



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED** **4:00 PM CLOSED SESSION AND** **6:00 PM REGULAR MEETING AGENDA**

Tuesday, April 24, 2018
4:00 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

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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Tuesday, April 24, 2018

4:00 PM

Headquarters Building Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

4:00 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 Moved to 04/27/2018)

*2.2. (Item Moved to 04/27/2018)

2.3. CLOSED SESSION

[18-0317](#)

CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Setting Negotiation Parameters for Acquiring Property Interest from Lupe Duffy

(APN 764-32-022) in Santa Clara County

Negotiators: Norma Camacho, Chief Executive Officer; Katherine Oven, Deputy Operating Officer, Water Utility, Capital Division; Stephen Ferranti, Engineering Unit Manager; Bill Magleby, Senior Real Estate Agent

2.4. CLOSED SESSION

[18-0316](#)

CONFERENCE WITH LEGAL COUNSEL -

INITIATION OF LITIGATION

Pursuant to Government Code section 54956.9(d)(4)

6:00 PM

2.5. District Counsel Report.

2.6. Pledge of Allegiance/National Anthem.

2.7. Orders of the Day.

- A. *Approximate Discussion Time (Board); and*
- B. *Adjustments to the Order of Agenda Items.*

2.8. 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.

2.9. Presentation of Resolutions For Inspiration and Recognition of Science and Technology (FIRST) Lego League Teams.

[18-0289](#)

Recommendation: Adopt the Resolutions expressing appreciation to the FIRST Lego League Teams: the Alpha Wolves; the Battle Chickens; the Hydrabots; the Hydrobots; the Krazy Argo Kids; the Lego Leprechauns; the Mindstorm Minions; the Techno Wizards; and the Xbots.

Manager: Rick Callender, 408 630-2017

Attachments: [Attachment 1: Resolution, Alpha Wolves](#)
[Attachment 2: Resolution, Battle Chickens](#)
[Attachment 3: Resolution, Hydrabots](#)
[Attachment 4: Resolution, Hydrobots](#)
[Attachment 5: Resolution, Krazy Argo Kids](#)
[Attachment 6: Resolution, Lego Leprechauns](#)
[Attachment 7: Resolution, Mindstorm Minions](#)
[Attachment 8: Resolution, Techno Wizards](#)
[Attachment 9: Resolution, Xbots](#)

Est. Staff Time: 15 Minutes

2.10. Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2019-2023 Five-Year Capital Improvement Program. [18-0275](#)

- Recommendation:
- A. Open the public hearing to receive comments regarding the Santa Clara Valley Water District's (District) Draft FY 2019-2023 Five-Year Capital Improvement Program (CIP); and
 - B. Continue the public hearing to the Board's Budget Work Study sessions currently set for April 26 and 27 and the regularly scheduled Board Meeting on May 8, 2018.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Notice Public Hearing](#)
[Attachment 2: Draft FY19-23 CIP \(Released 2/27/18\)](#)

Est. Staff Time: 20 Minutes

*2.11. Public Hearing - Annual Report on the Protection and Augmentation of Water Supplies - February 2018 and Recommended Groundwater Production and Other Water Charges for Fiscal Year 2018-2019 (FY 2018-19) (Continued from April 12, 2018). [18-0237](#)

- Recommendation:
- A. Continue the public hearing pursuant to Section 26.6 of the District Act to consider the District FY 2018-19 Annual Report on the Protection and Augmentation of Water Supplies (PAWS Report), and consider public comments from groundwater producers and any interested persons regarding the PAWS Report;
 - B. Direct staff to review the PAWS Report with, and solicit comments from the District's advisory committees; and
 - C. Hear public comments from groundwater producers and any interested persons regarding such report; and
 - D. Close the public hearing.

Manager: Nina Hawk, 408-630-2736

Attachments: [Attachment 1: Staff Report](#)
[Attachment 2: PowerPoint](#)
[Attachment 3: SCVWD Resolution 12-10](#)
[Attachment 4: SCVWD Resolution 12-11](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: PowerPoint](#)

Est. Staff Time: 20 Minutes

3. CONSENT CALENDAR: (3.1 - 3.9) (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. Resolution Adopting the Santa Clara Valley Water District Local Hazard Mitigation Plan. [18-0174](#)

Recommendation: Adopt the Resolution ADOPTING THE SANTA CLARA VALLEY WATER DISTRICT LOCAL HAZARD MITIGATION PLAN.

Manager: Anil Comelo, 408-630-2470

Attachments: [Attachment 1: Resolution](#)

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Construction of the Stevens Creek Bank and Access/Trail Road Repair, Downstream of El Camino Real, (SR 82) Project, Project No. 62062003, Task No. 1062, Contract No. C0638, (Mountain View) (District 7). (Moved from April 12, 2018 Agenda) [17-0825](#)

