



BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING
TUESDAY, NOVEMBER 26, 2019
6:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A 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 6:00 p.m.

1.1 Roll Call.

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

Director Gary Kremen was excused from attending.

Director Tony Estremera 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, A. Baker, R. Callender, M. Cook, G. De La Piedra, R. Gibson, C. Hakes, G. Hall, N. Hawk, M. Lugo, M. Richardson, D. Taylor, S. Tippetts, and T. Yoke.

1.2 Pledge of Allegiance/National Anthem.

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

1.3 Orders of the Day.

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

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

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

Ms. Holly Schrimsher, San Jose State University student, informed the Board about participating in the November 16, 2019 Veteran Awareness Silicon Valley Advanced Water Purification Center Public Tour at the Silicon Valley Advanced Water Purification Center, expressed appreciation for Valley Water's water reuse efforts, inquired about next steps for direct potable reuse, and requested a photo on adjournment of the meeting with all present Board members.

Ms. Colleen Haley, Special District Leadership Foundation, presented the Special District Leadership Foundation's Certificate of Excellence to Valley Water, for transparency in operations and governance.

Chairperson LeZotte and Ms. Norma Camacho, Chief Executive Officer, received the award on behalf of Valley Water.

2. CALL TO ORDER:

6:00 PM

Director Estremera arrived.

2.1 Receive Winter Preparedness Briefing and Provide Direction to Staff.

Recommendation: A. Receive information on the Santa Clara Valley Water District's preparedness for winter operations;
 B. Provide direction to staff as to Anderson-Coyote Reservoir system operation; and
 C. Provide direction to staff as to Lexington Reservoir operation.

Ms. Tina Yoke, Chief Operating Officer, Information Technology and Administrative Services, reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials were reviewed by staff as follows: Mr. Alex Gordon, Emergency and Security Manager, reviewed Attachment 1, Slides 1 through 21; and Mr. Aaron Baker, Deputy Operating Officer, reviewed Slides 22 through 23.

Director Varela confirmed an upcoming Anderson Dam Public Meeting to give updates on ongoing work at the dam, and to discuss flood preparedness.

Mr. Doug Muirhead, Morgan Hill resident, expressed frustration that the Emergency Action Plans for West Little Llagas and Uvas Creeks were still not available to the public, after one year of announcement that they have been developed.

The Board made the following requests of staff:

- Implement targeted outreach to flood-prone areas, in addition to the annual floodplain mailer, this year, and in future outreach plans;
- Provide a written response to Mr. Muirhead's comments; and

- Make all Emergency Action Plans available, where security concerns do not exist.

Motion: Refer to staff to continue operation of Anderson/Coyote Reservoir system to the 40% Exceedance Probability Curve for Seismic Restriction as previously directed by the Board; and to confirm and continue the operation of Lexington Reservoir for temporary planned flood risk reduction.

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

Chairperson LeZotte moved the agenda to Item 3.1.

- 3.1 Adopt Resolution Setting Time and Place of Public Hearing to Consider Adopting Modified Groundwater Benefit Zones W-2 and W-5, and New Groundwater Benefit Zones W-7 and W-8.

Recommendation: A. Adopt the Resolution SETTING TIME AND PLACE OF PUBLIC HEARING TO CONSIDER ADOPTING MODIFIED GROUNDWATER BENEFIT ZONES W-2 AND W-5, AND NEW GROUNDWATER BENEFIT ZONES W-7 AND W-8; and
 B. Set time and place for public hearing to occur on January 28, 2020 at 6:00 p.m., at the Santa Clara Valley Water District Board Room, 5700 Almaden Expressway, San Jose, CA 95118.

The Board continued Item 3.1 to a future meeting.

3. **CONSENT CALENDAR:**

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

- 3.2 Receive Report of Bids, Ratify Addenda, Approve the Contingency Fund, and Award the Construction Contract to AAA Fence Company, Inc., for the Vasona Pump Station Fence and Gates Replacement - Phase 1, Project No. 92764009, Contract No. C0654, (Los Gatos) (District 7).

Recommendation: A. Ratify Addenda No. 1 and 2 to the Contract Documents for the Vasona Pump Station Fence and Gates Replacement – Phase 1;
 B. Award the Contract to AAA Fence Company, Inc. in the sum of \$215,765; and

- C. Approve a contingency sum of \$21,576 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

3.3 Deny Claim of Andres Carrasco.

Recommendation: Deny the claim.

3.4 Accept the CEO Bulletins for the Weeks of November 8-14, and 15-21, 2019.

Recommendation: Accept the CEO Bulletins.

