



Santa Clara Valley Water District Board of Directors Meeting

District Headquarters Board Room
5700 Almaden Expressway
San Jose, CA 95050

REGULAR MEETING AGENDA

Tuesday, May 24, 2016
6:00 PM

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS

Barbara Keegan, Chair - District 2
John L. Varela, Vice Chair - District 1
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5
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
Interim Chief Executive Officer

MICHELE L. KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org
5750 Almaden Expressway
San Jose, CA 95118-3686

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
REGULAR MEETING
AGENDA**

Tuesday, May 24, 2016

6:00 PM

District Headquarters Board Room

- 1.1. Roll Call.
- 1.2. Pledge of Allegiance/National Anthem.
- 1.3. Orders of the Day.
 - A. *Approximate Discussion Time (Board); and*
 - B. *Adjustments to the Order of Agenda Items.*
- 1.4. 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.

6:00 PM

2. TIME CERTAIN:

- 2.1. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Gera Family Partnership B, L.P. and Gera Family Partnership A, L.P. Necessary to Complete the Upper Llagas Creek Flood Protection Project No. 26174051.

[16-0242](#)

Recommendation: A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Gera Family Partnership B, L.P. and Gera Family Partnership A, L.P. necessary to complete the Upper Llagas Creek Flood Protection Project No. 26174051; and
B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Offer of Just Compensation](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.2. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Haro Necessary to Complete the Upper Llagas Creek Flood Protection Project No. 26174051.

[16-0243](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Haro necessary to complete the Upper Llagas Creek Flood Protection Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Offer of Just Compensation](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.3. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Lee Necessary to Complete the Upper Llagas Creek Flood Protection Project No. 26174051.

[16-0244](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Lee necessary to complete the Upper Llagas Creek Flood Protection Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Offer of Just Compensation](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.4. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Llagas LLC Necessary to Complete the Upper Llagas Creek Flood Protection Project No. 26174051.

[16-0245](#)

- Recommendation:
- A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Llagas LLC necessary to complete the Upper Llagas Creek Flood Protection Project No. 26174051; and
 - B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Offer of Just Compensation](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.5. Hearing to Consider Adoption of Resolution of Necessity Relating to Acquisition of Real Property Interests from Macario Salas and Lupe M. Salas Necessary to Complete the Upper Llagas Creek Flood Protection Project No. 26174051. [16-0246](#)

Recommendation: A. Conduct Hearing to consider adoption of Resolution of Necessity relating to acquisition of real property interests from Macario Salas and Lupe M. Salas necessary to complete the Upper Llagas Creek Flood Protection Project No. 26174051; and
B. Adopt the Resolution of Necessity DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT NO. 26174051 (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, *et seq.*), by two-thirds vote.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Offer of Just Compensation](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.6. Public Hearing for the 2015 Urban Water Management Plan. [16-0256](#)

Recommendation: A. Open the public hearing for consideration of the District's draft 2015 Urban Water Management Plan;
B. Consider the draft 2015 Urban Water Management Plan and any related public comments thereon;
C. Close the public hearing; and
D. Adopt the resolution ADOPTING THE 2015 URBAN WATER MANAGEMENT PLAN.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Draft 2015 Urban Water Management Plan](#)

Est. Staff Time: 15 Minutes

- 2.7. Public Hearing and Resolution on the Decision to Become the Groundwater Sustainability Agency for the Santa Clara and Llagas Subbasins. [16-0304](#)

Recommendation:

- A. Conduct the public hearing on the Decision to Become the Groundwater Sustainability Agency for the Santa Clara and Llagas Subbasins;
- B. Adopt the Resolution DECISION TO BECOME THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE SANTA CLARA AND LLAGAS SUBBASINS; and
- C. Authorize the Interim Chief Executive Officer or designee to submit the resolution and a Notice of Intent to the California Department of Water Resources (DWR).

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Groundwater Subbasins Map](#)
[Attachment 2: Resolution](#)
[Attachment 3: PowerPoint](#)

Est. Staff Time: 15 Minutes

- 2.8. Public Hearing on the Engineer's Report and Resolution Approving the Engineer's report on the Boardroom Technology Upgrade, Project No. 73274010 (San Jose). [16-0326](#)

Recommendation:

- A. Conduct Public Hearing on the Engineer's Report;
- B. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE BOARDROOM TECHNOLOGY UPGRADE PROJECT; and
- C. Approve the Project.

