



Santa Clara Valley Water District Board of Directors Meeting

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

***AMENDED/APPENDED AGENDA**

**Tuesday, August 8, 2017
12:00 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

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

***AMENDED/APPEDED
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Tuesday, August 8, 2017

12:00 PM

District Headquarters Board Room

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

12:00 PM

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

[17-0504](#)

*2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation
Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

[17-0526](#)

1:00 PM

2.3. District Counsel Report. (Previously Listed as 2.2.)

2.4. Pledge of Allegiance/National Anthem. (Previously Listed as 2.3.)

2.5. Orders of the Day. (Previously Listed as 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 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.

- 2.7. Resolution Expressing Appreciation to Christian C. Elias.

[17-0462](#)

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO CHRISTIAN C. ELIAS.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

- 2.8. Public Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests Located in the City of Milpitas, of Unknown Ownership, Necessary to Complete the Lower Berryessa Creek Flood Protection Phase 2 Project (Project No. 40174005). [17-0508](#)

Recommendation: A. Conduct a public hearing to consider adoption of Resolution of Necessity (RON) (Attachment 1) relating to acquisition of real property interests from unknown owner on property described and depicted in the plats and legal description included as Exhibit 1 (Attachment 2) and Exhibit 2 (Attachment 3) of the RON; and

B. Adopt the RON determining and declaring the Public Necessity for the Acquisition of Certain Real Property or Interests in Real Property by Eminent Domain for the Lower Berryessa Creek Flood Protection Project Phase 2 (Code of Civil Procedure Sections 1245.220, et seq.) by a two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Resolution of Necessity](#)
[Attachment 2: Exhibit 1 Plat & Legal Description](#)
[Attachment 3: Exhibit 2 Plat & Legal Description](#)
[Attachment 4: PowerPoint](#)

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. Amendment No. 2 to Agreement No. A3896F with Governmental Advocates, Inc., for State Lobbying Services, Resulting in a Total Not-To-Exceed fee of \$334,000. [17-0394](#)

Recommendation: A. Approve Amendment No. 2 to Agreement No. A3896F, with Governmental Advocates, Inc., for state lobbying services to ensure continuity in the District's ability to accomplish its state policy and legislative goals; and

B. Authorize the Interim Chief Executive Officer (ICEO) to sign Amendment No. 2 to extend the term by one year to expire on August 31, 2018, and to increase the not-to-exceed amount to \$334,000, for a total increase of \$109,200.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: Amendment No. 2](#)
[Attachment 2: SCVWD Agreement No. A3896F](#)
[Attachment 3: SCVWD Amendment No. 1 to Aqmt No. A3896F](#)

- *3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Almaden Valley Pipeline Inspection and Rehabilitation Project, Project No. 95084002 Contract No. C0631 (City of San Jose, Town of Los Gatos, and Unincorporated Santa Clara County), (Districts 4 and 7). [17-0554](#)

Recommendation: A. Adopt the plans and specifications and authorize advertisement for bids for inspection and rehabilitation of the Almaden Valley Pipeline per the Notice to Bidders;

B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process; and

C. Find that the Almaden Valley Pipeline Inspection and Rehabilitation Project is substantially complex and, therefore, requires a construction contract retention of 10 percent.

Manager: Christopher Hakes, 408-630-3796

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

- 3.3. Report of Bids Received and Award of Construction Contract to Dixon Marine Services Inc. - for Construction of the Palo Alto Flood Basin Tide Gate Structure Improvements Project, Project No. 10394001, Contract No. C0630 (Palo Alto) (District 7). (Continued from 07/25/2017) [17-0525](#)

Recommendation: A. Ratify Addenda No. 1 through No. 3 to the Contract Documents for the Palo Alto Flood Basin Tide Gate Structure Improvements Project, Project;

B. Waive minor irregularities in Dixon Marine Services Inc. bid;

C. Award the Construction Contract to Dixon Marine Services Inc. in the sum of \$579,081.07; and

D. Approve a contingency sum of \$60,000 and authorize the Interim Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Project Map](#)
[Attachment 2: Addenda Nos. 1 through 3](#)

- *3.4. CEO Bulletins for the Weeks of July 21-27, and July 28 through August 3, 2017. [17-0531](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 072717 CEO Bulletin](#)
[*Attachment 2: 080317 CEO Bulletin](#)

