



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

May 3, 2019

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

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33	Reply email from Director Kremen to Lily Liao, dated 04/30/19, regarding a broken water pipe in Palo Alto (C-19-0126).

CEO BULLETIN/ NEWSLETTERS

To: Board of Directors
From: Norma J. Camacho, CEO

Chief Executive Officer Bulletin Week of April 26 – May 2, 2019

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
1	Prevention Through Design Program
2	Notice of Violation Issued for 2018 Stream Maintenance Program Projects
3	Groundwater Benefit Zone Study Well Owner Communication and Related Open Houses
4	<u>LeZotte</u> Staff is to come back to the Board with information on new rural zoning proposals being considered by the County for unincorporated lands and include information on upcoming planning meetings. R-19-0004

Prevention Through Design Program

One of the best ways to prevent occupational injuries, illnesses, and fatalities is to eliminate hazards and minimize risks early in the design or re-design process and incorporate methods of safe design into all phases of hazard and risk mitigation. Although a long history of designing for safety for the general public exists in the U.S., less attention has gone to factoring the safety, health and well-being of workers into the design, re-design and retrofit of new and existing workplaces, tools and equipment, and work processes. The National Institute for Occupational Safety and Health currently leads a nationwide initiative called Prevention through Design (PtD). PtD addresses occupational safety and health needs by eliminating hazards and minimizing risks to workers throughout the life cycle of work facilities, tools, equipment, machinery, substances, and work processes including their construction, manufacture, use, maintenance, and ultimate disposal or re-use.

Valley Water is coordinating and working with other agencies, such as San Francisco Public Utilities Commission, to begin the stages of researching PtD strategies for formal program implementation at Valley Water. To prepare for program implementation, Valley Water is attending the American Society of Safety Professionals (ASSP) Risk Assessment Certificate program which focuses on hazard identification, risk analysis and risk evaluation. A focus of the certification requirement is the instruction of PtD criteria in the following three (3) modules:

1. Foundational understanding of the American National Standards Institute (ANSI)/ASSP Z590.3 PtD standard
2. Overview of different risk assessment tools used in the PtD standard (ANSI/ASSP Z590), and
3. Practical applications and case studies.

Valley Water PtD full program implementation is scheduled for mid-FY2021.

For further information, please contact Tina Yoke at (408) 630-2385.

Notice of Violation Issued for 2018 Stream Maintenance Program Projects

Valley Water conducts Stream Maintenance Program (SMP) activities in accordance with various permits issued by regulatory agencies, including the San Francisco Bay Regional Water Quality Control Board's (Water Board) Order No. R2-2014-0015. During the 2018 construction season, the following SMP projects were constructed by a contractor under the management of a Construction Management Firm (CM Firm):

1. Stevens Creek Downstream of El Camino Real Bank Stabilization Project
2. Matadero Creek Sediment Removal Between West Bayshore Road and Louis Road Project.

From July through October 2018, SMP compliance staff conducted regular inspections of the project sites and observed numerous violations of SMP permits, including inadequate Best Management Practice (BMP) implementation, water quality exceedances, and unauthorized removal of large woody debris and rootwads. SMP compliance staff first reported observations to the CM Firm and Valley Water project managers to advise the contractor of the necessary corrective actions. As required under SMP permit conditions, all violations were then reported to the appropriate permitting agencies.

On March 26, 2019, the Water Board issued Valley Water a Notice of Violation (NOV) for the above-mentioned projects. To comply with the NOV, a technical report will be submitted to the Water Board by May 27, 2019, and will include a Corrective Action Plan outlining measures Valley Water will implement to prevent similar violations in the future and a Reporting Plan to document implementation of the corrective actions within a specified schedule.

Although BMPs and compliance measures were made available to the contractor during the 2018 construction season, Valley Water is taking steps to ensure these measures are more clearly communicated to construction staff on a project-specific basis. Valley Water has already taken actions to prevent future violations such as implementation of a pre-qualification process for SMP project contractor selection, development of an Enforcement Response Plan to provide guidelines for the escalation of enforcement actions, and providing in-house construction management oversight.

For further information, please contact Sue Tippets at (408) 630-2253.

Groundwater Benefit Zone Study Well Owner Communication and Related Open Houses

Following a scientific study, Valley Water is considering some changes to the groundwater benefit zones to ensure well users pay a fair, equitable rate based on the benefits received. The areas benefiting from Valley Water activities to maintain sustainable groundwater are divided into these different geographical zones. Different groundwater charges (rates charged for pumping groundwater) apply to each zone based on the set of activities that benefit the zone. Total Valley

Water revenue will not increase because of this process.

Valley Water recently sent letters to well owners most directly impacted by the proposed zone changes:

1. Well owners not currently in a zone that would be included in a proposed zone, and
2. Well owners currently in a zone that would be removed from any zone.

The letters included frequently asked questions, which are available, along with other information, at www.valleywater.org/gwbenefits.

Valley Water will also host two (2) open houses for the public to learn more about the Groundwater Benefit Zone Study and the proposed changes to groundwater benefit zones. The South County Open House will be hosted at the Morgan Hill Community and Cultural Center on Tuesday, April 30, 2019, from 6 P.M. to 8 P.M. The North County Open House will be hosted at the Fox Building at West Valley College on Tuesday, May 7, 2019, from 6 P.M. to 8 P.M. At the open houses, Valley Water will provide interested stakeholders more information about the study and proposed changes and will receive related feedback.

Due to technical issues with our address database for well owners, a third open house is being added to accommodate well owners receiving their study notification letters during the week of April 29, 2019. Details will be forthcoming and posted to the study website.

For further information, please contact Rick Callender at (408) 630-2017.

LeZotte

Staff is to come back to the Board with information on new rural zoning proposals being considered by the County for unincorporated lands and include information on upcoming planning meetings.

R-19-0004

The intended outcome of the County of Santa Clara Planning Department's Zoning Ordinance Amendment Project is to (1) draft proposed zoning amendment to support agricultural operations and preserve open space, (2) to develop objective development standards, and (3) to address other issues unique to the rural zones (i.e., regulations of stables). This includes streamlining permitting for agricultural supportive uses, preventing the conversion of agricultural lands, and mitigating the impacts of urbanization and residential development.

