



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

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

Tuesday, August 28, 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

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

***AMENDED/APPEDED
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Tuesday, August 28, 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. CLOSED SESSION

[18-0685](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: District Counsel, Clerk of the Board and Chief Executive Officer

6:00 PM

2.2. District Counsel Report.

2.3. Pledge of Allegiance/National Anthem.

2.4. Orders of the Day.

A. Approximate Discussion Time (Board); and

B. Adjustments to the Order of Agenda Items.

2.5. 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.

2.6. Revised Encroachment Remediation Program.

[18-0158](#)

- Recommendation: A. Receive information on the Proposed Revised Encroachment Remediation Program, including a licensing option as an interim measure to resolving encroachments; and
- B. Adopt the Revised Encroachment Remediation Program.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Encroachment Remediation Program Overview](#)
[Attachment 2: PowerPoint](#)
[Handout 2.1-A, Mossing, Irvin, Kaufman, McLaughlin, Ruthruff](#)

Est. Staff Time: 20 Minutes

2.7. Update on the State Water Resources Control Board's Amendments to the Bay-Delta Water Quality Control Plan.

[18-0651](#)

- Recommendation: A. Receive an update on the State Water Resources Control Board's Amendments to the Bay-Delta Water Quality Control Plan; and
- B. Direct staff to participate in voluntary settlement agreement discussions.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Commissioner of Reclamation Comment Letter](#)
[Attachment 2: District Comment Letter](#)
[Attachment 3: SFPUC Comment Letter](#)
[Attachment 4: SWC Comment Letter](#)
[Attachment 5: CVP Contractor Comment Letter](#)
[Attachment 6: CDFW-DWR Comment Letter](#)
[Attachment 7: Tuolumne River Trust Comment Letter](#)
[Attachment 8: State Water Board Reply](#)
[Attachment 9: PowerPoint](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.4) (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. Central Budget Adjustments for 2018-19.

[18-0542](#)

Recommendation: Approve the central budget adjustments to the 2018-19 Budget as adopted by the Board per Resolution 18-30.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: SCVWD Resolution No. 18-30](#)

3.2. Joint Use Agreement with the City of Morgan Hill for Construction of Recreational Trails as part of the Upper Llagas Creek Flood Protection Project, (Morgan Hill) (District 1).

[18-0598](#)

- Recommendation:
- A. Approve the Joint Use Agreement between the City of Morgan Hill and the Santa Clara Valley Water District;
 - B. Exempt the Santa Clara Valley Water District properties within Reaches 7a and 7b of the Upper Llagas Creek Flood Protection Project from Resolution 82-30 (Declaring Policy to Govern Joint Use of Lands Acquired for Upper and Lower Llagas Creek PL 566 Watershed Projects); and
 - C. Authorize the Chief Executive Officer to execute the Joint Use Agreement between the City of Morgan Hill and the Santa Clara Valley Water District.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Map](#)
[Attachment 2: Joint Use Agreement](#)
[Attachment 3: SCVWD Resolution No. 82-30](#)

- 3.3. Sale of District Owned Vacant Surplus Parcel located at 110 Sunset Avenue, San Jose, CA and commonly known as Assessor's Parcel Number 481-21-055 (District 6) District Real Estate File 4026-131.1. [18-0605](#)

Recommendation: A. Approve the Sale of District Surplus Property Located at 110 Sunset Avenue, San Jose, California (District 6) (APN 481-21-055) to Jasraj Bhatia, the bidder submitting the High Bid in the amount of \$665,000; and

B. Authorize the Chief Executive Officer, or her designee to execute the Real Property Purchase and Sale Agreement with and Quitclaim Deed to Jasraj Bhatia.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Purchase and Sale Agreement](#)
[Attachment 2: SCVWD Resolution No. 16-71](#)
[Attachment 3: Map](#)
[Attachment 4: Quitclaim Deed 4026-131.1](#)

- *3.4. CEO Bulletins for the Weeks of August 10-16 and 17-23, 2018. [18-0687](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 081618 CEO Bulletin](#)
[*Attachment 2: 082318 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Fiscal Year 2018-2019 Board Work Plan (Strategic Plan). [18-0665](#)

Recommendation: A. Review and approve the Fiscal Year 2018-2019 Board Work Plan, previously referred to as the Board Strategic Plan; and

B. Provide direction to staff on the how the Plan should be distributed.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: Board Work Plan](#)

Est. Staff Time: 10 Minutes

- *4.2. Homeless Encampment Ad Hoc Committee's Recommendation and Associated Staff Analyses from the Committee's August 20, 2018 Meeting.

