



BOARD OF DIRECTORS MEETING

# MINUTES

**CLOSED SESSION AND REGULAR MEETING**

**TUESDAY, JUNE 12, 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, Nai Hsueh, Gary Kremen, Linda J. LeZotte, John L. Varela, and Richard Santos, constituting a quorum of the Board.

Director Keegan arrived as noted below.

Staff members in attendance were S. Yamamoto, District Counsel, N. Camacho, Chief Executive Officer (CEO), M. King, Clerk/Board of Directors, J. Aranda, M. Baratz, R. Blank, R. Chan, A. Comelo, A. Fulcher, R. Gibson, G. Hall, B. Hopper, N. Nguyen, K. Oven, M. Richardson, A. Rouhani, D. Taylor, and S. Tikekar. Mr. Vincent Gin, Deputy Operating Officer represented Ms. Melanie Richardson, Chief Operating Officer; and Mr. Chris Hakes, Assistant Officer represented Ms. Nina Hawk, Chief Operating Officer.

Chairperson Santos confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2. Director Keegan arrived during Closed Session.

**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 and Chief Executive Officer

- 2.2. CLOSED SESSION  
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 from Pacheco Pass Water District (APN 898-11-009 and  
898-49-002) in Santa Clara County  
Negotiators: Norma Camacho, Chief Executive Officer; Nina Hawk, Chief  
Operating Officer, Water Utility; Garth Hall, Deputy Operating Officer, Water  
Supply Division

**1:00 PM**

- 2.3. District Counsel Report.

Mr. Stan Yamamoto, District Counsel, reported that in regards to Item 2.1, the Board met in Closed Session with all Board members present, including Director Keegan, and continued the item to a future meeting; and Mr. Joseph Aranda, Assistant District Counsel, reported that in regards to Item 2.2, the Board met in Closed Session with all members present, and gave direction to staff.

- 2.4. Pledge of Allegiance/National Anthem.

Mr. Aranda 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 subject not on the agenda.

Ms. Nora Kovalski, Restore the Delta, expressed concerns about Metropolitan Water District's alleged Brown Act violations.

Chairperson Santos moved the Agenda to Item 3.2

- 3.2. Resolution Recognizing June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month.

Recommendation: Adopt the Resolution RECOGNIZING JUNE AS LGBT PRIDE MONTH.

Ms. Marisela Garcia, Assistant Engineer II, and Ms. Sunny Williams, Senior Environmental Planner, reviewed the information on this item per the attached Board Agenda Memorandum.

Motion: Adopt Resolution No. 18-39, RECOGNIZING JUNE AS  
LGBT PRIDE MONTH, by roll call vote.

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

Chairperson Santos returned the agenda to Item 2.7.

2.7. Resolution Recognizing the 2018 Employee Recognition Awardees.

Recommendation: Adopt the Resolution RECOGNIZING THE 2018  
EMPLOYEE RECOGNITION AWARDEES.

Ms. Salam Baqleh, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 2.

Motion: Adopt Resolution No. 18-40, RECOGNIZING THE 2018  
EMPLOYEE RECOGNITION AWARDEES, by roll call  
vote.

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

2.8. Presentation of Outstanding Environmental Project Award to the District as One of the Major Partners of the South Bay Salt Pond Restoration Project by Friends of the San Francisco Estuary.

Recommendation: This is an informational presentation; no Board action is required.

Mr. Vincent Gin, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Mr. Mitch Avalon and Mr. Chuck Bats, Friends of the San Francisco Estuary, presented the District with the Outstanding Environmental Project Award

recognizing the District as one of the Major Partners of the South Bay Salt Pond Restoration Project.

The Board noted the information without formal action.

### **3. CONSENT CALENDAR:**

The Board considered Consent Calendar Items 3.1, 3.3 through 3.5, and 3.7 through 3.9, under one motion.

- 3.1. Resolution Requesting and Consenting to Consolidation of Elections for November 6, 2018.

Recommendation: Adopt the Resolution REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTION.

- 3.3. Resolution Authorizing the Acquisition of a Grant Deed From and Conveyance of a Quitclaim Easement Deed to Francisco J. Arriaga, for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill), (District 1).