In total, the County has held six (6) meetings across Santa Clara County. They concluded their first phase of community engagement and outreach by hosting the final two (2) meetings in south county (City of Morgan Hill) on April 8 and 11, 2019. County staff is focused on developing proposed draft amendments to the zoning ordinance based on feedback received from the community and will share the draft amendments with the community as part of the second round of community engagement and outreach, which is anticipated to begin in the Summer of 2019. Valley Water has coordinated with the County to be notified of any future meetings and will monitor the progress of this project.

A detailed response is included in the May 3, 2019, Non-Agenda package.

For further information, please contact Jerry De La Piedra at (408) 630-2257.

BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-19-0006	03/25/19	Kremen	Hawk	Hall	Please provide Director Kremen with the request for information in the attached email.	04/16/19		
R-19-0001	03/26/19	Hsueh	Hawk	Hakes	Notify former Uvas/Llagas Flood Protection Advisory Committee members of the 404 permit signing with the Army Corps of Engineers for the Upper Llagas Flood Protection Project.	04/16/19		
R-19-0003	03/26/19	Keegan	Callender	Gibson	Director Keegan requested that External Affairs (GRU) assist the Homeless Encampment Ad Hoc Committee with the logistics, topic, participants, etc. for the proposed Homeless Summit.	04/16/19		
R-19-0004	04/11/19	Lezotte	Hawk	Hall	Staff is to come back to the Board with information on new rural zoning proposals being considered by the County for unincorporated lands and include information on upcoming planning meetings.	05/05/19		
R-19-0005	04/23/19	Santos	Hawk	Arends	Staff to provide the Board with an update on the District's recharge ponds.	05/15/19		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Nina Hawk

SUBJECT: County of Santa Clara Proposed Zoning Amendments (BMR-19-0004)

DATE: April 24, 2019

The purpose of this memo is to inform the Board of the County of Santa Clara Planning Department's (County) Zoning Ordinance Amendment Project (Project). The intended outcome of the Project is to (1) draft proposed zoning amendments to support agricultural operations and preserve open space, (2) to develop objective development standards, and (3) to address other issues unique to the rural zones (i.e., regulations of stables). This includes streamlining permitting for agricultural supportive uses, preventing the conversion of agricultural lands, and mitigating the impacts of urbanization and residential development. The rural areas of specific interest include areas zoned agriculture, hillsides, agricultural ranchlands, and rural residential.

Background

On January 9, 2018, the Board of Supervisors (Supervisors) adopted the Santa Clara Valley Agricultural Plan (Valley Ag Plan), which provides a strategic plan for agricultural preservation and growth of the local farming economy to provide regional climate resilience. In adopting the Valley Ag Plan, the Supervisors created the Ag Task Force to advise them on implementation of the Valley Ag Plan programs. Over its seven-month tenure (April 2018 - November 2018), the Ag Task Force reviewed and forwarded ten recommendations regarding programs, policies (including zoning amendments), and actions to initiate implementation. These were presented to the Supervisors in January 2019 (Attachment 1).

Since 2015, the County has sought to propose Zoning Ordinance amendments to ensure that development in rural districts is appropriate and in keeping with the General Plan purpose of each of the four districts. These efforts have centered around rural development that is non-agricultural and non-residential.

Community Engagement and Outreach

The County launched their community engagement and outreach efforts for this Project in early 2019. Several meetings were held where County draft amendments were presented to the community, but due to extensive community feedback, the County decided to change their approach of the Project (i.e., shelve the initial proposed zoning amendments). They refocused their efforts, deciding to start with engaging the community for ideas, which would then inform the development of the draft proposed zoning amendments.

In total, the County has held six meetings across Santa Clara County. They concluded their first phase of community engagement and outreach by hosting the final two meetings in south county (City of Morgan Hill) on April 8th and 11th. Additional information on past community engagement and outreach meetings, including presentations can be found here:

https://www.sccgov.org/sites/dpd/PlansOrdinances/Studies/Pages/ZO_amendments_Outreach.aspx

In connection with one of the Focus Areas (see "Land Use Policy: Agricultural Employee Housing Permit Streamlining" in Attachment 1), Valley Water staff continue to engage with staff from the County and other agencies on the issue of farmworker housing, which has been identified as a critical need in the Valley Ag Plan. The County is proposing Zoning Ordinance amendments focused on agriculture and residential zoning districts to facilitate small-scale agricultural employee housing. The proposed

changes would remove the discretionary planning approval, but leave the ministerial County approvals intact including septic, water and building permits. In April 2019, the County held community meetings to discuss the proposal. To ensure groundwater resources are protected, Valley Water staff will engage on the draft ordinance when it becomes available, sometime in the Summer of 2019. Valley Water staff will continue to work with the County, Department of Environmental Health, and others as this proposal advances.

Next Steps

County staff is focused on developing proposed draft amendments to the zoning ordinance based on feedback received from the community and will share the draft amendments with the community as part of the second round of community engagement and outreach which is anticipated to be in the Summer of 2019. Valley Water staff has coordinated with the County to be notified of any future meetings and will monitor the progress of this project. The Counties Zoning Ordinance Amendment Project webpage can be found here:

https://www.sccgov.org/sites/dpd/PlansOrdinances/Studies/Pages/zo_amendments.aspx



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

ATTACHMENT 1

Investing in Our Working Lands for Regional Resilience: The Santa Clara Valley Agricultural Plan

