



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, NOVEMBER 9, 2021  
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

**1.1 Roll Call.**

Board members participating by teleconference were Barbara Keegan, Gary Kremen, Linda J. LeZotte, and John L. Varela, with Tony Estremera, Nai Hsueh, and Richard Santos being present in the Boardroom, constituting a quorum of the Board.

Staff in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, J. Aranda, E. Aryee, A. Baker, R. Blank, S. Bogale, J. Bourgeois, R. Chan, A. Fulcher, R. Gibson, V. Gin, A. Gordon, A. Gschwind, C. Hakes, B. Hopper, M. Lugo, H. McMahon, L. Orta, M. Richardson, D. Rocha, K. Struve, D. Taylor, S. Tippets, G. Williams, B. Yerrapotu, and T. Yoke.

**2. TIME CERTAIN:**

**11:00 AM**

Chairperson Estremera confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1, 2.2, 2.3, and 2.4.

Mr. Carlos Orellana, District Counsel, confirmed that Item 2.1 pertained to the Anderson Dam Seismic Retrofit Project, and a landslide on Hoot Owl Way.

**2.1 CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION Pursuant to Government Code  
Section 54956.9(d)(2)  
Six Potential Cases**

- 2.2 CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL  
INITIATION OF LITIGATION Pursuant to Government Code  
Section 54956.9(d)(4)  
Six Potential Cases
- 2.3 CLOSED SESSION  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: Silicon Valley Advanced Water Purification Center, 4190 Zanker Road,  
San Jose, CA 95134 (APN: 01531063)  
Agency negotiators: Rick Callender, Melanie Richardson, Aaron Baker, Vincent  
Gin, Kirsten Struve, Darin Taylor, Charlene Sun  
Negotiating party: City of San Jose
- 2.4 CLOSED SESSION  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
Titles: CEO, District Counsel and Clerk of the Board

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

**1:00 PM**

- 2.5 District Counsel Report on Closed Session.

Mr. Orellana reported that in regard to Items 2.1, 2.2, and 2.3, the Board met in Closed Session with all members present, and took no reportable action.

Chairperson Estremera reported that in regard to Item 2.4, the Board conducted a CEO evaluation.

- 2.6 Pledge of Allegiance/National Anthem.

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

- 2.7 Orders of the Day.

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

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

Two statements expressing opposition to the Delta Conveyance Project, and concern over the Project's potential effects on endangered species, salt water intrusion, and the livelihood of surrounding communities; and support for water conservation and recycling were received from Ms. Jo Coffey, San Francisco resident, and Ms. Karen Jacques, Sacramento resident.

Mr. Jim Stallman, Saratoga resident, requested information on the estimated cost for the Sites Reservoir Expansion project.

Director Hsueh requested that staff provide a written response to Mr. Jim Stallman's request (Board Member Request No. R-21-0006).

## 2.9 Delta Conveyance Project Update.

Recommendation: Receive presentations regarding the Delta Conveyance Project and discuss. This is an information-only item and no action is required.

Mr. Vincent Gin, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Handout 2.9-A were reviewed by speakers as follows: Mr. Graham Bradner, Delta Conveyance Design and Construction Authority (DCA) Executive Director, reviewed Slides 1 through 13; and Ms. Carrie Buckman, Delta Conveyance Project Environmental Program Manager, reviewed Slides 14 through 20.

Two statements expressing support for the Delta Conveyance Project were received from: Mr. David Bini, Santa Clara and San Benito Counties Building and Construction Trades Executive Director; and Mr. Christopher LaBelle, Silicon Valley Leadership Group Senior Associate.

