



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

September 29, 2023

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

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
		CEO Bulletin: None.
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
3		BMR/IBMR Weekly Reports: 09/29/23
		<u>INCOMING BOARD CORRESPONDENCE</u>
5		Board Correspondence Weekly Report: 09/29/23
9		Email from Jeska Calderon to the board, dated 09/21/23, expressing concerns regarding activities along Upper Miller Slough adjacent to Monterey Highway, Church Street, and Howson Street in Gilroy. C-23-0235
17		Email from Tracy Namian to the board, dated 09/22/23, expressing appreciation for response to previous communication regarding operation of the McGlinchy percolation ponds in Campbell. C-23-0236
22		Email from Danny Garza to the board, dated 09/23/23, providing information about a Plata Arroyo Neighborhood Association neighborhood clean-up. C-23-0237
24		Email from Brigitte Rince to the board, dated 09/23/23, regarding unhoused potentially living in a flood zone area in San Jose. C-23-0238
25		Email from Kathleen O'Connell to the board, dated 09/24/23 and 09/25/23 (and response emails from San Jose Councilmember Foley and Mayor Mahan's offices) regarding unhoused in her neighborhood and support for the Water Resources Protection Zone and EIH site on Cherry Avenue in San Jose. C-23-0239
		<u>OUTGOING BOARD CORRESPONDENCE</u>
32		Email from Director Beall to Tracy Namian, dated 09/22/23, regarding operations of the McGlinchy percolation ponds in Campbell.
35		Email from Chair Varela to Jessica Calderon, dated 09/26/26, regarding concerns expressed about activities along Upper Mill Slough adjacent to Monterey Highway, Church Street and Howson Street in Gilroy.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-23-0024	08/22/23	Eisenberg	Yoke	Ndah	Director Eisenberg requests that the current restroom signs inside the visitor's center at the SVAWPC be replaced with the non-binary symbol.	09/11/23		
I-23-0026	09/20/23	Eisenberg	Richardson	Mccarter	Director Eisenberg is requesting a list of all moneys spent in calendar year 2023 related to the Pacheco project. Specifically the date, amount, payee and description. Please include legal fees in addition to contractors, consultants, materials, filing fees, and other related expenses.	10/10/23		
R-23-0010	08/08/23	Beall	Yoke	Mcelroy	Director Beall requested that staff look at the feasibility of VTA supplying transit passes (or clipper cards) for employees and family members.	08/29/23		
R-23-0011	08/08/23	Eisenberg	Taylor	Chint Salandan	Director Eisenberg requested a report on BAO travel for the last year, including costs and how time was charged.	08/29/23		09/08/23 Information Only: Two additional weeks need. Anticipated completion date of September 22.
R-23-0013	08/22/23	Beall	Baker	Williams	Staff to investigate if the small empty pond on Sunnyoaks Avenue in Campbell, between the fire department and the training facility, can be used by the city and the fire department.	09/12/23		09/19/23 Information Only: This request will be responded on the 10/24/23 board agenda.; 09/15/23 Information Only: Staff requires a few more days to respond to this request. Anticipated completion date 9/22/23.
R-23-0014	08/22/23	Beall	Baker	Williams	Staff to investigate if other small empty ponds within the City of Campbell can be used for other purposes.	09/12/23		09/19/23 Information Only: This BMR will be responded to on the 10/24/23 Board agenda.; 09/15/23 Information Only: Staff requires a few additional days to complete this request. Anticipated completion date 9/22/23.

INCOMING BOARD CORRESPONDENCE

Board 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-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek Trail.	Refer to Staff	Blank	Codianne Yerrapotu	03/04/23	03/03/23	n/a	03/10/23
C-23-0076	03/31/23	04/03/23	All	H.K. WILLARD	Email from H.K. Willard to the Board dated 3/31/23 regarding misleading information in March Water News.	Refer to Staff	Gibson	Rocha	04/11/23	04/07/23	n/a	04/17/23
C-23-0101	05/12/23	05/12/23	All	STEVE KELLY	Email from Steve Kelly, to the Board, dated 5/12/23, regarding concern for unhoused that may cause threats to residents living near the creeks in Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
C-23-0207	08/16/23	08/16/23	All	KENNETH MURRAY	Email from Kenneth Murray to board, dated 8/16/23, regarding dead trees along trail on Almaden Expressway.	Refer to Staff	Hakes	Infante Bourgeois	08/24/23	08/24/23	n/a	08/30/23

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-23-0211	08/24/23	08/24/23	Varela	LUIS RAMIREZ	Email from Luis Ramirez to Chair Varela, dated 8/24/23, regarding homeless in Gilroy on Valley Water property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0212	08/24/23	08/24/23	Santos	ERIC HA	Email from Eric Ha to Director Santos, dated 8/24/23, regarding unhoused individual setting fire behind property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhoused at Church st./Howson Creek Monterey Road/Howson Creek, Gilroy.	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23
C-23-0236	09/22/23	09/25/23	All	TRACY NAMIAN	Email from Tracy Namian to Director Beall, dated 9/22/23, thanking him	Noted and Filed	-	-	10/03/23	-	n/a	10/09/23