FOCUS AREA & Task Force Recommendation	INTENDED OUTCOME
LAND USE POLICY: <i>Agricultural Employee Housing Permit Streamlining</i>	Facilitate construction of small-scale agricultural employee housing in agricultural areas, by easing regulatory burden. Adopt changes to Zoning Ordinance that streamline permitting for small-scale agricultural employee housing projects in agricultural areas.
FINANCIAL INCENTIVES: <i>Farmland Security Zone Program</i>	Establish Farmland Security Zone program to incentivize continued farming over a 20-year period, by reducing property taxes for property owners who enroll in an FSZ contract.
FINANCIAL INCENTIVES: <i>Agricultural Resilience Incentive (ARI) Grant Program Pilot</i>	Incentivize investments in agricultural infrastructure and practices that yield climate benefits through improved soil health and water efficiency, by providing cost-sharing grants to farmers. Create the pilot ARI grant program in the amount of \$220,000 to fund agricultural resource management projects within Santa Clara County.
ECONOMIC DEVELOPMENT – <i>Ag Ombuds Program</i>	Support farmers and ranchers with permitting and regulatory compliance. Facilitate growth and resiliency of ag enterprises and infrastructure improvements. Create an Ag Ombuds program, including a permanent collaborative position within UCCE.
LAND USE POLICY: <i>Right-to-Farm Improvements</i>	Reduce conflicts between residents and farming and increase visibility of farming operations through resident outreach and education. Prepare proposed amendments to County’s Right-to-Farm Ordinance provisions through expansion of disclosure measures to include development approvals and current real property owners in agricultural areas.
LAND USE POLICY: <i>Zoning Amendments to Support Ag Operations</i>	Prepare proposed amendments to the Zoning Ordinance that streamline permitting for agricultural supportive uses, that prevent the conversion of agricultural land, and that mitigate the impacts of urbanization and residential development.
BRANDING, EDUCATION & AWARENESS: <i>Signage and Outreach Campaign</i>	Increase visibility of Santa Clara Valley as a region home to resilient working lands and a robust agricultural resource base. Develop pilot regional brand identify and pilot signage campaign.
REGIONAL AGRICULTURAL CONSERVATION EASEMENT (ACE) PROGRAM	Permanent protection of farmland and extinguishing development rights within agricultural resource areas. Increased access to farming through permanent cost reduction on land values. Bring new funding mechanism to voters on March 2020 primary ballot, to secure sustained long-term funding specifically for ACE acquisition and Ag Plan implementation.
AGRICULTURAL ADVISORY COMMISSION	Create a standing County Agricultural Advisory Commission with an ongoing focus on the regional ACE program and overall implementation of the Ag Plan.
BRANDING, EDUCATION & AWARENESS / ECONOMIC DEVELOPMENT: <i>Ag Incubator Program</i>	Develop Agricultural Park and Small Farm Business Incubator (Ag Incubator) Program in collaboration with County Parks, leveraging existing County asset from fallow farmland into production. Incubate small farm businesses. Increase visibility and viability of Santa Clara Valley agriculture and open space. Increase educational and recreational opportunities for the public.

Investing in our Working Lands for Regional Resilience

THE MISSION OF THE SANTA CLARA VALLEY AGRICULTURAL PLAN:

To shift the planning paradigm and create a comprehensive regional framework in order to preserve the remaining working lands and support a vibrant agricultural economy while mitigating climate change.

Agricultural Plan Framework



01

KEEP OUR WORKING LANDS AT WORK

Make farm and ranch viability a priority in land use policies, preservation and economic development strategies, incentive-based stewardship approaches and climate action planning. Recognize the importance of thriving working lands to a resilient future for the region.

02

HONOR THE IMPORTANCE OF AGRICULTURE TO SANTA CLARA VALLEY

Working lands and a vibrant regional food economy provide an important sense of place and abundant environmental co-benefits. Agriculture has defined Santa Clara Valley and grown its prosperity for over a century. Developing a regional awareness campaign will grow understanding and promote the value of farms and ranches, emphasizing the need to support and diversify the local agricultural economy.

03

CRAFT A UNIFIED REGIONAL LAND USE POLICY FRAMEWORK FOR THE FUTURE

Bring together the agricultural sector and local and regional government agencies to grow the economic, environmental and cultural values of the County's working lands. Creating a resilient agricultural economy will help the region mitigate and adapt to climate change, ensure food security while promoting sustainable growth of local communities.

AMIE MACPHEE,
PRINCIPAL
CULTIVATE
San Francisco, CA
amie@cultivate-ca.com

SIBELLA KRAUS,
FOUNDER + PRESIDENT
SAGE - SUSTAINABLE
AGRICULTURE EDUCATION
Berkeley, CA
sibella@sagecenter.org

MICHAEL MEEHAN,
AGRICULTURE PLAN
PROGRAM MANAGER
COUNTY OF SANTA CLARA
michael.meehan@pln.sccgov.org

RETHINKING LAND USE POLICY

1. Recognize viable agricultural lands and sub-areas within the County General Plan and Zoning Ordinance.
2. Prevent the conversion of agricultural lands to non-agricultural uses within the rural areas.
3. Encourage the establishment of infrastructure and support uses that facilitate the growth of the regional agricultural economy.
4. Reduce conflict between incompatible uses and ag within agricultural areas.

AGRICULTURAL ECONOMIC DEVELOPMENT STRATEGY

8. Provide support for farmers in regulatory compliance.
9. Improve the climate for the growth of a diverse, vibrant, and innovative agriculture economy.
10. Support the growth of new farms and creation of new farmers to provide diversity and long term resiliency in the local agricultural economy.

AG LAND CONSERVATION EASEMENTS & OTHER VOLUNTARY FINANCIAL INCENTIVES

5. Establish a Regional Agricultural Conservation Easement purchasing program for Santa Clara Valley.
6. Encourage landowners to take advantage of property tax incentives to keep land in agriculture.
7. Identify opportunities and create programs that provide financial compensation to farmers who provide ecosystem benefits (greenhouse gas reduction, groundwater and floodplain protection) through farming.

BRANDING, EDUCATION & AWARENESS CAMPAIGN

11. Develop and launch a Santa Clara Valley Agriculture Campaign.
12. Conduct outreach and engage and educate the public and consumers. Build a local constituency that is informed about and supportive of regional agriculture.