Eleven statements expressing opposition to the Delta Conveyance Project, including concern with impacts to water rates and fisheries, and construction-related impacts to local communities, were received from: Ms. Ginny Madsen, Santa Clara County resident; Ms. Katja Irvin and Ms. Molly Culton, Sierra Club Loma Prieta and California Chapters, respectively; Ms. Meg Giberson, League of Women Voters; Mr. Layne Fajeau, University of California, Berkeley student; Ms. Sheridan Noelan, Ms. Caty Wagner, and Ms. Regina Chichizola, of undisclosed residency or affiliation; and speakers identified as Jessica and Liana, and an anonymous speaker, of undisclosed residency and affiliation.

Additional written comments from Mr. Jason Scalese, Stop the Pacheco Dam Project Coalition Outreach Coordinator, and Mr. Jorge De Cecco, Ms. Jessica Ruppert, Ms. Judith Borcz, and Mr. Bill Trice, Jr., of undisclosed residency and affiliation, were received within the teleconferencing software's *Question and Answer* feature and are identified herein as Handout 2.9-B. Copies of the Handout were distributed to the Board and made available to the public.

The Board noted the information, without formal action.

## 2.10 Monthly Drought Emergency Response and Water Supply Update.

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Ms. Neeta Bijoor, Senior Water Resources Specialist, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Supplemental Attachment 1.

The Board noted the information without formal action.

### **3. CONSENT CALENDAR:**

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

- 3.1 Resolution Declaring November 2021 as National Native American Heritage Month.

Recommendation: Adopt the RESOLUTION DECLARING NOVEMBER 1 TO NOVEMBER 30, 2021, AS NATIONAL NATIVE AMERICAN HERITAGE MONTH.

- 3.2 Resolution Proclaiming November 14-20, 2021, as United Against Hate Week.

Recommendation: Adopt a RESOLUTION PROCLAIMING NOVEMBER 14-20, 2021, AS UNITED AGAINST HATE WEEK.

- 3.3 Approve the First Amendment to Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project as parts of the Federal Energy Regulatory Commission Order Compliance Project, under the Anderson Dam Seismic Retrofit Project No. 91864005, APN: 728-34-020, 729-36-001, 678-02-031 and -034, and 725-06-008; Real Estate File Nos. 9186-35, 9186-39, 9188-17, and 9232-52, Providing a No-Cost time extension to the Agreement (Unincorporated Santa Clara County) (District 1).

Recommendation: Approve the First Amendment to Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara, providing a no-cost time extension to the agreement.

- 3.4 Approval of Minutes.

Recommendation: Approve the minutes.

- 3.5 Accept the CEO Bulletin for the Weeks of October 22 - November 4, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.5, under one motion, as follows: adopt Resolution No. 21-89 DECLARING NOVEMBER 1 TO NOVEMBER 30, 2021, AS NATIONAL NATIVE AMERICAN HERITAGE MONTH, by roll call vote, as contained in Item 3.1; adopt Resolution No. 21-90 PROCLAIMING NOVEMBER 14-20, 2021, AS UNITED AGAINST HATE WEEK, by roll call vote, as contained in Item 3.2; approve Amendment No. 1 to Agreement for Possession and Use with the County of Santa Clara, providing a no-cost time extension, as contained in Item 3.3; approve the minutes, as contained

in Item 3.4; and accept the CEO Bulletin, as contained in Item 3.5.

Move to Approve: Richard Santos  
Second: Nai Hsueh  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

#### **REGULAR AGENDA:**

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

##### **4.1 Board Committee Reports.**

The Board noted the information without formal action.

##### **4.2 Proposed Future Board Member Agenda Items.**

None.

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

The Board considered Item 5.1, 5.2, and 5.3 without staff presentations.

##### **5.1 Approve Sole-Source Purchase of Parts, Refurbishments, and Maintenance and Calibration Services from Xylem Water Solutions U.S.A., Inc. - WEDECO for Valley Water's Ozone Generating and Ultraviolet Disinfection Systems Over the Lifetime of Such Systems with Near-Term Procurements Estimated to Cost of \$920,000.**

Recommendation: Approve Sole-Source Purchase of Parts, Refurbishments, and Maintenance and Calibration Services from Xylem Water Solutions U.S.A., Inc. - WEDECO for Valley Water's Ozone Generating and Ultraviolet Disinfection Systems Over the Lifetime of Such Systems with Near-Term Procurements Estimated to Cost of \$920,000.