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
					for responding to his previous email regarding the Campbell Technology Park Circulation Ponds.							
C-23-0238	09/23/23	09/25/23	All	BRIGITTE RINCE	Email from Brigitte Rince to board, dated 9/23/23, requesting that unhouse be evacuated from peninsula of the percolation pond in Flood Zone A.	Refer to Staff	Hakes	Codianne	10/03/23	09/28/23	n/a	10/09/23
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Emal from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0240	09/27/23	09/27/23	Hsueh	PAUL TATSUTA	Email from Paul Tatsuta to Director Hsueh, dated	Refer to Staff	Hakes	Yerrapotu	10/05/23	-	n/a	10/11/23

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
					09/27/23, regarding contruction project on Calabazas Creek.							
C-23-0241	09/27/23	09/28/23	All	MICHAEL CHAU	Email from Michael Chau to the board, dated 9/27/23, suggesting replacing standard sprinkler system at Yerba Bueana High School with a more effecient system.	Refer to Staff	Baker	Struve Gin	10/06/23	-	n/a	10/12/23

Candice Kwok-Smith

From: JESKA C [REDACTED]
Sent: Thursday, September 21, 2023 6:47 PM
To: Board of Directors
Subject: Re: Complaint

Follow Up Flag: Follow up
Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Church st./Howson Creek

Monterey Road/Howson Creek Gilroy Calif.

Arson, Animal Cruelty, Human waste including all around the four acer abandoned property . This entire creek and the lot has been left unsecured for years. Our Neighbor who lives across the street. Was thrown down the steep creek on Welburn/La Cocha . She was raped, strangled in the creek. That should of never happened. We need help out here. Its dark and never monitored Church/Welburn. These trees growing over the sidewalks into thr road. Ive had to put out fires that caught out fence from the creek Under thr Bridges. . From the couple camping under the church/Howson bridge. This creek is where wildlife has been targeted by people. The feral cats that live in the storm drains during the summer months. Skunks , possums and racoons have been trapped and killed in the creek. I have reported this to law enforcement. I continue to catch people down there at the storm drain with ropes and lighters wire the remains i smwll burying and decomposing. Im horrified. No one has done anything as far as police. They have refused to go into the creek!! Even for my 911 Call of the burning remains. Meanwhile the decomposing animals smell comes out of the gutter drain up to our windows at the apartments next to the creek Fire department has come down there and have seen the remains. The ashes under the pipelines. The structure is damaged. These people have shovels and are digging under the bridges on Welburn / Monterey road, and Church/Howson. Neighbors are reporting the same animals found dead down to tenth Street. The last time i called 911 the officer refused to come under the bridge where i called from about the burned Causing burns to to pipeline. You can feel the bridge move as cars are driving up and down the road. These animals are being skinned and left on neighbors fron lawns in this same area. Reported to WERC wild life fish and Game. I have made mortality reports regarding the wild animals in this creek. I am a neighbor and also happened to have worked with animals almost 30 years. Since i was 16. Ive been taking pictures and have sent them to animal control and police. Who have not been actively investigating like they need to. Not even a fiot in this creek. I have been spot checking the creek and find people under there in the storm drain trying to get the animals in there. I have those photos too! We have skunks in there and the cats are chased and hide in there. We need to secure under the bridge. The creek is filled with remains of animals . This is intentional and not any accident or predator. Its humans. Our neighbor four houses down had her kitten taken and tortured. This has been going on since I moved here. My husband helped Jan who was running for city council clean the creek. They discovered burned remains of a cat under the church and howson bridge. The campers were helping with the clean up and they moved behind our fence in the creek. Jan was questioned by police but denied seeing the cat remains. Only finding out later she was an homeless advocate and running for counsel at the time. We had no idea. Since police wont enforce the law down there. Im asking for help im securing that creek to keep people out. Its our water storage drain right?? There was a woman i reported screaming in the creek two days in a row. Heard her wacked over and over. The police never went into the creek to search for her. Then i hear the next day a woman was found dead in her apt beaten with a baseball bat. I heard that women's screaming" help me" in Spanish i will never forget it . I will be forever haunted by this creek. Ive never in my life seen so much horror. Im not gaining anything from this. Its the truth. Watching over the animals in the creek spot checking randomly . Only because law enforcement told me i have to catch these people in the act in order to make an arrest. Even though we have through our own walk through the crewk we have witnesses tell us a name and location of someone whos kiling animals. Police know this person kills animals. He has lived in this creek for years . Has a shack behind the railroad tracks

on Monterey road. I have been smelling something buring at night and it smells disgusting. I believe now it has been these animals all along in thr creek. We have volunteered our time and supplies to clean this creek. Pulling stoves and freezers out . Helping out every where in the neighborhood . Repairs to the fence along the creek. Put up no trespassing signs and security cameras in use to discourage people from the creek. Its dangerous. My husband dosnt want me out there but i will for these animals left in the creek being hunted down . Now I know police wont show up under the bridge im on my own down here. Im not here to make anyone look bad its the truth. We have been able to keep the 4 acres we don't even own free from squatters .Just to keep our neighbors and animals safe people were bringing stolen bikes and other merchandise through here in shopping carts. Especially at night they arw invisible. They know police are not comming. Thank you JESSICA Calderon

