



BOARD OF DIRECTORS MEETING

# MINUTES

**REGULAR MEETING & CLOSED SESSION  
TUESDAY, APRIL 25, 2017  
5:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

A 5:00 p.m. Closed Session and 6:00 p.m. Regular Meeting of the Santa Clara Valley Water District Board of Directors was called to order in the District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, at 5:00 p.m.

1.1. Roll Call.

Board members in attendance were Tony Estremera, Gary Kremen, Barbara Keegan, Richard Santos, John L. Varela, and Nai Hsueh, constituting a quorum of the Board.

Director LeZotte was excused from attending.

Staff members in attendance were N. Camacho, Interim Chief Executive Officer (Interim CEO), S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, J. Aranda, K. Arends, R. Callender, A. Cheung, J. Fiedler, V. Gin, C. Hakes, G. Hall, N. Nguyen, K. Oven, M. Richardson, S. Stanton, and S. Tippets.

**2. TIME CERTAIN:**

Chairperson Varela announced that the Board would adjourn to Closed Session for consideration of Item 2.1.

**5:00 PM**

2.1. CLOSED SESSION WITH LEGAL COUNSEL

Anticipated litigation

Government Code 54956.9 (e) (2) (February Flood Event)

Upon return to Open Session, the same Board members, excluding Director LeZotte, and staff were present.

**6:00 PM**

2.2. District Counsel Report.

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

2.3. Pledge of Allegiance/National Anthem.

Director Hsueh led all present in reciting the Pledge of Allegiance.

2.4. Orders of the Day.

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

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

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

Mr. Doug Muirhead, Morgan Hill resident, expressed interest with the District's outreach plan regarding the Chief Executive Officer (CEO) recruitment. He expressed interest with how long the online survey form for the CEO recruitment search will be available to the public and how do they locate it. Chairperson Varela requested staff to follow up with Mr. Muirhead regarding his requests.

2.6. Continue Public Hearing - Annual Report on the Protection and Augmentation of Water Supplies - February 2017 and Recommended Groundwater Production and Other Water Charges for Fiscal Year 2017-2018 (FY 2017-18) (Continued from April 13, 2017).

- Recommendation:
- A. Continue the public hearing pursuant to Section 26.6 of the District Act to consider the District FY 2017-18 Annual Report on the Protection and Augmentation of Water Supplies, and direct staff to review such report with, and solicit comments from the District's advisory committees;
  - B. Hear public comments from groundwater producers and any interested persons regarding such report;
  - C. Consider additional information provided by staff; and
  - D. Close the public hearing.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memorandum and the presentation materials as contained in Attachment 2.

The Board noted the information without formal action, and continued Item 2.6 to the May 9, 2017, regular meeting.

2.7. Public Hearing to Consider the Santa Clara Valley Water District's Fiscal Years 2018-2022 Five-Year Capital Improvement Program.

- Recommendation:
- A. Open the public hearing to receive comments regarding the Santa Clara Valley Water District's (District) FY 2018-2022 Five-Year Capital Improvement Program (CIP);
  - B. Continue the public hearing to the Board's Budget Work Study sessions currently set for April 26, 27, 28 and May 9, 2017;
  - C. Conclude the public hearing at the May 9, 2017 Board meeting prior to adopting the CIP; and
  - D. Consider and address any comments received from the public for incorporation into the FY 2019-2023 Five-Year CIP.

Mr. Ngoc Nguyen, Interim Deputy Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

The Board noted the information without formal action, and continued Item 2.7 to the April 26, 2017, special meeting.

2.8. Update on the 2017 Water Supply Master Plan and Alternative Water Supply Strategies.

- Recommendation: Receive and discuss information on alternative water supply strategies for the 2017 Water Supply Master Plan.

Mr. Gerald De La Piedra, Water Supply Plan and Conservation Manager, reviewed the information on this item, per the attached Board Agenda Memo, and Ms. Tracy Hemmeter, Senior Project Manager, reviewed the attached presentation materials as contained in Attachment 7.

Mr. Muirhead expressed concern regarding groundwater banking and its constraints. He also expressed concern about educating the public on water supply.

**3. CONSENT CALENDAR:**

The Board considered Consent Calendar Items 3.1 through 3.5, under one motion.

3.1. Resolution Recognizing April 22, 2017 as Earth Day.

Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2017 AS EARTH DAY.

Ms. Katherine Oven, Deputy Operating Officer, expressed support for the Earth Day resolution.

