



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED**
AMENDED 11:00 AM CLOSED SESSION & 1:00 PM
REGULAR AGENDA
AGENDA

Tuesday, July 10, 2018
11:00 AM

***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

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

***AMENDED/APPEDED
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Tuesday, July 10, 2018

11:00 AM

Headquarters Building Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

11:00 AM

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

[18-0536](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases Unspecified.

2.2. CLOSED SESSION

[18-0535](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8:
Property: Real property owned by the Santa Clara Valley Water District at ten reservoirs and multiple percolation ponds throughout Santa Clara County.
Negotiators: Norma Camacho, Chief Executive Officer; Nina Hawk, Chief Operating Officer, Water Utility; Rick Callender, Chief of External Affairs; Sue Tippets, Deputy Operating Officer; Sue Turner, Real Estate Services Unit Manager
Under Negotiation: Setting negotiation parameters for terms of a Master Reservoir Lease/Partnership Agreement with the County of Santa Clara

2.3. CLOSED SESSION

[18-0534](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Silicon Valley Foundation for a Better Environment v. SCVWD
Santa Clara County Superior Court, Case No. 17CV31886

1:00 PM

- 2.4. District Counsel Report.
- 2.5. Pledge of Allegiance/National Anthem.
- 2.6. Orders of the Day.
 - A. *Approximate Discussion Time (Board); and*
 - B. *Adjustments to the Order of Agenda Items.*
- 2.7. 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.
- *2.8. ITEM REMOVED FROM AGENDA
Update on California WaterFix; Approve and Execute the Delta Conveyance Finance Authority Joint Powers Agreement; and Adopt Resolution for Approval of the Delta Conveyance Finance Authority Joint Powers.
(Considered on July 6, 2018)

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 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 Authorizing Acquisition of Fee Interests in Real Property, and [18-0561](#)
Agreements to Purchase Tax Defaulted Properties from Santa Clara
County, Assessor's Parcel Numbers: 015-01-013 and 015-02-007,
District File Numbers: 3015-682, 3015-683.

- Recommendation: A. Adopt a Resolution AUTHORIZING ACQUISITION OF
FEE INTERESTS IN REAL PROPERTY for Assessor's
Parcel Numbers 015-01-013 and 015-02-007;
- B. *Approve the purchase price, as determined by the
County of Santa Clara pursuant to California Revenue
and Taxation Code Sections 3793.1 and 3802,
estimated to be approximately \$58,900; and
- C. Authorize the CEO to execute the Agreements to
Purchase Tax Defaulted Properties and the related
documents necessary to effect the terms and conditions
of the Agreements for Assessor's Parcel Numbers 015-
01-013 and 015-02-007.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Original Agenda Memo](#)
[Original Attachment 1: Resolution](#)
[Original Attachment 2: Location Map](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised Resolution](#)

- 3.2. Amendments to Grant Agreement Nos. 3976R, 3990R, and 3991R, with [18-0361](#)
Acterra Stewardship, a Fiscally-Sponsored Project of Acterra: Action for a
Healthy Planet, a Non-Profit 501(c)(3) Organization (“Grantee”), to Transfer
Safe, Clean Water Grant Agreements 3976R, 3990R, and 3991R to
Grassroots Ecology.

- Recommendation:
- A. Approve Amendment No. 1 to the Grant Agreement A3976R (“Agreement”) between the Santa Clara Valley Water District (“District”) and Acterra Stewardship, a fiscally-sponsored project of Acterra: Action for a Healthy Planet, a non-profit 501(c)(3) organization (“Grantee”) to transfer the Grant Agreement to Grassroots Ecology;
 - B. Approve Amendment No. 1 to the Grant Agreement A3990R (“Agreement”) between the Santa Clara Valley Water District (“District”) and Acterra Stewardship, a fiscally-sponsored project of Acterra: Action for a Healthy Planet, a non-profit 501(c)(3) organization (“Grantee”) to transfer the Grant Agreement to Grassroots Ecology;
 - C. Approve Amendment No. 1 to the Grant Agreement A3991R (“Agreement”) between the Santa Clara Valley Water District (“District”) and Acterra Stewardship, a fiscally-sponsored project of Acterra: Action for a Healthy Planet, a non-profit 501(c)(3) organization (“Grantee”) to transfer the Grant Agreement to Grassroots Ecology; and
 - D. Authorize the Chief Executive Officer to execute the amendments for the above listed Agreements.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: A3976R Amendment No. 1](#)
[Attachment 2: A3990R Amendment No. 1](#)
[Attachment 3: A3991R Amendment No. 1](#)
[Attachment 4: Agreements A3976R, A3990R, A3991R](#)
[Attachment 5: Articles of Incorporation](#)
[Attachment 6: 061218 IRS Determination Letter](#)
[Attachment 7: Consent Letter](#)

- 3.3. Agreement with Ecology Action for the Graywater Installation Program, [18-0408](#)
Project No. 91151001.
Recommendation: Approve and Authorize the Chief Executive Officer to execute the Agreement with Ecology Action for the Graywater Installation Program for a not-to-exceed fee of \$198,077.