Michele King

From: JESKA C [REDACTED]
Sent: Friday, September 22, 2023 9:58 AM
To: Board of Directors
Subject: Re; Church/Howson/Welburn/Monterey road creek Cont.
Attachments: IMG_20230705_060211.jpg; Screenshot_20230901-165145.png; Screenshot_20230922-020540.png; Screenshot_20230912-042742.png; InShot_20230922_095451879.jpg

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Hi Im so sorry I needed to add the photos of the creek . Where the problems are. I apologize they are disturbing. This has been a safety concern for the entire neighborhood. Im speaking for thr victims and the neighbors and the animals abused down there please. Thank you Jessica C.









Convicted Double Murder Rape Of Santa Cruz Woman

RELEASED

HAS Been Seen Welburn /Church BRIDGE

Gilroy

Welburn/Church Bridge

ORIN IVAN CARR
REGISTERED SEX OFFENDER

Released after a life sentencing from 1975 .

Michele King

From: Tracy Namian [REDACTED]
Sent: Friday, September 22, 2023 6:05 PM
To: Board of Directors
Subject: Re: Campbell Technology Park Circulation Ponds

Follow Up Flag: Follow up
Flag Status: Flagged

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Yes. AWESOME news THANK YOU!

On Friday, September 22, 2023 at 04:14:48 PM PDT, Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Ms. Tracy Namian,

Thank you for your follow up email to my response sent on September 12, 2023. For operational reasons, the McGlincy Ponds No. 5 & 6 have remained empty, but you can expect to see water in them again starting the week of September 25, 2023.

I hope this answers your question. If you have any further questions or need additional information, please let me know or contact Greg Williams, Deputy Operating Officer, directly at (408) 630-2867 or at gwilliams@valleywater.org.

Sincerely,



Jim Beall

Director, District 4

C-23-0229

From: Tracy Namian [REDACTED]
Sent: Tuesday, September 12, 2023 5:32 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Campbell Technology Park Circulation Ponds

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Thank you for this explanation. I see that they are filling up two. That is great. It looks so much nicer.

I guess #5 and #6 (the larger one) are scheduled for the end of the month or are those going to remain

empty

Thank you,

Tracy

On Tuesday, September 12, 2023 at 03:53:39 PM PDT, Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Tracy Namian,

Thank you for your September 3, 2023, e-mail about the percolation ponds near the Edith Morley Park off Campbell Technology Parkway in Campbell. Valley Water owns and operates 29 percolation ponds in Campbell to recharge the groundwater aquifer and maintain sustainable groundwater conditions in the Santa Clara Subbasin. After the recent drought, Valley Water filled most of its ponds countywide, including the system of ponds in Campbell. The ponds you referred in your recent e-mail are called the McGlincy Percolation Ponds. There is a total of (6) ponds in the McGlincy system. In the past months, Valley Water filled four (4) of the McGlincy Ponds and left two (2) of them (Ponds No. 5 & 6) empty for operational reasons.

Valley Water is planning to fill up the McGlincy Ponds No. 5 & 6 during the week of September 11, 2023. Please note that the water level may become lower again during the week of September 18 due to limited water supplies while the Department of Water Resources performs maintenance work on the South Bay Aqueduct that carries imported water from the Sacramento-San Joaquin River Delta to the Santa Clara County. The water levels in the ponds will be higher again starting the week of September 25.

I hope that this response meets your needs. If you have any further questions or need additional information, please let me know or contact Greg Williams, Deputy Operating Officer, at (408) 630-2867 or at gwilliams@valleywater.org.

Sincerely,

<image001.png>

Jim Beall

Director, District 4

C-23-0219

From: Tracy Namian <[REDACTED]>
Sent: Sunday, September 3, 2023 10:25 AM
To: Board of Directors <board@valleywater.org>
Subject: Campbell Technology Park Circulation Ponds

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi My name is Tracy Namian:

I am a long time Campbell resident. Almost every day I walk in the Technology Park area.

It was so nice when those circulations ponds were full of water. Now they are just big dry brush bowls. I feel they are also a big fire hazard as well. Thank you for recently cutting them back.

Why can we not fill these ponds with water? We had record rainfall last year. After that I thought they would be full. You now have the end one full. Which is nice. You had filled the middle one and then drained it a day later.

I am not sure of the purpose of that. I guess maybe to moisten the dirt to maintain the bottom of it. Now it

looks like you are trying to fill the middle one. I hope this is the case. I would like to see them ALL FULL again.

