



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND RESCHEDULED REGULAR MEETING
TUESDAY, NOVEMBER 20, 2018
4:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Closed Session and Rescheduled Regular Meeting of the Santa Clara Valley Water District Board of Directors was called to order in the District Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 4:00 p.m.

1.1. Roll Call.

Board members in attendance were Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard P. Santos, and John L. Varela, constituting a quorum of the Board.

Directors Estremera was excused from attending. Director Keegan arrived as noted below.

Staff members in attendance were N. Camacho, Chief Executive Officer (CEO), S. Yamamoto, District Counsel, M. King, Clerk, Board of Directors, K. Arends, L. Bankosh, R. Callender, G. De La Piedra, A. Fulcher, V. Gin, C. Hakes, G. Hall, N. Hawk, B. Hopper, K. Oven, M. Richardson, E. Soderlund, D. Taylor, B. Yerrapotut, and T. Yoke.

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

During Closed Session, Director Keegan arrived.

2. TIME CERTAIN:

4:00 PM

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation
Pursuant to Government Code Section 54956.9(d)(4).
One potential case

- 2.2. **CLOSED SESSION**
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Tanya Ruiz v. Santa Clara Valley Water District, et al., Santa Clara Co. Superior Court, No. 115CV288721

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

Mr. Stan Yamamoto, District Counsel, reported that in regards to Items 2.1 and 2.2, the Board met in Closed Session with all members present, excluding Director Estremera, and gave direction to staff.

6:00 PM

- 2.3. Pledge of Allegiance/National Anthem.

Mr. Anthony Fulcher, Senior Assistant District Counsel, led all present in reciting the Pledge of Allegiance.

- 2.4. Orders of the Day.

Chairperson Santos 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 Santos declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

- 2.6. Winter Preparedness Briefing.

Recommendation: Receive information on the Santa Clara Valley Water District's preparedness for winter operations.

Mr. Alex Gordon, Emergency and Security Manager, reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Attachment 1 were reviewed as follows: Mr. Gordon reviewed Slides 1 and 2, and 8 through 24, and Mr. Brian Garcia, National Weather Service, reviewed Slides 3 through 7.

The Board noted the information, without formal action.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.4, under one motion.

- 3.1. Development of Rate Agreements With the Power and Water Resources Pooling Authority for the Almaden Campus Solar Rehabilitation and the Recurrent Slate Solar Project.

- Recommendation: A. Authorize the Chief Executive Officer to negotiate and execute a 20-year rate agreement with the Power and Water Resources Pooling Authority to rehabilitate the Almaden Campus solar carport and Administration Building rooftop solar installations; and
- B. Authorize the Chief Executive Officer to negotiate and, following the District's compliance with the California Environmental Quality Act as needed, execute a 20-year Rate Agreement with Power and Water Resources Pooling Authority for the purchase of solar power from the Recurrent Slate Solar Project, or a similar utility-scale solar project.

- 3.2. Notice of Completion of Contract and Acceptance of Work for the Pacheco Conduit Inspection and Rehabilitation Project, Kiewit Infrastructure West Co., Contractor, Project Nos. 91214001 and 95084002, Contract No. C0629 (Unincorporated Santa Clara County), (District 1).

- Recommendation: A. Accept the work as complete; and
- B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work, and submit for recording to the Santa Clara County Clerk-Recorder.

- 3.3. CEO Bulletins for the Weeks of October 19–25, October 26–November 1, November 2–8 and 9–15, 2018.

Recommendation: Accept the CEO Bulletins.

- 3.4. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.4, under one motion, as follows: Authorize the CEO to negotiate and execute a 20-year rate agreement with the Power and Water Resources Pooling Authority to rehabilitate the Almaden Campus solar carport and Administration Building rooftop solar installations, and negotiate and, following the District's compliance with the California Environmental Quality Act as needed, execute a 20-year Rate Agreement with Power and Water Resources Pooling Authority for the purchase of solar power from the Recurrent Slate Solar Project, or a similar utility-scale solar project, as contained in Item 3.1; accept the work as complete for the Pacheco Conduit Inspection and Rehabilitation Project, Kiewit Infrastructure West Co., and direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work, and submit for recording to the Santa Clara County Clerk-Recorder, as contained in Item 3.2; accept the CEO Bulletins, as contained in Item 3.3; and approve the minutes, as contained in Item 3.4..

