



BOARD OF DIRECTORS MEETING

MINUTES

**REGULAR MEETING
TUESDAY, FEBRUARY 25, 2020
6:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Regular 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 6:00 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 was excused from attending.

Staff members in attendance were N. Camacho, Chief Executive Officer, S. Yamamoto, District Counsel, M. King, Clerk, Board of Directors, J. Aranda, R. Blank, R. Callender, R. Chan, G. De La Piedra, A. Fulcher, R. Fuller, R. Gibson, C. Hakes, G. Hall, N. Hawk, B. Hopper, M. Lugo, H. McMahon, N. Nguyen, M. Richardson, D. Taylor, and T. Yoke.

2. TIME CERTAIN:

6:00 PM

2.1 ITEM REMOVED FROM AGENDA.

2.2 ITEM REMOVED FROM AGENDA.

2.3. Pledge of Allegiance/National Anthem.

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

2.4. Orders of the Day.

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

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

Mr. Brian Boyer, Landscape Committee Chairperson, informed the Board of the dedication of the February 27, 2020 Landscape Summit to Ms. Sherri Osaka, Sustainable Landscape Design founder and former Landscape Committee Member, discussed Ms. Osaka's contributions to the landscaping community, and encouraged continuation of Ms. Osaka's legacy in land conservation and sustainability.

Mr. Branden Lavelle, San Jose resident, reminded the Board of the upcoming three-year anniversary of the 2017 Coyote Creek President's Day Weekend Flooding event, expressed frustration with what he viewed as an insufficient response by the Board to damages suffered by residents, and requested information on efforts to promote safety of creek and dam systems.

The Board requested that staff apprise Mr. Lavelle of Valley Water's efforts to assist flood victims and opportunities to engage and participate.

Chairperson Hsueh moved the agenda to the Consent Calendar, and the Board considered Consent Calendar Items 3.1 through 3.5, under one motion.

3. CONSENT CALENDAR:

- 3.1 Adopt the Resolution Authorizing the Chief Executive Officer to File an Application and Execute a Grant Agreement with the United States Bureau of Reclamation for Funding from the WaterSMART Drought Response Program, and Authorize the Chief Executive Officer to Negotiate and Execute the Grant Agreement with the U.S. Bureau of Reclamation, Upon Approval of the WaterSMART Drought Response Program Award.

- Recommendation:
- A. Adopt the resolution AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO FILE AN APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION FOR FUNDING FROM THE WATERSMART DROUGHT RESPONSE PROGRAM; and
 - B. Authorize the CEO, if the grant is awarded to the District, to:
 - 1. Accept the grant and negotiate and execute a grant agreement with the United States Bureau of Reclamation (USBR) for the Drought Response Plan, provided all grant requirements can be met;
 - 2. Sign and submit invoices and requests to the USBR for grant disbursements to be made pursuant to the grant agreement; and
 - 3. Delegate such other authority as needed to provide management and support services required for the performance of the work and administration pursuant to the grant agreement, as deemed necessary and appropriate.

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Bolsa Road Fish Passage Improvements Project, Project No. 26044002, Contract No. C0656, (Gilroy) (District 1).

Recommendation: A. Adopt Plans and Specifications and authorize advertisement for bids for construction of the Bolsa Road Fish Passage Improvements Project, per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

- 3.3. Approve Agreement with H. T. Harvey & Associates for Landscape Design Services for the Almaden Lake Improvement Project, Project No. 26044001, CAS No. 5044 (San Jose) (District 4).

Recommendation: Approve the Consultant Services Agreement with H. T. Harvey & Associates for landscape design services for the Almaden Lake Improvement Project for a not-to-exceed amount of \$361,474.

- 3.4. Accept the CEO Bulletins for the Weeks of February 7-13, and February 14-20, 2020.

Recommendation: Approve the CEO Bulletins.

- 3.5. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.5, under one motion, as follows: adopt Resolution No. 20-09, AUTHORIZING THE CEO TO FILE AN APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION FOR FUNDING FROM THE WATERSMART DROUGHT RESPONSE PROGRAM, by roll call vote, and if the Grant is awarded, authorize the CEO to accept the grant, negotiate an agreement, sign invoices and submit for grant disbursements, and delegate authority to provide management and support pursuant to the grant agreement, as contained in Item 3.1; adopt plans and specifications, authorize advertisement for bids, and authorize the Designated Engineer to issue addenda for the Bolsa Road Fish Passage Improvement Project, as contained in Item 3.2; approve Agreement No. A4324A with H. T. Harvey & Associates, for landscape design for the Almaden Lake Improvement Project for a not-to-exceed amount of \$361,474, as contained in Item 3.3; accept the CEO Bulletins, as contained in Item 3.4; and approve the Minutes, as contained in Item 3.5.

