



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION & SPECIAL MEETING
TUESDAY, DECEMBER 19, 2017
10:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Special 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 10:00 a.m.

1.1. Roll Call.

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

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

Staff members in attendance were S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, K. Arends, M. Baratz, A. Comelo, V. Gin, C. Hakes, G. Hall, B. Hopper, N. Nguyen, K. Oven, M. Richardson, and D. Taylor. Chief Operating Officer Nina Hawk represented Chief Executive Officer Norma Camacho.

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

2. TIME CERTAIN:

10:00 a.m.

Director Estremera arrived.

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Great Oaks v. SCVWD
California Supreme Court, Case No. S231846
- 2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL LIABILITY CLAIMS
Government Code 54956.9(e) (3)
Receipt of Claims
Claimants: All claims related to the Coyote Creek flood, February 2017, names of claimants on file with the Clerk of the Board
Claimed against the District

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

1:00 p.m.

- 2.3. District Counsel Report.

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 Keegan, and gave direction to staff.

- 2.4. Pledge of Allegiance/National Anthem.

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

- 2.5. Orders of the Day.

Chairperson Varela confirmed that Items 3.3 through 3.5 would be considered after Item 3.8.

- 2.6. 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. There was no one present who wished to speak.

2.7. Conceptual Recycled Water Exchange Project with Contra Costa Water District and Central Contra Costa Sanitary District.

Recommendation: Receive information and provide direction to staff.

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 1.

Motion: Approve support for the Recycled Water Exchange Project with Contra Costa Water District and Central Contra Costa Sanitary District, and refer the project to the Recycled Water Committee for research and recommendation of next steps.

Move to Approve: Tony Estremera

Second: Gary Kremen

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

Nays: None

Abstains: None

Recuses: None

Absent: Barbara Keegan

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

3. CONSENT CALENDAR: (3.1 - 3.8)

Chairperson Varela removed Item 3.3 through 3.5 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1, 3.2 and 3.6 through 3.8, under one motion.

Ms. Michele King, Clerk/Board of Directors, requested that approval of Item 3.1 include authorization for the Chief Executive Officer to execute Amendment No. 1.

3.1. Amendment No. 1 to Standard Consulting Agreement No. A4056G with Stantec Consulting Services, Inc. for the Pacheco Reservoir Proposition 1 Application Study Project, Project No. 60042001.

Recommendation: A. Approve Amendment No. 1 to Consultant Agreement No. A4056G with Stantec Consulting Services, Inc., with an additional fee of \$355,000 for the Pacheco Reservoir Proposition 1 Application Project for a revised not-to-exceed fee of \$1,192,751; and
B. Approve a budget adjustment to transfer a total amount of \$710,000 from the General Fund - Operating and Capital Reserve to the Pacheco

Reservoir Proposition 1 Application Study Project,
Project No. 60042001.

- 3.2. Amendment No. 2 to Grant Agreement No. A3536R, with City of San Jose for the Three Creeks Trail, Trestle and Interim Improvements Project (San Jose) (District 2).

Recommendation: A. Approve Amendment No. 2 to the Grant Agreement A3536R between the Santa Clara Valley Water District and the City of San Jose; and
 B. Authorize the Chief Executive Officer to execute Amendment No. 2.

- 3.6. Membership Nominations for Committee Re-Appointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee (EWRC) and the Safe, Clean Water and Natural Flood Protection Program's Independent Monitoring Committee (SCW IMC).

Recommendation: A. Consider nomination for a one-year membership re-appointment of Dhruv Khanna to the Agricultural Water Advisory Committee;
 B. Consider two-year membership re-appointments of Elizabeth Sarmiento, Hon. Dean J. Chu and Rev. Jethroe Moore, II, to the EWRC;
 C. Consider two-year membership re-appointment of Eileen McLaughlin and Kit Gordon, to the SCW IMC; and
 D. Consider three-year membership re-appointment of Julie Hutcheson, Kathleen Sutherland, Hon. Joe Head and Hon. Patrick Kwok, to the SCW IMC.

- 3.7. CEO Bulletin for the Week of December 8 - 14, 2017.

Recommendation: Accept the CEO Bulletin.

- 3.8. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1, 3.2 and 3.6 through 3.8 under one motion as follows: Approve and authorize the CEO to execute Amendment No. 1 to Agreement No. A4056G with Stantec Consulting Service, Inc., with an additional fee of \$355,000 for the Pacheco Reservoir Proposition 1 Application Project for a revised not-to-exceed fee of \$1,192,751, and approve a budget adjustment to transfer \$710,000 from the General Fund - Operating and Capital Reserve to the Pacheco Reservoir

Proposition 1 Application Study Project, as contained in Item 3.1; approve and authorize the CEO to execute Amendment No. 2 to the Grant Agreement A3536R with the City of San Jose, as contained in Item 3.2; approve Committee member reappointments, as contained in Item 3.6; accept the CEO Bulletin, as contained in Item 3.7; and approve the minutes, as contained in Item 3.8.

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

Chairperson Varela returned the agenda to Item 3.3.

Mr. Jeff O'Neal, External District Counsel, reviewed the information in Items 3.3 through 3.5, per the attached Board Agenda Memos.

3.3. Application for Leave to File Late Claim for Claim of Hoang Pham, 1828 Rock Springs Drive, Apt. 4, San Jose, CA 95112.

Recommendation: Deny the application to file a late claim.