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

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Board Committee Reports.
 - A. Delta Conveyance Design and Construction Authority Update.
 - B. Delta Conveyance Finance Authority Update.
 - C. Water, Storage, Exploratory Committee
 - D. Recycled Water Committee Summary

In regard to Item 4.1-A, Director Keegan reported that the Delta Conveyance Design and Construction Authority held Executive Director interviews and a Closed Session conference, and adopted a conflict of interest code and a resolution authorizing the Executive Director to negotiate and execute a professional services agreement with CH2MHill for engineering design management services in a not-to-exceed amount of \$110,000,000.

In regard to Item 4.1-B, Director Kremen reported that the Delta Conveyance Finance Authority held Closed Session conference, and adopted bylaws and a conflict of interest code.

In regard to Item 4.1-C, Director Kremen reported that the Water Storage Exploratory Committee received updates on Anderson and Calero Reservoirs, and the Pacheco Reservoir Expansion Project, and discussed Sites and Los Vaqueros Reservoirs.

In regard to Item 4.1-D, the Board noted the information without formal action.

Motion: Authorize requesting a letter of support from the San Luis Delta Mendota Water Authority Board, for expansion of Pacheco Reservoir as an alternative to the San Luis Reservoir Low Point Project.

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

5. WATER UTILITY ENTERPRISE:

Mr. Chris Hakes, Assistant Operating Officer, reviewed the information on Items 5.1 and 5.2, per the attached Board Agenda Memos.

Director Kremen requested that executive leadership from Mott MacDonald, LLC and AECOM Technical Services, Inc., be invited to address the Board during future presentations on the Pacheco Reservoir Expansion Project.

- 5.1. Consultant Services Agreement with Mott MacDonald, LLC for Program Management Services for the Pacheco Reservoir Expansion, Project No. 91954002.

Recommendation: Approve the Consultant Services Agreement with Mott MacDonald, LLC for program management services for the Pacheco Reservoir Expansion, Project No. 91954002, for a not-to-exceed amount of \$25,420,000.

Mr. Chris Mesker, Mott MacDonald, LLC, discussed Mott MacDonald LLC's U.S. and international operations, and confirmed its understanding of the importance of the Pacheco Reservoir Expansion Project.

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

- 5.2. Consultant Services Agreement with AECOM Technical Services, Inc., for Planning, Design, and Environmental Documentation and Permitting Support Services for the Pacheco Reservoir Expansion, Project No. 91954002.

Recommendation: Approve the Consultant Services Agreement with AECOM Technical Services, Inc., for planning, design, and environmental documentation and permitting support services for the Pacheco Reservoir Expansion, Project No. 91954002, for a not-to-exceed fee of \$104,723,000.

Mr. Sujan Punyamurthula, AECOM Technical Services, Inc., shared information on portions of his career in Santa Clara County.

Mr. Hakes distributed the attached materials, making corrections to the proposed agreement with AECOM Technical Services, Inc., identified as Handout 5.2-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Motion: Accept the corrections to the Agreement with AECOM Technical Services, Inc., as contained in Handout 5.2-A, and approve the Agreement for planning, design, and environmental documentation and permitting support services for the Pacheco Reservoir Expansion, Project No. 91954002, for a not-to-exceed fee of \$104,723,000, as corrected.

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

5.3. Water Supply Master Plan Update.

Recommendation: A. Reaffirm the 2012 "Ensure Sustainability" Strategy for the Water Supply Master Plan;
B. Approve changing the water supply reliability level of service goal from meeting 90 percent of demands in droughts to meeting 80 percent of demands in droughts;
C. Receive information and provide direction on the approach to the monitoring and contingency plan;
D. Receive information and provide direction on the recommended water supply strategy for the Water Supply Master Plan; and
E. Direct staff to return with updates on projects with near-term decision points.

Ms. Tracy Hemmeter, Senior Project Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 4.

