



Santa Clara Valley Water District Board of Directors Meeting

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

***AMENDED/APPENDED AGENDA**

**Tuesday, October 11, 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

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**

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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: NONE

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 item 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. Mid-Year Groundwater Production Charge Adjustment for Fiscal Year 2016-17 - Water Utility Enterprise. [16-0585](#)
Recommendation: Take no action to adjust groundwater production charges for Fiscal Year (FY) 2016-17.

Manager: Jim Fiedler, 408-630-2736
- 3.2. Notice of Completion of Contract and Acceptance of Work for the Snell Pipeline (Santa Teresa Water Treatment Plant to Coyote Creek Line Valve) Rehabilitation Project, Mountain Cascade, Inc., Contractor, Project No. 95084001, Contract No. C0608, (San Jose)(District 4, 6, 7). [16-0633](#)
Recommendation: A. Accept the work as complete; 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 Santa Clara County Clerk-Recorder.

Manager: Debra Caldon, 408-630-3057
Attachments: [Attachment 1: Notice of Completion of Contract](#)
[Attachment 2: Recommendation of Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: PowerPoint](#)
[Attachment 5: Project Delivery Process Chart](#)
- 3.3. Claim of Roy Woolsey. [16-0730](#)
Recommendation: Deny the Claim of Roy Woolsey.

Manager: Stan Yamamoto, 408-630-2755
Attachments: [Attachment 1: Claim](#)
[Attachment 2: W2 Zone Map](#)
- 3.4. Environmental and Water Resources Committee's (EWRC) Request and Associated Staff Analysis from the Committee's August 22, 2016, Rescheduled Meeting. [16-0740](#)
Recommendation: A. Consider the EWRC's request to add to their work plan a brief report of the ongoing discussion with the Sierra Club on water planning; and
B. Consider staff's recommendation to add regular updates on the development of the District's 2017 Water Supply Master Plan update to all Board Advisory Committees work plans.

Manager: Michele King, 408-630-2711

*3.5. Approval of Minutes.

[16-0780](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 082316 Regular Meeting Minutes](#)
[*Attachment 2: 082416 Special Meeting Minutes](#)

*3.6. CEO Bulletin for the Weeks of September 23-29 and September 30-October 6, 2016.

[16-0779](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 092916 CEO Bulletin](#)
[Attachment 2: 101616 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Board Committee Reports.

5. WATER UTILITY ENTERPRISE:

- *5.1. Proposed Cost Share Distribution Between the Santa Clara Valley Water District and the City of Palo Alto for the Northwest County Recycled Water Strategic Plan, Not to Exceed \$1.8 Million, for the Cities of Palo Alto and Mountain View, Project No. 91101004, (District 7) (Continued from July 26, 2016).

[16-0772](#)

- Recommendation: A. Review information regarding proposed contributions from the City of Palo Alto for the Northwest County Recycled and Purified Water expansion efforts; and
- B. Approve the District's contribution of up to 90 percent of the cost, (not-to-exceed \$1.8 million) of a consultant contract the City of Palo Alto will enter into for the development of the Northwest County Recycled Water Strategic Plan.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: PowerPoint](#)
[Handout Item 5.1-A, Murihead \(continued from 07/26/16\)](#)
[*Handout 5.1-B City of Sunnyvale Letter](#)
[*Handout 5.1-C Cities of Mountain View and Palo Alto Letter](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

6.1. Conveyance of Real Property Rights to Moffett Place LLC, and to the City of Sunnyvale, Execution of Bridge Agreement with Moffett Place LLC, and Execution of a Cost Sharing Agreement with Moffett Place LLC (District 3).