Santa Clara Valley
YOUR LANDS AT WORK



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Michele King

SUBJECT: Fiscal Year 2020 Surface Water Charge
Protest – NO MAJORITY PROTEST

DATE: April 25, 2019

On February 22, 2019, surface water account holders in Zone 5 (South County) and Zone 2 (North County) were mailed a Notice of Public Hearing on the Groundwater Production and Surface Water Charges for Fiscal Year 2019-2020 (FY 2020). The notice provided dates and times of the public hearings and open houses for the public to receive information and provide input.

Additionally, in accordance with District Resolution No. 12-10, the notice included details on how owners with surface water use facilities were eligible to protest the proposed surface water charge increases for FY 2020.

Protests were accepted at the District offices, via mail and in person, between Friday, February 22, 2019, and Tuesday, April 23, 2019, until the close of the public hearing at approximately 7:35 p.m.

At the April 9, 2019 meeting, the Board designated the Clerk of the Board as the impartial third party to oversee the verification and tabulation of the written surface water protests for FY 2020.

The District received one surface water protest from a user in Zone W2 (North County). The protest was valid, but did not constitute a majority protest. Staff was provided a copy of the protest letter and will be performing some outreach to the owner on the surface water program.



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: April 25, 2019

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with individuals that have filed a claim against the District.

Please find the following attachment:

- 1) April 18, 2019 subrogation letter to Robert and Elizabeth Schonhardt (District 7)
- 2) April 22, 2019 claim confirmation letter to Denise Cocio (District 1)

For additional information, please contact me at 408-630-2213.



David Cahen
Risk Manager



April 18, 2019

Robert and Elizabeth Schonhardt
821 Arroyo Rd.
Los Altos, CA 94024

Re: Claim L1890014

Dear Mr. and Mrs. Schonhardt,

The District has reviewed your claim. The Santa Clara Valley Water District's general contractor, Robert A. Bothman Construction ("Bothman"), is performing the work along the Permanente Creek Flood Protection Project and is the proper party to handle this matter. Bothman is obligated by contract to receive and handle any claims arising from this Project. Accordingly, we have tendered this claim to Bothman for further handling.

The name and address of the contact person for Teichert is:

Mike Mingrone
General Counsel
Robert A. Bothman, Inc.
2690 Scott Blvd.
Santa Clara, CA 95050

A representative from Bothman should contact you soon. If you receive no contact within the next 30 days, please contact my office and we will follow up on the status of your claim.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,

A handwritten signature in black ink, appearing to read "David Cahen", written over a light blue horizontal line.

David Cahen
Risk Manager

WARNING

You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto





April 22, 2019

Denise Cocio
Diamond Creek Apartments
15655 Venice Lane
Morgan Hill, CA 95037

Regarding: Receipt of Claim – L1890025

Dear Ms. Cocio,

We received the claim on behalf of Diamond Creek Apartments regarding the fallen tree causing damage to the iron fence.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2652.

Sincerely,

A handwritten signature in blue ink that reads "Lilian Dennis".

Lilian Dennis
Management Analyst II
ldennis@valleywater.org



**INCOMING BOARD
CORRESPONDENCE**

Report Name: Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-19-0092	03/22/19	03/22/19	All	PATRICK FERRARO SCVWD	Email from Patrick Ferraro to the Board, dated 03/22/19, regarding Anderson Dam.	Refer to Staff	Hawk Richards on	Gin Hakes	03/30/19		n/a	04/05/19
C-19-0108	04/11/19	04/11/19	All	PRASHANT KONDAWAR	Email from Prashant Kondawar to the Board, dated 04/11/19, regarding their planning application.	Refer to Staff	Richards on	Nguyen	04/19/19	04/19/19	n/a	04/25/19
C-19-0110	04/19/19	04/19/19	All	LINDA WYCKOFF	Email from Linda Wyckoff to the Board, dated 04/19/19, regarding Regnart Creek Trail setbacks.	Refer to Staff	Richards on	Infante Gin	04/27/19	04/30/19	n/a	05/03/19
C-19-0111	04/19/19	04/22/19	Kremen	BRUCE PREVILLE	Email from Bruce Preville to Director Kremen, dated 04/19/19, regarding contents of purified water.	Refer to Staff	Hawk	Hall	04/30/19	04/30/19	n/a	05/06/19
C-19-0113	04/21/19	04/22/19	Hsueh	GERHARD ESCHELBECK	Email from Gerhard Eschelbeck to Director Hsueh, dated 04/21/19, regarding Stevens Creek Reservoir.	Refer to Staff	Hawk	Arends	04/30/19		n/a	05/06/19
C-19-0114	04/21/19	04/22/19	All	BENAIFER DASTOOR	Email from Benaifer Dastoor to the Board, dated 04/21/19, regarding Regnart Creek Trail.	Refer to Staff	Richards on	Infante Gin	04/30/19	04/30/19	n/a	05/06/19
C-19-0115	04/21/19	04/22/19	All	TONY FONG	Email from Tony Fong to the Board, dated 04/21/19, regarding Regnart Creek Trail.	Refer to Staff	Richards on	Infante Gin	04/30/19	04/30/19	n/a	05/06/19
C-19-0116	04/21/19	04/22/19	All	FARI ABERG	Email from Fari Aberg to the Board, dated 04/21/19, regarding Regnart Creek Trail.	Refer to Staff	Richards on	Infante Gin	04/30/19	04/30/19	n/a	05/06/19
C-19-0117	04/21/19	04/22/19	All	SHEKAR PASUMARTHI	Email from Shekar Pasumarthi to the Board, dated 04/21/19, regarding Regnart Creek Trail.	Refer to Staff	Richards on	Infante Gin	04/30/19	04/30/19	n/a	05/06/19
C-19-0118	04/21/19	04/22/19	All	ILANGO GANGA	Email from Ilango Ganga to the Board, dated 04/21/19, regarding Regnart Creek Trail.	Refer to Staff	Richards on	Infante Gin	04/30/19	04/30/19	n/a	05/06/19
C-19-0122	04/23/19	04/23/19	All	PRASHANT	Email from Prashant Kondawar to	Refer to	Richards	Nguyen	05/01/19		n/a	05/07/19

