



BOARD OF DIRECTORS MEETING

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# MINUTES

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**SPECIAL MEETING  
TUESDAY, FEBRUARY 4, 2020  
2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

A Special Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 2:00 p.m.

**1.1 Roll Call.**

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

Director Gary Kremen 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, R. Blank, R. Callender, R. Chan, M. Cook, G. De La Piedra, A. Fulcher, R. Gibson, V. Gin, C. Hakes, G. Hall, N. Hawk, L. Infante (Bankosh), M. Lugo, H. McMahon, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke.

**1.2. Pledge of Allegiance/National Anthem.**

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

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

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

Mr. Antony Fulcher, Senior Assistant District Counsel, advised the Board of the passing of his father, prominent community leader and friend to the Valley Water Board of Directors, Mr. Tommy James Fulcher Senior, and read the senior Mr. Fulcher's obituary into the record.

Director Kremen arrived.

## 2. TIME CERTAIN:

**2:00 PM**

- 2.1. Receive Information and Discuss Status of the Anderson Dam Seismic Retrofit Project and the Function of the Dam Facility as it Relates to Santa Clara Valley Water District's (Valley Water) Water Supply, Incidental Flood Protection, and Downstream Flood Protection Improvements Along Coyote Creek; and Authorize the Chief Executive Officer to Negotiate and Execute an Agreement With Horizon Water and Environment, LLC, for Environmental Planning and Permitting Services.

- Recommendation:
- A. Receive information and discuss status of the Anderson Dam Seismic Retrofit Project and the function of the dam facility as it relates to:
    - i. Valley Water's Water Supply Master Plan and Resiliency Portfolio;
    - ii. Environmental studies underway and requested on Coyote Creek;
    - iii. Incidental flood protection benefits for Coyote Valley; and
    - iv. Downstream flood protection improvements along Coyote Creek; and
  - B. Authorize the Chief Executive Officer to negotiate and execute an Agreement with Horizon Water and Environment, LLC, for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project for an amount not-to-exceed \$4,500,000.

Mr. Christopher Hakes, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, reviewed the corresponding presentation materials contained in Attachment 1.

In regard to Recommendations Ai through Aiv, the Board requested that staff come back with information on the feasibility of completing environmental processes and regulatory permits for construction of the outlet tunnel to address public safety concerns, prior to the currently projected construction-start date, understanding that the project would take nine years to complete beyond permitting, and come back with analysis on what alternatives could be explored to address water supply, fisheries, and flood protection objectives, possibly the Pacheco and Los Vaqueros Reservoir Expansion Projects, and include the pros and cons of each alternative in terms of cost efficiency, timeliness of project delivery, public safety, and impacts on water rates and future budgets.

Mr. Doug Muirhead, Morgan Hill resident, submitted the attached Comment Form identified as Handout 2.1-A herein; encouraged the Board to continue investigating resolutions for the Anderson Dam Seismic Retrofit Project's regulatory challenges; and encouraged increased community outreach on the regulatory issues associated with the project. Copies of the Handout were distributed to the Board and made available to the public.

Mr. Ted Smith, San Jose resident, expressed appreciation for Valley Water's community outreach, advised the Board of community concerns regarding Coyote Creek flood risk, and requested confirmation on whether Valley Water had retained consultant services to investigate installing flood walls or raising homes and structures above the flood lines, on properties adjacent to creek side.

In regard to Recommendation B, the Board requested that enough flexibility be negotiated into the agreement to allow changes to the direction of work without exceeding not-to-exceed costs, and requested that staff ensure CEQA efforts are coordinated between the Mid-Coyote Creek, Anderson Dam, and Two Creeks Projects.

Motion: Authorize the Chief Executive Officer to negotiate and execute an Agreement with Horizon Water and Environment, LLC, for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project for an amount not-to-exceed \$4,500,000.

Move to Authorize: Tony Estremera

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.

### **3. ADJOURN:**

#### **3.1. Clerk Review and Clarification of Board Requests.**

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

Director Santos requested that staff agendaize discussion on two-year budget and water rate cycles (Board Member Request No. R-20-0005).

- 3.2. Adjourn to 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting, on February 11, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Hsueh adjourned the meeting at 3:30 p.m., to the 4:00 p.m. Closed Session and 6:00 p.m. Regular meeting on February 11, 2020, in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose.

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date: 03/10/2020