Manager: Sudhanshu Tikekar, 408-630-2424

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Public Hearing Notice](#)
[Attachment 4: PowerPoint](#)
[Attachment 5: Project Delivery Process](#)

Est. Staff Time: XX Minutes

3. CONSENT CALENDAR: (3.1 - 3.6) (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 item delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10); and CEO monitoring reports that do not reflect policy violations or call for debate of policy criteria (GP 4.5). 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. Claim of Sarge James.

[16-0262](#)

Recommendation: Deny the claim.

Manager: Stan Yamamoto, 408-630-2755

3.2. Resolution Affirming Permit Authority's Decision to Deny Encroachment Permit Application to Continue Private Use of District Property along Guadalupe River in the City of San Jose - Appellants: Karen and Jerry Lane (Assessor Parcel No. 458-02-008).

[16-0309](#)

Recommendation: Adopt the Resolution AFFIRMING PERMIT AUTHORITY'S DECISION TO DENY ENCROACHMENT PERMIT APPLICATION TO CONTINUE PRIVATE USE OF DISTRICT PROPERTY ALONG GUADALUPE RIVER IN THE CITY OF SAN JOSE - APPELLANTS: KAREN AND JERRY LANE (ASSESSOR PARCEL NO.458-02-008).

Manager: Liang Lee, 408-630-2927

Attachments: [Attachment 1: Resolution](#)

- 3.3. Resolution Affirming Permit Authority's Decision to Deny Encroachment Permit Application to Continue Private Use of District Property along Guadalupe River in the City of San Jose - Appellants: Russell and Gloria Cipolla and Jared and Michelle Ring (Assessor Parcel No. 458-02-009). [16-0310](#)

Recommendation: Adopt the Resolution AFFIRMING PERMIT AUTHORITY'S DECISION TO DENY ENCROACHMENT PERMIT APPLICATION TO CONTINUE PRIVATE USE OF DISTRICT PROPERTY ALONG GUADALUPE RIVER IN THE CITY OF SAN JOSE - APPELLANTS: RUSSELL AND GLORIA CIPOLLA AND JARED AND MICHELLE RING (ASSESSOR PARCEL NO.458-02-009).

Manager: Liang Lee, 408-630-2927

Attachments: [Attachment 1: Resolution](#)

- 3.4. Notice of Completion of Contract and Acceptance of Work for the Silicon Valley Advanced Water Purification Center - Potable Water Line Project, Trinet Construction, Contractor, Contract No. C0602, Project No. 91184008 (San Jose). [16-0267](#)

Recommendation: A. Accept the work as complete; 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 Santa Clara County Clerk-Recorder.

Manager: Katherine Oven, 408-630-3126

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

3.5. Resolution Authorizing Application for Funding and Execution of an Agreement With the Federal Emergency Management Agency for the Cooperating Technical Partners Program for Flood Hazard Mapping Services.

[16-0322](#)

- Recommendation:
- A. Adopt the resolution AUTHORIZING THE INTERIM CHIEF EXECUTIVE OFFICER TO SIGN AND FILE AN APPLICATION FOR FINANCIAL ASSISTANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S COOPERATING TECHNICAL PARTNERS PROGRAM FOR FLOOD HAZARD MAPPING SERVICES;
 - B. Authorize the Interim Chief Executive Officer (CEO) or her designee to negotiate and execute a funding agreement, and all amendments and revisions thereto, with the Federal Emergency Management Agency (FEMA), provided all legal requirements have been met, in order to accept the grant funds, and to sign requests to FEMA for disbursements to be made pursuant to the funding agreement; and
 - C. Authorize the Interim CEO to negotiate, approve, execute, and amend all consultant agreements, necessary to perform professional services to carry out the FEMA grant-funded Flood Hazard Mapping Services.

Manager: Liang Lee, 408-630-2927

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Draft Federal Grant Application Forms](#)
[Attachment 3: Sample Funding Agreement Forms](#)
[Attachment 4: Partnership Memorandum Agreement](#)
[Attachment 5: Draft Mapping Activity Statement](#)

- 3.6. Consideration of the Side Letter of Agreement Between Santa Clara Valley Water District and Professional Managers Association, Local 21, IFPTE Regarding District Classification and Compensation Study, Compensation Implementation. [16-0303](#)

Recommendation: Approve the side letter with the Professional Managers Association (PMA) regarding the compensation implementation of the District Classification and Compensation Study as an amendment to the 2015-2017 Memorandum of Understanding (MOU) between the Santa Clara Valley Water District and Professional Managers Association (IFPTE Local 21).