Report Name: Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
				KONDAWAR	the Board, dated 04/23/19, regarding Cinnabar Hills Road Bridge over Almaden Calero Canal.	Staff	on					
C-19-0124	04/28/19	04/28/19	Hsueh	ILANGO GANGA	Email from Ilango Ganga to Director Hsueh, dated 04/28/19, regarding Regnart Creek trail.	Refer to Staff	Richards on	Infante Gin	05/06/19		n/a	05/12/19
C-19-0125	04/28/19	04/29/19	All	JON BIANCHI	Email from Jon Bianchi to the Board, dated 04/28/19, regarding the Campbell Perc Ponds.	Refer to Staff	Hawk	Arends	05/07/19		n/a	05/13/19

Melissa Stone

From: Ilango <ilangog@yahoo.com>
Sent: Sunday, April 28, 2019 10:54 AM
To: Melanie Richardson; Usha Chatwani; Nai Hsueh
Cc: Board of Directors
Subject: Railings 3 inches and 6 inches from Regnart Creek Bank ?
Attachments: Railing 3 inch from creek bank IMG_1159.jpg; Railing 6 inch from creek bank IMG_1156.jpg; RegnartCreekFullTrailDesign.jpg; Regnart Creek SCVWD letter - August 21, 2018 (1).pdf

Hi Melanie,

The residents of Cupertino were shown a design (see attached) for the Railings in the community meeting on April 24th. One of your staff from VW was in attendance.

The drawings by HMH showed the railings were located 3 inches from the edge of the creek bank in parts of the trail and railings located 6 inches from edge of the creek bank in other parts of the trail. The drawings did not mention whether railings are removable or permanent. Also, the City staff mentioned, the railings, "may be " or "will be" allowed by VW, however, it was presented in a way that VW would allow railings through out the creek.

Here is an excerpt from the letter (see attached) from VW to the City of Cupertino dated Aug 21st 2018:

" 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There is also a handful of areas where a larger repair is needed."

Here is an excerpt from meeting minutes dated Nov 28, 2017 between VW and City of Cupertino:

<https://www.cupertino.org/home/showdocument?id=23498>

"2. Erosion of the creek has caused incising of the creek bank."

Here is an excerpt from meeting minutes dated Apr 4th, 2018 between VW and City of Cupertino:

"2. SCVWD opposes railing as it restricts maintenance and contributes to bank instability and erosion.

3. Slope instability and susceptibility to erosion increase as bank slopes increase. "

Here is an excerpt from meeting minutes dated Jul 11th 2018 between VW and City of Cupertino:

"Removable split railing is proposed along the edge of the trail, at least 2' from top of bank to allow for SCVWD maintenance and to not contribute to slope failures of creek bank."

Multiple times since November 2017, VW had raised the issue of erosion, creek bank being unstable and slope failures and railings must be at least 2 feet from top o

Referred
C-19-0124

However the attached design shown on April 24th, 2019 illustrates railings located at 3 inches and 6 inches from edge of the creek bank. How can you even locate 3 inches from an uneven creek bank? Is this a sound engineering practice when this is an upstream creek and the erosion continues due to high flow of water?

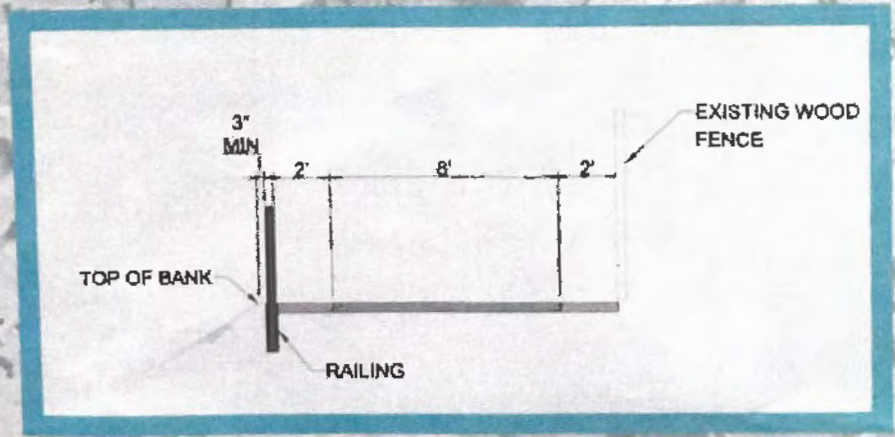
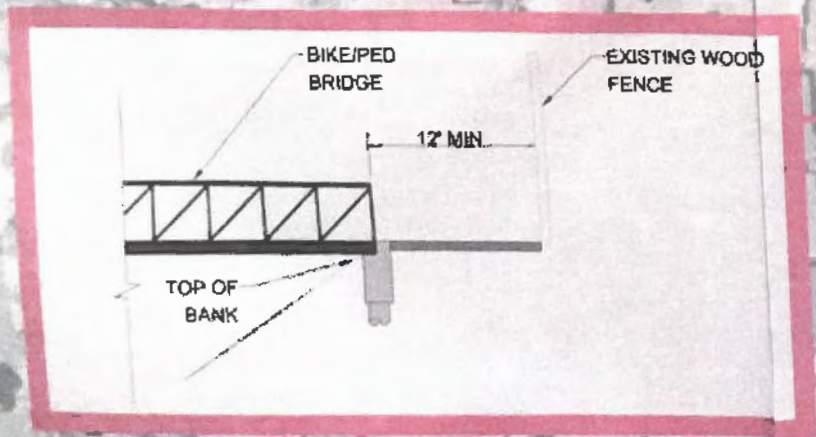
Here is an excerpt from Regnart Creek Feasibility Study: *"In the event that creek side railings needs to be temporarily removed to allow SCVWD to perform maintenance work or construction, the City will initiate trail closures and railing removals within 24 hours of notification as to not impede SCVWD from performing work."*

