



BOARD OF DIRECTORS MEETING

# MINUTES

**CLOSED SESSION & REGULAR MEETING  
TUESDAY, MARCH 13, 2018  
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

A Closed Session and Regular Meeting of the Santa Clara Valley Water District Board of Directors was called to order in the District Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 11:00 a.m.

**1.1. Roll Call.**

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.

Staff members in attendance were N. Camacho, Chief Executive Officer (CEO), S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, K. Arends, E. Aryee, M. Baratz, R. Callender, A. Comelo, R. Gibson, C. Hakes, B. Hopper, N. Nguyen, K. Oven, M. Richardson, D. Taylor, S. Tikekar, and T. Yoke.

Chairperson Santos confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2. Upon return to Open Session, the same Board members and staff were present.

The Board readjoined to Closed Session for continued consideration of Item 2.2, as noted below.

**2. TIME CERTAIN:**

**11:00 AM**

- 2.1. CLOSED SESSION**  
**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957(b)(1)  
Title: District Counsel, Clerk of the Board and Chief Executive Officer

- 2.2. CLOSED SESSION  
CONFERENCE WITH LABOR NEGOTIATORS  
Government Code section 54957.6  
Agency designated representatives: Norma Camacho, Anil Comelo  
Unrepresented employees: All unclassified employee classifications

**1:00 PM**

- 2.3. District Counsel Report.

Mr. Brian Hopper, Senior Assistant District Counsel, reported that in regards to Item 2.1, the Board met in Closed Session with all members present, and gave direction to staff.

- 2.4. Pledge of Allegiance/National Anthem.

Ms. Norma Camacho, Chief Executive Officer (CEO) led all present in reciting the Pledge of Allegiance.

- 2.5. Orders of the Day.

Chairperson Santos confirmed that there were no changes to the Orders of the Day.

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

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

Mr. Chris Cannard, Engineering Systems Analyst, reported on the Boardroom Audio/Visual Technology Upgrade Project.

Mr. Richard McMurtry, Creeks Coalition, expressed interest in balancing stream stewardship in Santa Clara County.

**3. CONSENT CALENDAR:**

The Board considered Consent Calendar Items 3.2 through 3.6, under one motion.

- 3.1. Item Removed from Agenda.

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Coyote Creek Levee Rodent Damage Repair Upstream of SR 237 Project, Project No. 62084001, Task No. 5168, Contract No. C0639, (San Jose) (District 3).

Recommendation:   A.   Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Coyote Creek Levee Rodent Damage Repair Upstream of SR 237, Project (Project) per the Notice to Bidders; and

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

3.3. Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2017.

- Recommendation:
- A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2017; and
  - B. Approve the report, if the reimbursements comply with Board Policy.

3.4. Update on the Condition of the Almaden Valley Pipeline Inspection and Rehabilitation Project, and Determine that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose, Los Gatos, Unincorporated Santa Clara County) (Districts 4 and 7).

- Recommendation:
- A. Receive an update on the Almaden Valley Pipeline Inspection and Rehabilitation Project; and
  - B. Determine by a four-fifths vote of the Board, that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on December 5, 2017, pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline (San Jose, Los Gatos, Unincorporated Santa Clara County) (Districts 4 and 7).

3.5. CEO Bulletins for the Weeks of February 23, through March 1, and March 2-8, 2018.

- Recommendation: Accept the CEO Bulletins.

3.6. Approval of Minutes.

- Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.2 through 3.6, under one motion, as follows: adopt plans and specifications and authorize advertisement for bids for construction of the Coyote Creek Levee Rodent Damage Repair and authorize the designated engineer to issue addenda, as necessary, during the bidding process, as contained in Item 3.2; approve the Director's quarterly expense report for the quarter ending December 31, 2017, as contained in Item 3.3; determine that there is a need to continue the emergency action declared by the CEO on December 5, 2017 for the Almaden Valley Pipeline Inspection and Rehabilitation Project, by a four-fifths vote, as contained in Item 3.4; accept the CEO bulletins, as contained in

Item 3.5; and approve the minutes, as contained in Item 3.6.

Move to Approve: Linda J. LeZotte  
Second: John L. Varela

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.

#### **REGULAR AGENDA:**

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

4.1. Board Committee Reports.

None.

Chairperson Santos moved the Agenda to Item 5.2.

#### **5. WATER UTILITY ENTERPRISE:**

5.2. Resolution Authorizing Acquisition of Real Property from the County of Santa Clara for the Upper Llagas Creek Flood Protection Project, (Morgan Hill), (District 1).

