



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 AND 6:00 PM
REGULAR MEETING
AGENDA

Tuesday, February 26, 2019
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

Linda J. LeZotte, Chair, District 4
Nai Hsueh, Vice Chair, District 5
John L. Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
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
AGENDA**

***ITEMS AMENDED AND/OR APPEDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA
ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

Tuesday, February 26, 2019

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

[19-0172](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: CEO, District Counsel and Clerk of the Board

*2.2. CLOSED SESSION

[19-0245](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Santa Clara Valley Water District v. California State Resources Control
Board

Santa Clara County Superior Court, Case No. 19CV342090

6:00 PM

*2.3. District Counsel Report. (Previously listed as Item 2.2)

*2.4. Pledge of Allegiance/National Anthem. (Previously listed as Item 2.3)

*2.5. Orders of the Day. (Previously listed as Item 2.4)

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. (Previously listed as Item 2.5)

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. Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Fifth Annual Report for Fiscal Year 2017-2018. (Previously listed as Item 2.6)

[19-0185](#)

Recommendation: A. Receive the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Fifth Annual Report for Fiscal Year 2017-2018; and

B. Provide direction to staff as appropriate.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: IMC Annual Report](#)
[Attachment 2: SCW IMC FY18 Annual Report](#)
[Attachment 3: SCW IMC Notes for Future SCW Annual Reports](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.6) (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. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Gold Street Median Removal Project, Project No. 00761023, Contract No. C0646 (San Jose) (District 3). [19-0109](#)

Recommendation: A. Adopt the Plans and Specifications and Authorize Advertisement for Bids for the construction of the Gold Street Median Removal Project per the Notice to Bidders; and

B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Sue Tippets, 408-630-2253

Attachments: [Attachment 1: Notice to Bidders](#)
[Attachment 2: Project Location](#)
[Attachment 3: Project Delivery Process Chart](#)

- 3.2. Amendment No. 2 to Grant Agreement No. A3861R, with the Santa Clara County Open Space Authority, Now Known as the Santa Clara Valley Open Space Authority, for the Outdoor Learning Center and Creekside Valley Loop Trail Project, Project No. 26061007 (San Jose) (District 1). [19-0013](#)

Recommendation: Approve Amendment No. 2 to Grant Agreement A3861R between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority, now known as the Santa Clara Valley Open Space Authority.

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

Attachments: [Attachment 1: Agreement No. A3861R](#)
[Attachment 2: Amendment No. 1 to Agreement No. A3861R](#)
[Attachment 3: Letter from Grantee Requesting Extension](#)
[Attachment 4: Amendment No. 2 to Agreement A3861R](#)

- 3.3. Resolution Commemorating March 10-16, 2019 as Groundwater Awareness Week. [19-0181](#)

Recommendation: Adopt the Resolution COMMEMORATING MARCH 10-16, 2019, AS GROUNDWATER AWARENESS WEEK.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Resolution](#)

- *3.4. CEO Bulletins for the Weeks of February 8-14, and 15-21, 2019. [19-0211](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 021419 CEO Bulletin](#)
[*Attachment 2: 022119 CEO Bulletin](#)

- 3.5. Approval of Minutes. [19-0105](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 011419 Special Meeting Minutes](#)

- *3.6. Report of Bids Received and Reject All Bids for C0644; and Authorize advertisement for Bids for the Construction of the San Francisquito Creek Mitigation Planting and Establishment Maintenance Project, Project No. 26284002, Contract No. C0649 (Palo Alto) (District 7). [19-0179](#)

Recommendation:

- A. Ratify Addenda Nos. 1 and 2 to the Contracts Documents for the San Francisquito Creek Mitigation Planting and Establishment Maintenance Project for C0644;
- B. Reject all bids for C0644;
- C. Adopt the plans and specifications and authorize advertisement for bids for the construction of the San Francisquito Creek Mitigation Planting and Establishment Maintenance Project, Project No. 26284002, Contract No. C0649, per the Notice to Bidders; and
- D. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Addendum No. 1 and 2](#)
[Attachment 2: Notice to Bidders](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Recommendation from Board Audit Committee to Receive and Discuss the Final Audit Report and Management Response for the Performance Audit of Lower Silver Creek Flood Protection Project, Agreement No. A3277G. [19-0118](#)

Recommendation: Receive and discuss a presentation of the final audit report and management response for the performance audit of the Lower Silver Creek Flood Protection Project, Agreement No. A3277G (Lower Silver Creek Flood Protection Performance Audit), from PMA Consultants.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Final Audit Report](#)
[Attachment 2: Management Response](#)
[Attachment 3: Powerpoint](#)