It would make it a much nicer place to walk. Please fill the circulation ponds. Even the big long one in front.

I have heard we are going to have a record rainfall again. So I feel there is enough water for them to support

these ponds. Can someone get back to me with an update on this.

Thank you,

Tracy Namian

Sent from [Mail](#) for Windows

Michele King

From: Board of Directors
Subject: FW: Plata Arroyo Neighborhood Association is ready for the Clean-up.

From: Danny Garza <[REDACTED]>
Sent: Saturday, September 23, 2023 8:39 AM
To: Board of Directors <board@valleywater.org>
Cc: Tony Mata Chief SJPD <anthony.mata@sanjoseca.gov>; Brandon Sanchez <brandon.sanchez@sanjoseca.gov>; Todd Trayer <todd.trayer@sanjoseca.gov>
Subject: Fw: Plata Arroyo Neighborhood Association is ready for the Clean-up.

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Good Morning Santa Clara Water Board,

This morning,

Plata Arroyo has already had our San Jose Police Department speak with the Homeless in Lower Silver Creek.

We wanted to inform them of our Clean-up - for the safety of our Families, Our Seniors, and our Youth, today.

Thank You Chief Mata, Captain Sanchez, and Captain Trayer.

We could not be this effective without you.

In Community Spirit,
Danny Garza

President
Plata Arroyo Neighborhood Association and Gateway East N.A.C.

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Nicholas Ingram" <NIngram@valleywater.org>
To: "Danny Garza" <[REDACTED]>
Cc:
Sent: Sat, Sep 23, 2023 at 8:04 AM
Subject: Re: Plata Arroyo Neighborhood Association is ready for the Clean-up.
Looking good!

Get [Outlook for iOS](#)

From: Danny Garza <[REDACTED]>
Sent: Saturday, September 23, 2023 8:03:37 AM
To: Nicholas Ingram <NIngram@valleywater.org>
Subject: Plata Arroyo Neighborhood Association is ready for the Clean-up.

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***



Noah Garza,

Setting up for today's event.

In Community Spirit,
Danny

[Sent from Yahoo Mail on Android](#)

Michele King

From: brigitte rince [REDACTED] >
Sent: Saturday, September 23, 2023 1:24 PM
To: FEMA-EA-General@fema.dhs.gov; AskIA@fema.dhs.gov; caltrans.d4@dot.ca.gov; district9@sanjoseca.gov; District10@sanjoseca.gov; mayoremail@sanjoseca.gov; Board of Directors
Subject: homes on flood zone A

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,
People are living on the peninsula of the percolation pond which is flood zone.
With El Nino expected to bring in a record amount of rain to Northern California, these tents and occupants should be relocated prior to the flooding.
Please make arrangements to evacuate these people immediately.

[Link to map](#)



Michele King

From: Kathleen <[REDACTED]>
Sent: Monday, September 25, 2023 9:23 AM
To: Jim Beall
Cc: Board of Directors
Subject: Additional concerns to my email to you of Sunday, 9/24/23.....

Follow Up Flag: Follow up
Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Jim:

I sent you a lengthy email yesterday, Sunday, September 24, 2023 concerning the homeless issue and WRPZ.

Something I forgot to mention to you.

I remember about 2-3 years ago, things were so bad with the homeless polluting the waterways AND, endangering employees just trying to do their jobs, there was a PILOT SAN JOSE POLICE SECURITY PROGRAM initiated for an eight month trial period. The SCVWD funded this. I don't believe it was renewed but not sure. We never heard anything more about it. OBVIOUSLY, THE NEED WAS THERE FOR PROTECTION AND STILL IS. That is why that WRPZ is a MUST.

If the City won't agree to that, what is the SCVWD's position? Can the City just go ahead and trump the water department's position????and proceed with the building of the EIH on Cherry???

Right now, it seems the votes are not there from the City Council to include the WRPZ requirement.

What is the Water Department's strength in this argument?

Also,,,is that land a FLOOD ZONE? Recently, some of the residents in the immediate water land area have realized they have a tax assessment on their taxes for being part of a FLOOD ZONE. Are all those homeless campsites in a FLOOD ZONE? Wouldn't that be a FEMA issue???

Is the City building the proposed EIH in a FLOOD ZONE?

Thanks,

Kathleen O'Connell

Michele King

From: Foley, Pam <Pam.Foley@sanjoseca.gov>
Sent: Sunday, September 24, 2023 4:54 PM
To: Kathleen; Jim Beall; Board of Directors
Cc: The Office of Mayor Matt Mahan; District9
Subject: Re: Water Resource Protection Zone at the upcoming Cherry Avenue EIH project

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Kathleen,

Thank you for sharing your concerns. I, too, am very concerned. We are working towards the creation of the Water Resources Protection Zone and construction of the EIH's,

The WRPZ depends on Valley Water and we are handling the EIH.

We are working in partnership with Valley Water, and in the same direction.

