



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

Headquarters Building Boardroom  
5700 Almaden Expressway  
San Jose, CA 95118

### **AMENDED 11:00 A.M. CLOSED SESSION & 1:00 P.M. REGULAR MEETING AGENDA**

**Tuesday, December 11, 2018  
11:00 AM**

**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 Act.**

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

**AMENDED 11:00 A.M. CLOSED SESSION & 1:00 P.M. REGULAR MEETING  
AGENDA**

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Tuesday, December 11, 2018

11:00 AM

Headquarters Building Boardroom

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**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**

[18-0971](#)

**CONFERENCE WITH LEGAL COUNSEL**

Pursuant to Government Code 54956.9 ( e )(3)

Receipt of Claims Against District Unrepresented Claimants:

All unrepresented claimants related to the Coyote Creek flood, February 2017; names of claimants on file with the Clerk of the Board

**2.2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

[18-1088](#)

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

Title: District Counsel

**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.*

2.7. Ceremonial Swearing-In of Directors John L. Varela, District 1, Linda J. LeZotte, District 4, Tony Estremera, District 6, and Gary Kremen, District 7, for Terms Expiring December 2022.

[18-0970](#)

Recommendation: Request that the Clerk of the Board administer a Ceremonial Swearing-in and Oath of Office for Directors John L. Varela, District 1; Linda J. LeZotte, District 4; Tony Estremera, District 6; and Gary Kremen, District 7, for Terms Expiring December 2022.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution BOS-2018-114](#)

Est. Staff Time: 10 Minutes

- 2.8. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from the Santos/Alviso Partnership, L.P., a California Limited Partnership, Necessary to Construct the South San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 Project (Project No. 26444001), District Files 2044-13 and 2044-14 (San Jose), (District 3). [18-0922](#)

Recommendation:      A. Conduct Hearing to consider adoption of Resolution of Necessity (RON) relating to the acquisition of real property interests from Santos/Alviso Partnership, L.P., a California limited partnership, necessary to complete the South San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 Project; and

                                 B. Adopt the Resolution DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE SOUTH SAN FRANCISCO BAY SHORELINE PHASE 1 ECONOMIC IMPACT AREA 11 PROJECT NO. 26444001, by two-thirds vote (5 out of 7).

Manager:                Ngoc Nguyen, 408-630-2632

Attachments:        [Attachment 1: Resolution](#)  
                             [Attachment 2: Notice of Intention](#)  
                             [Attachment 3: Appraisal](#)  
                             [Attachment 4: PowerPoint](#)

Est. Staff Time:      10 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.5) (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. ITEM REMOVED FROM AGENDA - Certification of November 6, 2018 General Election and Official Results for Board of Directors District 6 and Appointment of Directors to Represent Districts 1, 4, and 7.

- \*3.2. Providing Notice of Time and Place of Public Hearing for the Santa Clara Valley Water District Board of Directors to Determine the Necessity for Directors to be Compensated for up to 15 Days per Calendar Month and to Consider Directors' Compensation for Calendar Year 2019. [18-1129](#)

Recommendation:     \*A. Set a time and place for a public hearing at 6:00 p.m., on January 8, 2019, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, for the Board of Directors to:

1. Consider evidence and determine if there is an operational need for Directors to be compensated for up to 15 days per calendar month; and
2. Consider Directors' compensation for calendar year 2019, pursuant to Chapter 2, Division 10 of the California Water Code; and

B. Direct the Clerk of the Board to publish notice of public hearing in a newspaper of general circulation within the county.

Manager: Michele King, 408-630-2711

Attachments: [Original Board Agenda Memo](#)  
[Attachment 1: Public Hearing Notice](#)  
[Supplemental Board Agenda Memo](#)  
[Supplemental Attachment 1: Public Hearing Notice](#)

- 3.3. Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2018. [18-1035](#)

Recommendation:     A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2018; and

B. Approve the report, if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Quarterly Expense Reports](#)

- \*3.4. CEO Bulletins for the Weeks of November 23 - 29, 2018 and November 30 - December 6, 2018. [18-1117](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 112918 CEO Bulletin](#)  
[Attachment 2: 120618 CEO Bulletin](#)

## **REGULAR AGENDA:**

#### 4. BOARD OF DIRECTORS:

- 4.1. Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars. [18-0847](#)

Recommendation: Review, discuss, and revise the Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY19 Policy Planning Calendar](#)  
[Attachment 2: FY19 Performance Monitoring Calendar](#)

Est. Staff Time: 5 Minutes

- 4.2. Board Committee Reports. [18-1107](#)

A. Delta Conveyance Design and Construction Authority Update.

B. Delta Conveyance Finance Authority Update

\*C. 112618 Board Policy & Planning Committee Meeting Summary

\*D. 112818 Youth Commission Meeting Summary

Attachments: [Attachment 1: 112618 BPPC Meeting Summary](#)  
[Attachment 2: Youth Commission Meeting Summary](#)

- \*4.3. Santa Clara Valley Water District Youth Commission's Recommendations and Associated Staff Analyses from the Commission's September 12, 2018, and November 28, 2018, Meetings. [18-1032](#)

Recommendation: That the Board consider and provide direction on the following recommendations by the Santa Clara Valley Water District Youth Commission:

- A. That the Board consider being a Synopsys Fair's Special Award Sponsor;
- B. That the Board consider the Low Flow Fixtures Proposal to further encourage compliance with SB 407 (Padilla, 2009);
- C. That the Board consider the Youth Commission becoming partners in the Adopt-A-Bench Art Project Pilot Program; and
- D. That the Board consider adding components to the Synopsys Fair Special Award Sponsorship:
  - 1. Tour of District Facilities for winner;
  - 2. Public Recognition at a Board of Directors meeting; and
  - 3. Contribute an Additional \$550 for an additional category at the Synopsys Fair.