Est. Staff Time: 10 Minutes

- 4.2. Recommendation from Board Audit Committee for the Board to Approve the Implementation of Three Performance Audits by the Board Independent Auditor, TAP International, Inc. [19-0132](#)

Recommendation: A. Approve the Board Independent Auditor, TAP International, Inc., to conduct three performance audits recommended by the Board Audit Committee, to include performance audits of the District Counsel's office, contract change order management processes, and real estate services; and

B. Authorize the Chief Executive Officer to increase the not-to-exceed amount of the on-call consultant agreement with TAP International, Inc. (Agreement A4071A) from \$405,000 to \$1,005,000 to complete the three proposed audits and approximately three additional future audits.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Proposed Audits](#)
[Attachment 2: Draft Audit Work Plan](#)

Est. Staff Time: 5 Minutes

4.3. Fiscal Year 2019 Board Policy Planning and Performance Monitoring [18-0849](#)

Calendars.

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

*4.4 Board Committee Reports. [19-0232](#)

A. Delta Conveyance Design and Construction Authority Update.

B. Delta Conveyance Finance Authority Update.

*C. Environmental and Water Resources Committee.

*D. Capital Improvement Program Committee.

*E. Water Conservation and Demand Management Committee

Attachments: [*Handout 4.4-A - EWRC Meeting Summary 012819](#)
[*Handout 4.4-B - CIP Committee Meeting Summary 021119](#)
[*Handout 4.4-C - WCDM Committee Meeting Summary 021519](#)

5. WATER UTILITY ENTERPRISE:

*5.1. Design-Build Delivery Method for Capital Public Works Projects. [19-0247](#)

Recommendation: Receive information on the design-build project delivery method for capital public works projects.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 5.1-A - Revised Attachment 1: Powerpoint](#)

Est. Staff Time: 15 Minutes

*5.2. Update on the Countywide Water Reuse Master Plan, Project No. 91101004.

[18-0908](#)

- Recommendation:
- A. Receive information on the Countywide Water Reuse Master Plan;
 - B. Provide direction regarding November 14, 2018 recommendations from the Recycled Water Committee; and
 - C. Provide direction regarding the ongoing development of the Countywide Water Reuse Master Plan.

Manager: Gerald De La Piedra, 408-630-2257

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 5.2-A: Poseidon](#)

Est. Staff Time: 15 Minutes

- *5.3. Sites Project Authority 2019 Reservoir Project Agreement for Continued District Participation in the Sites Reservoir Project. (Continued from February 12, 2019).

[19-0204](#)

- Recommendation:
- A. Receive update and report on the Sites Reservoir Project;
 - B. Authorize the CEO to execute the Sites Project Authority 2019 Reservoir Project Agreement for Phase 2 Year 1 participation;
 - C. Authorize the District to participate in funding Phase 2 Year 1 Sites Reservoir Project costs, and decide on the specific participation level (up to 4.8%); and
 - D. Direct staff to continue engagement in Sites Reservoir Committee and negotiate future funding participation to include stronger governance role.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: 2019 Reservoir Project Agreement](#)
[Attachment 2: Exhibit A, Project Agreement Members List \(Copy\)](#)
[Attachment 3: Joint Powers Agreement](#)
[Attachment 4: Project Map](#)
[Attachment 5: Sites Authority and Reservoir Committee Structure](#)
[Attachment 6: Project Overview-Phase Level Schedule](#)
[Attachment 7: List of Sites Project Supporters](#)
[Attachment 8: PowerPoint](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: WSMP 2018 Potential Projects](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

- 6.1. Review and Authorize Distribution of the District's Draft Fiscal Years 2020-24 Capital Improvement Program. [19-0135](#)

Recommendation: Review the Draft Fiscal Years 2020-24 CIP and authorize release of the document to all cities in Santa Clara County and the County of Santa Clara for review as to its consistency with their General Plans.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Draft FY 2020-2024 Capital Improvement Program](#)
[Attachment 2: Annual Construction Program 2020-24](#)

Est. Staff Time: 10 Minutes

- 6.2. Refund of Purchase Deposit from Sale of District-Owned Residential Surplus Property Located at 110 Sunset Avenue, San Jose, (Assessor's Parcel Number 481-21-055) (District Real Estate File 4026-131.1) (District 6) (San Jose). [19-0176](#)

