



## Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom  
5700 Almaden Expressway  
San Jose, CA 95118

**\*AMENDED/APPENDED**  
**AMENDED 4:00PM CLOSED SESSION & 6:00PM**  
**REGULAR MTG (TO BE PUBLISHED 05/18/18)**  
**AGENDA**

**Tuesday, May 22, 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](http://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**

**Santa Clara Valley Water District  
Board of Directors**

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Tuesday, May 22, 2018

4:00 PM

Headquarters Building Boardroom

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**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. CLOSED SESSION [18-0397](#)  
CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
G. Weigand v. Santa Clara Valley Water District

2.2. CLOSED SESSION [18-0398](#)  
POTENTIAL LITIGATION - 1 CASE  
Pursuant to Government Code 54965.9(e)(5)

**6:00 PM**

2.3. District Counsel Report.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.  
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.

*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. ITEM REMOVED FROM AGENDA: Revised Encroachment Remediation Program.

2.8. Coordinated Permitting Effort for Multi-Benefit Wetland Restoration Projects in San Francisco Bay.

[18-0379](#)

Recommendation: Receive information on the San Francisco Bay Restoration Authority-led coordinated effort for more timely permitting of multi-benefit wetland restoration projects in San Francisco Bay.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: SF Bay Permit Approach, Final Strawman Proposal](#)

Est. Staff Time: 5 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.10) (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 of the Board of Directors of the Santa Clara Valley Water District Adopting Salary Structure and Compensation Plan for Unrepresented Employees in the Executive Service - Effective the first pay period of Fiscal Year 2019. (Continued from March 27, 2018) [18-0227](#)

Recommendation: Adopt Resolution APPROVING SALARY STRUCTURE AND COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE - EFFECTIVE THE FIRST PAY PERIOD OF FISCAL YEAR 2019.

Manager: Anil Comelo, 408-630-2470

Attachments: [Attachment 1: Resolution](#)

- 3.2. Resolution Adopting Employee Salary Schedule - Effective the First Pay Period of Fiscal Year 2019. [18-0386](#)

Recommendation: Adopt the Resolution ADOPTING EMPLOYEE SALARY SCHEDULE - EFFECTIVE THE FIRST PAY PERIOD OF FISCAL YEAR 2019 (July 1, 2018).

Manager: Anil Comelo, 408-630-2470

Attachments: [Attachment 1: Resolution](#)

- 3.3. Amendment No. 1 to Consultant Agreement No. A4034G, with GHD, Inc. for Additional Reverse Osmosis Concentrate Management Evaluation for the Recycled and Purified Water Program, Project No. 91101004. [18-0256](#)

Recommendation: Authorize the District Chief Executive Officer (CEO) to negotiate and execute Amendment No. 1 to Consultant Agreement No. A4034G (Agreement), with GHD, Inc. to provide up to \$842,000 for Additional Reverse Osmosis Concentrate Management Evaluation for the Recycled and Purified Water Program, which will result in a revised total Agreement not-to-exceed amount of \$2,308,524.50 and an extension of the Agreement term by one year.

Manager: Garth Hall, 408-630-2750

- 3.4. Amendment No. 1 to the Joint Use Agreement No. A38445 with City of Milpitas for Portions of Lower Penitencia Creek and Penitencia East Channel (Milpitas) (District 3). [18-0269](#)

Recommendation:      A. Consider the CITY OF MILPITAS' 2008 FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE TRANSIT AREA SPECIFIC PLAN (TASP) and the OCTOBER 2013 ADDENDUM;  
                                 B. Approve Amendment No. 1 to the Joint Use Agreement with City of Milpitas for Portions of Lower Penitencia Creek and Penitencia East Channel;  
                                 C. Authorize the Chief Executive Officer to Execute Amendment No.1; and  
                                 D. Authorize the Chair to Sign the Proposed Transmittal Letter to the City of Milpitas.

Manager:                Melanie Richardson, 408-630-2035

Attachments:        [Attachment 1: Amendment No. 1](#)  
                              [Attachment 2: Transmittal Letter](#)  
                              [Attachment 3: Final Environmental Impact Report](#)  
                              [Attachment 4: Addendum](#)

- 3.5. Amendment No. 1 to Standard Consultant Agreement No. A4055F, with Kadesh and Associates, for Federal Lobbying Services, for an amount not to exceed \$225,600. [18-0352](#)

Recommendation:    Approve Amendment No. 1 to Standard Consultant Agreement No. A4055F, with Kadesh and Associates, for Federal Lobbying Services, for an amount not to exceed \$225,600.