This is, indeed, a very serious situation that we are working to improve with the EIH and Water Protection Resource Zone.

Thanks, again, for writing and encouraging action.

Sincerely,

Pam Foley
San Jose City Councilmember representing District 9

Office # (408) 535-4909
Cell # (669) 216-6037
Pam.Foley@sanjoseca.gov

San Jose City Hall
200 E. Santa Clara St, 18th floor
San Jose, CA 95113

From: Kathleen [REDACTED]
Sent: Sunday, September 24, 2023 3:39:06 PM
To: jbeall@valleywater.org <jbeall@valleywater.org>; Board@valleywater.org <board@valleywater.org>
Cc: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District9 <district9@sanjoseca.gov>
Subject: Water Resource Protection Zone at the upcoming Cherry Avenue EIH project

Dear Mr. Beall:

This is Kathleen O'Connell, former 911 Public Safety & Emergency Medical Dispatcher for the County of Santa Clara, now retired with 35 years of service. You presented me with an Award at our Awards Ceremony way back when. You may have done that a couple times for me. I also ran into you at the Cindy Chavez Headquarters on Lincoln Avenue with your puppy dog. It was great seeing you again. I also have communicated with you by phone since then regarding our ongoing "homeless" issues in my neighborhood.

All that being said, I have lived in my home in City of San Jose District 9 for almost 40 years now, [REDACTED], San Jose, CA 95136-2615. (Water District 4) (parallel to Erikson Park and Holy Family Church on Pearl Avenue). I have watched the deterioration of my neighborhood infrastructure surrounding the ongoing homeless issues. I'm sure you have received complaints from many of us in Water District 4 and are familiar with the neighborhood's concern over many incidences including criminal complaints.

I want to tell you what I am very concerned and sorry about. I am sorry about all the residents who live on Tonino that back up to the trail and perc pond under HY 85. Last year, the homeless living in this area lit a fire to stay warm, or cook, or both, that ended up spreading across the trail licking the back fences of more than one home on Tonino which had to be evacuated. (fires occur in the Summer too) I spoke to you about how all the landscape and hillside in this area is completely scorched. I believe you have viewed this area. Winter will be here soon enough and I fear for the fire dangers. The residents on Tonino look out their back windows and see nothing but devastation. Many neighbors who report they like to sleep at night with a window open, are subjected to the incessant screaming and dog barking occurring at these campsites. It goes on in the daytime too. I think you spoke to my friend, Brigitte Rince, who lives on the dead end of Chynoweth directly bordering the perc pond, and I'm sure she has bent your ear. They have had to endure many frightening incidences. I think she has sent you video of the many campsites with vocal of screaming, yelling and dog barking filmed from her patio.

We have had shots fired on the west side of the Perc Pond by the homeless. (witnessed by a retired Santa Clara County Sheriff Office Lieutenant, who lives on Fell Court). We are not sure what they were firing at but it was suggested possibly waterfowl to eat for their dinner. We had an elderly lady resident attacked by a homeless over on the Perc Pond Trail several months ago. (unknown if armed with a weapon). There have been several fires caused by the homeless as mentioned above. Bollards were put in at the entrance to Cilker Park and the locks were broken off. "Friends" of the homeless were bringing them in cords of wood to burn. I'm tired of the pollution and seeing turtles, fish and waterfowl die. Many residents fear walking the Guadalupe Trail anymore, myself included. Just two weeks ago, a homeless man entered Fell Court with a couple of swords, and threatened one of the mothers who was outside with her children playing on their front lawn. Several homeless cruise the neighborhood on their bikes with trailers and steal packages off porches and other unsecured items. Homeless regularly sleep in our Erikson Park wrapped in newspapers and foils.

I could go on and on but let me get to my point. I am begging you and all concerned to please ADVOCATE for the inclusion of the WATER RESOURCE PROTECTION ZONE (WRPZ) in the land lease the SCVWD and the City of San Jose are currently negotiating for the construction of the EIH project on Cherry Avenue. The WRPZ is the ENFORCEMENT arm of the lease and ensures that zone will be protected. Without it, we are "toast". It is my experience that many homeless are creatures of habit. Without that binding legal requirement in the land lease agreement ensuring PROTECTION and enforcement in the ZONE, I believe tents and campsites will continue to exist right next to the EIH project and the water land area.

Please help us Mr. Beall. I know you know this area well. We need help. I am tired of living in fear as are many of my neighbors. I worked many, many years and am now retired and cannot even enjoy many of my community spaces. Please make sure our treasured water lands are protected which impacts our neighborhoods as well.

Many thanks,

Kathleen O'Connell

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Michele King

From: City of San Jose Mayor's Office <mayor@sanjoseca.gov>
Sent: Monday, September 25, 2023 5:01 PM
To: [REDACTED]
Cc: Jim Beall; Board of Directors; mayor@sanjoseca.gov; pam.foley@sanjoseca.gov; district9@sanjoseca.gov; [REDACTED]
Subject: Re: Water Resource Protection Zone at the upcoming Cherry Avenue EIH project

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Kathleen,

Thank you for copying the Mayor's Office in your message. My name is Keith and I am a member of Mayor Mahan's Neighborhood Outreach Team.