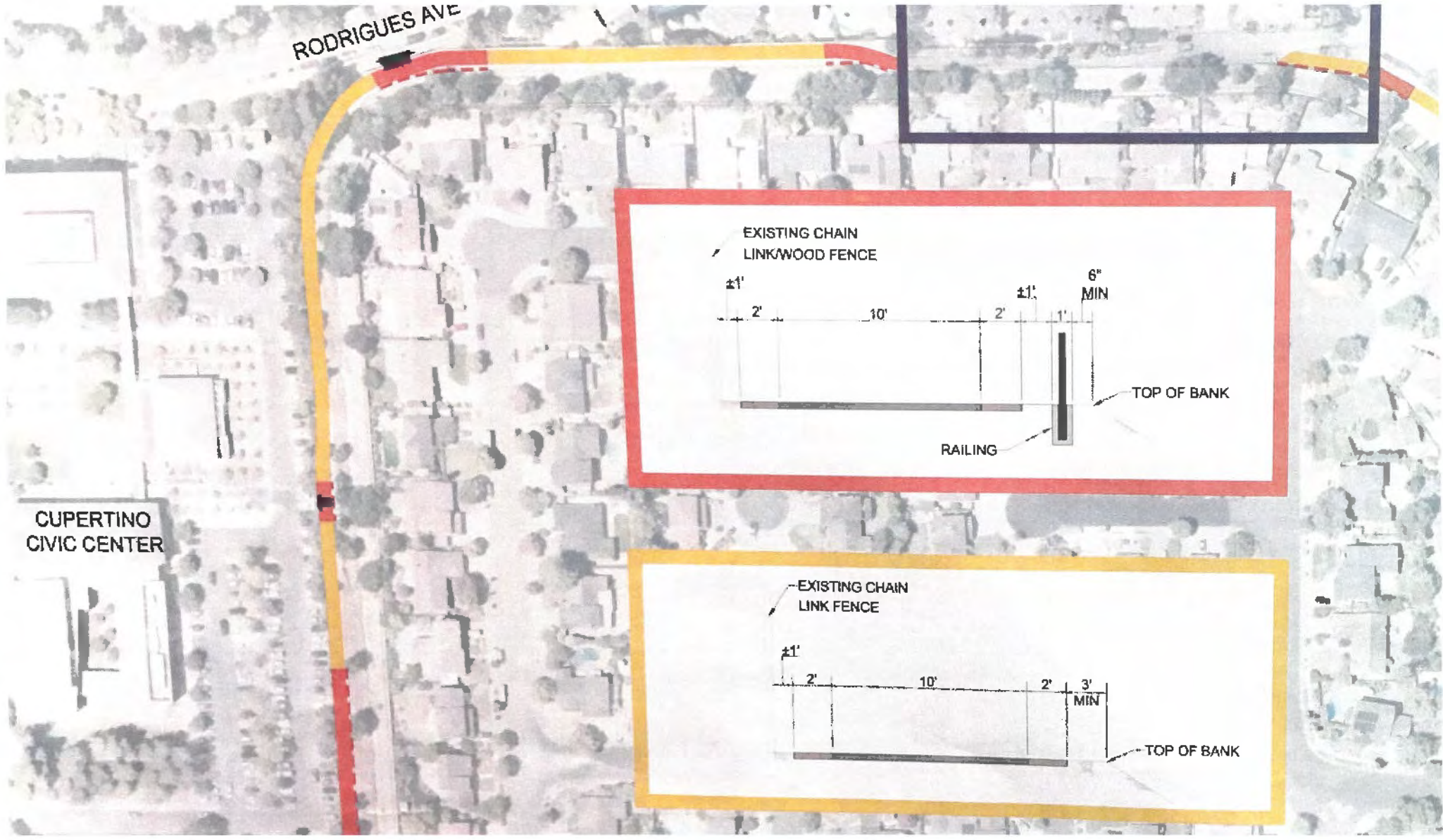
Will the VW have emergency and non emergency notification systems in place to notify the City of Cupertino for emergency trail closures and to remove railings for emergency and routine maintenance. Will the attached design satisfy these needs?

Has the VW reviewed and accepted the attached designs before the consultant presented to the residents of Cupertino? As noted, many issues have been raised by VW since 2017, are all these issues been addressed in the design?

I appreciate your reply in this regard.

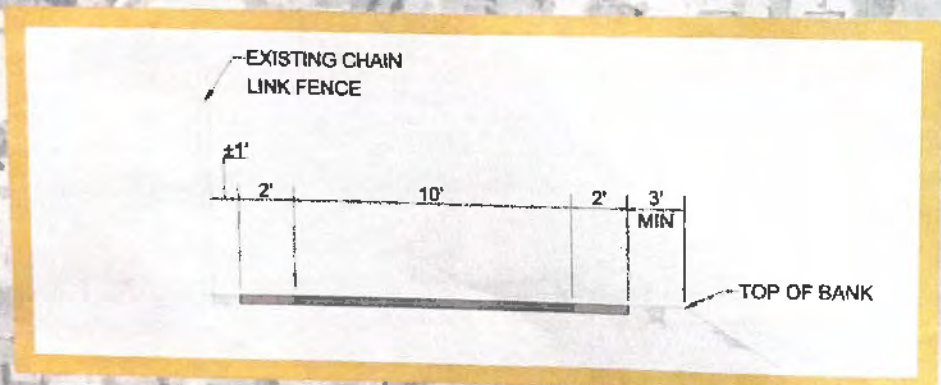
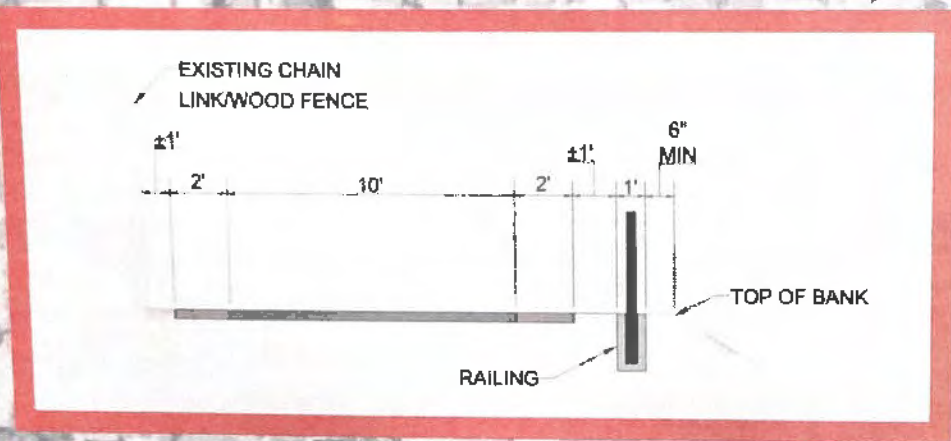
Thanks,
Ilango Ganga
Cupertino Resident



