



Santa Clara Valley Water District Board of Directors Meeting

PHYSICALLY HELD AT
District Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED**
AMENDED 11:00 A.M. CLOSED SESSION AND 1:00 P.M.
REGULAR MEETING
AGENDA

Tuesday, May 14, 2019
11:00 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

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
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Tuesday, May 14, 2019

11:00 AM

PHYSICALLY HELD AT
District Headquarters Building Boardroom
5700 Almaden Expressway, San Jose, California
95118
AND TELECONFERENCING FROM
2235 Old Page Mill Road, Palo Alto, California
94304
866-390-1828, PARTICIPANT CODE: 5118441

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. ITEM REMOVED FROM AGENDA. (CLOSED SESSION)

2.2. CLOSED SESSION

[19-0511](#)

CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Setting Negotiation Parameters for Price and Terms of Payment for

Acquiring Property Interest in 320 E. San Martin Avenue, San Martin, CA

95046 (APN 825-37-033)

Negotiators: Norma Camacho, Nina Hawk, Christopher Hakes, Stephen

Ferranti, Eli Serrano, Bill Magleby

2.3. CLOSED SESSION

[19-0477](#)

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation

Pursuant to Government Code Section 54956.9(d)(2)

One potential case

1:00 PM

- 2.4. District Counsel Report.
- 2.5. Pledge of Allegiance/National Anthem.
- 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

19

Attachments: [*Handout 2.7-A, K. Irvin](#)

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. Resolution of Appreciation to Susan L. Turner, Real Estate Services Manager, Upon Her Retirement.

19-0403

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO SUSAN L. TURNER, Real Estate Services Manager.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

-0545

- 2.9. Public Hearing-Annual Report Recommending Flood Control Benefit Assessments and Resolution Setting Benefit Assessment Revenue for Fiscal Year 2019-2020. [19-0469](#)

Recommendation:

- A. Open the annual public hearing to consider any comments regarding the flood control benefit assessments for Fiscal Year 2019-2020 (FY 2019-20);
- B. Close the Public Hearing; and
- C. Adopt the Resolution ESTABLISHING LAND USE CATEGORIES, CONFIRMING A LEVY OF BENEFIT ASSESSMENTS TO MEET DULY AUTHORIZED DEBT OBLIGATIONS FOR FY 2019-2020 IN FLOOD CONTROL ZONES OF SANTA CLARA VALLEY WATER DISTRICT, IN ACCORDANCE WITH RESOLUTION NOS. 86-54, 86-55, 86-56, 86-57, AND 90-7, AND AUTHORIZING A PROCEDURE FOR CORRECTING ASSESSMENTS.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Staff Report](#)
[Attachment 2: Resolution](#)
[Attachment 3: Benefit Assessment Report](#)

Est. Staff Time: 10 Minutes

- 2.10. Public Hearing and Resolution Approving the Santa Clara Valley Water District's Fiscal Years 2020-2024 Five-Year Capital Improvement Program. [19-0418](#)

Recommendation:

- A. Re-convene the public hearing from April 24, 2019 to receive comments regarding the Santa Clara Valley Water District's (Valley Water) FY 2020-2024 Five-Year Capital Improvement Program (CIP);
- B. Close the public hearing; and
- C. Adopt the Resolution APPROVING FISCAL YEARS 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: FY 2020-24 CIP](#)
[Attachment 3: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.11. Safe, Clean Water and Natural Flood Protection Special Tax Summary Report and Resolution Providing for Levy of the Special Tax Rates and Authorizing a Procedure for Correcting Special Tax Amounts for Fiscal Year 2019-2020. [19-0472](#)

Recommendation: A. Accept the Fiscal Year 2019-2020 Safe, Clean Water and Natural Flood Protection Special Tax Summary Report; and
 B. Adopt the Resolution PROVIDING FOR LEVY OF THE SPECIAL TAX PURSUANT TO THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION MEASURE IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY WATER DISTRICT AND AUTHORIZING A PROCEDURE FOR CORRECTING SPECIAL TAX AMOUNTS FOR FISCAL YEAR 2019-2020.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Special Tax Summary Report](#)
 [Attachment 2: Resolution](#)
 [Attachment 3: Key Performance Indicators](#)

Est. Staff Time: 10 Minutes

- *2.12 Adoption of Groundwater Production and Other Water Charges for District Fiscal Year 2019-2020. [19-0454](#)

Recommendation: A. Adopt a Resolution DETERMINING GROUNDWATER PRODUCTION CHARGES FOR FISCAL YEAR 2019-2020; and
 B. Adopt a Resolution DETERMINING SURFACE WATER, TREATED WATER, AND SOUTH COUNTY RECYCLED WATER CHARGES FOR FISCAL YEAR 2019-2020.