The Mayor and our team appreciate hearing from you regarding the encampments in your area as well as your support for the Water Resource Protection Zone. Mayor Mahan supports the proposed Water Resource Protection Zone (WRPZ) that is being discussed in concert with the opening of the Cherry EIH site. The Mayor believes that unhoused residents should accept safe, managed housing alternatives when they become available and "preserving our progress" in locations like the Perc Ponds. It is crucial that members of the community, like yourself, continue to voice their support for these measures to help move this proposal forward.

With both the EIH site and the WRPZ, the Mayor believes this could be a win-win-win for the community, unhoused residents currently encamped in the area, and the Guadalupe River – reducing impacts on the neighborhood; providing unhoused residents a dignified, managed place to live; and protecting the river from encampment blight.

Additionally, I will be contacting the Parks Department to see if the bollard lock issue at Cilker Park was addressed.

I want to assure you that our team is working every day to identify ways to address San Jose's homelessness crisis. If you have any further questions or concerns, please feel free to reach out to us. You can also contact EIHOutreach@sanjoseca.gov if you'd like to learn more about our interim housing communities and associated programs.

Best regards,
Keith Hertzberg
Neighborhood Outreach Coordinator

On Sun, 24 Sep at 4:55 PM , Foley, Pam <pam.foley@sanjoseca.gov> wrote:
Dear Kathleen,

Thank you for sharing your concerns. I, too, am very concerned. We are working towards the creation of the Water Resources Protection Zone and construction of the EIH's,

The WRPZ depends on Valley Water and we are handling the EIH.

We are working in partnership with Valley Water, and in the same direction.

Michele King

From: Jim Beall
Sent: Monday, September 25, 2023 10:17 PM
To: Kathleen
Cc: Board of Directors
Subject: Re: Additional concerns to my email to you of Sunday, 9/24/23.....

I support the protection zone.the water district continues a program funding police in the creeks

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From: Kathleen <[REDACTED]>
Sent: Monday, September 25, 2023 9:23:08 AM
To: Jim Beall <JBeall@valleywater.org>
Cc: Board of Directors <board@valleywater.org>
Subject: Additional concerns to my email to you of Sunday, 9/24/23.....

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Jim:

I sent you a lengthy email yesterday, Sunday, September 24, 2023 concerning the homeless issue and WRPZ.

Something I forgot to mention to you.

I remember about 2-3 years ago, things were so bad with the homeless polluting the waterways AND, endangering employees just trying to do their jobs, there was a PILOT SAN JOSE POLICE SECURITY PROGRAM initiated for an eight month trial period. The SCVWD funded this. I don't believe it was renewed but not sure. We never heard anything more about it. OBVIOUSLY, THE NEED WAS THERE FOR PROTECTION AND STILL IS. That is why that WRPZ is a MUST.

If the City won't agree to that, what is the SCVWD's position? Can the City just go ahead and trump the water department's position????and proceed with the building of the EIH on Cherry???

Right now, it seems the votes are not there from the City Council to include the WRPZ requirement.

What is the Water Department's strength in this argument?

Also,,,is that land a FLOOD ZONE? Recently, some of the residents in the immediate water land area have realized they have a tax assessment on their taxes for being part of a FLOOD ZONE. Are all those homeless campsites in a FLOOD ZONE? Wouldn't that be a FEMA issue???

Is the City building the proposed EIH in a FLOOD ZONE?

Thanks,

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Campbell Technology Park Circulation Ponds

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Friday, September 22, 2023 4:15 PM

To: [REDACTED]

Subject: Re: Campbell Technology Park Circulation Ponds

Sent on Behalf of Director Beall:

Dear Ms. Tracy Namian,

Thank you for your follow up email to my response sent on September 12, 2023. For operational reasons, the McGlinchy Ponds No. 5 & 6 have remained empty, but you can expect to see water in them again starting the week of September 25, 2023.

I hope this answers your question. If you have any further questions or need additional information, please let me know or contact Greg Williams, Deputy Operating Officer, directly at (408) 630-2867 or at gwilliams@valleywater.org.

Sincerely,



Jim Beall
Director, District 4

C-23-0229

From: Tracy Namian <[REDACTED]>

Sent: Tuesday, September 12, 2023 5:32 PM

To: Board of Directors <board@valleywater.org>

Subject: Re: Campbell Technology Park Circulation Ponds

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Thank you for this explanation. I see that they are filling up two. That is great. It looks so much nicer.