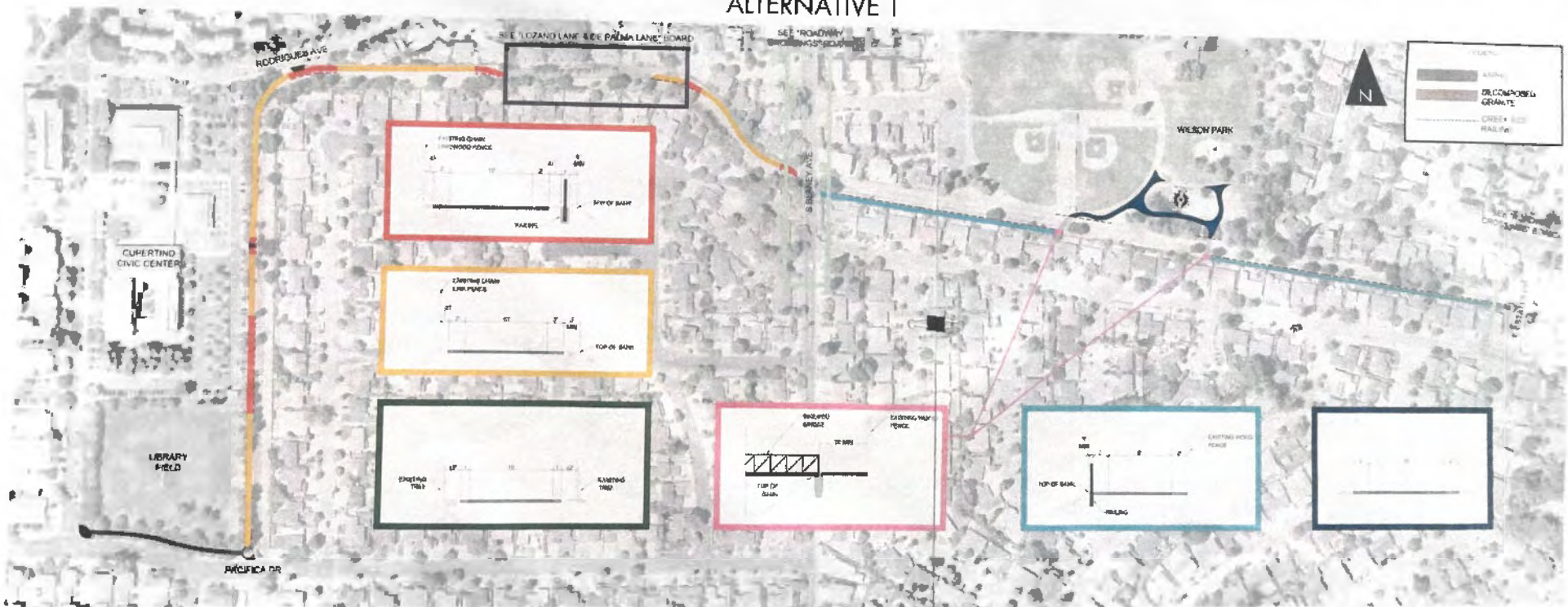


RODRIGUES AVE

CUPERTINO CIVIC CENTER



REGNART CREEK TRAIL ALTERNATIVE 1



File: 33861
Regnart Creek

August 21, 2018

Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a "monitoring" mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) Page 3, "Trail Access": Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.
- 2) Page 4, Table 1.3: Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) Pages 7 and 11: Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and

maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.

- 4) Page 8, Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
- 5) Page 14, Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
- 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
- 7) Page 22, Available Right-of-Way: See comment no. 5a, above.
- 8) Page 25, Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
- 9) Page 25, Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
- 10) Page 25, Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
- 11) Page 26, Trail Monitoring and Maintenance:
 - a. This section refers to “managing agencies.” This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, “Corrective work for drainage or erosion problem shall be performed within a reasonable period of time.” The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
- 12) Page 27, Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City’s plans for addressing those concerns.
- 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District’s operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39, Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

21) Page 57. Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

22) Page 59. Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
- b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippetts, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codlanne, C. Pilson, C. Grande

Melissa Stone

From: jk Bianchi <jkbianchifamily@att.net>
Sent: Sunday, April 28, 2019 11:33 AM
To: Board of Directors
Subject: Questions about the percolation ponds

Hello,

My name is Jon and I live in Campbell.

I'm wondering about the percolation ponds Off of the dell ave area, (Elles, Toris & Kyles ponds)
Not sure who's district this is ? I was hoping to get some information on the scheduling of the water
flow into this area. Thanks for your time. Jon

Referred
C-19-0125

Melissa Stone

From: Board of Directors
Subject: FW: [CPNA] Broken water pipe on the center of Oregon Express Way around Greer

From: lilyhuangliao <lilyhuangliao@gmail.com>
Date: April 29, 2019 at 11:01:35 PM PDT
To: Crescent Park PA <crescent-park-pa@googlegroups.com>
Subject: [CPNA] Broken water pipe on the center of Oregon Express Way around Greer

Tonight around 10:30pm, I drove by Oregon Express and saw irrigation water gushing out of broken pipes. I called Palo Alto Utility to report the incident. I was told the pipe lines are maintained and managed by Santa Clara Water District. I then called Santa Clara Utility at 408 299 2507. I feel the attendants receiving my calls were not eager in taking action right away to stop the water waste. It happened last week around the same time and location. I reported to Palo Alto Utility and was told the crew should be dispatched to fix. Apparently the problem have not been resolved. Are we out of woods and don't need to conserve water now? I do hope someone will come forward and stop the problem.