Move to Approve: Nai Hsueh  
Second: Richard Santos  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

- 5.2 Approve Sole Source Purchase of Two (2) Online Trihalomethane (THM) Analyzers from Aqua Metrology Systems Limited (AMS) for Continuous Finished Water THM Monitoring at the Rinconada Water Treatment Plant (Project No. 93291012) and Penitencia Water Treatment Plant (Project No. 93231009) for a Not-To-Exceed amount of \$200,000.

Recommendation: Authorize the Chief Executive Officer to negotiate, execute, and amend the sole source purchase of two (2) online THM analyzers from AMS to obtain real-time THM data at Rinconada and Penitencia Water Treatment Plants from Aqua Metrology Systems Limited (AMS), in a not-to-exceed cost of \$200,000.

Move to Authorize: John L. Varela  
Second: Richard Santos  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

- 5.3 Approve Agreement with Stantec Consulting Services, Inc. for Design Services for the Penitencia Water Treatment Plant Residuals Management Project, Project No. 93234044, CAS File No. 5204, for a Not-to-Exceed Fee of \$5,938,518 (San Jose), (District 3).

Recommendation: Approve the Consultant Agreement with Stantec Consulting Services, Inc. for Design Services for the Penitencia Water Treatment Plant Residuals Management Project, Project No. 93234044, for a not-to-exceed fee of \$5,938,518.

Move to Approve: Richard Santos  
Second: Nai Hsueh  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

- 5.4 Update on the Condition of the Almaden Valley Pipeline and Determination that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose) (District 3).

Recommendation: A. Receive an update on the Almaden Valley Pipeline; and

- B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on November 2, 2021, pursuant to California Public Contract Code § 22050, to repair the Almaden Valley Pipeline.

Mr. Greg Williams, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Approve: Richard Santos  
Second: Nai Hsueh  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

**6. WATERSHEDS:**

None.

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

- 7.1 Receive and Discuss Information on the Pacheco Reservoir Expansion Project and Water Storage Investment Program Award Discussion, and Adopt a Resolution for Water Storage Investment Program Funding Commitment for the Pacheco Reservoir Expansion Project.

Recommendation: A. Receive and discuss information regarding the Pacheco Reservoir Expansion Project;  
B. Water Storage Investment Program Award Discussion; and  
C. Adopt the RESOLUTION for WATER STORAGE INVESTMENT PROGRAM FUNDING COMMITMENT FOR THE PACHECO RESERVOIR EXPANSION PROJECT.

Mr. Ryan McCarter, Pacheco Project Manager, reviewed the information on this item, per the attached Board Agenda Memo.

Three statements requesting a 90-day extension of the review period for the Project's Draft Environmental Impact Report (DEIR), and expressing concerns on environmental impacts, outreach on project benefits, potential infringement on property rights, project costs, impacts on livelihood, and disturbance of cultural sites, were received from Ms. Irvin, Mr. Scalese, and Ms. Giberson.

Director Hsueh requested that staff investigate whether an extended review period could be provided on the Project DEIR.

Motion: Adopt RESOLUTION No. 21-91 for WATER STORAGE INVESTMENT PROGRAM FUNDING COMMITMENT FOR THE PACHECO RESERVOIR EXPANSION PROJECT.

Move to Adopt: Gary Kremen  
Second: Richard Santos  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

7.2 Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of the Fiscal Year 2022-23 (FY23) Currently Unfunded Projects.

Recommendation: A. Receive overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule;  
B. Review list of Currently Unfunded Capital Projects; and  
C. Provide feedback as necessary.

Ms. Jessica Collins, Business Planning and Analysis Unit Manager, reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Attachment 1 were reviewed by staff as follows: Ms. Collins, reviewed Slides 1 through 6, and 8 through 10; and Mr. Darin Taylor, Chief Financial Officer, reviewed Slide 7.