Recommendation: A. Adopt the Resolution authorizing the ACQUISITION OF A GRANT DEED FROM AND CONVEYANCE OF A QUITCLAIM EASEMENT DEED TO FRANCISCO J. ARRIAGA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT, PROJECT NO. 26174051 (MORGAN HILL);  
B. Approve the Real Property Exchange Agreement 5010-237 & 5027-313.1 and authorize the CEO to execute the Real Property Exchange Agreement;  
C. Authorize the CEO to execute the Certificate of Acceptance for Grant Deed 5010-237; and  
D. Authorize the CEO to execute the Quitclaim Easement Deed 5027-313.1.

- 3.4. Amendment No. 3 to Agreement No. A3741G With Hydrometrics Water Resources Inc. for Consultant Services for a Not-to-Exceed Fee of \$151,531, Resulting in a Total Not-to-Exceed Fee of \$563,547 for the Groundwater Charge Zone Study ("Groundwater Benefit Zone Study").

Recommendation: Approve Amendment No. 3 to Agreement No. A3741G with Hydrometrics Water Resources Inc. for Consultant Services for a Not-to-Exceed Fee of \$151,531, resulting in a Total Not-to-Exceed Fee of \$563,547 for the Groundwater Charge Zone Study ("Groundwater Benefit Study") and to extend the Agreement term.

- 3.5. Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2018.

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2018; and  
B. Approve the report, if the reimbursements comply with Board Policy.

- 3.6 Item Removed From Agenda.

- 3.7. Acquisition of Real Property Interests From One Hanson, LLC, for the Lower Berryessa Creek Flood Protection Project, Phase 2, Project No. 40174005, APN No. 022-31-020, Real Estate File No. 4018-22 and Real Estate File No. 4018-29 (Milpitas) (District 3).

Recommendation: A. Authorize the CEO to execute a Right of Way Agreement between One Hanson, LLC, and the District, for acquisition of a permanent easement and a temporary construction easement, located at 1 Hanson Court, Milpitas, CA, based upon the terms and conditions as set forth in the Agreement;  
B. Authorize the CEO to accept the Easement Deed (4018-22) from One Hanson, LLC; and  
C. Authorize the CEO to accept the Temporary Construction Easement (4018-29) from One Hanson, LLC.

- 3.8. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Construction of the Matadero Creek Sediment Removal and Erosion Repair Project, From West Bayshore Road to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, From Virginia Avenue to Smith Creek Confluence (San Jose and Campbell), and From Williams Road to USGS Gage (San Jose). Project No. 62084001, Task No. 5188, Contract No. C0642, (Palo Alto, Campbell, and San Jose) (Districts 2, 4, and 7).

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Matadero Creek Sediment Removal and Erosion Repair Project, from West Bayshore Road to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose) per the Notice to Bidders; and  
B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding.

3.9. CEO Bulletins for the Weeks of May 18–24, 25–31, and June 1–7, 2018.

Recommendation: Accept the CEO Bulletins.

Motion: Approve Consent Calendar Items 3.1, 3.3 through 3.5, and 3.7 through 3.9, under one motion, as follows: adopt Resolution No. 18-41, REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTION, by roll call vote, as contained in Item 3.1; adopt Resolution No. 18-42, ACQUISITION OF A GRANT DEED FROM AND CONVEYANCE OF A QUITCLAIM EASEMENT DEED TO FRANCISCO J. ARRIAGA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT, PROJECT NO. 26174051 (MORGAN HILL), by roll call vote, approve and authorize the CEO to execute the Real Property Exchange Agreement, and Quitclaim Easement Deed, as contained in Item 3.3; approve Amendment No. 3 to Agreement No. A3741G with Hydrometrics Water Resources for Consultant Services for the Groundwater Charge Zone Study, as contained in Item 3.4; approve the Directors' Quarterly Expense Report for the Quarter ending March 31, 2018, as contained in Item 3.5; authorize the CEO to execute a Right of Way Agreement with One Hanson, LLC, for the acquisition of a permanent easement and temporary construction easement at 1 Hanson Court, Milpitas, CA, as contained in Item 3.7; adopt Plans and Specifications and authorize advertisement for bids for construction of the Matadero Creek Sediment Removal and Erosion Repair project, as contained in Item 3.8; and approve the CEO Bulletins, as contained in Item 3.9.

Move to Approve: Tony Estremera  
Second: Linda J. LeZotte  
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, John L. Varela, Richard Santos,  
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.

