Issue a tentative decision denying the Appeal.

Manager: Liang Lee, 408-630-2927

Attachments: [Attachment 1: SCVWD Water Resources Protection Ordinance](#)
[Attachment 2: Anderson Family Trust](#)
[Attachment 3: Administrative Hearing](#)
[Attachment 4: Encroachment Permit Application](#)
[Attachment 5: Notice of Action](#)
[*Attachment 6: Handout 2.1-A A Irvin](#)
[*Attachment 7: Handout 2.1-B Environmental Organizations](#)

Estimated Time: 10 Minutes

- 2.2. Safe, Clean Water and Natural Flood Protection Program Independent [16-0104](#)
Monitoring Committee's Second Annual Report for Fiscal Year
2014-2015.

Recommendation: A. Receive the Safe, Clean Water and Natural Flood
Protection Program Independent Monitoring
Committee's Second Annual Report for Fiscal Year
2014-2015; and
B. Provide direction to staff as appropriate.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: SCW IMC's Letter](#)
[Attachment 2: Priorities Table](#)

Estimated Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.8) (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 to Set a Public Hearing on the Engineer's Report for the Winfield Capital Improvement Project - Project No. 60204021 (San Jose).

[16-0284](#)

Recommendation: Adopt the Resolution PROVIDING FOR THE NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORT FOR THE WINFIELD CAPITAL IMPROVEMENT PROJECT (Project) to occur on April 26, 2016, at 6:00 PM at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Notice of Public Hearing](#)

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Lower Berryessa Creek Flood Protection Project Phase 2 (Project), Project No. 40174005, Contract No. C0614 (Milpitas). [16-0066](#)

Recommendation: A. Find that the Lower Berryessa Creek Flood Protection Project Phase 2 is substantially complex, and therefore, requires a construction contract retention of ten percent (10%);
 B. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Lower Berryessa Creek Flood Protection Project Phase 2 (Project) per the Notice to Bidders; and
 C. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Melanie Richardson, 408-630-2035

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

- 3.3. Resolution Declaring March 21-28, 2016, as a Week of Public Service in Honor of César Chávez. [16-0110](#)

Recommendation: A. Recognize and observe March 21-28, 2016, as a week of public service in honor of César Chávez; and
 B. Adopt the resolution DECLARING MARCH 21-28, 2016, AS A WEEK OF PUBLIC SERVICE IN HONOR OF CESAR CHAVEZ.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Resolution](#)

- 3.4. Resolution Recognizing March as Women's History Month. [16-0122](#)

Recommendation: Adopt the RESOLUTION RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Resolution](#)

*3.5. Approval of Minutes. [16-0133](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 020916 Regular/Closed Session](#)
[*Attachment 2: 022316 Regular/Closed Session](#)
[*Attachment 3: 022616 Special/Closed Session](#)

*3.6. CEO Bulletin for the Week of March 4 - 10, and March 11 - 17, 2016. [16-0134](#)

Recommendation: Accept the CEO Bulletin.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: CEO Bulletin March 4-10, 2016](#)
[*Attachment 2: CEO Bulletin March 11-17, 2016](#)
[*Attachment 3: Handout 3.6-A Director Kremen](#)

*3.7. Resolution Expressing Appreciation to Beau Goldie. [16-0135](#)

Recommendation: Adopt the RESOLUTION EXPRESSING APPRECIATION TO BEAU GOLDIE.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Resolution](#)
[*Attachment 2: Handout 3.7-A & 3.8-A Wesley](#)

*3.8. Resolution Approving the Terms of Compensation and Benefits for the Interim Chief Executive Officer (CEO). [16-0162](#)

Recommendation: Adopt a Resolution APPROVING THE TERMS OF COMPENSATION AND BENEFITS FOR THE INTERIM CEO, NORMA CAMACHO, EFFECTIVE MARCH 9, 2016; AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AN AGREEMENT BETWEEN THE DISTRICT AND NORMA CAMACHO.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Employment Agreement](#)
[*Attachment 3: Handout 3.8-A Wesley](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Santa Clara Valley Water District Communications and Community Engagement Program Update. [16-0129](#)
- Recommendation: A. Receive information on the Santa Clara Valley Water District (District) communications and community engagement program; and
 B. Provide input on current and future challenges, goals and accomplishments since the last presentation to the Board.
- Manager: Teresa Alvarado, 408-630-3081
- Attachments: [Attachment 1: PowerPoint](#)
- Estimated Time: 15 Minutes
- *4.2. Review of Board Committee Appointments. [16-0125](#)
- Recommendation: A. Review the 2016 Board Committee Appointments; and
 B. Revise and/or Appoint New Board Committee Representatives, as necessary.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: Committee Appointments](#)
 [*Attachment 2: Handout 4.2-A Muirhead](#)
- Estimated Time: 5 Minutes
- 4.3. Fiscal Year 2016 Board Policy Planning and Performance Monitoring Calendar. [16-0127](#)
- Recommendation: Review and revise the Fiscal Year 2016 Board Policy Planning and Performance Monitoring Calendar.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: FY16 Board Calendar](#)
- Estimated Time: 5 Minutes
- 5. WATER UTILITY ENTERPRISE:**

*5.1. Update on 2016 Water Supply and Drought Response.