Manager:                Rachael, Gibson, 408-630-2884

Attachments:        [Attachment 1: Amendment No. 1](#)

- 3.6. Sole Source Purchase of Geographic Information Systems Enterprise Agreement and Managed Cloud Services Agreement from Environmental Systems Research Institute for up to \$995,000. [18-0130](#)

Recommendation:      A. Affirm that Environmental Systems Research Institute is the sole source supplier of geographic information systems software;  
                                 B. Approve the sole source purchase of Enterprise Agreement and Managed Cloud Services from Environmental Systems Research Institute for up to \$995,000;  
                                 C. Authorize the Board Chair or his designee to execute the Enterprise Agreement with Environmental Systems Research Institute; and  
                                 D. Authorize the Board Chair or his designee to execute the Managed Cloud Services Proposal.

Manager:                Sudhanshu Tikekar, 408-630-2424

Attachments:        [Attachment 1: Sole Source Letter Enterprise Agreement](#)  
                              [Attachment 2: Sole Source Letter GIS Software](#)  
                              [Attachment 3: Esri Enterprise Agreement No. 323277](#)  
                              [Attachment 4: Esri Managed Cloud Services Proposal](#)  
                              [Attachment 5: Memo to CIP Committee regarding Sole Source](#)

- 3.7. Water Quality Provisions: Recreational Watercraft Limits at Calero, Anderson and Coyote Reservoirs. [18-0312](#)

Recommendation:    Approve lifting the daily limit on recreational watercraft launched at Calero, Anderson, and Coyote Reservoirs.

Manager:                Christopher Hakes, 408-630-3792

- \*3.8. CEO Bulletin for the Weeks of May 4-10, and 11-17, 2018. [18-0399](#)

Recommendation:    Accept the CEO Bulletin.

Manager:                Norma Camacho, 408-630-2084

Attachments:        [Attachment 1: 050418 CEO Bulletin](#)  
                              [\\*Attachment 2: 051718 CEO Bulletin](#)

- \*3.9. Report of Bids Received and Award of Construction Contract to Granite Rock Company in the sum of \$869,050.00 for Construction of the Coyote Creek Levee Rodent Damage Repair Project, Downstream of SR 237, Project No. 62084001, Task No. 5171, Contract No. C0637 (Milpitas) (District 3). [17-0824](#)

- Recommendation:
- A. Ratify Addenda No. 1 to the Contract Documents for the Coyote Creek Levee Rodent Damage Repair Project, Downstream of SR 237 (Project);
  - B. Waive minor irregularity in Granite Rock Company's Bid;
  - C. Award the Construction Contract to Granite Rock Company in the sum of \$869,050.00 subject to approval of the Notice of Proposed Work under the Stream Maintenance Program 2; and
  - D. Approve a contingency sum of \$87,000.00 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

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

- \*3.10 Report of Bids Received and Award of Construction Contract to PMK Contractors, LLC in the sum of \$1,122,900.00 for Construction of the Coyote Creek Levee Rodent Damage Repair Project, Upstream of SR 237, Project No. 62084001, Task No. 5168, Contract No. C0639 (San Jose) (District 3) [17-0828](#)

Recommendation:

- A. Ratify Addenda No. 1 to the Contract Documents for the Coyote Creek Levee Rodent Damage Repair Project, Upstream of SR 237 (Project);
- B. Award the Construction Contract to PMK Contractors, LLC in the sum of \$1,122,900.00 subject to approval of the Notice of Proposed Work under the Stream Maintenance Program 2; and
- C. Approve a contingency sum of \$113,000.00 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

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

## **REGULAR AGENDA:**

### **4. BOARD OF DIRECTORS:**

- 4.1. Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars. [18-0111](#)

Recommendation: Review, discuss and revise, the Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Policy Planning Calendar](#)  
[Attachment 2: Performance Mointoring Calendar](#)

Est. Staff Time: 5 Minutes



- 4.2. Consideration for Modified Exception to Use District Funds for Employee Travel to States Identified by the California Attorney General as having Laws Discriminatory to the Lesbian, Gay, Bisexual, and Transgender Community. [18-0389](#)

Recommendation: Authorize the Chief Executive Officer (CEO) to approve the use of District funds for employee travel to states currently subject to AB 1887's Travel Prohibition, when travel is critical to the District's mission.