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

Est. Staff Time: 5 Minutes

- \*4.4. Environmental and Water Resources Committee's Recommendations and Associated Staff Analyses from the Committee's October 15, 2018, Meeting. [18-1083](#)

Recommendation: That the Board consider and act on the following recommendations by the Environmental and Water Resources Committee:

- A. That Environmental and Water Resources Committee receive the Fish and Aquatic Habitat Collaborative Effort Fish Habitat Restoration Plan Draft Environmental Impact Report when available; and
- B. Allow the Environmental and Water Resources Committee to have further discussion in the future on the fisheries projects within the District's boundaries/purview.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Fisheries Conservation and Stewardship Efforts Report](#)

Est. Staff Time: 5 Minutes

## 5. WATER UTILITY ENTERPRISE:

- 5.1. ITEM REMOVED FROM AGENDA - Water Supply Master Plan Update (Continued from November 20, 2018).

- \*5.2 Report of Bids Received and Award of Construction Contract to Calstate Construction, Inc. for the Construction of the Coyote Warehouse Project, Project No. 91234011, Contract No. C0635, Morgan Hill (District 1). [18-1077](#)

Recommendation:

- A. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Coyote Warehouse Project;
- B. Waive minor irregularities in Calstate Construction, Inc.'s bid;
- C. Award the Construction Contract to Calstate Construction, Inc. in the sum of \$5,699,000; and
- D. Approve a contingency sum of \$569,900 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Addenda Nos. 1 and 2](#)  
[Attachment 2: Project Delivery Process Chart](#)

Est. Staff Time: 5 Minutes

## 6. WATERSHEDS:

- 6.1. Resolution Authorizing Acceptance of Grant Funding from Measure AA, [18-0874](#)  
the San Francisco Bay Restoration Authority's San Francisco Bay Clean  
Water, Pollution Prevention and Habitat Restoration Measure, in the  
amount of \$4,439,406, for the South San Francisco Bay Shoreline Project  
(Project No. 26444001), (San Jose), (District 3).

Recommendation:

- A. Adopt the Resolution AUTHORIZING THE BOARD CHAIR TO EXECUTE A GRANT FUNDING AGREEMENT WITH THE SAN FRANCISCO BAY RESTORATION AUTHORITY FOR THE GRANT OF FUNDS FOR THE SOUTH SAN FRANCISCO BAY SHORELINE PROJECT, and accept the grant terms, conditions and requirements required by the San Francisco Bay Restoration Authority;
- B. Delegate authority to the Chief Executive Officer to execute and file requests for disbursements with the San Francisco Bay Restoration Authority; and
- C. Delegate authority to the Chief Executive Officer to approve the award of future funding from the San Francisco Bay Restoration Authority for the Shoreline Project on substantially similar terms as the Grant Funding Agreement.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Grant Funding Agreement](#)

Est. Staff Time: 5 Minutes



- 6.2. Joint Use Agreement with the City of Palo Alto for the Highway 101 Pedestrian/Bicycle Bridge Overcrossing and Adobe Creek Reach Trail Project, (Palo Alto) (District 7). [18-0989](#)

Recommendation:

- A. Consider the potential environmental effects of the project as discussed in the Initial Study and Mitigated Negative Declaration prepared by the City of Palo Alto;
- B. Adopt the Resolution MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO USE THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION PREPARED BY THE LEAD AGENCY TO GRANT APPROVAL OF A JOINT USE AGREEMENT WITH THE CITY OF PALO ALTO; and
- C. Approve and authorize the Chief Executive Officer to execute the Joint Use Agreement between the City of Palo Alto and the Santa Clara Valley Water District

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Map](#)  
[Attachment 2: Resolution](#)  
[Attachment 3: Mitigated Negative Declaration](#)  
[Attachment 4: Joint Use Agreement](#)

Est. Staff Time: 10 Minutes

## 7. EXTERNAL AFFAIRS:

- 7.1. Office of Communications Update. [18-0871](#)

Recommendation:

- A. Receive information on the Office of Communication's accomplishments and planned activities; and
- B. Provide input on current and future challenges, goals, and accomplishments since the last semi-annual presentation to the Board.

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

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 5 Minutes

\*7.2 Options for Branding the Santa Clara Valley Water District.

[18-1110](#)

Recommendation: Approve a tagline and logo to be used to represent the Santa Clara Valley Water District as part of a potential rebranding effort.

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

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: PowerPoint](#)  
[\\*Supplemental Attachment 1: Report](#)

**8. CHIEF EXECUTIVE OFFICER:**

8.1. Fiscal Year 2019-20 Overview of the Santa Clara Valley Water District Financial Planning Process and Board Work Plan Funding Priorities.

[18-0979](#)

Recommendation: Receive and discuss the Fiscal Year 2019-20 overview of the District's Financial Planning Process and confirm Board Work Plan funding priorities.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: 2019-20 Budget Process Overview](#)  
[Attachment 2: Biennial Budget Memo](#)

Est. Staff Time: 5 Minutes

8.2. 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 Joint Meeting with City of San Jose at 9:00 a.m., on Wednesday, December 12, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.