[16-0100](#)

Recommendation: Receive, review, and discuss updated information on 2016 water supply and drought response efforts, and provide direction to staff as necessary.

Manager: Garth Hall, 408-630-2750

Attachments: [*Attachment 1: Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Supplemental Attachment 2: Drought Report](#)
[*Attachment 2: Handout 5.1-A Muirhead](#)

Estimated Time: 30 Minutes

5.2. District Untreated Surface Water Service - Consideration for Revisions to the July 1974 Rules and Regulations for the Service of Surface Water (Res. 74-28).

[16-0109](#)

Recommendation: A. Receive information on the issues and concerns related to the District's service of untreated surface water; and
B. Direct staff that revisions to the Rules and Regulations for the Service of Surface Water should solicit input from stakeholders, including current district surface water users, and support the proposed Principles:
1. Align with current Board Policies, CEO Strategies and CEO Direction;
2. Support water conservation;
3. Improve administration and cost management;
4. Better reflect the interruptible nature of untreated surface water service;
5. When possible, facilitate conversion or convert untreated water service to recycled water service;
6. Avoid duplicative water service when there is water retailer service available;
7. Avoid committing supplies for fire suppression; and
8. Avoid impacts to District's environmental obligations.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Rules and Regulations](#)
[Attachment 2: PowerPoint](#)

Estimated Time: 15 Minutes

- *5.3. Resolution to Initiate a Request to the Department of Water Resources (DWR) to Modify the Boundary of the Llagas Subbasin, DWR Basin 3-3.01. [16-0112](#)

Recommendation: A. Adopt a RESOLUTION INITIATING A REQUEST TO THE DEPARTMENT OF WATER RESOURCES (DWR) TO MODIFY THE BOUNDARY OF THE LLAGAS SUBBASIN, DWR BASIN 3-3.01; and
 B. Authorize staff to complete and submit the formal basin boundary modification request to DWR for the Llagas Subbasin.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Resolution](#)
 [Attachment 2: Request Packet](#)
 [Attachment 3: Initial Request](#)
 [Attachment 4: Map](#)
 [*Attachment 5: Handout 5.3-A Muirhead](#)

Estimated Time: 5 Minutes

- *5.4 Report of Bids Received and Award of Construction Contract to Ranger Pipelines, Inc. for the Penitencia Delivery Main and Penitencia Force Main Seismic Retrofit Project, Project Nos. 94384002 and 92224001 Contract No. C0611 (San Jose). [16-0052](#)

Recommendation: A. Approve a budget adjustment in the sum of \$6,500,000;
 B. Ratify Addenda No. 1 through No. 3 to the Contract Documents for the Penitencia Delivery Main and Penitencia Force Main Seismic Retrofit Project;
 C. Award the Construction Contract to Ranger Pipelines, Inc. in the sum of \$21,535,025; and
 D. Approve a contingency sum of \$2,153,500 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Addenda No. 1 through No. 3](#)
 [Attachment 2: Project Delivery Process Schematic](#)

Estimated Time: 5 Minutes

6. **WATERSHEDS:**

- 6.1. South San Francisco Bay Shoreline Phase I Study - Resolution [16-0113](#)
Certifying the Final Environmental Impact Report and Adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and Approving the Project.

Recommendation: A. Consider the environmental effects of the South San Francisco Bay Shoreline Phase I Study as presented in the Final Integrated Interim Feasibility Study and Environmental Impact Statement/Environmental Impact Report and the Errata to the Integrated Document;
 B. Adopt a RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SOUTH SAN FRANCISCO BAY SHORELINE PHASE I STUDY; and
 C. Approve the Project.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: CEQA Summary](#)
 [Attachment 2: Errata to Final EIR](#)
 [Attachment 3: Resolution](#)

- 6.2. Consultant Agreement with Balance Hydrologics Inc. to Provide [16-0111](#)
Professional Engineering and Ecological Services for the Safe Clean Water Project D4 (26042002) Fish Habitat and Passage Improvements.