Director Hsueh informed the Board that the Capital Improvement Program Committee had received and were reviewing the list of initially-validated projects, and would provide a recommendation to the full Board.

The Board noted the information, without formal action.

The Board considered Item 7.3 without a staff presentation.

7.3 Report of Bids Received and Award of Construction Contract to Garney Pacific, Inc., in the Sum of \$12,867,059, for the Cross Valley Pipeline Extension Project, as Part of the Anderson Dam Seismic Retrofit Project, Project No. 91864005, Contract No. C0676 (Morgan Hill, Santa Clara County) (District 1).

Recommendation: A. Ratify Addenda No. 1, 2, 3, 4, and 5 to the Contract Documents for the Cross Valley Pipeline Extension Project;  
B. Award the Contract to Garney Pacific Construction, Inc. in the sum of \$12,867,059; and  
C. Approve a contingency sum of \$1,930,059 and authorize the Chief Executive Officer or designee to



approve individual change orders up to the designated amount.

Move to Approve: Richard Santos  
Second: Nai Hsueh  
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

**8. EXTERNAL AFFAIRS:**

None.

**9. CHIEF EXECUTIVE OFFICER:**

9.1 CEO and Chiefs' Report.

Ms. Sue Tippets, Interim Chief Operating Officer, distributed and reviewed the attached Watersheds Operations and Maintenance Report, identified as Handout 9.1-A herein.

Ms. Rachael Gibson, Chief of External Affairs, distributed and reviewed the attached Office of Racial Equity, Diversity and Inclusion (REDI) and Office of Communications Update Reports, respectively identified as Handouts 9.1-B and 9.1-C herein.

**10. ADMINISTRATION:**

None.

**11. DISTRICT COUNSEL:**

None.

**12. ADJOURN:**

12.1 Board Member Reports/Announcements.

Director Varela reported attending an Association of California Water Agencies (ACWA) virtual conference; Homeless Encampment Committee (HEC), Diversity and Inclusion (D&I) Ad Hoc, and Water Storage Exploratory Committee meetings; a Board meeting; a Santa Clara County Farm Bureau meeting; a REDI event; and various meetings with staff.

Director Keegan reported attending the Redistricting Advisory Committee's (RAC) public outreach meeting for District 2; a Stream Planning and Operations Committee (SPOC) meeting; a Silicon Valley Leadership Group Forum; the

Board's Annual Washington DC Visit virtual series of meetings; and various meetings with staff.

Director Santos reported attending Berryessa Citizens Advisory Committee and San Luis and Delta Mendota Water Authority (SLDMWA) meetings; the Coyote Creek Trail Opening event; and various meetings with staff.

Director LeZotte reported attending the aforementioned Board's Annual Washington DC Visit virtual series of meetings and Silicon Valley Leadership Group Forum; a Santa Clara County Recycling and Waste Reduction Commission meeting; and various meetings with staff.

Director Hsueh reported attending the aforementioned Board's Annual Washington DC Visit series of virtual meetings, and D&I Ad Hoc Committee meeting; a Santa Clara Valley Water Commission (Water Commission) meeting; a San Jose Water Company public meeting; and various meetings with staff.

Director Kremen reported attending the aforementioned SLDMWA and Water Commission meetings, the Board's Annual Washington DC Visit virtual series of meetings, and various meetings with staff; and participating in various media-related activities related to the drought.

Chairperson Estremera reported attending the aforementioned Water Commission, D&I Ad Hoc and SPOC Committees, Board's Annual Washington DC Visit, Coyote Creek Trail Opening, and various meetings with staff.

12.2 Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk, Board of Directors, read the new Board Member Request into the record.

12.3 Adjourn to 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on November 23, 2021.

Chairperson Estremera adjourned the meeting at 3:50 p.m., to the 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on November 23, 2021.

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date: January 11, 2022