Sincerely,
Lily

Referred
C-19-0126

Melissa Stone

From: Dhruv Khanna <dhruvkhanna2002@yahoo.com>
Sent: Thursday, May 02, 2019 1:34 PM
To: Mike Wasserman; Cindy Chavez; Joe Simitian; Dave Cortese; supervisor.ellenberg@bos.sccgov.org; Board of Directors; Jess Brown; Paul Mirassou; Tim Chiala; Jan Garrod; Russ Bonino; Sherrie Kennedy; Rob Eastwood; Dave Vanni
Subject: Water rate increases make Ag Zoning unsustainable

Honorable Government officials and fellow County Farm Bureau friends,

The staff of our water district (Santa Clara Valley Water District of SCVWD) has recommended agricultural ground water production rate increases of *not less than* 24% (last year) and 19% (this year). The water district's staff relentlessly attacks the district's \$8 Million annual Open Space Credit and our County's farmers' shallow pocket books as a funding source for the district's planned \$500 Million seismic retrofit of the Anderson Dam. **This is absurd!**

By now, I'm frankly tired of the water district staff's annual vigorous and lavish displays of economic, mathematical and policy folly. Seriously, County residents pay for our water district's staff's salaries and other benefits, and are being served up **recommendations that make no sense and that constitute nothing more than the vilification of our remaining farmers.** It's time to call out the water district staff's salaries and benefits -- and frankly their holding on to their jobs -- as an absurdity.

Now, if the problem of the water district staff is not addressed decisively, we are going to be left with what we have now become used-to in past years: 6-7% minimum water rate increases that more than double our water rates every ten years. **These water rate increases are fundamentally incompatible with the sustainability of our County's Ag Zoning because water usage is synonymous with agriculture.** Please take note that the only fair thing to do now is to also double the development rights of all agricultural lands every ten years. For example, the square footage allowance for secondary dwellings on Ag lands currently limited to 1,200 sq. feet should be doubled now and doubled again ten years from now; 100 event-visitors per day allowed by right at wineries should be doubled to 200-event visitors per day, permits should be granted in half the time with half the amount of Planning Dept. foot-dragging, etc. etc. etc. etc. etc.

In short, a doubling of all development rights on Ag Zoned lands is now over due. Accordingly, this is to respectfully request all of our County's Ag land use policies be revisited to increase development rights because of the vulgar and wanton attacks by our water district's staff on our Ag groundwater rates. Thank you,

Dhruv Khanna for himself and Kirgin Cellars, one of California's oldest wineries.

Noted
C-19-0127

**OUTGOING BOARD
CORRESPONDENCE**

Melissa Stone

From: Board of Directors
Subject: FW: Dear Mr. Santos: please help

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Monday, April 29, 2019 4:02 PM
To: 'longhangle@sbcglobal.net' <longhangle@sbcglobal.net>
Cc: Board of Directors <board@valleywater.org>
Subject: FW: Dear Mr. Santos: please help

Sent on behalf of Director Santos

Dear Mr. Le,

Thank you for your email dated April 19, 2019, and for the phone message conveyed to me via our staff in the Clerk's office. I appreciate your commitment to water conservation. I understand you have been communicating with Ashley Shannon, Program Manager for the Landscape Rebate Program, and that she and her staff have been able to answer your questions and assist you through the process. Staff has informed me we have everything we need and will be processing your rebate in the next invoice batch. They will send you an update once the check is mailed.

If you have any further questions, please feel free to contact Ms. Shannon at (408) 630-2951.

Sincerely,



Richard P. Santos
Director, District 3

C-19-0112

From: LONG LE [<mailto:longhangle@sbcglobal.net>]
Sent: Friday, April 19, 2019 2:33 PM
To: Michelle Meredith <mmeredith@valleywater.org>
Subject: Dear Mr. Santos: please help

Dear Mr. Santos:

My name is Long Le, (66 years disabled man).

I applied for rebate program to put small rocks on my front yard.

I appreciate your help very much.

Sincerely,

Long Le
163 BRILL court
San Jose CA 95116
408-923-3632

Melissa Stone

From: Board of Directors
To: Nina Hawk; Bhavani Yerrapotu; Aaron Baker
Cc: Odilia Leonardo; Emelia Landreth
Subject: FW: [CPNA] Broken water pipe on the center of Oregon Express Way around Greer

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Tuesday, April 30, 2019 1:53 PM
To: 'lilyhuangliao@gmail.com' <lilyhuangliao@gmail.com>
Cc: Board of Directors <board@valleywater.org>
Subject: FW: [CPNA] Broken water pipe on the center of Oregon Express Way around Greer

Sent on behalf of Director Kremen

Dear Ms. Liao,

Thank you for identifying and reporting this waste of water in the center of Oregon Expressway near Greer. Although the Santa Clara Valley Water District (Valley Water) is not responsible for the irrigation on Oregon Expressway, we are committed to reducing the waste of water in the County. Valley Water is working with the City of Palo Alto and the County of Santa Clara Department of Roads and Airports to resolve this issue. A technician from the City of Palo Alto is being dispatched today to further diagnose the issue and stop the leak. Valley Water will follow up with the City and the County to verify this issue has been resolved.

For further information or questions for Valley Water on this issue, please contact Aaron Baker, Assistant Officer, at 408-630-2135. In addition, if you see any other examples of water potentially being wasted, please feel free to contact us: <https://www.valleywater.org/saving-water/report-water-waste>. You can also reach out to me again at gkremen@valleywater.org or at 415-305-3052.

Sincerely,

Handwritten signature of Gary Kremen in black ink, with the letters 'SCVWD' written in a smaller font below the signature.

Gary Kremen
Director, District 7