[18-0708](#)

Recommendation: Consider the Homeless Encampment Ad Hoc Committee's recommendations:

- A. Regarding the Operational Approach for the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Project B4 Good Neighbor Program: Encampment Cleanup, that the Board consider for Fiscal Years 2019 - 2028 (FYs 19-28), the District limit the number of cleanups each fiscal year based upon the funding available, which would include 52 cleanups funded through Fund 26 reserves and funding from the Board's prior commitment to utilize 90 percent of the net rental income from properties purchased through Watersheds Fund 12 (Fund 12 rental properties), and monitor the approach for one year; and
- B. Regarding Homeless Encampment Cleanup Partnerships, that the Board approve the Board Chair send letters to city mayors and Santa Clara County Board of Supervisors President urging increased police and security support for homeless encampment cleanups and to patrol waterways to prevent re-encampments.

Manager: Sue Tippetts, 408-630-2253

Attachments: [Attachment 1: Pros and Cons Table](#)
[Attachment 2: Sample Letter](#)

Est. Staff Time: 5 Minutes

- *4.3. Water Storage Exploratory Committee's Recommendation and Associated Staff Analysis from the Committee's August 15, 2018, Meeting.

[18-0707](#)

Recommendation: Consider the Water Storage Exploratory Committee recommendation that the Board approve staff's recommendation to add six additional full time positions within the Water Utility Enterprise to properly execute and deliver the Pacheco Reservoir Expansion Project.

Manager: Christopher Hakes, 408-630-3796

Est. Staff Time: 5 Minutes

- *4.4. Board Committee Reports. (Previously Listed as Item 4.2)

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve a Budget Adjustment for the Addition of Seven (7) Regular Positions for the Pacheco Reservoir Expansion Project.

[18-0681](#)

Recommendation:

- A. Approve a Budget Adjustment in the amount of \$2.6 million from the Water Utility Operating and Capital reserve to the 91954002 Pacheco Reservoir Expansion Project (Project) to add one (1) unclassified officer at the Deputy level and six (6) classified staff, with 50 percent reimbursement from Prop 1 funds;
- B. Approve the addition of the Deputy level unclassified position above the thirty-two (32) limit per Governance Policies of the Board of Directors, Recruitment and Employment, Policy No. EL-3.7; and
- C. Direct staff to bring back to the Board for review and approval, a request for additional resources for Project support, including contract support, external affairs and human resources.

Manager: Nina Hawk, 408-630-2736

Attachments: [Attachment 1: Draft Organization Chart](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. EXTERNAL AFFAIRS:

8. CHIEF EXECUTIVE OFFICER:

- 8.1. CEO and Chiefs' Report.

9. ADMINISTRATION:

10. DISTRICT COUNSEL:

10.1. Consideration of Waiver of Attorney-Client Privilege as to Records
Requested by Auditor for the Lower Silver Creek Flood Protection Project
Audit.

[18-0683](#)

- Recommendation: A. Consider waiving the attorney-client privilege as to the April 2011 Memorandum from Senior Assistant District Counsel Leslie Orta to Marc Klemencic (former COO Watersheds); and -
- B. Consider whether waiver of attorney-client privilege as to the 2015 fact-finding report related to contracting issues from Mike Moye, Esq, is appropriate and provide direction to staff.

Manager: Stan Yamamoto, 408-630-2755

Est. Staff Time: 5 Minutes

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 Joint Meeting with City of Santa Clara, at 3:00 p.m., on September 5, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.