



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED**
10:30 AM CLOSED SESSION & 1:00 PM AMENDED
MEETING
AGENDA

Tuesday, October 9, 2018
10:30 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 Act.

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

***AMENDED/APPEDED
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Tuesday, October 9, 2018

10:30 AM

Headquarters Building Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

10:30 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

[18-0845](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Dayton Superior Corporation v. Pacific Structures, Inc., Build Group, Inc.,
Balfour Beatty Infrastructures, Inc., Santa Clara Valley Water District,
Water Utility Enterprise Funds, Fidelity and Deposit Company of Maryland,
Travelers Casualty and Surety Company of America, Liberty Mutual Fire
Insurance Company, Federal Insurance Company, and Does 1 to 100,
inclusive Santa Clara County Superior Court, Case No. 18CV334496

2.2. CLOSED SESSION

[18-0868](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: Chief Executive Officer

1:00 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.

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 Recognizing the 28th Anniversary of the Americans with Disabilities Act and Commemorating October as National Disability Employment Awareness Month.

[18-0800](#)

Recommendation: Adopt the Resolution RECOGNIZING THE 28th ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT and COMMEMORATING OCTOBER AS NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Resolution](#)

- 3.2. Resolution Authorizing the Conveyance of Real Property Interests to PG&E for Electric Transmission Line Tower Replacement at Assessor Parcel No.:841-36-023, Real Estate File No. 5018-94.1 (District 1). [18-0806](#)

Recommendation: A. Adopt the Resolution AUTHORIZING THE CONVEYANCE OF A REAL PROPERTY INTERESTS TO THE PACIFIC GAS AND ELECTRIC COMPANY (PG&E); and

B. Authorize the Chief Executive Officer to execute the Easement Deed, Real Estate File No. 5018-94.1.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Location Map](#)
[Attachment 2: Resolution](#)
[Attachment 3: Easement Deed](#)
[Attachment 4: Appraisal](#)

- 3.3. Conveyance of District Lands by Quitclaim Deed to Michael G. Akatiff and Christy D. Akatiff, Trustees of the Michael G. Akatiff and Christy D. Akatiff Revocable Trust, or Their Successors in Interest. APN 259-25-054; Real Estate File No. 3015-386.4 (San Jose) (District 2). [18-0808](#)

Recommendation: A. Adopt a Resolution AUTHORIZING CONVEYANCE OF DISTRICT LANDS COMMONLY KNOWN AS ASSESSOR'S PARCEL NO. 259-25-054 BY QUITCLAIM DEED TO MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF, TRUSTEES OF THE MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF REVOCABLE TRUST, OR THEIR SUCCESSORS IN INTEREST;

B. Approve the Santa Clara Valley Water District Real Property Purchase and Sale Agreement Real Estate File No. 3015-386.4 and authorize the Chief Executive Officer to execute said agreement; and

C. Authorize the Chief Executive Officer to execute Quitclaim Deed 3015-386.4.

Manager: Melanie Richardson, 408 630-2035

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Purchase and Sale Agreement](#)
[Attachment 3: Quitclaim Deed](#)
[Attachment 4: Map](#)
[Attachment 5: Appraisal](#)

- *3.4. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Coyote Warehouse Project, Project No. 91234011, Contract No. C0635 (Morgan Hill) (District 1). [18-0900](#)

Recommendation: A. Adopt plans and specifications and authorize advertisement for Bids for Construction of the Coyote Warehouse Project per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Emmanuel Aryee, 408-630-3074

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

- *3.5. ITEM REMOVED FROM AGENDA—Claim of George Clark (Continued from August 14, 2018).

- *3.6. ITEM REMOVED FROM AGENDA—Claim of William Minderler (Continued from August 14, 2018).

- *3.7. ITEM REMOVED FROM AGENDA—Claim of Norma Gonzalez.

- *3.8. ITEM REMOVED FROM AGENDA—Claim of Lupe Compean.

- *3.9. CEO Bulletins for the Weeks of September 21-27, 2018 and September 28-October 4, 2018. [18-0860](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 092718 CEO Bulletin](#)
 [*Attachment 2: 100418 CEO Bulletin](#)

- *3.10 Approval of Minutes. [18-0870](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 081418 Closed Session and Regular Meeting](#)
 [Attachment 2: 082118 Special Closed Session Meeting](#)
 [Attachment 3: 082118 Special Joint Meeting](#)
 [*Attachment 4: 062718 Special Joint Meeting](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

*4.1. MOVED TO ITEM 7.3.

4.2. Response to Santa Clara County Civil Grand Jury's Final Report Entitled [18-0827](#)
Affordable Housing Crisis: Density is our Destiny Findings and
Recommendations.

Recommendation:

- A. Review Response to Santa Clara County Civil Grand Jury
Final Report Entitled Affordable Housing Crisis: Density is
our Destiny (Finding 11 and Recommendations 11a and
11b); and
- B. Approve Response or Provide Additional Direction and
Feedback as Necessary.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: Civil Grand Jury Report](#)
[Attachment 2: Draft Response Letter](#)

Est. Staff Time: 5 Minutes

4.3. Board Committee Reports.

5. WATER UTILITY ENTERPRISE:

- 5.1. California Department of Fish and Wildlife Incidental Take Permit No. [18-0682](#)
2081-2016-064-03 and Agreement for Sale of Conservation Credits from
Sparling Ranch Conservation Bank for the Upper Llagas Creek Flood
Protection Project, Project No. 26174052 (Morgan Hill) (District 1).