Move to Approve:	Richard Santos
Second:	John L. Varela
Yeas:	Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard 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. Review 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 of the Board, reviewed the information on this item, per the attached Board Agenda Memo.

The Board noted the information, without formal action.

- 4.2. Review 2020 Capital Improvement Committee Work Plan.

Recommendation: Review the 2020 Capital Improvement Program Committee Work Plan and make adjustments as necessary.

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

Motion: Approve the addition of two new items to the Fiscal Year 2020 CIP Work Plan as contained on Attachment 1, Page 1, *CIP Implementation*, authorizing the Committee to review Project Delivery Processes for Capital Projects and receive information and hold discussions with staff regarding the Capital Projects' component of the Safe, Clean Water Program Renewal Measure.

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

Chairperson Hsueh returned the agenda to Item 2.6.

2.6. Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Sixth Annual Report for Fiscal Year 2018-2019.

- Recommendation: A. Receive the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Sixth Annual Report for Fiscal Year 2018-2019; and
B. Provide direction to staff as appropriate.

Ms. Kit Gordon, Safe, Clean Water and Natural Flood Protection Independent Monitoring Committee (IMC) Chairperson, reviewed the information on this item, per the attached Board Agenda Memo.

The Board requested that staff come back during the March 10, 2020 Regular Meeting with a response to the IMC recommendations contained in Attachment 1.

Chairperson Hsueh returned the agenda to Item 4.3.

4.3. Consider Water Storage Exploratory Committee's Recommendation and Associated Staff Analysis from the Committee's Meeting on January 15, 2020.

- Recommendation: A. Receive and consider recommendation by the Water Storage Exploratory Committee to accelerate the partnerships discussion for the Pacheco Reservoir Expansion Project; and
B. Give direction to CEO regarding acceleration of partnerships discussion for the Pacheco Reservoir Expansion Project.

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

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

4.4. Board Committee Reports.

In regard to Handout 4.4-G, and 4.4-H, Chairperson Hsueh acknowledged receipt of the attached Delta Conveyance Authority February 20, 2020, and Delta Conveyance Finance Authority February 20, 2020, meeting summaries.

On Director Keegan's request, Chairperson Hsueh requested that staff come back to the Board with an item on relevant Board Governance Policies that will allow the Board to discuss flexibility to Board Committee agenda posting schedules.

Director Estremera reported on progress associated with Delta engineering and permits, and requested that staff schedule a meeting with City of San Jose Vice Mayor Chappie Jones to discuss a Potable Water Reuse agreement, similar to Valley Water's agreement with the Cities of Mountain View and Palo Alto.

Director Varela reported attending an Agricultural Water Advisory Committee meeting and requested that staff come back with information on what agency implemented the Williamson Act, and how constituents may withdraw from it.

The Board noted the information, without formal action.

4.5. Proposed Future Board Member Agenda Items.

Chairperson Hsueh noted that staff had been requested to come back with discussions on Board Committee agenda posting schedules, and information on the Williamson Act. She additionally requested that staff include Williamson Act discussion during the next water rate discussion.

5. WATER UTILITY ENTERPRISE:

5.1. 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 7).

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 Acting Chief Executive Officer (CEO) on December 23, 2019, pursuant to California Public Contract Code Section 22050, to repair the Almaden Valley Pipeline.

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

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

The Board considered Item 5.2, without staff presentation.

- 5.2. Approve the Cost Reimbursement Agreement with Google, LLC for Construction of Bay Trail Improvements as Part of the Sunnyvale East and West Channels Flood Protection Project, Project No. 26074002 (Sunnyvale), (District 3).

Recommendation: A. Approve the Cost Reimbursement Agreement with Google, LLC for Construction of Bay Trail Improvements as Part of the Sunnyvale East and West Channels Flood Protection Project; and
B. Authorize the Chief Executive Officer (CEO) to execute the Cost Reimbursement Agreement with Google, LLC for Construction of Bay Trail Improvements as Part of the Sunnyvale East and West Channels Flood Protection Project.