3.2. Sponsorship of Silicon Valley Leadership Group's 2017 Energy and Sustainability Summit.

Recommendation: A. Receive information on the Silicon Valley Leadership Group's 2017 Energy and Sustainability Summit; and

B. Approve the request for sponsorship in the amount of \$10,000.

3.3. Stipulation for Judgment in Eminent Domain to Resolve the Condemnation Proceeding Entitled County of Santa Clara v. Santa Clara Valley Water Conservation District; et al., Santa Clara County Superior Court Case No. 114CV265661.

Recommendation: Approve the Stipulation for Judgment in Eminent Domain (Case No. 114CV265661) and grant the District Counsel or its designee authority to execute the stipulation on behalf of the District.

3.4. CEO Bulletins for the Weeks of April 7-13, and April 14-20, 2017.

Recommendation: Accept the CEO Bulletins.

3.5. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.5, under one motion, as follows: adopt Resolution No. 17-16 RECOGNIZING APRIL 22, 2017 AS EARTH DAY, by roll call vote, as contained in Item 3.1; approve the request for sponsorship of the Silicon Valley Leadership Group's 2017 Energy and Sustainability Summit in the amount of \$10,000, as contained in Item 3.2; approve the Stipulation for Judgment in Eminent Domain (Case No. 114CV265661) and grant the District Counsel or its designee authority to execute the stipulation on behalf of the District, as contained in Item 3.3; accept the CEO Bulletins, as contained in Item 3.4; and approve the minutes, as contained in Item 3.5.

Move to Approve: Tony Estremera  
Second: Gary Kremen

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

Nays: None

Abstains: None

Recuses: None

Absent: L. LeZotte

Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

## **REGULAR AGENDA:**

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

4.1. Fiscal Year 2017 Board Policy Planning and Performance Monitoring Calendar.

Recommendation: Review and revise the Fiscal Year 2017 Board Policy Planning and Performance Monitoring Calendar.

Ms. Michele King, Clerk/Board of Directors, reviewed the information on this item, per the attached Board Agenda Memorandum.

The Board noted the information without formal action.

Chairperson Varela moved the meeting to Item 5.1.

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

5.1. Amendment No. 2 to Agreement No. A3675A with GEI Consultants, Inc., for Planning and Environmental Consultant Services for a Not-To-Exceed Fee of \$1,316,011, Resulting in a Total Not-To-Exceed Fee of \$6,219,841, and Extend the Agreement Term for Calero and Guadalupe Dams Seismic Retrofits Project, Project No. 91084020 (San Jose) (District 1).

Recommendation: Approve Amendment No. 2 to Agreement No. A3675A with GEI Consultants, Inc., for Planning and Environmental Consultant Services for Calero and Guadalupe Dams Seismic Retrofits Project, for a not-to-exceed fee of \$1,316,011, resulting in a total not-to-exceed fee of \$6,219,841, and extend the Agreement term.

Mr. Bal Ganjoo, Water Supply Plan and Conservation Manager, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Approve : N. Hsueh  
Second: B. Keegan

Yeas: Gary Kremen, Barbara Keegan, Richard Santos, John L. Varela, Nai Hsueh  
Nays: Tony Estremera  
Abstains: None  
Recuses: None  
Absent: L. LeZotte  
Summary: 5 Yeas; 1 Nays; 0 Abstains; 1 Absent.

Director Estremera explained that he voted in opposition because he did not support staff's continued practice of bringing amended agreements, requesting more funds, to the Board.

Motion: Motion to reconsider Item 5.1.

Move to Approve : Tony Estremera  
Second: Gary Kremen

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

Motion: Halt deliberations and accept the Original Motion to Approve Amendment No. 2 to Agreement No. A3675A with GEI Consultants, Inc., for Planning and Environmental Consultant Services for Calero and Guadalupe Dams Seismic Retrofits Project, for a not-to-exceed fee of \$1,316,011, resulting in a total not-to-exceed fee of \$6,219,841, and extend the Agreement term.

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

Chairperson Varela returned the meeting to Item 4.2.

4.2. Board Committee Reports.

None.

**6. WATERSHEDS:**

None.

**7. CHIEF EXECUTIVE OFFICER:**

Mr. Rick Callender, Deputy Administrative Officer, reviewed the information on Items 7.1 and 7.2, per the attached Board Agenda Memorandums.

7.1. Recommended Position on Federal Legislation: HR 1269 (LaMalfa) - Sacramento Valley Water Storage and Restoration Act, Support Request for the FEMA Hazard Mitigation Assistance grant program, and S 698 (Cantwell) - National Landslide Preparedness Act.