- *3.5. Approval of Minutes. [17-0524](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 071117 Closed Session & Regular Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Resolution Setting Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors. [17-0444](#)

- Recommendation:
- A. Discuss current regular Board meeting schedule and identify if the dates and times meet the needs of the Board and public;
 - B. If the current schedule is adequate, Adopt the
RESOLUTION SETTING TIME AND PLACE OF
MEETINGS OF THE BOARD OF DIRECTORS OF THE
SANTA CLARA VALLEY WATER DISTRICT AND
RESCINDING RESOLUTION NO. 17-09; or
 - C. If revisions to the Board meeting dates and/or times are identified, direct the Clerk of the Board to return with a resolution adopting new schedule.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution 17-09](#)
[Attachment 2: Proposed Revised Resolution](#)

Est. Staff Time: 5 Minutes

4.2. Proposed Revisions to Board Governance Policies - Governance Process GP-7 - Values Statement - Documenting the Management Goal to Ensure the District Allows for Work, Life Balance and is Identified as an Employer of Choice. [17-0478](#)

- Recommendation:
- Approve the proposed revisions to Governance Process GP-7 - Value Statement, reflecting the Board's identified management goal to ensure the District allows for work, life balance and is identified as an Employer of Choice.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Redlined Version of GP-7](#)
[Attachment 2: Finalized Version of GP-7](#)

Est. Staff Time: 5 Minutes

- 4.3. Consideration of Action Prohibiting Use of District Funds for Employee Travel to States Listed on the California State Attorney General's Website that Have Laws Discriminatory to the Lesbian, Gay, Bisexual, and Transgender Community, and Consideration of Rescission of Previously Adopted Resolution No. 10-42, Prohibiting Use of District Funds for Employee Travel to Arizona (Response to BMR-17-002).

[17-0163](#)

Recommendation: A. Authorize the Interim Chief Executive Officer to order all District departments to prohibit use of District funds for employee travel to states identified by the California State Attorney General (AG) on the AG's website because these states have passed discriminatory laws against the Lesbian, Gay, Bisexual, and Transgender (LGBT) community as described in California Government Code section 11139.8, except for the following purposes:

1. Enforcement of California law, including auditing and revenue collection;
2. Litigation;
3. To meet contractual obligations incurred before August 8, 2017;
4. To comply with requests by the federal government to appear before committees;
5. To participate in meetings or training required by a grant or required to maintain grant funding;
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state; or
7. For the protection of public health, welfare, or safety, or critical to the mission of the Santa Clara Valley Water District (District), as determined by the District; and

B. Rescind Board Resolution 10-42 adopted on May 25, 2010 that prohibited the use of District funds for official business and employee travel to Arizona, because the Arizona laws that were the subject of that Resolution, Senate Bill 1070 and House Bill 2162, which were discriminatory laws against immigration, have been struck down by the U.S. Supreme Court.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: SCVWD Resolution No. 10-42](#)

Est. Staff Time: 5 Minutes

- *4.4. Board Ad Hoc Committee for Coyote Creek Flood Risk Reduction -
Responding to BMR No. R-17-0021, and Creek Management Update.

[17-0553](#)

- Recommendation:
- A. Receive an update on District creek management actions in Coyote Creek, since the February 21, 2017 (Presidents' Day Weekend) flood event;
 - B. Discuss and determine whether an Ad Hoc Committee for Coyote Creek Flood Risk Reduction will be established;
 - C. Discuss and determine the need, purpose, and scope of the proposed Coyote Creek Flood Risk Reduction Ad Hoc Committee; and
 - D. If an Ad Hoc Committee will be formed, discuss and determine committee membership.

Manager: Afshin Rouhani, 408-630-2616

Attachments: [*Item 4.4-A - Handout, Irvin](#)
[*Item 4.4-B - Handout, Imelda](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1](#)

Est. Staff Time: 10 Minutes

*4.5. Homeless Encampment Ad Hoc Committee's Recommendations and Associated Staff Analysis from the Committee's May 15, 2017, Meeting.

