



BOARD OF DIRECTORS MEETING

MINUTES

**SPECIAL JOINT MEETING
FRIDAY, APRIL 28, 2017
9:00 AM**

(Paragraph numbers coincide with agenda item numbers)

Call to Order and Roll Call.

A Special Joint Meeting of the Santa Clara Valley Water District (District) Board of Directors and The City of San Jose (City), Council, was called to order at 9:00 a.m., in the District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

District Board members in attendance were Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, John L. Varela, and Nai Hsueh, constituting a quorum of the Board.

City Council members in attendance were Sam Liccardo, Charles Jones, Raul Peralez, Magdalena Carrasco, Tam Nguyen, Donald Rocha, Sergio Jimenez, Lan Diep, Devora Davis, Sylvia Arenas, and Johnny Khamis.

District staff members in attendance were N. Camacho, Interim Chief Executive Officer (Interim CEO), S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, R. Callender, A. Cheung, A. Comelo, J. Fiedler, V. Gin, G. Hall, K. Oven, and M. Richardson.

City staff members in attendance were N. Duenas, City Manager, R. Doyle, City Attorney, R. Krantz, Deputy City Clerk, B. Ng, R. Riordan, and D. Sykes.

Pledge of Allegiance/National Anthem.

Mayor Liccardo, led all present in reciting the Pledge of Allegiance.

TIME CERTAIN:

9:00 AM

1. Opening Remarks.

Chairperson Varela and Mayor Liccardo provided opening remarks.

2. Overview of Water Issues in San Jose and Santa Clara County.

Recommendation: Receive information on water issues in San Jose and Santa Clara County, including the roles and functions of the Santa Clara Valley Water District and the City of San Jose.

Ms. Norma Camacho, District Interim Chief Executive Officer, and Mr. Dave Sykes, City Assistant City Manager, reviewed the information on this item, per the attached Board Agenda Memorandum, and presented the information contained in Attachment 1.

The Board and Council noted the information without formal action.

3. Discussion of Coyote Creek Flooding.

Recommendation: Receive information on Coyote Creek flooding and next steps and provide comment and direction:

1. Joint Actions (District Board and City Council):
 - a. Direct staff to collaborate on the development of each agency's state-required After Action Report.
2. Actions for the District Board of Directors:
 - a. Adoption of a Resolution committing to development of a joint Emergency Action Plan for Coyote Creek by October 2017, to conduct joint Tabletop Exercises prior to adoption of the EAP, to return to a joint City Council and District Board meeting for final adoption kicking off a public education effort.
 - b. Direct staff to analyze potential short-term Coyote Creek flood risk reduction actions by Summer of 2017 and, under Board direction, work with the City to begin implementation in anticipation of Winter 2017-18 storms.
 - c. Direct staff to restart the Mid-Coyote flood protection project immediately and develop interim project alternatives by Summer 2018.

- d. Direct staff to work with the City to develop and produce multi-lingual and culturally appropriate public outreach and education about the risks of flooding and flood safety to at-risk residents along Coyote Creek in advance of the 2017-2018 rain season.
- 3. Actions for the City Council:
 - a. Adoption of a Resolution committing to development of a joint Emergency Action Plan for Coyote Creek by October 2017, to conduct joint Tabletop Exercises prior to adoption of the EAP, to return to a joint City Council and District Board meeting for final adoption kicking off a public education effort.
 - b. Direct staff to draft for the Mayor's signature a letter of support for the District's requests for federal funding for flood protection projects along Coyote Creek and to join with the District in lobbying and outreach efforts.

Ms. Melanie Richardson, District Interim Chief Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum and Mr. Afshin Rouhani, District Water Policy and Planning Manager, presented the information contained in Attachment 1.

Chairperson Varela declared time open for public comment.

Mr. Ted Smith, San Jose resident, requested that the District and City provide detailed reports on where debris had been cleared on Coyote Creek over the last 10 years, and on Anderson Reservoir dewatering processes.

Mr. Jeffrey Hare, San Jose resident, expressed concern that Anderson dam seismic retrofit was not included on the agenda.

Mr. Steve Bennette, San Jose resident, expressed concern with the term *100 year flood*; alleged that the Coyote Creek area flooded every 10 years; and requested repair of Coyote Creek.

Ms. Teresa Pedreezco, San Jose resident, expressed opposition to the term *President's Day Flood* event, and requested information on public notification during the flood event.

Ms. Gail Osmer, San Jose resident, encouraged including homeless communities in flood planning.

Motion: That the District Board adopt Resolution No. 17-34, CITY OF SAN JOSE AND SANTA CLARA VALLEY WATER DISTRICT FLOODING HAZARD EMERGENCY ACTION PLAN, by roll call vote.

Move to Adopt : Richard Santos
Second: Linda J. LeZotte
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

Motion: That the City Council adopt Resolution No. 78154, A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE REGARDING THE DEVELOPMENT OF A JOINT SEVERE STORM EMERGENCY ACTION PLAN WITH THE SANTA CLARA VALLEY WATER DISTRICT, by a roll call vote.

Move to Adopt : Johnny Khamis
Second: Sergio Jimenez
Yeas: Sam Liccardo, Charles Jones, Raul Peralez, Magdalena Carrasco, Tam Nguyen, Donald Rocha, Sergio Jimenez, Lan Diep, Devora Davis, Sylvia Arenas, and Johnny Khamis
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 11 Yeas; 0 Nays; 0 Abstains; 0 Absent.

