



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED**
AMENDED 11:00 AM CLOSED SESSION & 1:00 PM
REGULAR MEETING
AGENDA

Tuesday, February 11, 2020
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

Nai Hsueh, Chair, District 5
Tony Estremera, Vice Chair, District 6
John L Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
Linda J. LeZotte, District 4

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**

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Tuesday, February 11, 2020

11:00 AM

Headquarters Building Boardroom

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. Chief Executive Officer/General Manager Recruitment Stakeholder Participation. [20-0170](#)

Recommendation: Receive stakeholder comments on the Chief Executive Officer and General Manager recruitment.

Manager: Michele King, 408-630-2711

Attachments: [*Handout 2.1-A: D. Muirhead](#)

Est. Staff Time: 5 Minutes

2.2. CLOSED SESSION [20-0175](#)

PUBLIC EMPLOYEE APPOINTMENT

Title: Chief Executive Officer

Ref.: Government Code 54957(b)(1)

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. Public Hearing - Determine the Necessity for the Board of Directors to be [19-1139](#)
Compensated for up to 15 Days Per Calendar Month and to Consider
Meeting Compensation Amount for Calendar Year 2020.

- Recommendation:
- A. Conduct a Public Hearing to allow members of the public to provide comments on the need to compensate Directors for up to 15 days per calendar month and Director meeting compensation amount for calendar year 2020;
 - B. Close the Public Hearing; and
 - C. Discuss, make a finding and adopt an Ordinance reflecting the number of meetings per calendar month Directors should be compensated and the Director meeting compensation amount for calendar year 2020; or
 - D. Provide direction to the Clerk of the Board relevant to the authorized number of compensated meetings per month and meeting compensation amount for calendar year 2020.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Notice of Public Hearing](#)
[Attachment 2: 2019 Board Committee Appointments](#)
[Attachment 3: 2019 Board Meeting Days Analysis](#)
[Attachment 4: Draft Ordinance](#)

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - 3.7) (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. Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Uvas Creek Levee Rehabilitation Project Phase 2 (Construction Stage 1 - Milestones 1, 2 and 3), Odin Construction Solutions, Inc., Contractor, Project No. 62084001, Contract No. C0648 (Gilroy, District 1). [19-0950](#)

- Recommendation:
- A. Accept the Work on the Uvas Creek Levee Rehabilitation Project Phase 2 (Construction Stage 1 - Milestones 1, 2 and 3), Project No. 62084001, Contract No. C0648 as complete; and
 - B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work for Uvas Creek Levee Rehabilitation Project Phase 2 (Construction Stage 1 - Milestones 1, 2 and 3) and submit for recording at the Santa Clara County Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2532

Attachments: [Attachment 1: Notice Completion/Acceptance of Work](#)
[Attachment 2: Contractor Project Milestone Completion Letter](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Construction Contract Acceptance](#)
[Attachment 5: Construction Summary](#)
[Attachment 6: Project Delivery Process Chart](#)

- 3.2. Receive and Direct the Clerk to file the Notice of Completion of Contract and Acceptance of Work for the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project (Stage 1), Kiewit Infrastructure West Company, Contractor, Project No. 26244001, Contract No. C0616 (Mountain View) (District 7). [20-0029](#)

Recommendation: A. Accept the work as complete for the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project (Stage 1), Project No. 26244001, Contract No. C0616; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work for Permanente Creek Flood Protection Project - McKelvey Park Detention Basin Project (Stage 1) and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2632

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](#)

- *3.3. MOVED TO ITEM 8.1

- 3.4. Adopt a Resolution Amending the District Records Retention Schedule. [19-1224](#)

Recommendation: Adopt the RESOLUTION AMENDING THE DISTRICT'S RECORDS RETENTION SCHEDULE.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Proposed Changes, Physical to Electronic Transitions](#)
[Attachment 2: Similar Series, to be Merged](#)
[Attachment 3: Clarity Changes, Documents Not to be Superseded](#)
[Attachment 4: Resolution and Records Retention Schedule](#)

- 3.5. Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities Aimed at Influencing District Decisions, in Accordance With District Ordinance 10-01. [20-0145](#)

Recommendation: Receive the Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities for the period July 1, 2019 through December 31, 2019.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Lobbyist Report](#)

- 3.6. December 30, 2019 Claim by Great Oaks Water Company Against the Santa Clara Valley Water District for Refund of Groundwater Production Charges. [20-0120](#)

Recommendation: Deny Great Oaks Water Company's claim.

Manager: Stan T. Yamamoto, 408-630-2755

Attachments: [Attachment 1: Claim](#)

- *3.7. Accept the CEO Bulletins for the Weeks of January 24-30, and January 31 - February 6, 2020. [20-0182](#)

Recommendation: Accept the CEO Bulletin.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 01302020 CEO Bulletin](#)
[Attachment 2: 02062020 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

*4.1. Review of 2020 Board Committee Appointments.

[20-0214](#)

- Recommendation:
- A. Review, revise if necessary, and approve individual Board Committee purpose descriptions;
 - B. Create or disband Board Committee(s), as necessary;
 - C. Review and approve the proposed 2020 Board Committee appointments as submitted by 2020 Board Chair; and
 - D. Appoint new Board Committee Representatives, as necessary;

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Chair's Proposed 2020 Appointments](#)
[Attachment 2: Current Board Committee Appointments](#)
[*Handout 4.1-A: D. Muirhead](#)

Est. Staff Time: 5 Minutes

*4.2. Board Committee Reports.