Manager: Nina Hawk, 408-630-2736

Attachments: [Attachment 1: Resolution, Groundwater Production Charges](#)
 [Attachment 2: Resolution, Surface, Treated and Recycled Water](#)
 [*Handout 2.12-A, Morgan Hill Resolution 19-023](#)
 [*Handout 2.12-B, M. King](#)
 [*Handout 2.12-C, D. Poecshel](#)
 [*Handout 2.12-D, J. Espinola](#)

Est. Staff Time: 15 Minutes

*2.13 Resolutions Adopting the Fiscal Year 2019-2020 Operating and Capital Budget and Levy of Ad-valorem Property Taxes.

[19-0514](#)

- Recommendation:
- A. Discuss and adopt a Resolution APPROVING AND ADOPTING THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2019-2020;
 - B. Discuss and adopt a Resolution PROVIDING FOR LEVY OF AD VALOREM REAL PROPERTY TAXES IN FISCAL YEAR 2019-2020 TO MEET THE COST OF ITS WATER SUPPLY CONTRACT WITH THE STATE OF CALIFORNIA; and
 - C. Approve the Santa Clara Valley Water District (Valley Water) Reserve Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: Resolution, FY19-20 Budget](#)
[*Supplemental Attachment 2: Resolution, Ad Valorem Taxes](#)
[*Supplemental Attachment 3: Valley Water Reserve Policy](#)
[*Supplemental Attachment 4: FY19-20 Budget Transmittal](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.12) (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 Delegating Authority to Deposit and Invest Funds to the Treasurer or his or her Designee. [19-0294](#)
- Recommendation: A. Adopt the Resolution DELEGATING AUTHORITY TO DEPOSIT AND INVEST FUNDS TO THE TREASURER OR HIS OR HER DESIGNEE; and
 B. Approve the Board Investment Policy for Fiscal Year 2019-20.
- Manager: Darin Taylor, 408-630-3068
- Attachments: [Attachment 1: Resolution](#)
 [Attachment 2: FY 2019-20 Board Investment Policy](#)
- 3.2. Resolution Declaring May 18, 2019, as National River Cleanup Day in Santa Clara County. [19-0409](#)
- Recommendation: Adopt the Resolution DECLARING MAY 18, 2019, AS NATIONAL RIVER CLEANUP DAY IN SANTA COUNTY.
- Manager: Rick Callender, 408-630-2017
- Attachments: [Attachment 1: Resolution](#)
- 3.3. Resolution Proclaiming May 19-25, 2019, as National Public Works Week. [19-0416](#)
- Recommendation: Adopt the Resolution PROCLAIMING MAY 19-25, 2019, AS NATIONAL PUBLIC WORKS WEEK.
- Manager: Christopher Hakes, 408-630-3796
- Attachments: [Attachment 1: Resolution](#)
 [Attachment 2: 2019 APWA National Public Works Week Poster](#)
- 3.4. Resolution Recognizing May as Asian-Pacific American Heritage Month. [19-0427](#)
- Recommendation: Adopt the Resolution RECOGNIZING MAY AS ASIAN-PACIFIC AMERICAN HERITAGE MONTH.
- Manager: Ngoc Nguyen, 408-630-2632
- Attachments: [Attachment 1: Resolution](#)

- 3.5. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Cross Valley and Calero Pipelines Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0650 (San Jose, Morgan Hill, and Unincorporated Santa Clara County), (Districts 1 and 7). [19-0365](#)

Recommendation:

- A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Cross Valley and Calero Pipelines Inspection and Rehabilitation Project, per the Notice to Bidders;
- B. Find that the Cross Valley and Calero Pipelines Inspection and Rehabilitation Project is substantially complex and requires a construction contract retention of 10 percent; and
- C. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Katherine Oven, 408-630-3126

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

- 3.6. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Phase 1 Construction of the Upper Llagas Creek Flood Protection Project, Project No. 26174052, Contract No. C0645 (Morgan Hill) (District 1). [18-1012](#)

Recommendation:

- A. Adopt the plans and specifications and authorize advertisement for bids for Phase 1 construction of the Upper Llagas Creek Flood Protection Project, per the Notice to Bidders; and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Christopher Hakes, 408-630-3796

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

- 3.7. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Bolsa Road Fish Passage Improvement Project, Project No. 26044002, Contract No. C0652, (Gilroy) (District 1). [19-0407](#)

Recommendation: A. Adopt Plans and Specifications and authorize advertisement for bids for construction of the Bolsa Road Fish Passage Improvement Project, per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Ngoc Nguyen, 408-630-2632

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

- 3.8. Claim of Anthony McGilvery. [19-0464](#)

Recommendation: Deny the claim.

Manager: Stan Yamamoto, 408-630-2755

Attachments: [Attachment 1: Claim](#)

- 3.9. Notice of Completion of Contract and Acceptance of Work of the Wolfe Road Recycled Water Facilities Project, JMB Construction, Inc., Contractor, Project No. 91244001, Contract No. C0607 (Sunnyvale) (Districts 3 and 5). [19-0440](#)

Recommendation: A. Accept the work as complete on the Wolfe Road Recycled Water Facilities Project; and
 B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the County of Santa Clara Office of the Clerk-Recorder.