Recommendation: A. Approve the Purchase and Sale Agreement for Real Estate File No. 5010-229 to Acquire Real Property (APNs 779-03-114, 779-06-030, and 779-49-014) from the County of Santa Clara, a political subdivision of the State of California, for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 and other potential benefits (Morgan Hill), (District 1);

B. Authorize the Chief Executive Officer to execute the Purchase and Sale Agreement for Real Estate File No. 5010-229 (Assessor's Parcels 779-03-114, 779-06-030, and 779-49-014);

C. Authorize the Chief Executive Officer to execute the Certificate of Acceptance for Grant Deed 5010-229;

D. Authorize the Chief Executive Officer to execute and grant a Conservation Easement Deed for Real Estate File No. 5010-229.2 (APNs 779-03-114, 779-06-030, and 779-49-014) and Real Estate File No. 5010-244.1 (APN 779-06-032) to the County of

- Santa Clara, a political subdivision of the State of California and the City of Morgan Hill, a municipal corporation of the State of California for park purposes of trail connectivity, habitat conservation, and open space preservation;
- E. Exempt the Lake Silveira property (APNs 779-03-114, 779-06-030, and 779-49-014) from Resolution 82-30 (Declaring Policy to Govern Joint Use of Lands Acquired for Upper and Lower Llagas Creek PL 566 Watershed Projects); and
  - F. Adopt the Resolution ACQUISITION OF A GRANT DEED FROM COUNTY OF SANTA CLARA, CONVEYANCE OF A CONSERVATION EASEMENT TO COUNTY OF SANTA CLARA AND CITY OF MORGAN HILL FOR LAKE SILVEIRA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (MORGAN HILL), AND EXEMPTION OF LAKE SILVEIRA FROM RESOLUTION 82-30.

Ms. Katherine Oven, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Motion: Approve Recommendations A through F; and adopt Resolution No. 18-05 for the ACQUISITION OF A GRANT DEED FROM COUNTY OF SANTA CLARA, CONVEYANCE OF A CONSERVATION EASEMENT TO COUNTY OF SANTA CLARA AND CITY OF MORGAN HILL FOR LAKE SILVEIRA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (MORGAN HILL), AND EXEMPTION OF LAKE SILVEIRA FROM RESOLUTION 82-30, by roll call vote.

Move to Adopt: John L. Varela  
Second: Tony Estremera

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.

Chairperson Santos returned the Agenda to Item 5.1.

Director Varela left the meeting and did not return.

- 5.1. Amendment No. 3 to Agreement No. A3639A with URS Corporation, a Nevada Corporation dba URS Corporation Americas, for Planning, Environmental, and Design Consultant Services for a Not-to-Exceed Fee of \$3,000,000, Resulting in

a Total Not-to-Exceed Fee of \$9,419,000 for the Almaden Dam Improvements Project, Project No. 91854001 (San Jose) (District 1).

Recommendation: Approve Amendment No. 3 to Agreement No. A3639A with URS Corporation for Planning, Environmental, and Design Consultant Services for the Almaden Dam Improvements Project for a not-to-exceed fee of \$3,000,000, resulting in a total not-to-exceed fee of \$9,419,000 and to extend the Agreement term.

Mr. Victor Gutierrez, Associate Civil Engineer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Approve : Nai Hsueh  
Second: Tony Estremera

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: John L. Varela  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

## **6. WATERSHEDS:**

6.1. Agenda Item Moved To 5.2.

6.2. Reduction of Construction Contract Retention for the Lower Berryessa Creek Flood Protection Project Phase 2, Brosamer & Wall, Inc., Contractor, Project No. 40174005, Contract No. C0614 (Milpitas) (District 3).

Recommendation: Authorize reducing the current construction contract retention of ten percent (10%) to five percent (5%), consistent with the minimum amount required by the California Public Contract Code.

Move to Authorize : Tony Estremera  
Second: Barbara Keegan  
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: John L. Varela  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

6.3. Staff Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 4 Annual Report for Fiscal Year 2016-2017.

- Recommendation:   A.     Accept Staff Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 4 Annual Report for Fiscal Year 2016-2017; and
- B.     Provide additional direction as necessary.

Ms. Kristen Yasukowa, Public Information Officer, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

Move to Accept :     Tony Estremera  
Second:             Barbara Keegan  
Yeas:                Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, Nai Hsueh  
Nays:                None  
Abstains:           None  
Recuses:            None  
Absent:             John L. Varela  
Summary:            6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

## **7.     EXTERNAL AFFAIRS:**

- 7.1.   Board Approval of Recommendations for Fiscal Year (FY) 2018 Grants for the Safe, Clean Water Grants Program to Support Volunteer Cleanup Efforts & Education (B7) and Provide Access to Trails & Open Space (D3) Based on Applicants Supplemental Questionnaire Responses.