[17-0499](#)

Recommendation: **A.** Consider and act on the following recommendations by the Board's Homeless Encampment Ad Hoc Committee:

1. When District-owned residential rental properties that were purchased for projects and not in-lieu become available and are deemed suitable by the District and applicable city, the Santa Clara County Office of Supportive Housing will be contacted to be given the first opportunity to consider the properties for housing for the homeless;
 2. Approve utilizing a portion of net rental income from properties purchased through Watersheds (Fund 12) to fund the homeless encampment cleanup project and for development of a pilot program that focuses on the impacts of homeless encampments in each city where the net rental income is being utilized, with transfer or reallocation to begin in Fiscal Year (FY) 2020:
 - i. Up to ninety (90) percent of each FY's net rental income will be utilized to fund the Safe, Clean Water and Natural Flood Protection Program Encampment Cleanup Project (SCW Project B4) through FY 2028; and
 - ii. Up to 10 percent of each FY's net rental income will be utilized to develop a pilot program to help address waterway and stream stewardship impacts of homeless encampments in each city with Fund 12 District-owned residential rental properties, which will be implemented through FY 2021, at which time staff will assess the pilot program and return to the Board with a recommendation on whether to continue its implementation; and
 3. Direct the Capital Improvement Program (CIP) Committee to review Recommendation A2's proposed transfer from Fund 12 to Fund 26 for Safe, Clean Water and Natural Flood Protection (SCW) Project B4 and the use of those Fund 12 funds for the pilot program to help address waterway and stream stewardship impacts of homelessness in light of other Fund 12 capital project funding needs; and return to the Board with a recommended annual transfer amount into SCW Project B4 to be implemented from FY 2020 to FY 2028 and for the pilot program from FY 2020 to FY 2021; and
- B.** If the Board approves Recommendation A1 above, then adopt the AMENDED AND RESTATED DISTRICT RESOLUTION RESCINDING RESOLUTION NO. 09-78 AND ADOPTING A PROCEDURE TO LEASE DISTRICT REAL PROPERTY, which modifies the District's leasing procedure to enable District-owned residential rental

properties to be offered to the Santa Clara County Office of Supportive Housing for housing for the homeless.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 10 Minutes

***4.6. Board Committee Reports**

[17-0557](#)

Attachments: [Handout 4.6-A 072417 BPPC Meeting Board Summary](#)
[Handout 4.6-B 071217 Pacheco Meeting Summary](#)
[Handout 4.6-C Jan-Jul 2017 Ag Water Meeting Summary](#)

5. WATER UTILITY ENTERPRISE:

- *5.1. Report of Bids Received and Award of Construction Contract to Kiewit Infrastructure West Co. for the Pacheco Conduit Inspection and Rehabilitation Project, Project Nos. 91214001 and 95084002, Contract No. C0629 (Unincorporated County), (District 1).**

[17-0437](#)

Recommendation: A. Ratify Addendum Nos.1, 2, and 3 to the Contract documents for the Pacheco Conduit Inspection and Rehabilitation Project;

B. Waive minor irregularity in Kiewit Infrastructure West Co. Bid;

C. Award the Contract to Kiewit Infrastructure West Co., in the sum of \$3,045,000; and

D. Approve a contingency sum of \$456,000 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Addendum No 1-3](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Map](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS: None.

7. EXTERNAL AFFAIRS:

- 7.1. Recommended Positions on Federal Legislation: S 731 (Feinstein) and [17-0387](#)
HR 1738 (Garamendi)-Sacramento-San Joaquin Delta National
Heritage Area Establishment Act (Continued from May 23, 2017).

Recommendation: Adopt positions of "Support" on S 731 (Feinstein) and HR
1738 (Garamendi)-Sacramento-San Joaquin Delta National
Heritage Area Establishment Act.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

- 7.2. Recommended Position on Federal Legislation - S 1464 (Feinstein) - [17-0465](#)
Water Conservation Tax Parity Act.

Recommendation: Adopt a position of "Support" on: S 1464 (Feinstein) - Water
Conservation Tax Parity Act.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

- *7.3. Update on Public Perception Poll and Proposed Public Education [17-0556](#)
Campaign and Water Truck Designs.

Recommendation: A. Receive update on the public opinion poll conducted June
7-11, 2017;

B. Provide input on proposed messaging and public
education campaign; and

C. Select and approve artwork for water truck.

Manager: Rick Callender, 408-630-2017

Attachments: [*Supplemental Agenda Memo](#)

[*Supplemental Attachment 1](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

8.1. Chief Executive Officer Report.

9. ADMINISTRATION: None.

10. DISTRICT COUNSEL: None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

11.2. Clerk Review and Clarification of Board Requests.

- 11.3. Adjourn to 3:30 p.m. Closed Session and 6:00 p.m. Regular Meeting, on August 22, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.