I guess #5 and #6 (the larger one) are scheduled for the end of the month or are those going to remain empty

Thank you,
Tracy

On Tuesday, September 12, 2023 at 03:53:39 PM PDT, Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Tracy Namian,

Thank you for your September 3, 2023, e-mail about the percolation ponds near the Edith Morley Park off Campbell Technology Parkway in Campbell. Valley Water owns and operates 29 percolation ponds in Campbell to recharge the groundwater aquifer and maintain sustainable groundwater conditions in the Santa Clara Subbasin. After the recent drought, Valley Water filled most of its ponds countywide, including the system of ponds in Campbell. The ponds you referred in your recent e-mail are called the McGlincy Percolation Ponds. There is a total of (6) ponds in the McGlincy system. In the past months, Valley Water filled four (4) of the McGlincy Ponds and left two (2) of them (Ponds No. 5 & 6) empty for operational reasons.

Valley Water is planning to fill up the McGlincy Ponds No. 5 & 6 during the week of September 11, 2023. Please note that the water level may become lower again during the week of September 18 due to limited water supplies while the Department of Water Resources performs maintenance work on the South Bay Aqueduct that carries imported water from the Sacramento-San Joaquin River Delta to the Santa Clara County. The water levels in the ponds will be higher again starting the week of September 25.

I hope that this response meets your needs. If you have any further questions or need additional information, please let me know or contact Greg Williams, Deputy Operating Officer, at (408) 630-2867 or at gwilliams@valleywater.org.

Sincerely,

<image001.png>

Jim Beall

Director, District 4

C-23-0219

From: Tracy Namian <[REDACTED]>
Sent: Sunday, September 3, 2023 10:25 AM
To: Board of Directors <board@valleywater.org>
Subject: Campbell Technology Park Circulation Ponds

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi My name is Tracy Namian:

I am a long time Campbell resident. Almost every day I walk in the Technology Park area.

It was so nice when those circulations ponds were full of water. Now they are just big dry brush bowls. I feel they are also a big fire hazard as well. Thank you for recently cutting them back.

Why can we not fill these ponds with water? We had record rainfall last year. After that I thought they would be full. You now have the end one full. Which is nice. You had filled the middle one and then drained it a day later.

I am not sure of the purpose of that. I guess maybe to moisten the dirt to maintain the bottom of it. Now it

looks like you are trying to fill the middle one. I hope this is the case. I would like to see them ALL FULL again.

It would make it a much nicer place to walk. Please fill the circulation ponds. Even the big long one in front.

I have heard we are going to have a record rainfall again. So I feel there is enough water for them to support

these ponds. Can someone get back to me with an update on this.

Thank you,

Tracy Namian

Sent from [Mail](#) for Windows

Michele King

Subject: FW: Complaint
Attachments: Stream Maintenance and Property Management Fact Sheet.pdf

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Tuesday, September 26, 2023 9:23 AM
To: [REDACTED]
Subject: Re: Complaint

Sent on Behalf of Chair Varela:

Dear Jessica Calderon,

Thank you for concerns regarding various activities along Upper Miller Slough adjacent to Monterey Highway, Church Street and Howson Street. Unfortunately, there is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built projects and possesses land rights. This section of Upper Miller Slough is owned by private entities.

We've attached a fact sheet that identifies Valley Water's role in stream maintenance, and you may review Valley Water ownership on our website by using the following link: <https://gis.valleywater.org/FeeEasement/>. The green areas show lands owned in fee title the yellow areas show land held in easement. Activities in the creek regardless of ownership are further regulated by state and federal regulatory agencies.

Following your request, Deputy Operating Officer Jen Codianne did contact the City of Gilroy and Gilroy Police Department to convey your concerns at this location.

You can report your concerns to the City of Gilroy at <https://www.cityofgilroy.org/RequestTracker.aspx>

In the future if you need to report other concerns to Valley Water, you may also use our online system at <https://access.valleywater.org/s/>.

Please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org for follow up information.

Thanks again for contacting us.

Sincerely,



John Varela

Chair, District 1

C-23-0235

From: JESKA C <[REDACTED]>
Sent: Thursday, September 21, 2023 6:47 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Complaint

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Church st./Howson Creek

Monterey Road/Howson Creek Gilroy Calif.