Manager: Katherine Oven, 408-630-3126

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

3.10. Sponsorship of Silicon Valley Leadership Group's 2019 Energy and Sustainability Summit. [19-0274](#)

Recommendation: A. Receive information on the Silicon Valley Leadership Group's 2019 Energy and Sustainability Summit; and
B. Approve the request for sponsorship in the amount of \$12,500.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: 2019 Summit Letter](#)
[Attachment 2: Sponsorship Brochure](#)

*3.11 CEO Bulletins for the Weeks of April 19-25, April 26-May 2 and May 3-9, 2019. [19-0519](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 042519 CEO Bulletin](#)
[Attachment 2: 050219 CEO Bulletin](#)
[*Attachment 3: 050919 CEO Bulletin](#)

*3.12 Approval of Minutes. [19-0516](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 032619 Special Meeting](#)
[Attachment 2: 032619 Regular Meeting](#)
[Attachment 3: 040919 Special Meeting](#)
[Attachment 4: 041119 Regular Meeting](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

*4.1. Board Committee Reports.

[19-0525](#)

- A. Delta Conveyance Design and Construction Authority Update.
- B. Delta Conveyance Finance Authority Update.
- C. Water Conservation and Demand Management Committee
- D. Joint Recycled Water Policy Advisory Committee
(City of San Jose/SCVWD/City of Santa Clara -TPAC)
- *E. Capital Improvement Program Committee

Attachments: [Handout 4.1-C: 042619 WCDM Committee](#)
[Handout 4.1-D: 050119 JT RWPAC TPAC](#)
[*Handout 4.1-E: 041719 CIP Committee](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Amendment No. 2 to Agreement No. A3941A with GEI Consultants, Inc.,
for Design Consultant Services for the Guadalupe Dam Seismic Retrofit
Project, Project No. 91894002 (San Jose) (District 7).

[19-0835](#)

Recommendation: Approve Amendment No. 2 to Agreement No. A3941A with GEI
Consultants Inc., for design consultant services for the
Guadalupe Dam Seismic Retrofit Project, increasing the
not-to-exceed compensation limit by \$1,474,569 resulting in a
revised total not-to-exceed amount of \$7,375,787, and extend
the Agreement term.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Amendment No. 2](#)

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

- 6.1. Budget Adjustment, Increase to Construction Contract Contingency Sum, and Notice of Completion of Contract and Acceptance of Work for the San Francisquito Creek Flood Protection Project, San Francisco Bay to Middlefield Road, Teichert Construction, Contractor, Project No. 26284002, Contract No. C0613 (Palo Alto) (District 7). [19-0162](#)

Recommendation:

- A. Approve a Fiscal Year 2019 budget adjustment in the amount of \$1,960,000 from Fund 26 Operating and Capital Reserves to the San Francisquito Creek Flood Protection Project, San Francisco Bay to Middlefield Road;
- B. Approve an increase of \$1,408,120.33 to the construction contract contingency sum for the San Francisquito Creek Flood Protection Project, San Francisco Bay to Middlefield Road;
- C. Accept the work as complete; and
- D. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2632

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

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

- 7.1. Recommended Positions on State Legislation: AB 143 (Quirk-Silva) Shelter Crisis: Homeless Shelters; AB 1745 (Kalra) Shelter Crisis: Emergency Bridge Housing Community: City of San Jose; and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [19-0481](#)

Recommendation:

- A. Adopt a position of "Support" on: AB 143 (Quirk-Silva) Shelter Crisis: Homeless Shelters; and
- B. Adopt a position of "Support" on: AB 1745 (Kalra) Shelter Crisis: Emergency Bridge Housing Community: City of San Jose.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Resolution Authorizing the Execution and Delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note to Support a Commercial Paper Program in a Combined Aggregate Principal Amount not to Exceed \$150 Million, Resolution Regarding Intention to Issue Tax-Exempt Obligations for Water Utility Enterprise, and Resolution Regarding Intention to Issue Tax-Exempt Obligations for Safe, Clean Water Program. [19-0417](#)

Recommendation:

- A. Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT TAX AND REVENUE ANTICIPATION NOTE AND A TAXABLE TAX AND REVENUE ANTICIPATION NOTE (TRANS) TO SUPPORT A COMMERCIAL PAPER PROGRAM IN A COMBINED AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$150 MILLION;
- B. Authorize the Chief Executive Officer, or Chief Financial Officer to execute the TRANS, and the Certificate as to Uncollected Taxes, Income, Revenue, Cash Receipts and Other Money;
- C. Authorize the Chief Executive Officer, District Counsel, and such other chief executives of the District to execute such other instruments, documents and papers as are necessary to carry out this Commercial Paper Program for Fiscal Year 2019-20;
- D. Authorize the District Counsel to execute the TRANS;
- E. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE; and
- F. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Authorizing TRANS](#)
[Attachment 2: Resolution, Obligations for WUE](#)
[Attachment 3: Resolution, Obligations for SCW](#)

Est. Staff Time: 10 Minutes

- *8.2 CEO and Chiefs' Report. [19-0546](#)

Attachments: [*Handout 8.2A, Office of Civic Engagement Update](#)
[*Handout 8.2B, Office of Communications Update](#)

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 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on May 28, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.