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Stevens Creek Bank and Access/Trail Road Repair, Downstream of El Camino Real, (SR 82) (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. Membership Nomination for Committee Appointment to the Environmental and Water Resources Committee. [18-0263](#)
- Recommendation: Consider nomination for a two-year membership appointment of Mr. Charles Ice to the Environmental and Water Resources Committee.
- Manager: Michele King, (408) 630-2711
- Attachments: [Attachment 1: Application](#)
[Attachment 2: SCVWD Resolution 15-28](#)
- 3.4. Membership Nominations for Committee Appointment to the Santa Clara Valley Water District Youth Commission (SCVWD Youth Commission). [18-0191](#)
- Recommendation: Consider nominations for a two-year membership appointment of the 21 selected Applicants to the SCVWD Youth Commission.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: SCVWD Resolution 17-75](#)
[Attachment 2: Director Varela's Applicants](#)
[Attachment 3: Director Keegan's Applicants](#)
[Attachment 4: Director Santos' Applicants](#)
[Attachment 5: Director LeZotte's Applicants](#)
[Attachment 6: Director Hsueh's Applicants](#)
[Attachment 7: Director Estremera's Applicants](#)
[Attachment 8: Director Kremen's Applicants](#)
- 3.5. Memorandum of Understanding By and Between Google LLC and the Santa Clara Valley Water District to Negotiate a Cost-Sharing Agreement for a Portion of the District's Sunnyvale East and West Channels Flood Protection Project, Project No. 26074002 (Sunnyvale), (District 3). [18-0117](#)
- Recommendation: Approve the Memorandum of Understanding By and Between Google LLC and the Santa Clara Valley Water District to Negotiate a Cost-Sharing Agreement for a Portion of the District's Sunnyvale East and West Channels Flood Protection Project.
- Manager: Katherine Oven, 408-630-3126
- Attachments: [Attachment 1: Memorandum of Understanding](#)

- 3.6. 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). [18-0274](#)

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](#)

- *3.7. CEO Bulletins for the Weeks of April 6-12, and 13-19, 2018. [18-0311](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 041218 CEO Bulletin](#)
[*Attachment 2: 041918 CEO Bulletin](#)

- *3.8. Agricultural Water Advisory Committee's (AWAC) Recommendations and Associated Staff Analysis from the Committee's special February 26, 2018 and regular April 2, 2018, Meetings. [18-0309](#)

Recommendation: Consider and act on the following recommendations by the Agricultural Water Advisory Committee:

- A. Strongly recommend that the Open Space Credit Policy be maintained as is;
- B. Direct staff to provide an in-depth analysis and response on the Open Space Authority's letter and Mr. Dhruv Khanna's memo, and report back to the Committee for their response and action;
- C. Direct staff to provide a more equitable analysis of the impacts of development throughout the county consisting of the ecosystem's benefit of agriculture;
- D. Direct staff to review the audio of the February 26, 2018 meeting and capture those key comments that were discussed, and prepare a response and report back to the Committee; and
- E. Recommend limiting the increase of the Agricultural Groundwater Production Charge not to exceed 7%.

Manager: Michele King, 408-630-2711

- *3.9. Approval of Minutes. [18-0290](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 022718 Regular Meeting Minutes](#)
[Attachment 2: 031318 Regular Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars. [17-0521](#)

Recommendation: Review and approve the Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Draft FY18 Policy Planning Calendar](#)
[Attachment 2: Draft FY18 Performance Monitoring Calendar](#)

Est. Staff Time: 5 Minutes

- 4.2. Board Committee Reports. [18-0310](#)

Attachments: [Handout 4.2-A: 040218 AWAC Meeting Report](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Rate Agreement with the Power and Water Resources Pooling Authority for Participation in Westlands Solar Park Project. [18-0196](#)

Recommendation: A. Authorize the Chief Executive Officer to negotiate, and after making the necessary CEQA responsible agency findings, execute a 20-year Rate Agreement with the Power and Water Resources Pooling Authority (PWRPA) for the purchase of solar power from the Westlands Solar Park Project;

B. Receive a report on results from PWRPA-SCVWD Solar Generation RFP Phase II; and

C. Provide direction to staff for local solar development.

Manager: Kurt Arends, 408-630-2284

Est. Staff Time: 5 Minutes

- 5.2. Update on Capture of Stormflow in the Uvas-Llagas Watershed (Responding to Board Member Request R-18-0005). [18-0262](#)

Recommendation: Receive update and provide direction to staff.

Manager: Kurt Arends, 408-630-2284

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

7. EXTERNAL AFFAIRS:

- 7.1. Recommended Position on State Legislation: AB 2283 (Holden) Turf Removal Tax Exemption; AB 3170 (Friedman) Sales and Use Tax Exemptions: Water Efficiency; SB 929 (McGuire) Special Districts: Internet Websites; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [18-0199](#)

Recommendation: A. Adopt a position of "Support" on: AB 2283 (Holden) Turf Removal Tax Removal Tax Exemption;

B. Adopt a position of "Support" on: AB 3170 (Friedman) Sales and Use Tax Exemptions: Water Efficiency; and

C. Adopt a position of "Support" on: SB 929 (McGuire) Special Districts: Internet Websites.

Manager: Rachael Gibson, 408-630-2884
Est. Staff Time: 10 Minutes

- 7.2. Consideration of a Position on the City of San Jose's Measure B: Evergreen Senior Housing Initiative Ordinance and General Plan Amendment. [18-0259](#)

Recommendation: That the Board consider taking a position on the City of San Jose's Measure B "Evergreen Senior Housing Initiative" Ordinance and General Plan Amendment, and provide direction to staff.

Manager: Rachael Gibson, 408-630-2884
Attachments: [Attachment 1: Argument for Measure B](#)
[Attachment 2: Argument Against Measure B](#)
Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

- 8.1. CEO and Chiefs' Report.

9. ADMINISTRATION:

10. DISTRICT COUNSEL:

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 Special Meeting at 6:00 p.m., on April 26, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.