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

### **5.1. Water Supply Master Plan Update. (Continued from April 10, 2018)**

- Recommendation:
- A. Receive and discuss information on alternative water supply strategies;
  - B. Receive and discuss stakeholder input on water supply projects and alternative water supply strategies; and
  - C. Receive and discuss preliminary cost of shortage analysis as it pertains to the District's water supply reliability level of service goal.

Ms. Tracy Hemmeter, Senior Project Manager, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

The Board noted the information without formal action.

## **6. WATERSHEDS:**

### **6.1. Consultant Services Agreement With Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year) (San Jose) (Districts 2, 3, 4, and 6).**

- Recommendation: Approve the Consultant Services Agreement With Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year).

Ms. Lisa Porcella, Environmental Mitigation and Monitor Manager, reviewed the information on this item, per the attached Board Agenda Memorandum.

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

6.2. Update on Climate Change Adaptation and Preparation of a Climate Change Action Plan.

Recommendation: Receive information on the District's activities towards climate change adaptation and discuss the District's plan to create a Climate Change Action Plan.

Ms. Christine Tulloch, Associate Water Resource Specialist, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

The Board noted the information without formal action.

6.3. San Francisquito Creek Flood Protection Project, San Francisco Bay to Middlefield Road, Project No. 26284002, (San Francisquito Creek Flood Protection Project) Fiscal Year 2018 (FY18) Budget Adjustment in the Amount of \$2,119,897 From Watersheds Stream Stewardship Fund (Fund 12) and FY18 Budget Adjustment in the Amount of \$300,000 From the Safe, Clean Water and Natural Flood Protection Program Fund Project Reserves (Fund 26 Project Reserves), (Palo Alto) (District 7).

Recommendation: A. Approve a FY18 budget adjustment in the amount of \$2,119,897 from Fund 12 to Fund 26, Project No. 26284002; and  
B. Approve a FY18 budget adjustment in the amount of \$300,000 from Fund 26 Project Reserves, Project No. 26284002.

Mr. Saeid Hosseini, Capital Engineering Manager, reviewed the information on this item, per the attached Board Agenda Memorandum.

Director Keegan requested that staff look at the potential for San Francisquito Creek Joint Powers Authority, Design Review Board, to participate in the District's lessons learned activity on the San Francisquito Creek Flood Protection Project (Board Member Request R-18-0014).

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



- 6.4. Report of Bids Received and Award of Construction Contract to Gordon N. Ball, Inc., for the Cunningham Flood Detention Facility Certification Project, Project No. 40264011 (San Jose) (District 1).

Recommendation: A. Consider the Addendum to the Final Initial Study/Mitigated Negative Declaration for the Cunningham Flood Detention Certification Project (IS/MND);  
B. Ratify Addenda No(s). 1, 2 and 3 to the Contract Documents for the Cunningham Flood Detention Facility Certification Project;  
C. Award the Contract to Gordon N. Ball, Inc., located in Alamo, California, in the sum of \$3,748,000; and  
D. Approve a contingency sum of \$374,800 and authorize the CEO or designee to approve individual change orders up to the designated amount.

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

- 6.5. Report of Bids Received and Award of Construction Contract to PMK Contractors, LLC, in the sum of \$1,110,300, for Construction of the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR 82), Project No. 62062003, Task No. 1062, Contract No. C0638, (Mountain View) (District 7).

Recommendation: A. Ratify Addenda No. 1 and No. 2 to the Contract Documents for the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR82) (Project);  
B. Waive a minor irregularity in PMK Contractors, LLC's bid;  
C. Award the Construction Contract to PMK Contractors, LLC, in the sum of \$1,110,300 subject to approval of the Notice of Proposed Work under the Stream Maintenance Program 2; and  
D. Approve a contingency sum of \$111,030 and authorize the CEO or designee to approve individual change orders up to the designated amount.

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

## 7. EXTERNAL AFFAIRS:

### 7.1. Office of Communications Update.

Recommendation: A. Receive update responding to Board member requests and questions about Office of Communications activities;  
 B. Receive information on the Office's accomplishments and planned activities; and  
 C. Provide input on current and future challenges, goals, and accomplishments since the last presentation to the Board.

Ms. Linh Hoan, Communications Manager, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

The Board noted the information without formal action.

Director Kremen left the meeting and returned as noted below.

### 7.2. Recommended Position on Federal Legislation: HR XXXX (Calvert)—Fiscal Year 2019 House Interior-Environment Appropriations Bill.