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

6. WATERSHEDS:

- 6.1. MOVED TO ITEM 3.3.

The Board considered Item 6.2, without staff presentation.

- 6.2. Review and Authorize Distribution of Santa Clara Valley Water District's Draft Fiscal Years 2021-25 Capital Improvement Program.

Recommendation: Review the Draft Fiscal Years 2021-25 CIP and authorize release of the document to all cities in Santa Clara County and the County of Santa Clara for review as to its consistency with their General Plans.

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

7. EXTERNAL AFFAIRS:

None.

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Receive and Approve the Fiscal Year 2018-19 Year-End Closing Budget Adjustment and Fiscal Year 2019-20 Midyear Budget Adjustment.

Recommendation: A. Approve the Fiscal Year 2018-19 year-end closing budget adjustment; and
B. Approve the Fiscal Year 2019-20 midyear operating and capital budget adjustments as per Supplemental Attachments 1 and 2.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo.

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

- 8.2. Receive the Fiscal Year 2019-20 Financial Status Update Report as of December 31, 2019.

Recommendation: Receive the financial status update report for the Fiscal Year 2019-20 as of December 31, 2019.

Mr. Enrique De Anda, Finance Unit Manager, 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.

- 8.3. CEO and Chiefs' Report.

Mr. Rick Callender, Chief of External Affairs, reported on the upcoming Water 101 Academy Spring 2020 Kick-Off Session; a Water Infrastructure Tour; receipt of various responses to the Chief Executive Officer's Valley Water website statement on the Anderson Dam Seismic Retrofit Project; and the availability of the Valley Water water truck for outreach at the McKelvey and Schaefer Parks Grand Opening events. He displayed a video entitled *Fixing Anderson Dam is a Priority for Valley Water* and distributed and reviewed the attached Legislative Update, identified as Handout 8.3-B herein. Copies of the Handout were distributed to the Board and made available to the public.

Ms. Nina Hawk, Chief Operating Officer, reported on Valley Water's response to various media inquiries regarding water supply reliability, in light of the Federal Energy Regulatory Commission's requirement to dewater Anderson Dam.

Ms. Melanie Richardson, Chief Operating Officer, distributed and reviewed the attached Storm Report, identified as Handout 8.3-A. Copies of the Handout were distributed to the Board and made available to the public.

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL REPORT:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Director Varela reported attending Delta Conveyance Authority (DCA) Board of Directors and Valley Water Board Strategic Planning meetings; Joint Venture Silicon Valley and Association of California Water Agencies (ACWA) Region 5 conferences; meetings with various constituents; and participating in an ACWA Agriculture Committee teleconference.

Director Santos reported attending a Berryessa Citizens Advisory Council meeting and Milpitas Historical Society Annual Dinner; participating in Valley Water's Job Shadow Day event; and participating in a televised interview for *Bay Area Open Roads*, with host Mr. Doug McConell.

Director Estremera reported attending the aforementioned DCA Board of Directors and Valley Water Board Strategic Planning meetings; a DCA public scoping meeting; and a Fish and Aquatic Habitat Collaborative Effort (FAHCE) Committee meeting.

Chairperson Hsueh reported attending Santa Clara County District 5 Supervisor Joe Simitian's Lehigh Cement Plant and Quarry public information meeting; Valley Water Youth Commission and Board Policy and Planning Committee (BPPC) meetings; participating in the aforementioned Job Shadow Day event; and attending various meetings with staff.

Director LeZotte reported attending the aforementioned DCA public scoping, FAHCE Committee, BPPC, and Valley Water Board Strategic Planning meetings; Board Audit Committee (BAC) and Sunnyvale Chamber of Commerce meetings; and various meetings with staff.

Director Keegan reported attending the aforementioned DCA Board of Directors, BAC, FAHCE, and Valley Water Youth Commission meetings.

11.2 Clerk Review and Clarification of Board Requests.

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

- 11.3. Adjourn to 11:00 a.m. Closed Session, and 1:00 p.m. Regular Meeting on March 10, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Hsueh adjourned the meeting at 7:40 p.m. to the 11:00 a.m. Closed Session, and 1:00 p.m. Regular Meeting on March 10, 2020, 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: 04/28/2020