Motion: Approve Consent Calendar Items 3.2 through 3.4, under one motion, as follows: ratify Addenda No. 1 and 2 to the contract documents for the Vasona Pump Station Fence and Gates Replacement Phase 1 project, award the contract to AAA Fence Company, Inc., in the sum of \$215,765 and approve a contingency sum of \$21,576 and authorize the CEO or designee to approve individual change orders up to the designated amount, as contained in Item 3.2; deny the claim of Andres Carrasco, as contained in Item 3.3; and accept the CEO Bulletins, as contained in Item 3.4.

Move to Approve: Richard Santos

Second: Tony Estremera

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

Nays: None

Abstains: None

Recuses: None

Absent: Gary Kremen

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

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Board Committee Reports.

Standing Reports (Verbal Reports):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Coyote Flood Risk Reduction (CFRR) Ad Hoc Committee
7. Diversity and Inclusion (D&I) Ad Hoc Committee
8. Fishery and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee

9. Homeless Encampment Ad Hoc Committee (HEAHC)
10. Recycled Water Committee (RWC)
11. Water Conservation and Demand Management (WCDM) Committee
12. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

13. Agricultural Water Advisory Committee (AWAC)
14. Environmental and Water Resources Committee (EWRC)
15. Santa Clara Valley Water Commission (Water Commission)
16. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

17. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
18. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
19. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
20. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
21. San Felipe Division Reach One

External Committees/Agencies (Verbal Report):

22. ACWA and ACWA Joint Powers Insurance Authority
23. Baylands Shoreline Steering Committee
24. California WaterReuse Association
25. Joint Venture Silicon Valley Board of Directors
26. Landscape Committee
27. Local Agency Formation Commission (LAFCO)
28. Northern California Latino Water Coalition
29. Pajaro River Watershed Flood Protection Authority
30. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
31. Safe, Clean Water Independent Monitoring Committee (IMC)
32. San Francisquito Creek JPA
33. Santa Clara County Water Retailers
34. Santa Clara Valley Habitat Conservation Plan JPA
35. San Luis and Delta-Mendota Water Authority Board and Delta Habitat Conservation & Conveyance Plan Steering Committee
36. Santa Clara County Emergency Operations Area Council
37. Santa Clara County Recycling and Waste Reduction Commission
38. Santa Clara County Special Districts Association
39. South County Regional Wastewater Authority (SCRWA)
40. Station Area Advisory Group (SAAG)
41. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy Liaison Committee

In regards to Handouts 4.1.1-A, 4.1.3-A, 4.1.4-A, 4.1.5-A, 4.1.9-A, 4.1.11-A, 4.1.12-A and 4.1.16-A, Chairperson LeZotte acknowledged receipt of the attached DCA, BAC, CIP, HEAHC, WCDM, WSEC and Youth Commission meeting summaries, and BPPC meeting agenda. Copies of the Handouts were distributed to the Board, and made available to the public.

Director Keegan reported attending the first regular meeting of the Stakeholder Engagement Committee of the Delta Conveyance Design and Construction Authority (DCA), discussed the main outcomes of the meeting, and described how well attended and well received the Committee was by DCA staff.

Director Varela announced his appointment as Region 5 Vice President of Association of California Water Agencies (ACWA), and expressed concerns about polyfluoroalkyl substances (PFAs), an emerging water quality issue in California which were discussed at the last ACWA Regulatory Summit.

Chairperson LeZotte requested that staff provide her with the purpose and scope of the Board Audit Committee, and information on the process used to add items on Committee work plans (Board Member Request No. R-19-0015).

The Board requested staff to come back with information on polyfluoroalkyl substances (PFAs), and the concerns they raise on water quality protection.

4.2 Review of Fiscal Year 2020 Board Policy Planning and Performance Monitoring Calendars.

Recommendation: Review, discuss, and revise the Fiscal Year 2020 Board Policy Planning and Performance Monitoring Calendars.

Ms. Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

5.1. Discuss Planning for FY 2020-21 Groundwater Production Charges.

Recommendation: Discuss planning for Fiscal Year 2020-21 Groundwater Production Charges, and provide direction to staff.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Board noted the information, without formal action.

6. WATERSHEDS:

The Board considered Item 6.1 without staff presentation.

6.1. Approve Amendment No. 3 to Consultant Agreement A3933A with Harris and Associates to Provide additional \$350,000 for Construction Management Services for the Permanente Creek Flood Protection Project - McKelvey Park Detention Basin (Project No. 26244001) (Mountain View) (District 7).

Recommendation: Approve Amendment No. 3 to Agreement A3933A with Harris and Associates to provide \$350,000 for additional construction management services for the Permanente Creek Flood Protection Project - McKelvey Park Detention (McKelvey) for a new Not-To-Exceed Fee of \$4,249,521.

Director Keegan requested that staff provide a comprehensive summary of lessons learned during the Permanente Creek Flood Protection Project (Board Member Request No. R-19-0016).

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

6.2 Policy Regarding Maintenance on Non-Valley Water Owned Property.

Recommendation: A. Receive information from Board Policy and Planning Committee; and
B. Provide direction to staff regarding maintenance on non-Valley Water owned property.

Ms. Sue Tippetts, Deputy Operating Officer, reviewed information on this item, per the attached Board Agenda Memo, and per the information contained in Attachments 1 through 3.

The Board made the following requests of staff:

- Include a Safe, Clean Water program measure on maintenance of non-Valley Water owned property;
- Include on Valley Water's published maps, hyperlinks to each agency property owner along the creeks to identify the responsible agency that can address public concerns; and
- Develop, for Board approval, a formal policy or program, as well as funding and environmental reviews, on maintenance of non-Valley Water owned property.

7. EXTERNAL AFFAIRS:

The Board considered Item 7.1 without staff presentation.

7.1 Adopt Recommended Positions on Federal Legislation: S. 2466 (Harris) - The Water Justice Act; S. 2236 (Booker)/H.R. 3923 (Ruiz) - The Environmental Justice Act of 2019; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation: A. Adopt a position of "Support and Amend" on S. 2466 (Harris) - Water Justice Act; and
B. Adopt a position of "Support" on S. 2236 (Booker)/H.R.3923 (Ruiz) - Environmental Justice Act of 2019.

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

8. CHIEF EXECUTIVE OFFICER:

8.1 CEO and Chiefs' Report.

Mr. Taylor, Mr. Ngoc Nguyen, Deputy Operating Officer, Ms. Melanie Richardson, Chief Operating Officer, and Mr. Rick Callender, Chief of External Affairs, introduced to the Board newly hired or promoted employees, as follows: Mr. Enrique De Anda, Budget Manager; Ms. Sunshine Julian, Capital Engineering Manager; Mr. Kurt Lueneburger, Environmental Services Manager; Michael Potter, Program Administrator; and Ms. Marta Lugo, Assistant Officer.

Ms. Nina Hawk, Chief Operating Officer, reported on meeting with the Bureau of Reclamation and Central Valley Project (CVP) contractors to discuss potential litigation regarding the National Oceanic and Atmospheric Administration's Biological Opinion on Long-term Operation of the CVP and State Water Project; discussed alternate sources of water to supply at various Valley Water treatment plants due to the recent Cross Valley and Calero pipelines shutdown and California Department of Water Resources internal repairs of the South Bay Aqueduct; reported meeting with the Department of Water Resources and Alameda County Water District on South Bay Aqueduct reliability issues, and informed the Board of an upcoming meet and greet of South Bay Aqueduct Contractors, through the Association of California Water Agencies.

Ms. Yoke reported on the Infrastructure Services Unit's migration of the first batch of user accounts to a new Microsoft email cloud services, and development of a short-term strategy for continuous operations while implementing electronic invoicing of ground water well use fees.

Mr. Callender reviewed and distributed the attached legislative updates, identified as Handout 8.1-A, herein.

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1 Board Member Reports/Announcements.

Director Santos reported attending the Veteran Awareness Silicon Valley Advanced Water Purification Center Public Tour, a La Raza Roundtable meeting, and the Sunnyvale Leadership Training Workshop.

Director Varela reported attending a Prevention of Sexual Harassment training; and Santa Clara County Farm Bureau, San Luis and Delta-Mendota Water Authority, Gilroy Chamber of Commerce, and Homeless Encampment Ad Hoc Committee meetings.

Chairperson LeZotte reported attending a meeting regarding Flood Protection and Restoration Projects on South San Francisco Bay, and an Active Shooter Training and Drill.

11.2 Proposed Future Board Member Agenda Items.

None.

11.3 Clerk Review and Clarification of Board Requests.

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

11.4 Adjourn to Special Closed Session Meeting at 11:00 a.m., on October 28, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson LeZotte adjourned the meeting at 7:55 p.m., to the 11:00 a.m. Closed Session and 1:00 p.m. Regular meeting on December 10, 2019, in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: 01/14/20

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