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

- 3.4. Application for Leave to File Late Claim for Claim of Kea Prum, 1755 Rock Springs Drive, Apt. 4, San Jose, CA 95112.

Recommendation: Deny the application to file a late claim.

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

- 3.5. Application for Leave to File Late Claim for Claim of Mong-Van Fousek, 1779 Welch Ave., Apt. 2, San Jose, CA 95112.

Recommendation: Deny the application to file a late claim.

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

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars.

Recommendation: Review, discuss and revise, if necessary, the Fiscal Year 2018 Board Policy Planning and Performance Monitoring Calendars.

Ms. King reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachments 1 and 2.

Director Kremen suggested including trails policy and encroachments discussions during the first quarter of 2018.

The Board noted the information, without formal action.

4.2. Board Committee Reports.

Director Hsueh reviewed the attached meeting summaries for the November 27 and December 11, 2017, Capital Improvement Committee (CIP) meetings, the November 27, 2017, Board Policy and Planning Committee meeting, and the December 14, 2017, Water Conservation and Demand Management (WCDM) Committee meeting, identified as Handouts 4.2-A through 4.2-D, herein. Copies of the Handouts were distributed to the Board and made available to the public.

The Board noted the information, without formal action.

5. **WATER UTILITY ENTERPRISE:**

5.1. Update on District's Desalination Efforts.

Recommendation: Receive and discuss information related to the District's efforts in exploring desalination as a source of water supply.

Ms. Hemmeter reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

Mr. Michael Franzino, County of Santa Clara, encouraged the Board to take action on advancing desalination opportunities.

Chairperson Varela acknowledged receipt of the attached written comments from Mr. Doug Muirhead, Morgan Hill resident, identified as Handout 5.1-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

The Board noted the information, without formal action.

5.2. Adoption of the 2017 Central Valley Project Improvement Act Water Management Plan.

Recommendation: Adopt the Resolution ADOPTING THE 2017 CENTRAL VALLEY PROJECT IMPROVEMENT ACT WATER MANAGEMENT PLAN.

Mr. Jerry De La Piedra, Water Supply Planning and Conservation Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

Chairperson Varela acknowledged receipt of the attached written comments received from Mr. Muirhead, identified as Handout 5.2-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

Motion Adopt Resolution No. 17-76, ADOPTING THE 2017 CENTRAL VALLEY PROJECT IMPROVEMENT ACT WATER MANAGEMENT PLAN, by roll call vote.

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

5.3. Solicitation for Participation in Westlands Solar Park Project.

Recommendation: A. Receive information on the solicitation for participation in Westlands Solar Park Project; and
B. Provide direction to staff.

Mr. Kurt Arends, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and reviewed the information contained in Attachment 2; and Mr. Bruce McLaughlin and Mr. Chris Collins, Power and Water Resources Pooling Authority, reviewed the information contained in Attachment 1.

The Board requested that staff investigate District participation in the power purchase agreement and other local solar power generation options, and return to the Board for consideration.

6. WATERSHEDS:

6.1. Development of a Proposed Pilot Project for Using Unmanned Aerial Vehicles (UAV) in Land Surveying and Mapping Activities (County-wide).

Recommendation: Authorize staff to develop a pilot project for using UAV in land surveying and mapping activities.

Move to Authorize: Tony Estremera

Second: Gary Kremen

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

Nays: None

Abstains: None

Recuses: None

Absent: Barbara Keegan

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

7. EXTERNAL AFFAIRS:

None.

8. CHIEF EXECUTIVE OFFICER:

8.1. Chief Executive Officer Report.

Mr. Chris Hakes, Assistant Operating Officer, and Ms. Angela Cheung, Deputy Operating Officer, reported on the status, water quality impacts, and community outreach efforts related to the Almaden Valley Pipeline Inspection and Rehabilitation Project.

Ms. Melanie Richardson, Interim Chief Operating Officer, reported that the Regional Water Quality Control Board had unanimously approved the District's tentative order and agreed to accelerate review of policy issues, and said the next step was to obtain a Conservation and Development permit; and reported that construction of a temporary berm in the Rock Springs area of Coyote Creek was completed.

Ms. Rachael Gibson, Interim Deputy Administrative Officer, provided an update on the Safe, Clean Water Program agreement with First 5 Santa Clara and the Santa Clara County Department of Public Health for the installation of 50 hydration stations at local schools. She reported that to date 42 hydration stations had been installed at schools within the county, and that the final eight locations had been identified.

The Board requested that staff provide the Board with a list of schools with installed hydration stations and signage (Board Member Request No. R-17-0037).

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Director Kremen reported attending a Santa Clara Valley Water Commission meeting.

Director Hsueh reported attending CIP, Board Policy and Planning, and WCDM Committee meetings.

Director Estremera reported attending a Successor Agency to the San José Redevelopment Agency meeting.

Chairperson Varela reported participating in a Wreaths Across America ceremony honoring U.S. Veterans at Gavilan Cemetery, Gilroy.

Director Santos reported attending a RWQCB hearing and the aforementioned WCDM Committee meeting, and shared a District water conservation outreach message that had been published in the Silicon Valley Business Journal.

Director LeZotte reported attending the aforementioned WCDM Committee meeting.

11.2. Clerk Review and Clarification of Board Requests.

Ms. King read the new Board Member Request into the record.

- 11.3. Adjourn to Regular Meeting at 1:00 p.m., on January 9, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Varela adjourned the meeting at 2:35 p.m., to the Regular Meeting at 1:00 p.m., on January 9, 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: