



## Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom  
5700 Almaden Expressway  
San Jose, CA 95118

**\*AMENDED/APPENDED**  
**4:20 P.M. CLOSED SESSION AND**  
**6:00 P.M. REGULAR MEETING**  
**AGENDA**

**Tuesday, March 26, 2019**  
**4:20 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](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**

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Tuesday, March 26, 2019

4:20 PM

Headquarters Building Boardroom

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**1. CALL TO ORDER:**

1.1. Roll Call.

**2. CLOSED SESSION:**

*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

[19-0306](#)

CONFERENCE WITH LEGAL COUNSEL

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. CLOSED SESSION

[19-0285](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

San Jose Unified School District V. SCVWD

2.3. CLOSED SESSION

[19-0289](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Aguilera, Jessica v. SCVWD, City of San Jose, County of Santa Clara

18CV323345 Santa Clara County Superior Court

Amargo, Jose, et al. v. SCVWD, City of San Jose, County of Santa Clara

18CV322210 Santa Clara County Superior Court

Altest Corporation v. SCVWD, City of Santa Clara, County of Santa Clara

18CV324263 Santa Clara county Superior Court

Caballero, Ulrika Teresa v SCVWD

18CV321601 Santa Clara County Superior Court

Falconio, Patrick & Renay, et al. v. SCVWD

18CV325153 Santa Clara County Superior Court

Gonzalez, Jorge et al. v SCVWD

18CV325283 Santa Clara County Superior Court

Heckman, Eric, et al. v. SCVWD

18CV325285 Santa Clara County Superior Court

Hegland, Mary Elaine v. SCVWD, et al

18CV321761 Santa Clara County Superior Court

Hernandez, Michelle C. v. SCVWD, et al.

18CV321613 Santa Clara County Superior Court

Holden, Richard et al. v. SCVWD, et al.

18CV381602 Santa Clara County Superior Court

Johnson, Gary, et al. v. SCVWD et al.

18CV381604 Santa Clara County Superior Court

Lieberman, Donald, et al. v. SCVWD, et al.

18CV325287 Santa Clara County Superior Court

McCreight, Barbara v. SCVWD

18CV325282 Santa Clara County Superior Court

Nguyen, Bich Loan, et al. v. SCVWD, et al.

18CV324794 Santa Clara County Superior Court

Powell, Charles Lewis, et al. v. SCVWD, et al.

18CV321603 Santa Clara County Superior Court

Powell, Preston and Norwita v. SCVWD, et al.

18CV325346 Santa Clara County Superior Court

Rivas-Cosby v. SCVWD

18CV325389 Santa Clara County Superior Court

San Jose Unified School District v. SCVWD

18CV330233 Santa Clara County Superior Court

White, Jean-Marie v. SCVWD, et al.

18CV321600 Santa Clara County Superior Court

2.4. CLOSED SESSION

[19-0330](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Great Oaks Water Co. v. SCVWD

Pursuant to Government Code 94956.9(d)(1)

Sixth District Court of Appeal Case No. HO35260

## TIME CERTAIN:

### 6:00 PM

2.5. District Counsel Report.

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. Resolutions Expressing Appreciation to Water 101 Academy Ambassadors.

[18-1099](#)

Recommendation: Adopt the Resolutions EXPRESSING APPRECIATION to 21 Water 101 Academy Ambassadors.

Manager: Rick L. Callender, 408 630-2017

Attachments: [Attachment 1: Resolutions](#)

Est. Staff Time: 30 Minutes

2.9. Presentation of 2018 Advisory Board Committees/Commission Accomplishments Reports.

[19-0145](#)

Recommendation: Receive and approve the 2018 Accomplishments Reports as presented by the Board's Advisory Committees/Commission 2018 Chairs/Vice Chairs.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Agricultural Water Advisory Committee](#)  
[Attachment 2: Environmental and Water Resources Committee](#)  
[Attachment 3: Santa Clara Valley Water Commission](#)

