



BOARD OF DIRECTORS MEETING

MINUTES

**REGULAR MEETING & CLOSED SESSIONS
TUESDAY, AUGUST 9, 2016
4:30 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A regular meeting and closed session 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 4:30 p.m.

1.1. Roll Call.

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

Directors Estremera and LeZotte arrived as noted below.

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, A. Cheung, N. Chu, G. Hall, B. Hopper, K. Oven, M. Richardson, R. Subramanian, and S. Tikekar. Mr. N. Nguyen, Assistant Officer, represented Mr. J. Fiedler, Chief Operating Officer.

Chairperson Keegan announced that the Board would adjourn to Closed Session for consideration of Items 2.1 through 2.3.

2. TIME CERTAIN:

4:30 PM

Directors Estremera and LeZotte arrived during closed session.

2.1. CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957(b)(1) Title: Clerk of the Board, CEO and District Counsel

2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Santa Clara Valley Water District v. Rajaraman, et al.
Santa Clara County Superior Court, Case No. 115CV275167

2.3. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code Section 54956.9(d)(1)
SCVWD v. Ward B. Saunders and Elaine K. Saunders, et al.
Santa Clara County Superior Court, Case No. 115CV286566

Upon return to open session, the same Board members, including Directors Estremera and LeZotte, and staff were present.

2.4. District Counsel Report.

Mr. Joseph Aranda, Assistant District Counsel, reported that the Board met in Closed Session with all members present on Item 2.3, and voted to accept the settlement offer.

Mr. Stan Yamamoto, District Counsel, reported that the Board met in Closed Session with all members present on Item 2.1, and took no action; and on Item 2.2, gave direction to staff.

6:00 PM

2.5. Pledge of Allegiance/National Anthem.

Chairperson Keegan led all present in reciting the Pledge of Allegiance.

2.6. Orders of the Day.

Chairperson Keegan announced that Item 3.3 would be removed from the Consent Calendar for individual consideration.

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

Ms. Maureen Jones, Citizens for Safe Drinking Water, expressed opposition to fluoridation of drinking water, and submitted the attached materials identified as Handout 2.7-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

- 2.8. Public Hearing on the Engineer's Report and Resolution Approving the Engineer's Report on the John D. Morgan Park Monitoring Well Project, Project No. 91304001 (Campbell) (District 4).

Recommendation: A. Conduct Public Hearing on the Engineer's Report;
B. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE JOHN D. MORGAN PARK MONITORING WELL PROJECT; and
C. Approve the Project.

Chairperson Keegan opened the public hearing.

Mr. Thomas Mohr, Senior Water Resources Specialist, reviewed the information on this item, per the attached Board Agenda Memo, and reviewed the attached presentation materials.

Chairperson Keegan declared time open for public comment, and seeing none, closed the public hearing.

Motion: Adopt Resolution No. 16-63, APPROVING THE ENGINEER'S REPORT FOR THE JOHN D. MORGAN PARK MONITORING WELL PROJECT, by roll call vote, and approve the Project.

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

- 2.9. Presentation of 2016 SCVWD Summer Internships for College Students and Skilled Trades.

Recommendation: Receive information and data on the 2016 Summer Internship Program for college students and skilled trades, and acknowledge commitment to the success of the program.

Ms. Peggy Donatelli, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memo, and reviewed the attached presentation materials.

Ms. Deborah Bud, Ph.D., District Chancellor, San Jose/Evergreen Valley Community College; Ms. Alyssa Lynch, Superintendent, Metropolitan Education District; and Mr. John Hogan, Chief Executive Officer, TeenForce, expressed appreciation to the Board and District for implementing the internship program.

Director Varela expressed concern that the intern program excluded District 1, Morgan Hill and Gilroy, college and high school participants, and asked how this program could be expanded to include South County students.

Directors Estremera, Santos, Hsueh, LeZotte, and Keegan congratulated the interns on their participation in the 2016 program, and offered words of encouragement for continued studies and the pursuit of future employment with the District.

Chairperson Keegan declared a brief recess to meet interns and take a group photo.

Upon return to open session, the same Board members and staff were present.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1, 3.2, and 3.4 through 3.6, under one motion.

- 3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin, Project No. 26244001, Contract No. C0616 (Mountain View) (District 5).

Recommendation: A. Find that Playfield Sports Lighting - Musco Lighting should be designated by specific brand name and catalog item as a sole source product, to match other products already in use at the City of Mountain View's Shoreline Athletic Fields. PCC 3400(c)(2);
 B. Find that Central Controller - EGP Series, Rain Master should be designated by specific brand name and catalog item as a sole source product, to match other products already in use in the City of Mountain View. PCC 3400(c)(2);
 C. Adopt the plans and specifications and authorize advertisement for bids for the construction of the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin (Project) per the Notice to Bidders; and
 D. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

- 3.2. Approval of Consultant Agreement for \$576,397 with MKThink for the Employee Workspace Project.

Recommendation: Approve the consultant agreement with MKThink (Consultant) for the Employee Workspace Project for an amount not-to-exceed \$576,397, and authorize the Interim Chief Executive Officer or her designee to execute the agreement.

- 3.4. Notice of Completion of Contract and Acceptance of Work for the Infrastructure Reliability Portfolio 2 (IRP2) Water Treatment Plant Operations Building Seismic Retrofit Project, S.J. Amoroso Construction Co., Inc., Contractor, Project No. 93764003, Contract No. C0596 (Los Gatos) (District 7).

Recommendation: A. Accept the work as complete;
 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; and
 C. Authorize reducing the current construction contract retention of ten percent (10%) to five percent (5%), consistent with the minimum amount required by the California Public Contract Code.

- 3.5. CEO Bulletin for the Weeks of July 22–28, and July 29–August 4, 2016.

Recommendation: Accept the CEO Bulletin.

- 3.6. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Items 3.1, 3.2 and 3.4 through 3.6, under one motion, as follows: Find that Playfield Sports Lighting - Musco Lighting and Central Controller - EGP Series, Rain Master should be designated by specific brand name and catalog item as sole source products, adopt the plans and specifications and authorize advertisement for bids per the Notice to Bidders, and authorize the Designated Engineer to issue addenda, as necessary, during bidding, as contained in Item 3.1; approve the consultant agreement with MKThink for an amount not-to-exceed \$576,397, and authorize the Interim CEO or her designee to execute the agreement, as contained in Item 3.2; accept the work as complete, 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, and authorize reducing the current construction contract retention to five percent (5%), as contained in Item 3.4; accept the CEO Bulletins, as contained in Item 3.5; and approve the minutes, as contained in Item 3.6.

Move to Approve: Richard Santos

Second: Gary Kremen

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

Nays: None

Abstains: None

Recuses: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

Chairperson Keegan returned the agenda to Item 3.3.

3.3. Memorandum of Understanding Between the Santa Clara Valley Water District and Ecology Action for the WaterLink Program, Project No. 91151001.

Recommendation: Authorize the Interim CEO to approve and execute the Memorandum of Understanding between the Santa Clara Valley Water District and Ecology Action for the WaterLink Program.

Mr. Jerry De La Piedra, Water Supply Planning and Conservation Manager, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Authorize: John L. Varela
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela
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.

Director Estremera provided a summary of Board Audit Committee actions taken during its July and August 2016 meetings, regarding proposed Board Independent Audit Consultant Services and audit of the Lower Silver Creek Flood Protection Project Agreement with RMC Water and Environment.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

None.

7. CHIEF EXECUTIVE OFFICER:

7.1. Chief Executive Officer Report.

Ms. Norma Camacho, Interim CEO, reported that the Great Place to Work Survey results had been received and shared with District staff, and reviewed future activities associated with the program.

Mr. Garth Hall and Ms. Angela Cheung, Deputy Operating Officers, reported on San Luis Reservoir low point and Anderson Reservoir water quality issues, explained the water purification process being used to address Anderson concerns, and reported that County Parks had been notified of restrictions to be implemented on recreational use of Anderson reservoir resulting from these concerns.

8. ADMINISTRATION:

None.

9. DISTRICT COUNSEL:

None.

10. ADJOURN:

10.1. Board Member Reports/Announcements.

Director Hsueh reported attending Board Policy and Planning and Landscape Committee meetings; a presentation ceremony for the Quingdao Government Delegation of China, and a San Francisquito Creek Flood Protection Project (SFCFPP) Groundbreaking event.

Director Estremera reported attending Homeless Encampment and Board Audit Ad Hoc Committee meetings; a meeting with City of Sunnyvale Mayor Glenn Hendricks and City Manager Deanna Santana; a La Raza Roundtable meeting; and meetings with District staff.

Chairperson Keegan reported attending the aforementioned Board Audit Ad Hoc, Board Policy and Planning Committee, and City of Sunnyvale meetings, and the presentation ceremony for the Quingdao Government Delegation. She also reported attending a meeting with Andrew Gere, President/Chief Operating Officer, San Jose Water Company and meetings with District staff, and the National Night Out event at St. James Park, San Jose.

Director Varela reported attending the aforementioned Homeless Encampment and Board Policy and Planning Committee meetings and La Raza Roundtable meeting, the Morgan Hill National Night Out event, and a District 8 Roundtable meeting.

Director Santos reported attending the aforementioned SFCFPP Groundbreaking event and La Raza Roundtable meeting; and a meeting with City of San Jose staff regarding homeless issues.

10.2. Clerk Review and Clarification of Board Requests.

There were no new Board member requests reported.

- 10.3. Adjourn to Regular Meeting at 6:00 p.m., on August 23, 2016, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Keegan adjourned the meeting at 7:20 p.m., to the Regular Meeting at 6:00 p.m., on August 23, 2016. However, subsequent to the adjournment of this meeting, a special VIP Drought Tour was scheduled and attended by a quorum of the Board at 8:00 a.m., on August 19, 2016, 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: September 13, 2016