Recommendation: Approve the refund of a \$60,000 purchase deposit from the sale of District residential surplus property located at 110 Sunset Avenue in San Jose to Mr. Jasraj Bhatia due to extenuating circumstances related to the federal government shutdown.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: SCVWD Resolution No. 16-71](#)
[Attachment 2: 082818 Purchase and Sale Agreement](#)
[Attachment 3: Deposit Receipt and Check](#)
[Attachment 4: Location Map](#)

Est. Staff Time: 10 Minutes

- 6.3. Sale of District-Owned Residential Surplus Property located at 110 Sunset Avenue, San Jose, (Assessor's Parcel Number 481-21-055) (District Real Estate File 4026-131.1) (District 6) (San Jose). [19-0184](#)

- Recommendation: A. Approve the sale of District residential surplus property located at 110 Sunset Avenue, San Jose (APN 481-21-055) to M. A. Omer of Transmetro SF LLC, the bidder submitting the second-highest bid in the amount of \$660,000; and
- B. Authorize the Chief Executive Officer, or her designee to execute the Real Property Purchase and Sale Agreement, Quitclaim Deed, and all related documents necessary to close escrow with M. A. Omer of Transmetro SF LLC.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: SCVWD Resolution No. 16-71](#)
[Attachment 2: Purchase and Sale Agreement](#)
[Attachment 3: Quitclaim Deed 4026-131.1](#)
[Attachment 4: Location Map: Sunset Avenue](#)
[Attachment 5: Secretary of State Statement of Information](#)

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

- *7.1. Recommended Positions on State Legislation: Senate Bill (SB) 19 (Dodd) Water Resources: Stream Gages; Assembly Constitutional Amendment (ACA) 1 (Aguiar-Curry) Local Government Financing of Affordable Housing and Public Infrastructure: Voter Approval; *SB 204 (Dodd) State Water Project: Contracts; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [19-0250](#)

- Recommendation: A. Adopt a position of "Support" on: SB 19 (Dodd) Water Resources: Stream Gages;
- B. Adopt a position of "Support" on: ACA 1 (Aguiar-Curry) Local Government Financing of Affordable Housing and Public Infrastructure: Voter Approval; and
- *C. Adopt a position of "Oppose Unless Amended" on: SB 204 (Dodd) State Water Project: Contracts.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: Original Agenda Memo](#)
[Attachment 2: Supplemental Agenda Memo](#)

- 7.2. Recommended Positions on Federal Legislation: H.R. 548 (Calvert) - [18-0940](#)
Federally Integrated Species Health (FISH) Act; H.R. 357 (Garamendi) -
Sacramento-San Joaquin Delta National Heritage Area Act; S. 40
(Barrasso) - Bureau of Reclamation Transparency Act; and Other
Legislation That May Require Urgent Consideration for a Position by the
Board.

- Recommendation: A. Adopt a position of "Support" on H.R. 548 (Calvert) -
Federally Integrated Species Health (FISH) Act;
- B. Adopt a position of "Support" on H.R. 357 (Garamendi) -
Sacramento-San Joaquin Delta National Heritage Area
Act; and
- C. Adopt a position of "Support and Amend" on S. 40
(Barrasso) - Bureau of Reclamation Transparency Act.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 10 Minutes

- *7.3. Safe, Clean Water and Natural Flood Protection Program Grant Award [19-0157](#)
Process.

- Recommendation: A. Receive staff's presentation regarding recommended
modifications to the grant award process for the Safe,
Clean Water and Natural Flood Protection Program as
recommended and proposed by the Board Policy and
Planning Committee; and
- B. Approve the recommended revisions to the evaluation
criteria and the proposed standardized process for
allocating grant funds, including allowing for a budget
adjustment of 10 percent of the budget as a contingency
to enable staff to better allocate funds in alignment with
the proposed process, if needed.

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

Attachments: [Attachment 1: Proposed Grant Evaluation & Allocation Process](#)
[Attachment 2: Comparison of Practices from other Grant-Makers](#)
[Attachment 3: Evaluation Criteria](#)
[*Handout 7.3-A - T. Mulvey](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Fiscal Year 2017-18 Year-End Closing Budget Adjustment and Fiscal Year 2018-19 Mid-Year Budget Adjustment.

[19-0115](#)

- Recommendation: A. Approve the Fiscal Year 2017-18 year-end closing budget adjustment; and
- B. Approve the Fiscal Year 2018-19 mid-year budget adjustment.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: FY 2017-18 Year-End Closing](#)
[Attachment 2: FY 2018-19 Mid-Year](#)

Est. Staff Time: 5 Minutes

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 11:00 A.M. Closed Session and 1:00 P.M. Regular Meeting on March 12, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.