Chairperson Santos acknowledged receipt of the attached email from Katja Irvin, Sierra Club Loma Prieta Chapter, identified as Handout 5.3-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

Mr. Andy Gere, San Jose Water Company (SJWC), expressed support for Advanced Metering Infrastructures (AMIs), discussed SJWC's AMI pilot study, and advised the Board that SJWC would petition the Public Utilities Commission regarding AMIs in 2019.

Director Kremen suggested the Board continue the item until such time as Director Estremera was present, and requested that staff revise their presentation to include impacts to water rates.

The Board continued the item to the December 11, 2018, regular meeting.

6. WATERSHEDS:

None.

7. EXTERNAL AFFAIRS:

None.

8. CHIEF EXECUTIVE OFFICER:

8.1. Board Confirmation of the Chief Operating Officer of Information Technology and Administrative Services.

Recommendation: *Confirm the appointment of Tina Yoke as Chief Operating Officer of Information Technology and Administrative Services for the Santa Clara Valley Water District.

Ms. Norma Camacho, Chief Executive Officer, announced Ms. Tina Yoke, former Deputy Administrative Officer, as the newly appointed Chief Operating Officer of Information Technology and Administrative Services.

Motion: Confirm the appointment of Tina Yoke as Chief Operating Officer of Information Technology and Administrative Services for the Santa Clara Valley Water District.

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

8.2. CEO and Chiefs' Report.

Ms. Melanie Richardson, Chief Operating Officer, reported on the discovery of Water Primrose, a nonnative invasive species, in Los Gatos Creek; introduced Ms. Lisa Bankosh-Infante, newly appointed Deputy Operating Officer; and reviewed and distributed the attached Stream Maintenance Report, identified as Handout 8.2-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Mr. Rick Callender, Chief of External Affairs, reviewed and distributed the attached Office of Communications and Office of Civic Engagement reports, identified respectively as Handouts 8.2-B and 8.2-C herein. Copies of the Handouts were distributed to the Board and made available to the public.

Chairperson Santos requested that Mr. Callender provide water use reduction survey result information during the December 11, 2018 continued discussion of Item 5.3.

Ms. Camacho reported participating in the Board's annual visit to Washington D.C.,

Mr. Yamamoto reported on the Sixth District Court of Appeals decision, in the Great Oaks Water Company case, to change the court's previous ruling regarding District groundwater charge subjection to Proposition 218, to a new ruling subjecting District groundwater charges to Proposition 26 instead.

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Director Varela reported attending Santa Clara County Farm Bureau and Agricultural Task Force meetings; South County Regional Wastewater Authority and Joint Venture Silicon Valley Board meetings; ethics training; an international water summit event; and the District Indo-American Employee Resource Group event.

Director Hsueh reported attending various Board committee meeting and the aforementioned District Indo-American Employee Resource Group event.

Director Kremen reported attending San Francisquito Creek Joint Powers Authority, Purissima Hills Water District, Delta Stewardship Committee, Water Storage and Demand Management Committee, Recycled Water Committee, Delta Conveyance Design and Construction Authority, and Delta Conveyance Finance Authority meetings, and various meetings with staff; and reported participating in a media interview and a City of Palo Alto Recycled Water Workshop.

Director Keegan reported attending meetings regarding the District Act and the Fish and Aquatic Habitat Collaborative Effort; the District All Employees meeting; various meetings in Sacramento; and various meetings with staff.

Director LeZotte reported attending a Capital Improvement Program Committee meeting, the aforementioned ethics training, and various meetings with staff.

Chairperson Santos reported participating in the annual visit to Washington D.C., and moved the agenda to Item 11.3.

11.3. Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk, Board of Directors, confirmed that there were no new Board Member Requests.

11.2. Proposed Future Board Member Agenda Items.

Director Varela requested that staff schedule an update on the California WaterFix during the January 22, 2019 regular meeting (Board Member Request No. 18-0017).

11.4. Adjourn to 11:00 a.m. Closed Session and 1:00 p.m. Rescheduled Regular Meeting, on November 27, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Santos adjourned the meeting at 8:15 p.m., in memory of lives lost during recent Northern and Southern California wildfire events, to the 11:00 a.m. Closed Session and 1:00 p.m. Rescheduled Regular Meeting, on November 27, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date:

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