[20-0183](#)

Attachments: [*Handout 4.2-A: 120919 CIP Summary](#)
[*Handout 4.2-B: 011320 CIP Summary](#)
[*Handout 4.2-C: 021020 CIP Agenda](#)
[*Handout 4.2-D: 121819 D&I Summary](#)
[*Handout 4.2-E: 012220 Water Commission Summary](#)
[*Handout 4.2-F: 012220 BAC Summary](#)
[*Handout 4.2-G: 021220 IMC Agenda](#)

- *4.3. Consider Agricultural Water Advisory Committee's Recommendations and Associated Staff Analyses from the Committee's Meeting on January 6, 2020. [20-0152](#)

Recommendation: Consider and act on the following recommendations by the Agricultural Water Advisory Committee:

- A. Direct staff to provide financial data on the differences of commercial/industrial versus residential water usage within the county with the information supplied by the Water Retailers and Valley Water;
- B. Invite County Board of Supervisor Hon. Mike Wasserman or his designee to the Committee's April 6, 2020, meeting;
- C. Add the Open Space Credit/Agricultural component to the future funding measure and keep the agricultural rates stable and at the current rate; and
- D. Allow the Farm Bureau to formulate a question to add to the future funding community input survey.

Manager: Garth Hall, 408-630-2750
Rick Callender, 408-630-2017
Marta Lugo, 408-630-2237

Est. Staff Time: 5 Minutes

- *4.4. Proposed Future Board Member Agenda Items.
(Previously Listed as Item 11.2.)

5. WATER UTILITY ENTERPRISE:

- 5.1. Update on the Condition of the Almaden Valley Pipeline and Determination that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose) (District 7). [20-0168](#)

Recommendation: A. Receive an update on the Almaden Valley Pipeline; and
B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Acting Chief Executive Officer (CEO) on December 23, 2019, pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Declaration of Emergency](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

- 6.1. Update on the Palo Alto Flood Basin Tide Gate Structure Improvements Project, Project No. 10394001 (Palo Alto, District 7). (Continued from January 28, 2020) [20-0171](#)

Recommendation: Receive an Update on the Palo Alto Flood Basin Tide Gate Structure Improvements Project.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Alternative B Construction Staging](#)
[Attachment 3: Alternative C Construction Staging](#)
[Attachment 4: Feasible Alternatives Matrix](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 15 Minutes

7. EXTERNAL AFFAIRS:

7.1. Approve Fiscal Year 2020 Grants for Safe, Clean Water and Natural Flood Protection Program. [19-1151](#)

- Recommendation:
- A. Review and discuss staff's recommendations for Fiscal Year 2020 Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) grant awards;
 - B. Authorize the launch of a pilot Priority A2: Water Conservation Mini-Grant Pilot Program, using the Priority A2: Water Conservation benefits and funding;
 - C. Authorize the Chief Executive Officer to approve and execute agreements for Priority B3: Pollution Prevention grants in a total amount not-to-exceed \$478,969 for five (5) projects;
 - D. Approve the revised Grant Allocation Matrix for Priority D3: Restore Wildlife Habitat grants and begin implementing the revised matrix with the FY20 grant cycle;
 - E. Authorize the Chief Executive Officer to approve and execute agreements for Priority D3: Restore Wildlife Habitat grants based on the following options below:
 - i. Using the current Grant Allocation Matrix structure for one (1) project in a total amount not-to-exceed \$286,078; or
 - ii. Using the revised Grant Allocation Matrix structure for two (2) projects in a total amount not-to-exceed \$580,531; and
 - F. Authorize the Chief Executive Officer to approve and execute amendments to the recommended grant agreements, extending their terms up to twelve additional months and with no revisions to their not-to-exceed grant amounts.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Evaluation Criteria](#)
[Attachment 2: Scoring Matrix](#)
[Attachment 3: Pilot A2 Mini-Grant Evaluation Form](#)

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

- *8.1. Adopt a Resolution Setting Time and Place of a Public Hearing on April 14, 2020, for the Report on Activities in Protection and Augmentation of Water Supplies of the District - 2020. (Previously Listed as Item 3.3) [20-0211](#)

- Recommendation:
- *A. Receive a brief verbal update from staff on the preliminary Fiscal Year (FY) 2020-21 groundwater production charge setting process;
 - *B. Adopt the Resolution CALLING A PUBLIC HEARING TO CONSIDER COMMENTS FROM MEMBERS OF THE PUBLIC ON THE REPORT ON THE ACTIVITIES IN THE PROTECTION AND AUGMENTATION OF THE WATER SUPPLIES OF THE SANTA CLARA VALLEY WATER DISTRICT, 2020; and
 - *C. Set time and place for public hearing to occur on April 14, 2020 at 1:00 p.m., at the Santa Clara Valley Water District Board Chambers, 5700 Almaden Expressway, San Jose, CA 95118.

Manager: Nina Hawk, 408-630-2736

Attachments: [*Original Board Agenda Memo](#)
[*Original Attachment 1: Resolution](#)
[*Original Attachment 2: Public Hearing Notice](#)
[*Supplemental Board Agenda Memo](#)

Est. Staff Time: 10 Minutes

- *8.2. Receive and Discuss the Overview of the Santa Clara Valley Water District (Valley Water) Fiscal Year 2020-21 First Pass Budget Development Process. (Previously Listed as Item 8.1) [20-0213](#)

Recommendation: Receive and discuss the overview of Valley Water's Fiscal Year 2020-21 First Pass Budget Development Process.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

9. ADMINISTRATION:

10. DISTRICT COUNSEL:

11. ADJOURN:

11.1. Board Member Reports/Announcements.

*11.2. Item Moved to 4.4.

- 11.3. Clerk Review and Clarification of Board Requests.
- 11.4. Adjourn to Special Meeting at 10:00 a.m., on February 18, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.