Est. Staff Time: 15 Minutes

- 2.10. Resolution of the Board of Directors of the Santa Clara Valley Water District Authorizing the Issuance of Not To Exceed \$120 Million of Water System Refunding Revenue Bonds, Approving the Execution and Delivery of Certain Documents and Authorizing Certain Acts In Connection Therewith. [19-0219](#)

Recommendation:      A. Adopt a Resolution AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$120 MILLION OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2019A AND TAXABLE SERIES 2019B, APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTS IN CONNECTION THEREWITH; and

                                 B. Authorize and direct the Chief Executive Officer, Chief Financial Officer, Treasury/Debt Officer, District Counsel, and the Clerk of the Board of Directors and such other officers and staff of the District, acting singly, to do any and all things, and to execute and deliver any and all documents, which such officers may deem necessary or advisable in order to consummate the sale and delivery of the Refunding Revenue Bonds.

Manager:                 Darin Taylor, 408-630-3068

Attachments:           [Attachment 1: Resolution](#)  
[Attachment 2: Preliminary Official Statement](#)  
[Attachment 3: Indenture of Trust](#)  
[Attachment 4: Continuing Disclosure Agreement](#)  
[Attachment 5: Bond Purchase Contract](#)  
[Attachment 6: Debt Management Policy](#)  
[Attachment 7: Federal Securities Laws Disclosure](#)

Est. Staff Time:        5 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. Amendment No. 2 to Grant Agreement No. A3860R with the County of Santa Clara for the Calero County Park Oak Cove and North Shore Trails Project, Project No. 26061007 (San Jose) (District 1). [18-1084](#)

Recommendation:      A. Approve Amendment No. 2 to Grant Agreement A3860R between Santa Clara Valley Water District and the County of Santa Clara; and  
                                 B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement A3860R.

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

Attachments: [Attachment 1: Agreement A3860R](#)  
[Attachment 2: Amendment No. 1 to A3860R](#)  
[Attachment 3: Letter from County of Santa Clara](#)  
[Attachment 4: Amendment No. 2 A3860R](#)

- 3.2. Notice of Completion of Contract and Acceptance of Work for the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR 82) Project, PMK Contractors, LLC, Project No. 62062003, Task No. 1062, Contract No. C0638 (Mountain View) (District 7). [19-0253](#)

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 at the Santa Clara County Clerk Recorder.

Manager: Ngoc Nguyen, 408-630-2632

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

- \*3.3. CEO Bulletin for the Week of March 8 - 14 and 15 - 21, 2019. [19-0331](#)

Recommendation: Accept the CEO Bulletin.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 031419 CEO Bulletin](#)  
[\\*Attachment 2: 032119 CEO Bulletin](#)

- \*3.4. Approval of Minutes for the January 22, and February 12 and 22, 2019, Board meetings.

[19-0283](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 012219 Regular Meeting](#)  
[Attachment 2: 021219 Regular Meeting](#)  
[Attachment 3: 022619 Regular Meeting](#)

#### **REGULAR AGENDA:**

#### **4. BOARD OF DIRECTORS:**

- 4.1. Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars.

[18-0850](#)

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. Environmental and Water Resources Committee's Recommendations and Associated Staff Analyses from the Committee's January 28, 2019, Meeting. [19-0248](#)

Recommendation: Consider and act on the following recommendations by the Environmental and Water Resources Committee:

- A. Consider keeping the Agricultural rate as low as possible and equitable while finding other sources. If it is not equitable then the larger farmers should pay the higher rates; and
- B. Consider having staff analyze and propose two pathways:
  - 1. A one-half percent (1/2%) increase every year over 8 years up to 10%; and
  - 2. Keep staff's recommendation with an added administrative task and associated costs with the co-oping of smaller farms that don't meet the acreage qualification of the Williamson Act/Conservation Easement, and come up with best management practices and water conservation measures.