Motion: That the District Board authorize becoming a party of the Emergency Action Plan (EAP) by October 31, 2017, and approving the EAP by December 15, 2017.

Move to Authorize: Tony Estremera
Second: Linda J. LeZotte
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

4. Discussion of Stream Maintenance Efforts.

Recommendation: A. Receive overview of District's Stream Maintenance Program (SMP)

B. Joint Actions (City Council /District Board):

1. Direct staff to work together to discuss shared roles and responsibilities for storm drain and flood protection maintenance and return at the next joint meeting with a Memorandum of Understanding outlining these responsibilities.

C. City Council Action:

1. Direct staff to support the District's efforts to obtain regulatory permits from state and federal agencies for both maintenance and capital projects in a timely, efficient and affordable manner.

Ms. Richardson, reviewed the information on this item, per the attached Board Agenda Memorandum and Mr. Scott Akin, District Environmental Services Manager, presented the information contained in Attachment 1.

Mayor Liccardo declared time open for public comment.

Mr. Smith, expressed interest in stream maintenance efforts and suggested that a joint powers be formed to include land owners in stream maintenance programs.

Mr. Roger Castillo, San Jose resident, expressed concern regarding the President's Day flood cleanup efforts causing potential damage to completed flood control projects.

Mr. Robert Van Cleer, San Jose resident, expressed support for increased maintenance in unimproved areas of Coyote Creek, particularly around Roosevelt Center.

Ms. Marilyn Rodgers, San Jose resident, expressed support for continued, District and City, joint efforts, to setting deadlines to complete work to prevent future floods.

District Motion: Direct District and City staff to work together to discuss shared roles and responsibilities for storm drain and flood protection maintenance, and return at the next joint meeting with a Memorandum of Understanding outlining responsibilities.

Move to Direct: Richard Santos
Second: Gary Kremen
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

Motion by City: That the City Council Direct City staff to support the District's efforts to obtain regulatory permits from state and federal agencies for both maintenance and capital projects in a timely, efficient and affordable manner.

Move to Adopt : Donald Rocha
Second: Devora Davis
Yeas: Sam Liccardo, Charles Jones, Raul Peralez, Magdalena Carrasco, Tam Nguyen, Donald Rocha, Sergio Jimenez, Lan Diep, Devora Davis, Sylvia Arenas, and Johnny Khamis
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 11 Yeas; 0 Nays; 0 Abstains; 0 Absent.

5. Discussion of Future Flood Protection Efforts: Removing Obstacles to Provide Flood Protection for San Jose.

Recommendation: 1. Joint Actions

- a. That the District and City of San Jose reaffirm their commitment to collaboration on the South San Francisco Bay Shoreline Authorized Project for Economic Impact Area 11 and to continue working together collaboratively regarding Pond A18; and to work collaboratively to address the short and long-term project staging, construction, operations, maintenance, and recreational needs of the South San Francisco Bay Shoreline Authorized Project for Economic Impact Area 11;
- b. That the City and District affirm their commitment to consider public safety and stewardship of creek corridors as part of future project planning, taking into account the need for proactive enforcement, cleanup efforts, Park Rangers, and other efforts;

2. Board of Directors Actions:

- a. Direction to staff to consider recreational /trail improvements as part of ongoing and future flood protection work, recognizing that the City would be a partner in contributing to this effort; and

3. City Council Actions

- a. Direction to staff to draft for the Mayor's signature a letter of support for the District's requests for federal funding for flood protection projects in the

City of San Jose and to join with the District in related lobbying and outreach efforts.

District Motion: That the District Board approve entering into a Memorandum of Understanding for Fee Waivers for Capital Improvement Projects with the City, and approve Recommendations 1 A and 1 B.

Move to Approve: Barbara Keegan
Second: Richard Santos
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

City Motion: That the City Council approve entering into a Memorandum of Understanding for Fee Waivers for Capital Improvement Projects with the District, and approve Recommendations 1 A and 1 C.

Move to Approve: Raul Peralez
Second: Magdalena Carrasco
Yeas: Sam Liccardo, Charles Jones, Raul Peralez, Magdalena Carrasco, Tam Nguyen, Donald Rocha, Sergio Jimenez, Lan Diep, Devora Davis, Sylvia Arenas, and Johnny Khamis
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 11 Yeas; 0 Nays; 0 Abstains; 0 Absent.

6. Discussion on the Anderson Dam Seismic Retrofit Project.

Recommendation: A. Receive an Overview and Update on the project; and
B. Direct District staff to identify and provide the City with information about additional actions the City can take to advocate for federal, state or regional funding for Anderson Dam.

Ms. Katherine Oven, District Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum and Mr. Akin, presented the information contained in Attachment 1.

The Board and City Council jointly continued this Item to a future meeting.

7. Time Open for Public Comment on any Item not on the Agenda.

Chairperson Varela declared time open for public comment on any item not on the agenda.

There was no one present who wished to speak.

ADJOURN:

8. Adjourn to Special Meeting at 6:00 p.m., on April 28, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

District Chairperson Varela adjourned the meeting at 12:20 p.m., to the Regular Meeting at 11:00 a.m., on May 9, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date: June 27, 2017