Recommendation: Adopt a position of "Oppose Section 437" on HR XXXX (Calvert)—Fiscal Year 2019 House Interior-Environment Appropriations Bill.

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

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

**8. CHIEF EXECUTIVE OFFICER:**

Director Kremen returned.

**8.1. CEO and Chiefs' Report.**

Ms. Katherine Oven, Deputy Operating Officer, updated the Board regarding the P3 Advisors meeting for the Expedited Purified Water Program.

Mr. Garth Hall, Deputy Operating Officer, updated the Board regarding the Pacheco Reservoir Expansion Project Grant process with the California Water Commission.

Mr. Christopher Hakes, Assistant Officer, updated the Board regarding the Santa Teresa Water Treatment Plant power outage, and the Recycled Water Treatment Plant open house.

Mr. Rick Callender, Chief of External Affairs, updated the Board regarding District sponsored bills SB 881, SB 1301, and AB 1889; and distributed and reviewed the attached Office of Civic Engagement Update, identified as Handout 8.1-A herein. Copies of the Handout were distributed to the Board and made available to the public.

**9. ADMINISTRATION:**

**9.1. Resolution to Support District Employees Post Janus v. AFSCME.**

Recommendation: Adopt the Resolution TO SUPPORT DISTRICT EMPLOYEES POST JANUS V. AFSCME.

Two statements expressing support for adoption of the proposed resolution were received as follows: Ms. Ingrid Bella and Mr. George Cook, Union Representatives.

Motion: Adopt Resolution No. 18-43, TO SUPPORT DISTRICT EMPLOYEES POST JANUS V. AFSCME, by roll call vote.

Move to Adopt: Tony Estremera

Second: Richard Santos

Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, John L. Varela, Richard Santos

Nays: None

Abstains: None

Recuses: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

9.2. Resolution Adopting Employee Salary Schedule—Effective the First Pay Period of Fiscal Year 2019.

Recommendation: Adopt the Resolution ADOPTING EMPLOYEE SALARY SCHEDULE—EFFECTIVE THE FIRST PAY PERIOD OF FISCAL YEAR 2019.

Motion: Adopt Resolution No. 18-44, ADOPTING EMPLOYEE SALARY SCHEDULE—EFFECTIVE THE FIRST PAY PERIOD OF FISCAL YEAR 2019, by roll call vote.

Move to Adopt: Tony Estremera

Second: Nai Hsueh

Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, John L. Varela, Richard Santos

Nays: None

Abstains: None

Recuses: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

**10. DISTRICT COUNSEL:**

None.

**11. ADJOURN:**

11.1. Board Member Reports/Announcements.

Director Kremen reported attending a meeting with San Jose Water Company (SJWC); a special Joint San Luis Delta Mendota Water Authority (SLDMWA) Workshop on the Pacheco Expansion Project and a SLDMWA Board meeting; and various meetings with staff.

Director Keegan reported attending staff's review of the presentation for the Pacheco Pass Expansion Project and a Department of Consumer Affairs (DCA) Update meeting.

Director Varela reported attending the aforementioned meeting with SJWC, SLDMWA Special Joint Workshop on the Pacheco Expansion Project, and SLDMWA Board meetings; a Homeless Encampment Clean Up; a Local Agency Formation Commission Board meeting; a City of Morgan Hill, Upper Llagas Creek Watershed Project Elected Officials meeting; California State Assemblymember Ash Kalra and California State Assemblymember Anna Caballero meetings; a Diversity & Inclusion Ad Hoc Committee meeting; and an Agricultural Preservation Task Force meeting.

Director Hsueh reported attending Cupertino Legislative Action Committee, Landscape Committee meetings, and various meetings with staff.

Director Estremera reported attending the aforementioned DCA Update meeting.

Director LeZotte reported attending a Santa Clara County Special Districts Association Meeting, a Friends of the Guadalupe River meeting, and various meetings with staff.

Chairperson Santos reported attending the aforementioned meeting with SJWC.

11.2. Proposed Future Board Member Agenda Items.

None.

11.3. Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk/Board of Directors, read the new Board Member Requests into the record.

11.4. Adjourn to Regular Meeting at 6:00 p.m., on June 26, 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 Special Closed Session Meeting at 11:00 a.m., on June 20, 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: August 14, 2018

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