Recommendation: Authorize the CEO to negotiate and execute a Consultant Agreement with Balance Hydrologics, Inc., for an amount not to exceed \$298,616, to provide professional engineering and ecological services for the Safe Clean Water Project D4 Fish Habitat and Passage Improvements

Manager: Liang Lee, 408-630-2927

7. CHIEF EXECUTIVE OFFICER:

*7.1. *Recommended Position on State Legislation: AB 1713 (Eggman)
Sacramento-San Joaquin Peripheral Canal, AB 1749 (Mathis) California
Environmental Quality Act: exemption, AB 2022 (Gordon) Advanced
Purified Demonstration Water, SB 876 (Liu) Homelessness, SB 971
(Committee on Governance and Finance) Validations, SB 972
(Committee on Governance and Finance) Validations, SB 973
(Committee on Governance and Finance) Validations, SB 995 (Pavley)
Well Standards, and other legislation which may require urgent
consideration for a position by the Board.

[16-0095](#)

- Recommendation:
- A. Adopt a position of “Oppose” on: AB 1713 (Eggman)
Sacramento-San Joaquin Delta Peripheral Canal;
 - B. Adopt a position of “Support if Amended” on: AB 1749
(Mathis) California Environmental Quality Act:
exemption;
 - C. Adopt a position of “Support” on: AB 2022 (Gordon)
Advanced Purified Demonstration Water;
 - D. Adopt a position of “Oppose unless Amended” on: SB
876 (Liu) Homelessness;
 - E. Adopt a Position of “Support” on: SB 971 (Committee
on Governance and Finance) Validations, SB 972
(Committee on Local Government) Validations, and SB
973 (Committee on Local Government) Validations;
and
 - F. Adopt a position of “Support” on: SB 995 (Pavley) Well
Standards.
 - *G. Adopt a Position of “Support” on: AB 1598 (Weber)
Budget Act of 2016 - Delta Stewardship Council - Line
Item 3885 and SB 825 (Leno) Budget Act of 2016 -
Delta Stewardship Council - Line Item 3885
 - *H. Adopt a Position of “Support if Amended” on: AB 2515
(Weber) Water Districts: financial supervision.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Original Memo](#)
[*Attachment 2: Supplemental Memo](#)

Estimated Time: 5 Minutes

- *7.2. *Recommended Position on Federal Legislation: S 2533 (Feinstein) California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act, *HR 4615 (Huffman) Water Conservation Rebate Tax Parity Act, *the upcoming Bill sponsored by Senator Feinstein pertaining to the Water Conservation Tax Parity Act (bill number to be assigned at a later date), *S 2606 (Menendez) Sustainable Water Infrastructure Investment Act of 2016, and other legislation which may require urgent consideration for a position by the Board. [16-0097](#)

Recommendation: A. Adopt a position of “Support and Amend” on S2533 (Feinstein) California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act.
 *B. Adopt a position of “Support” on HR 4615 (Huffman) Water Conservation Rebate Tax Parity Act and the upcoming Bill sponsored by Senator Feinstein pertaining to the Water Conservation Tax Parity Act (bill number to be assigned at a later date): and
 *C. Adopt a position of “Support and Amend” on S 2606 (Menendez) Sustainable Water Infrastructure Investment Act of 2016

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Original Agenda Memo](#)
 [*Attachment 2: Supplemental Agenda Memo](#)

Estimated Time: 5 Minutes

- 7.3. Federal Appropriation Requests and Priorities for Fiscal Year 2017. [16-0107](#)

Recommendation: Adopt the recommended Federal Fiscal Year 2017 appropriation requests and project priorities for District-sponsored and District-supported projects as shown on the attached table.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Federal Appropriation Requests FY2017](#)

Estimated Time: 5 Minutes

- 7.4. Chief Executive Officer Report.

8. ADMINISTRATION:

- *8.1. Fiscal Year 2016-17 Third Pass Budget Development Process and District Reserves Overview. [16-0136](#)

Recommendation: A. Receive and discuss the overview information on the District's FY 2016-17 Third Pass Budget Development Process; and
 B. Receive and discuss the overview information on the District's FY 2016-17 Reserves.

Manager: Najon Chu, 408-630-2208

Attachments: [Attachment 1: PowerPoint](#)
 [Attachment 2: Reserve Policy](#)
 [*Attachment 3: Handout 8.1-A, Revised Attch 1, PwrPt Slide 10](#)

Estimated Time: 15 Minutes

9. DISTRICT COUNSEL: None.

10. ADJOURN:

- *10. Board Member Reports Handout(s). [16-0192](#)
1

Attachments: [*032216 Item 10.1-A - Handout, N Hsueh](#)

10.2. Clerk Review and Clarification of Board Requests.

- *10.3. *Adjourn to Special Meeting at 1:00 p.m., on March 29, 2016, at the Hillview Community Center, at 97 Hillview Ave., in Los Altos, California.