Manager: Rick Callender, 408-630-2017

Est. Staff Time: 5 Minutes

- 4.3. Request to Governor Brown to Rename the State Health Building after Dr. Mario G. Obledo, a Dedicated Civil Rights and Social Justice Leader. [18-0388](#)

Recommendation: A. Consider request from Chair Santos to send a letter to Governor Brown requesting that the State Health Building in Sacramento be renamed after Dr. Mario G. Obledo; and  
B. Authorize Chair to sign and send letter.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Draft Letter](#)

Est. Staff Time: 5 Minutes

- \*4.4. Proposed Scope of Work for the Diversity and Inclusion Ad Hoc Committee. [18-0392](#)

Recommendation: Consider and approve the proposed scope of work for the Diversity and Inclusion (D&I) Ad Hoc Committee, which includes:  
A. Review the District's recruitment process with specific emphasis on the selection of interview panels;  
B. Review nepotism and conflict of interest policies and practices, and consider enhancements;  
C. Address the Board's concern regarding the lack of meaningful reports to understand the effectiveness of District's D&I Program by studying and recommending for the Board's consideration effective tools, including reports, benchmark data, and performance measures; and  
D. Evaluate options for more robust internship programs.

Manager: Michele King, 408 630-2711

Est. Staff Time: 5 Minutes

- \*4.5. Board Committee Reports. (Previously Listed as 4.4)

## 5. WATER UTILITY ENTERPRISE:

### 5.1. 2018 Water Supply Outlook.

[18-0172](#)

Recommendation: Receive information on the 2018 Water Supply Outlook for Calendar Year 2018, and provide direction to staff on continuing the call for the community to voluntarily achieve a 20 percent reduction in water use, compared to 2013.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: SCVWD Resolution No. 17-43](#)

Est. Staff Time: 20 Minutes

### 5.2. District's Capital Improvement Program Fiscal Year 2017-18 Progress Report for Water Supply and Information Technology Capital Projects.

[18-0354](#)

Recommendation: Receive information from staff on the FY2017-18 Capital Improvement Program (CIP) progress reports for key Water Supply and Information Technology Capital Projects.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

### \*5.3. Budget Adjustment for South County Recycled Water Pipeline, Project No. 91094010 (Gilroy) (District 1).

[18-0404](#)

Recommendation:

- A. Approve a Budget Adjustment in the amount of \$2,974,749 from South County Recycled Water Pipeline - Short Term 2 Project (Project No. 91094010, Authorized Project Reserves) to South County Recycled Water Pipeline - Short Term 2 Project (Project No. 91094010); and
- B. Authorize the Board Chairperson to Review and Sign a Proposed Letter (to be Developed by Staff) to South County Regional Wastewater Authority Governance (SCRWA) Regarding District Participation in SCRWA's Governance related to Recycled Water.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Agreement A4107S](#)  
[Attachment 2: Agreement A4108S](#)

Est. Staff Time: 5 Minutes

## 6. WATERSHEDS:

## **7. EXTERNAL AFFAIRS:**

- 7.1. Consideration of a Position on the City of San Jose's Measure C: Charter Amendment - Urban Sprawl. [18-0380](#)

Recommendation: Consider taking a position on the City of San Jose's Measure C: Charter Amendment - Urban Sprawl and provide direction to staff.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: Argument For Measure C](#)  
[Attachment 2: Argument Against Measure C](#)

Est. Staff Time: 5 Minutes

- 7.2. Recommended Position on State Legislation: AB 1923 (Limón) [17-0819](#)  
Residential Property Insurance: Wildfire Consolidated Debris Removal;  
AB 2050 (Caballero) Small System Water Authority Act of 2018; AB 3045  
(Gallagher) Natural Resources Agency: State Water Project Commission;  
and Other Legislation Which May Require Urgent Consideration for a  
Position by the Board.

Recommendation:

- A. Adopt a position of "Support" on: AB 1923 (Limón)  
Residential Property Insurance: Wildfire Consolidated  
Debris Removal;
- B. Adopt a position of "Support" on: AB 2050 (Caballero)  
Small System Water Authority Act of 2018; and
- C. Adopt a position of "Oppose" on: AB 3045 (Gallagher)  
Natural Resources Agency: State Water Project  
Commission.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 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 4:00 p.m. Special Meeting on May 23, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.