- Recommendation:
- A. Adopt a position of support on HR 1269 (LaMalfa) - Sacramento Valley Water Storage and Restoration Act;
  - B. Adopt a position of support for the FEMA Hazard Mitigation Assistance (HMA) grant program; and
  - C. Adopt a position of support on S 698 (Cantwell) - National Landslide Preparedness Act.

Move to Adopt : Richard Santos  
Second: Tony Estremera

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

Nays: None

Abstains: None

Recuses: None

Absent: L. LeZotte

Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

7.2. Recommended Position on State Legislation: AB 574 (Quirk) Potable Reuse, AB 791 (Frazier) SWP & CVP: New Conveyance Facility, AB 792 (Frazier) Delta Plan: Certification of Consistency, AB 793 (Frazier) Delta: financing, AB 968 (Rubio) Urban Retail Water Use: Water Efficiency Targets, AB 1489 (Brough) Architects Practice Act, AB 1654 (Rubio) Urban Water Shortage: Contingency Plans, AB 979 (Lackey) LAFCO: special district representation, AB 1427 (Eggman) Water: underground storage, Governor's budget trailer bill language: Making Water Conservation a California Way of Life, Governor's budget trailer bill language: Enhancing Dam Safety, and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

- Recommendation:
- A. Adopt a position of "Support" on: AB 574 (Quirk) Potable Reuse;
  - B. Adopt a position of "Oppose" on: AB 1489 (Brough) Architects Practice;
  - C. Adopt a position of "Oppose" on: AB 791 (Frazier) SWP & CVP: new conveyance facility;
  - D. Adopt a position of "Oppose" on: AB 792 (Frazier) Delta Plan: certification of consistency;
  - E. Adopt a position of "Oppose" on: AB 793 (Frazier) Delta: financing;
  - F. Adopt a position of "Support" on: AB 968 (Rubio) Urban Retail Water Use: water efficiency targets;
  - G. Adopt a position of "Support" on: AB 979 (Lackey) LAFCO: special district representation;
  - H. Adopt a position of "Support" on: AB 1654 (Rubio) Urban Water Shortage: contingency plans;
  - I. Adopt a position of "Oppose" on: AB 1427 (Eggman) Water: underground storage;
  - J. Adopt a Position of "Support if Amended" on Governor's budget trailer bill language: Making Water Conservation a California Way of Life; and
  - K. Adopt a Position of "Support" on: Governor's budget trailer bill language: Enhancing Dam Safety.

Director Keegan requested that staff provide Board with potential costs to the District to update flood inundation maps every ten years. (Board Member Request No. R-17-0013).

Motion: Adopt all recommendations excluding recommendation B which the Board requested be removed.

Move to Adopt : Tony Estremera  
 Second: Gary Kremen

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

Nays: None

Abstains: None

Recuses: None

Absent: L. LeZotte

Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

7.3. Board Confirmation of New Chief of External Affairs.

Recommendation: Confirm the appointment of Rick Callender as the new Chief of External Affairs for the Santa Clara Valley Water District.

Ms, Norma Camacho, Interim Chief Executive Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Adopt : Richard Santos  
Second: Tony Estremera

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

Nays: None

Abstains: None

Recuses: None

Absent: L. LeZotte

Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

7.4. Chief Executive Officer Report.

None.

**8. ADMINISTRATION:**

None.

**9. DISTRICT COUNSEL:**

None.

**10. ADJOURN:**

10.1. Board Member Reports/Announcements.

Director Hsueh reported attending an Environmental and Water Resources Committee meeting, and a Landscape Summit meeting.

Director Estremera reported attending a Capital Improvement Plan Committee, and the aforementioned Environmental and Water Resources Committee meetings.

Chairperson Varela reported attending a Santa Clara Valley Water Commission meeting, a Local Agency Formation Commission Board meeting, a San Martin Neighborhood Alliance Town Hall meeting, a City of Morgan Hill Upper Llagas Creek Watershed Project Elected Officials meeting, and a 3<sup>rd</sup> Annual Legislative Summit meeting.

Director Santos reported attending the aforementioned 3<sup>rd</sup> Annual Legislative Summit, and the aforementioned Landscape Summit meetings.

Director Keegan reported attending the aforementioned Santa Clara Valley Water Commission meeting, and a Recycled Water Policy Advisory Committee meeting.

10.2. Clerk Review and Clarification of Board Requests.

Ms. King read the new Board member requests into the record.

10.3. Adjourn to Special Meeting at 4:30 p.m., on April 26, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Varela adjourned the meeting at 2:45 p.m. in honor of Earth Day Celebration, to the Special Meeting at 4:30 p.m., on April 26, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC  
Clerk/Board of Directors

Approved:

Date: June 13, 2017