Arson, Animal Cruelty, Human waste including all around the four acre abandoned property. This entire creek and the lot has been left unsecured for years. Our Neighbor who lives across the street. Was thrown down the steep creek on Welburn/La Cocha. She was raped, strangled in the creek. That should of never happened. We need help out here. Its dark and never monitored Church/Welburn. These trees growing over the sidewalks into the road. Ive had to put out fires that caught out fence from the creek Under the Bridges. From the couple camping under the church/Howson bridge. This creek is where wildlife has been targeted by people. The feral cats that live in the storm drains during the summer months. Skunks, possums and racoons have been trapped and killed in the creek. I have reported this to law enforcement. I continue to catch people down there at the storm drain with ropes and lighters wire the remains in small burials and decomposing. Im horrified. No one has done anything as far as police. They have refused to go into the creek!! Even for my 911 call of the burning remains. Meanwhile the decomposing animals smell comes out of the gutter drain up to our windows at the apartments next to the creek. Fire department has come down there and have seen the remains. The ashes under the pipelines. The structure is damaged. These people have shovels and are digging under the bridges on Welburn / Monterey road, and Church/Howson. Neighbors are reporting the same animals found dead down to tenth Street. The last time i called 911 the officer refused to come under the bridge where i called from about the burned causing burns to the pipeline. You can feel the bridge move as cars are driving up and down the road. These animals are being skinned and left on neighbors front lawns in this same area. Reported to WERC wild life fish and Game. I have made mortality reports regarding the wild animals in this creek. I am a neighbor and also happened to have worked with animals almost 30 years. Since i was 16. Ive been taking pictures and have sent them to animal control and police. Who have not been actively investigating like they need to. Not even a foot in this creek. I have been spot checking the creek and find people under there in the storm drain trying to get the animals in there. I have those photos too! We have skunks in there and the cats are chased and hide in there. We need to secure under the bridge. The creek is filled with remains of animals. This is intentional and not an accident or predator. Its humans. Our neighbor four houses down had her kitten taken and tortured. This has been going on since I moved here. My husband helped Jan who was running for city council clean the creek. They discovered burned remains of a cat under the church and howson bridge. The campers were helping with the clean up and they moved behind our fence in the creek. Jan was questioned by police but denied seeing the cat remains. Only finding out later she was a homeless advocate and running for counsel at the time. We had no idea. Since police wont enforce the law down there. Im asking for help in securing that creek to keep people out. Its our water storage drain right?? There was a woman i reported screaming in the creek two days in a row. Heard her wacked over and over. The police never went into the creek to search for her. Then i hear the next day a woman was found dead in her apt beaten with a baseball bat. I heard that women's screaming "help me" in Spanish i will never forget it. I will be forever haunted by this creek. Ive never in my life seen so much horror. Im not gaining anything from this. Its the truth. Watching over the animals in the creek spot checking randomly. Only because law enforcement told me i have to catch these people in the act in order to make an arrest. Even though we have through our own walk through the creek we have witnesses tell us a name and location of someone who's killing animals. Police know this person kills animals. He has lived in this creek for years. Has a shack behind the railroad tracks on Monterey road. I have been smelling something burning at night and it smells disgusting. I believe now it has been these animals all along in the creek. We have volunteered our time and supplies to clean this creek. Pulling stoves and freezers out. Helping out everywhere in the neighborhood. Repairs to the fence along the creek. Put up no trespassing

signs and security cameras in use to discourage people from the creek. Its dangerous. My husband dosnt want me out there but i will for these animals left in the creek being hunted down . Now I know police wont show up under the bridge im on my own down here. Im not here to make anyone look bad its the truth. We have been able to keep the 4 acres we don't even own free from squatters .Just to keep our neighbors and animals safe people were bringing stolen bikes and other merchandise through here in shopping carts. Especially at night they arw invisible. They know police are not comming. Thank you JESSICA Calderon

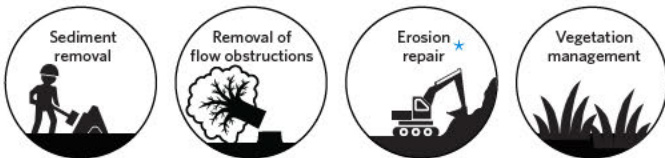
Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Maintenance activities for Capital Projects



* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management.

Work activities are defined and permitted under a **Stream Maintenance Program (SMP)**, a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance activities as a landowner



Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities.

Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities such as grading and fencing.

Property Owner's Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Property owner's responsibilities for creek management



Site of completed erosion repair.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

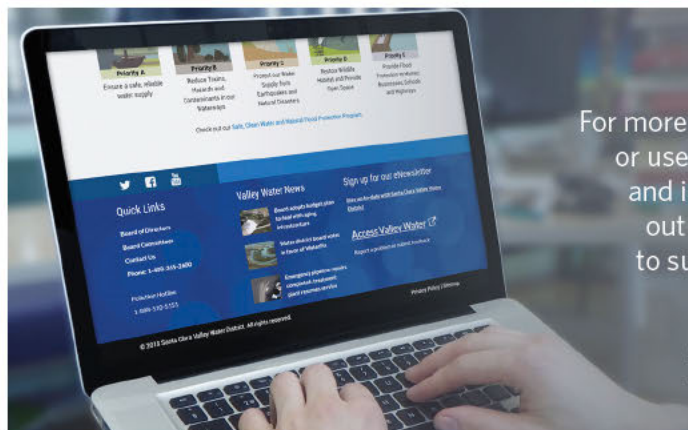
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the **Safe Clean Water Program** provides funding for this activity, staff may also seek permission to perform this work on private property.



Crews removing giant reed (*arundo donax*), an invasive plant, from creek.

See link for care guidelines:

<https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>



CONTACT US

For more information, contact us at (408) 630-2378 or use our **Access Valley Water** customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



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