Recommendation:

- A. Authorize the Chief Executive Officer to execute the California Department of Fish and Wildlife Incidental Take Permit No. 2081-2016-064-03 that acknowledges the Santa Clara Valley Water District will offset potential impacts to existing California Tiger Salamander habitat due to construction of the Upper Llagas Creek Project; and
- B. Authorize the Chief Executive Officer to execute the Agreement for Sale of Conservation Credits between Sparling Ranch Conservation Bank and the Santa Clara Valley Water District, for California Tiger Salamander mitigation credits to satisfy the California Department of Fish and Wildlife Incidental Take Permit No. 2081-2016-064-03 requirements to offset potential impacts resulting from the construction of the Upper Llagas Creek Flood Protection Project.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Incidental Take Permit](#)
[Attachment 2: Agreement](#)
[Attachment 3: Map](#)
[Attachment 4: Notice of Determination](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

- 6.1. Fiscal Year 2017-2018 Safe, Clean Water and Natural Flood Protection Program Annual Report - Year 5. [18-0777](#)

Recommendation:

- A. Approve the proposed text adjustments to the Safe, Clean Water and Natural Flood Protection Program;
- B. Approve the Fiscal Year 2017-2018 Safe, Clean Water Program Draft Annual Report - Year 5 with unaudited financials; and
- C. Authorize staff to finalize the Fiscal Year 2017-2018 Safe, Clean Water Program Annual Report - Year 5 Annual Report (with audited financials) and submit the final report to the Independent Monitoring Committee for its review.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: SCW FY18 Annual Report](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 6.2. Funding Agreement for up to \$8 million under the Safe, Clean Water and Natural Flood Protection Program - Partnerships for the Conservation of Habitat Lands Project D7 with the Santa Clara Valley Habitat Agency. [18-0721](#)

Recommendation: Approve a Funding Agreement with the Santa Clara Valley Habitat Agency for up to \$8 million under the Safe, Clean Water and Natural Flood Protection Program - Partnerships for the Conservation of Habitat Lands Project D7.

Manager: Kurt Arends, 408-630-2284

Attachments: [Attachment 1: Funding Agreement](#)
[Attachment 2: SCVHP Memorandum of Understanding](#)

Est. Staff Time: 5 Minutes

- 6.3. Memorandum of Agreement with Santa Clara County and approval of a Budget Adjustment in the Amount of \$1,000,000 for Fiscal Year 2018-19 (FY19) from Fund 26 Safe, Clean Water Operating and Capital Reserves for the Ogier Ponds Planning Study, Project No. 26044003 (Unincorporated Santa Clara County) (District 1). [18-0784](#)

Recommendation: A. Authorize the Chief Executive Officer to negotiate and execute a Memorandum of Agreement with Santa Clara County solidifying the partnership based on a contribution of 2,200 in-kind labor hours of County staff time towards development of a Planning Study Report; and
 B. Authorize the Chief Executive Officer to approve a FY19 budget adjustment transferring \$1,000,000 from Fund 26 Safe, Clean Water Reserves to the Ogier Ponds Planning Study, Project 26044003.

Manager: Ngoc Nguyen, 408-630-2632

Est. Staff Time: 5 Minutes

7. EXTERNAL AFFAIRS:

- 7.1. Approval for Staff to Continue Implementation of the Safe, Clean Water Priority D3 Mini-Grants Program. [18-0771](#)

Recommendation: A. Review and discuss staff's report and recommendations for the Safe, Clean Water Priority D3 Mini-Grants Program;
 B. Reauthorize the District to continue implementing the Mini-Grants Program for the duration of the Safe, Clean Water and Natural Flood Protection Program; and
 C. Reauthorize the Mini-Grant Program budget not to exceed \$200,000 per fiscal year.

Manager: Rick L. Callender, 408-630-2017

Attachments: [Attachment 1: 031417 SCVWD Agenda Item 6.2](#)
 [Attachment 2: FY18 Mini Grants Project List](#)
 [Attachment 3: Mini Grants Participants Survey Results](#)
 [Handout, A. Ferguson](#)

Est. Staff Time: 10 Minutes

- *7.2. Recommended Position on State Legislation: Proposition 3 the Water Supply and Water Quality Act of 2018. [18-0901](#)
- Recommendation: Adopt a position of “Support” on: Proposition 3 the Water Supply and Water Quality Act of 2018.
- Manager: Rachael Gibson, 408-630-2884
- Attachments: [Attachment 1: Proposition 3 District Benefit Opportunities](#)
[*Attachment 2: Handout, K. Irvin](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Argument For/Against Prop. 3](#)
- Est. Staff Time: 5 Minutes
- *7.3. Recommended Positions on the City of San Jose’s Measure T: Disaster Preparedness, Public Safety, and Infrastructure Bond and Measure V: Affordable Housing Bond. [18-0804](#)
- Recommendation: Consider taking the following positions on the City of San Jose’s ballot measures:
- A. Adopt a position of “Support” on: Measure T: Disaster Preparedness, Public Safety, and Infrastructure Bond; and
 - B. Adopt a position of “Support” on: Measure V: Affordable Housing Bond.
- Manager: Rachael Gibson, 408-630-2884
- Attachments: [Attachment 1: Argument for Measure T](#)
[Attachment 2: Argument Against Measure T](#)
[Attachment 3: Argument for Measure V](#)
[Attachment 4: Argument Against Measure V](#)
[*Handout, B. Schmidt](#)
- Est. Staff Time: 5 Minutes
- 8. CHIEF EXECUTIVE OFFICER:**
- *8.1. CEO and Chiefs' Report. [18-0910](#)
- Attachments: [*Attachment 1: Stream Maintenance 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 5:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on Tuesday, October 23, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.