Manager: Michael Baratz, 408-630-2361

Attachments: [Attachment 1: Side Letter for PMA](#)
[Attachment 2: Salary Schedule](#)
[Attachment 3: Y-rated Salary Range](#)
[Attachment 4: Chart Identification for Changes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Safe, Clean Water and Natural Flood Protection Program Audit. [16-0305](#)

Recommendation: Approve the following Board Audit Committee recommendations:

- A. Review and accept the Committee-approved scope and schedule for the external Safe, Clean Water and Natural Flood Protection Program Audit;
- B. Agree with the Committee's recommendation to issue a Single Source Contract to Moss Adams LLP to conduct the Safe, Clean Water and Natural Flood Protection Program Audit; and
- C. Authorize the Interim Chief Executive Officer (CEO) to execute the Safe, Clean Water and Natural Flood Protection Program Audit independent auditor contract with Moss Adams LLP.

Manager: Chris Elias, 408-630-2379

Attachments: [Attachment 1: Audit Scope](#)
[Attachment 2: Audit Schedule](#)
[Attachment 3: Measure B Text](#)

Est. Staff Time: 5 Minutes

- 4.2. 2016 Trust Index Employee Survey. [16-0301](#)

Recommendation: Receive an overview of the 2016 Trust Index Employee Survey.

Manager: Chris Elias, 408-630-2379

Est. Staff Time: 5 Minutes

- 4.3. Fiscal Year 2016 Board Policy Planning and Performance Monitoring Calendar. [16-0331](#)

Recommendation: Review and revise the Fiscal Year 2016 Board Policy Planning and Performance Monitoring Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY16 Board Calendar](#)

Est. Staff Time: 5 Minutes

- 4.4. Approval of a Memorandum Of Understanding with MetroED, A California Joint Exercise of Powers Agency (JPA) Establishing A “Map Your Future” Water Careers Pathway Program For High School Students Of Santa Clara County. [16-0312](#)

Recommendation: A. Approve the Memorandum of Understanding with MetroED establishing the “Map Your Future” water careers pathway program for high school students of Santa Clara County; and
B. Authorize the Interim Chief Executive Officer to finalize and execute the Memorandum of Understanding.

Manager: Jesús Nava, 408-630-2764

Attachments: [Attachment 1: Draft MOU](#)
[Attachment 2: Career Tech Brochure](#)

Est. Staff Time: 10 Minutes

5. WATER UTILITY ENTERPRISE: NONE

6. WATERSHEDS:

6.1. Climate Change Adaptation - Update on Progress. [16-0169](#)

Recommendation: Receive and discuss information on the District's activities towards climate change adaptation.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Climate Change Adaptation Measures](#)

Est. Staff Time: 10 Minutes

6.2. Consultant Agreement with Wood Rodgers, LLC, for Design Services for the Lower Penitencia Creek Improvements Project (Project)-Project No. 40334005 (Milpitas). [16-0315](#)

Recommendation: Approve the Consultant Agreement with Wood Rodgers, LLC (Wood Rodgers) for design services for the Project, for a not-to-exceed amount of \$2,118,754.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Project Delivery Process](#)
[Attachment 2: Consultant Agreement Justification](#)
[Attachment 3: Agreement](#)

Est. Staff Time: 5 Minutes

7. CHIEF EXECUTIVE OFFICER:

7.1. Recommended Position on State Legislation: SB 1170 (Wieckowski) Public Contracts: water pollution prevention plans: delegation and other legislation which may require urgent consideration for a position by the Board. [16-0330](#)

Recommendation: Adopt a position of "Oppose" on: SB 1170 Public contracts: water pollution prevention plans: delegation.

Manager: Rick Callender, 408-630-2017

Est. Staff Time: 5 Minutes

7.2. Chief Executive Officer Report.

8. ADMINISTRATION: NONE

9. DISTRICT COUNSEL: NONE

10. ADJOURN:

10.1. Board Member Reports/Announcements.

10.2. Clerk Review and Clarification of Board Requests.

- 10.3. Adjourn to Regular Meeting at 6:00 p.m., on June 14, 2016, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.