Manager: Darin Taylor, 408-630-3068

Est. Staff Time: 5 Minutes

- 4.3. Board Committee Reports. [19-0343](#)

- A. Delta Conveyance Design and Construction Authority Update.
- B. Delta Conveyance Finance Authority Update.
- \*C. Joint Water Resources Committee
- \*D. Diversity and Inclusion Ad Hoc Committee
- \*E. Homeless Encampment Ad Hoc Committee

Attachments: [\\*Handout 4.3-C: 030619 Joint Water Resources Committee](#)  
[\\*Handout 4.3-D: 030819 Diversity and Inclusion Ad Hoc Committee](#)  
[\\*Handout 4.3-E: 031819 Homeless Encampment Ad Hoc Committee](#)

## 5. WATER UTILITY ENTERPRISE:



5.1. 2019 Contra Costa Water District Cost Share Agreement for Los Vaqueros Reservoir Expansion Project Planning.

[19-0213](#)

- Recommendation:
- A. Receive and discuss information on the Los Vaqueros Reservoir Expansion Project (LVE Project);
  - B. Authorize the CEO to execute the 2019 Contra Costa Water District Cost Share Agreement for Los Vaqueros Reservoir Expansion Project Planning;
  - C. Authorize Valley Water to participate in funding the 2019 Cost Share Agreement for an amount not to exceed \$355,000; and
  - D. Direct staff to continue engagement in the Los Vaqueros Expansion Project.

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

Attachments: [Attachment 1: Agreement](#)  
[Attachment 2: Project Map](#)  
[Attachment 3: Modeling Scenario](#)  
[Attachment 4: 2017 Risk Ranking Report](#)  
[Attachment 5: PowerPoint](#)

Est. Staff Time: 5 Minutes

**6. WATERSHEDS:**

- 6.1. Budget Adjustment in the Amount of \$946,500 from Fund 26 Operating and Capital Reserves to Permanente Creek Flood Protection Project, and Amendments to Consultant Agreements A3932A and A3933A with Harris and Associates for Construction Management Services for the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin and McKelvey Park Detention Basin (Project No. 26244001) (Cupertino and Mountain View) (Districts 5 and 7). [19-0186](#)

Recommendation:

- A. Approve a budget adjustment transferring an amount of \$946,500 from Fund 26 Operating and Capital Reserves to the Permanente Creek Flood Protection Project;
- B. Approve Amendment No. 2 to Agreement A3932A with Harris and Associates to provide \$350,000 for additional construction management services for the Permanente Creek Flood Protection Project - Rancho San Antonio Detention for a new Not-To-Exceed Fee of \$2,503,362 and extend the Agreement term to March 31, 2020; and
- C. Approve Amendment No. 2 to Agreement A3933A with Harris and Associates to provide \$596,500 for additional construction management services for the Permanente Creek Flood Protection Project - McKelvey Park Detention for a new Not-To-Exceed Fee of \$3,899,521.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Amendment 2, A3932A Rancho San Antonio](#)  
[Attachment 2: Amendment 2, A3933A, McKelvey Park](#)

Est. Staff Time: 5 Minutes

- \*6.2. Report of Bids Received, and Award of Construction Contract for San Francisquito Creek Mitigation Planting and Establishment Maintenance Project, Project No. 26284002, Contract No. C0649 (Palo Alto) (District 7).

[19-0297](#)

- Recommendation:
- A. Ratify Addendum No. 1 to the Contract Documents for the San Francisquito Creek Mitigation Planting and Establishment Maintenance Project;
  - B. Award the Contract to Ecological Concerns Inc., located in Santa Cruz, California, in the sum of either:
    - 1. \$416,250 for the Base Bid; or
    - 2. \$619,250 for the Base Bid and all Additives Bid Items; and
  - C. Approve a contingency sum of 10% of the awarded Contract Price and authorize the Deputy Operating Officer to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Addendum No. 1](#)  
[Attachment 2: Project Delivery Process Chart](#)