Manager: Garth Hall, 408-630-2750
Attachments: [Attachment 1: Agreement](#)
- 3.4. Recommendation to Support Water Research Foundation's Request for the Direct Potable Reuse Initiative. [18-0438](#)
Recommendation: A. Approve the recommendation to support the Direct Potable Reuse Initiative;

B. Approve the Pledge Confirmation Form committing \$100,000 to the Water Research Foundation's Direct Potable Reuse Initiative with \$50,000 payable in Fiscal Year 2019, and \$50,000 payable in FY 2020; and

C. Authorize the Chief Executive Officer or her designee to execute the Pledge Confirmation Form committing \$100,000 to the Water Research Foundation's Direct Potable Reuse Initiative.

Manager: Rachael Gibson, 408-630-2884
Attachments: [Attachment 1: Pledge Form](#)
[Attachment 2: Advancing Potable Reuse Initiative](#)
- 3.5. 5-Year Implementation Plan for Fiscal Years 2019-2023 for the Safe, Clean Water and Natural Flood Protection Program. [18-0470](#)
Recommendation: Approve the 5-Year Implementation Plan for Fiscal Years 2019-2023 for the Safe, Clean Water and Natural Flood Protection Program.

Manager: Ngoc Nguyen, 408-630-2632
Attachments: [Attachment 1: 5-Year Implementation Plan](#)
- 3.6. Revision to 2018 Board Committee Appointments - Board Audit Committee. [18-0550](#)
Recommendation: Approve the revised Board Committee Appointment for the Board Audit Committee.

Manager: Michele King, 408-630-2711

- *3.7. CEO Bulletins for the Weeks of June 22-28, and June 29 through July 5, 2018.

[18-0558](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 062818 CEO Bulletin](#)
[*Attachment 2: 070518 CEO Bulletin](#)

- 3.8. Approval of Minutes.

[18-0508](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 042418 Regular Meeting Minutes](#)
[Attachment 2: 042618 Special Meeting Minutes](#)
[Attachment 3: 042718 Special Meeting Minutes](#)
[Attachment 4: 050218 Special Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Board Committee Reports.

5. WATER UTILITY ENTERPRISE:

- 5.1. Notice of Completion of Contract and Acceptance of Work for the Penitencia Delivery Main and Penitencia Force Main Seismic Retrofit Project, Ranger Pipelines, Inc., Contractor, Project Nos. 94384002 and 92224001, Contract No. C0611 (San Jose) (District 3).

[18-0464](#)

- 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: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Notice of Completion and Acceptance of Work](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: PowerPoint](#)
[Attachment 5: Project Delivery Process Chart](#)

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

6.1. Resolution Adopting the Final Initial Study/Negative Declaration, Project [17-0858](#)
Approval, and Adopt Plans and Specifications and Authorize
Advertisement for Bids for Construction of the Uvas Creek Levee
Rehabilitation Project Phase 1, Project No. 62084001, Task No. 5175,
Contract No. C0643, (Gilroy) (District 1).

- Recommendation:
- A. Consider the environmental effects of the Uvas Creek Levee Rehabilitation Project as discussed in the Final Initial Study/Negative Declaration;
 - B. Adopt a Resolution ADOPTING THE FINAL INITIAL STUDY/NEGATIVE DECLARATION FOR THE UVAS CREEK LEVEE REHABILITATION PROJECT;
 - C. Approve the Uvas Creek Levee Rehabilitation Project;
 - D. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Uvas Creek Rehabilitation Project, Phase 1 per the Notice to Bidders; and
 - E. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Project Location Map](#)
[Attachment 2: Notice to Bidders](#)
[Attachment 3: Final Uvas Creek ISND](#)
[Attachment 4: Resolution](#)
[Attachment 5: Project Delivery Process Chart](#)

Est. Staff Time: 10 Minutes

*6.2. Report of Bids Received and Award of Construction Contract to PMK Contractors, LLC in the sum of \$1,650,750 for Construction of the Matadero Creek Sediment Removal and Erosion Repair Project from West Bayshore Road to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose), Project No. 62084001, Task No. 5188, Contract No. C0642, (Palo Alto, Campbell, and San Jose) (District 2, 4, and 7).

[17-0885](#)

- Recommendation:
- A. Ratify Addenda No.1, No. 2, No. 3 and No. 4 to the Contract Documents for the Matadero Creek Sediment Removal & Erosion Repair and San Tomas Aquino Creek Erosion Repair Project (Project);
 - B. Approve the District paying additional Project costs up to \$288,447 for rebuilding the damaged bank under West Bayshore Road at Matadero Creek exceeding funds provided by an Agreement between City of Palo Alto and District;
 - C. Waive a minor irregularity in PMK Contractors, LLC's bid;
 - D. Award the Construction Contract to PMK Contractors, LLC in the sum of \$1,650,750 subject to approval of the Notice of Proposed Work under the Stream Maintenance Program 2; and
 - E. Approve a contingency sum of \$165,075 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount; or
 - F. Reject all bids.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Project Location Map](#)
[Attachment 2: Addendum No. 1](#)
[Attachment 3: Addendum No. 2](#)
[Attachment 4: Addendum No. 3](#)
[Attachment 5: Addendum No. 4](#)
[Attachment 6: Project Delivery Process](#)

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

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 the 1:00 p.m. Regular meeting, on August 14, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.