[16-0702](#)

Recommendation:

- A. Consider the potential environmental effects of the proposed conveyance of real property as discussed in the Final Subsequent Environmental Impact Report (SEIR) adopted by the City of Sunnyvale, acting as the lead agency;
- B. Adopt a Resolution MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR APPROVAL OF THE USE OF THE CITY OF SUNNYVALE'S MOFFETT PLACE PROJECT ENVIRONMENTAL IMPACT REPORT TO AUTHORIZE CONVEYANCE OF REAL PROPERTY RIGHTS AND EXECUTION OF A BRIDGE AGREEMENT;
- C. Adopt a Resolution CONVEYANCE OF REAL PROPERTY RIGHTS TO MOFFETT PLACE LLC;
- D. Approve and authorize the Interim CEO to execute the Right of Way Agreement between Moffett Place LLC and District for the conveyance of a portion of District real property at the location of N. Mathilda Avenue and Bordeaux Drive over Sunnyvale West Channel based upon the terms and conditions as set forth in the Agreement, per Section 31 of the District Act;
- E. Approve and authorize the Interim CEO to execute the Quitclaim Deed with reservation of easement rights at N. Mathilda Avenue and Bordeaux Drive to Moffett Place LLC (District Real Estate File No. 2027-2.5);
- F. Approve and authorize the Interim CEO to execute the Quitclaim Deed for the conveyance of property rights at the existing roadway at Bordeaux Drive to the City of Sunnyvale with reservation of easement rights for flood protection and maintenance purposes (District Real Estate File No. 2027-2.6);
- G. Approve and authorize the Interim CEO to execute the Bridge Agreement between Moffett Place LLC and Santa Clara Valley Water District for the construction of a vehicular bridge crossing Sunnyvale West Channel (District Real Estate File No. 2027-2.7); and
- H. Approve the Cost Sharing Agreement with Moffett Place LLC for the construction of floodwalls along Sunnyvale West Channel in accordance with the District flood protection improvement project.

Manager:

Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Final SEIR](#)
 [Attachment 2: CEQA Resolution](#)
 [Attachment 3: Resolution for Conveyance of Property Rights](#)
 [Attachment 4: Bridge Agreement](#)
 [Attachment 5: Cost Sharing Agreement](#)

Est. Staff Time: 5 Minutes

- *6.2. Consultant Agreement with TODD Groundwater to Provide Planning Services for the Safe Clean Water Project (D4) Ogier Ponds Feasibility Study - Project No. 26042002 (District 1). [16-0797](#)

Recommendation: Approve the Consultant Agreement with TODD Groundwater for planning services for the Ogier Ponds Feasibility Study, for a not-to-exceed amount of \$257,445.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Consultant Agreement](#)
 [Attachment 2: PowerPoint](#)
 [Attachment 3: Consultant Justification Form](#)
 [*Supplemental Agenda Memo](#)
 [*Supplemental Attachment 1: Consultant Agreement](#)

- 6.3. Report of Bids Received and Award of Construction Contract to Granite Construction Company for Construction of Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin, Project No. 26244001, Contract No. C0617 (Cupertino) (District 5). [16-0561](#)

Recommendation: A. Consider the Second Addendum to the Final Subsequent Environmental Impact Report (Final Subsequent EIR) for the Permanente Creek Flood Protection Project;

B. Ratify Addenda No. 1 through No. 7 to the Contract Documents for the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin Project;

C. Waive minor irregularities in Granite Construction Company's bid;

D. Award the Construction Contract to Granite Construction Company in the sum of \$14,432,479.45; and

E. Approve a contingency sum of \$1,444,000 and authorize the Interim Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Attachments: [Attachment 1: Second Addendum to Final SEIR](#)
[Attachment 2: Addenda Nos. 1 through 7](#)
[Attachment 3: Project Delivery Chart](#)

Est. Staff Time: 5 Minutes

7. CHIEF EXECUTIVE OFFICER:

- 7.1. Small Claims Court Process Discussion. [16-0764](#)

Recommendation: Consider information provided by staff and provide direction as necessary.

Manager: Najon Chu, 408-630-2208

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 7.1. Chief Executive Officer Report.

8. ADMINISTRATION: NONE

9. DISTRICT COUNSEL: NONE

10. ADJOURN:

- 10.1. Board Member Reports/Announcements.
- 10.2. Clerk Review and Clarification of Board Requests.
- 10.3. Adjourn to Special Meeting at 6:00 p.m., on October 18, 2016, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.