Est. Staff Time: 5 Minutes

## 7. EXTERNAL AFFAIRS:

\*7.1. Recommended Positions on State Legislation: Assembly Bill 533 (Holden) Income Taxes: Water Conservation or Efficiency Programs: Water Runoff Management Improvement Program; Assembly Bill 557 (Wood) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program; \*Assembly Bill 292 (Quirk) Recycled Water: Raw Water and Groundwater Augmentation; \*Assembly Bill 510 (Cooley) Local Government Records: Destruction of Records; \*Assembly Bill 1180 (Friedman) Water: Recycled Water; \*Assembly Bill 1194 (Frazier) Sacramento-San Joaquin Delta: Delta Stewardship Council; \*Assembly Bill 1204 (Dodd) Public water systems: Primary Drinking Water Standards: Implementation Date; \*Assembly Bill 1588 (Gloria) Drinking Water and Wastewater Operator Certification Programs; \*SB 332 (Hertzberg) Wastewater Treatment: Recycled Water; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

[19-0332](#)

- Recommendation:
- A. Adopt a position of "Support" on: AB 533 (Holden) Income Taxes: Water Conservation or Efficiency Programs: Water Runoff Management Improvement Program; and
  - B. Adopt a position of "Support" on: AB 557 (Wood) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.
  - C. \*Adopt a position of "Support" on: Assembly Bill 292 (Quirk) Recycled Water: Raw Water and Groundwater Augmentation;
  - D. \*Adopt a position of "Support" on: Assembly Bill 510 (Cooley) Local Government Records: Destruction of Records;
  - E. \*Adopt a position of "Support" on: Assembly Bill 1180 (Friedman) Water: Recycled Water;
  - F. \*Adopt a position of "Oppose" on: Assembly Bill 1194 (Frazier) Sacramento-San Joaquin Delta: Delta Stewardship Council;
  - G. \*Adopt a position of "Support" on: Assembly Bill 1204 (Dodd) Public water systems: Primary Drinking Water Standards: Implementation Date;
  - H. \*Adopt a position of "Support" on: Assembly Bill 1588 (Gloria) Drinking Water and Wastewater Operator Certification Programs.
  - I. \*Adopt a position of "Oppose Unless Amended" on: SB 332 (Hertzberg) Wastewater Treatment: Recycled Water.

Manager: Rachael Gibson, 408-630-2884

Attachments: [\\*Original Board Agenda Memo](#)  
[\\*Supplemental Board Agenda Memo](#)

Est. Staff Time: 5 Minutes

- 7.2. Recommended Positions on Federal Legislation: H.R. 1137 (Garamendi) [18-0941](#)  
- To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies; S. 326 (Udall) - Restrictions Against Illegitimate Declarations for Emergency Re-appropriations (RAIDER) Act of 2019; H.R. 1162 (Napolitano) - Water Recycling Improvement and Investment Act; H.R. 1132 (Speier) - San Francisco Bay Restoration Act of 2019; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation:

- A. Adopt a position of "Support" on H.R. 1137 (Garamendi)  
- To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies;
- B. Adopt a position of "Support" on S. 326 (Udall) - Restrictions Against Illegitimate Declarations for Emergency Re-appropriations (RAIDER) Act of 2019;
- C. Adopt a position of "Support" on H.R. 1162 (Napolitano) - Water Recycling Improvement and Investment Act; and
- D. Adopt a position of "Support" on H.R. 1132 (Speier) - San Francisco Bay Restoration Act of 2019.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

## **8. CHIEF EXECUTIVE OFFICER:**

- 8.1. Fiscal Year 2019-2020 Second Pass Budget Development Process Overview. [19-0281](#)

Recommendation: Receive and discuss the overview of the Santa Clara Valley Water District's FY 2019-20 Second Pass Budget Development Process.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: Construction Management Resources Needs](#)

Est. Staff Time: 10 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 Regular Meeting at 1:00 p.m., on April 9, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.