- Recommendation:   A.     Review and discuss staff's recommendations for FY2018 Safe, Clean Water Grant Awards;
- B.     For proposals submitted to Support Volunteer Cleanup Efforts & Education (B7) grant program, authorize the Chief Executive Officer (CEO), following California Environmental Quality Act (CEQA) compliance, to approve and execute agreements in a total amount not-to-exceed \$228,552, for the projects as outlined in this memorandum;
- C.     For proposals submitted to Provide Trails & Open Space (D3) grant program, authorize the Chief Executive Officer (CEO), following CEQA compliance, to approve and execute agreements in a total amount not-to-exceed \$571,000 for the three projects as outlined in this memorandum; and
- D.     Authorize the CEO to execute no-cost extensions (up to 12 months) for the approved grant agreements.

Ms. Sherilyn Tran, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum.

Director Keegan requested that staff ensure that the District name and logo are displayed on the signs being installed by the City of Campbell as part of the grant award for Los Gatos Creek Trail interpretive signage and receptacle expansion.

Move to Authorize : Nai Hsueh  
Second: Tony Estremera

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: John L. Varela  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

7.2. Federal Authorization and Appropriation Requests for Federal Fiscal Years 2018 and 2019.

Recommendation: Adopt the recommended Federal Fiscal Year 2018 and Fiscal Year 2019 authorization and appropriation requests for District-sponsored and District-supported projects.

Ms. Rachael Gibson, Deputy Administrative Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Adopt : Tony Estremera  
Second: Nai Hsueh

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara Keegan, Richard Santos, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: John L. Varela  
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

**8. CHIEF EXECUTIVE OFFICER:**

8.1. Chief Executive Officer Report.

Mr. Kurt Arends, Deputy Operating Officer, provided an update regarding the emergency repairs of the Almaden Valley Pipeline Project.

Mr. Chris Hakes, Assistant Officer, reported on the Disinfection of the Inter-tie pump station at the Hostetter and Milpitas water treatment turnouts.

Gerry De La Piedra, Water Supply Plan and Conservation Manager, reported on the Greywater Workshop with the City of Palo Alto.

Mr. Ngoc Nguyen, Assistant Officer, updated the Board regarding the Permanente Creek Flood Protection Project.



Mr. Rick Callender, Chief of External Affairs, distributed and reviewed the new monthly Office of Communications Report identified as Handout 8.1-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Ms. Gibson updated the Board on three District sponsored bills, SB-1301 Expedited Permitting Bill, AB-1889 District Act Revision Bill, and SB-881 South San Francisco Bay Shoreline Bill.

Ms. Camacho informed the Board of a correction to Handout 8.1-A that the March 27, 2018, Revised Encroachment Remediation Program is being postponed until May 2018.

**9. ADMINISTRATION:**

- 9.1. Diversity and Inclusion Quarterly Report for the Second Quarter of Fiscal Year 2018.

Recommendation: Receive information about diversity demographics for the Second Quarter of Fiscal Year 2018.

Ms. Salam Baqleh, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum, and the corresponding presentation materials contained in Attachment 4 were reviewed by staff as follows: Ms. Baqleh reviewed Slides 1 through 4; and Ms. Angelica Cruz, Employment Services Manager, reviewed Slides 5 through 7.

The Board noted the information without formal action.

**10. DISTRICT COUNSEL:**

None.

**11. ADJOURN:**

- 11.1. Board Member Reports/Announcements.

Director LeZotte reported attending a Santa Clara County Special Districts Association meeting; a Fisheries and Aquatic Habitat Collaborative Effort meeting; Capital Improvement Program Committee and Water Conservation and Demand Management Committee meetings; the Hispanic Chamber of Commerce Silicon Valley 2018 Economic Summit; the Celebrate Campbell 2018 event; and various meetings with staff.

Director Hsueh reported attending a Midpeninsula Regional Open Space Authority Focus Group meeting.

Chairperson Santos reported attending the 25th Annual Milpitas Chamber of Commerce Auction and Crab Feed event.

11.2. Proposed Future Board Member Agenda Items.

Director LeZotte requested that staff bring forward an agenda item during the month of April, regarding Board Communications to the public.

Director Hsueh requested that staff move the Flood Preparedness Report to the end of Summer.

11.3. Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk/Board of Directors, confirmed that there were no new Board Member Requests.

Chairperson Santos moved the Agenda to Item 2.2.

Chairperson Santos confirmed that the Board would adjourn to Closed Session for consideration of Item 2.2. Upon return to Open Session, the same Board members, excluding Director Varela, and staff were present.

Chairperson Santos returned the Agenda to Item 2.3

2.3 District Counsel Report.

Mr. Stan Yamamoto, District Counsel, reported that in regards to Item 2.2 the Board met in Closed Session with all members present, excluding Director Varela, and gave direction to staff.

11.4. Adjourn to 5:00 p.m. Special and 6:00 p.m. Joint Board Meeting with the Milpitas City Council, on March 21, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Santos adjourned the meeting at 3:10 p.m., to the 5:00 p.m. Special and 6:00 p.m. Joint Board Meeting with the Milpitas City Council, on March 21, 2018, 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: April 24, 2018