



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, JUNE 22, 2021
4:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Closed Session and Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors, conducted by Zoom Teleconference, was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 4:00 p.m.

1.1 Roll Call.

Board members participating by teleconference were Linda J. LeZotte and John L. Varela, with Tony Estremera, Nai Hsueh, Barbara Keegan and Richard Santos being present in the Boardroom, constituting a quorum of the Board.

Director Gary Kremen joined the meeting by teleconference, as noted below.

Staff in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, A. Baker, R. Blank, R. Chan, J. Codianne, A. Fulcher, R. Gibson, V. Gin, A. Gschwind, B. Hopper, L. Bankosh, H. McMahon, L. Orta, M. Richardson, D. Rocha, K. Struve, D. Taylor, S. Tippets, K. Wong, and T. Yoke.

2. TIME CERTAIN:

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

During Closed Session Director Kremen was absent from discussion of Item 2.1, but joined the meeting by teleconference for consideration of Item 2.2.

4:00 PM

**2.1 CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION
Government Code Section 54956.9(d)(4)
One Potential Case**

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

Upon return to Open Session, Director Kremen concluded his participation by teleconference and did not rejoin, and the same Board members, excluding Director Kremen, and staff were present.

6:00 PM

2.3. District Counsel Report on Closed Session.

Mr. Carlos Orellana, District Counsel, reported that in regard to Item 2.1, the Board met in Closed Session with all members present, excluding Director Kremen, and took no reportable action.

Chairperson Estremera reported that in regard to Item 2.2, the Board met in Closed Session with all members present, including Director Kremen, and took no reportable action.

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

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

Chairperson Estremera declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

2.7. Presentation of the Santa Clara Valley Water District Youth Commission's (Youth Commission) Accomplishments Report and Recognition of the 2021 Outgoing Youth Commission Members.

Recommendation: A. Receive and accept the Youth Commission's Accomplishments Report; and
 B. Acknowledge and recognize the 2021 outgoing Youth Commission Members.

Ms. Glenna Brambill, Management Analyst II, reviewed the information on this item, per the attached Board Agenda Memo; and the corresponding Accomplishment Report contained in Attachment 1 was reviewed by Youth Commission members, as follows: Mr. Alden Hughes reviewed Page 11; Ms. Vaibhavi Kulkarni and Ms. Anika Kulkarni reviewed Page 12; and Mr. Michael Zhao reviewed Page 13.

The Board expressed appreciation for the participation of the Youth Commission members, and noted the information without formal action.

- 2.8. Consider Santa Clara Valley Water District Youth Commission's Recommendation for Blossom Hill Annex Pilot Mural Design Criteria from Commission's May 19, 2021 Meeting.

Recommendation: Approve the recommendation of the Santa Clara Valley Water District Youth Commission regarding the Pilot Mural Design Criteria.

Ms. Peggy Lam, Management Analyst I, reviewed the information on this item, per the attached Board Agenda Memo.

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

3. **CONSENT CALENDAR:**

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

- 3.1. Adopt Recommended Positions on State Legislation: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances; *AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation: A. Adopt a Position of "Support" on: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; and
B. Adopt a Position of "Support" on: AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances.
C. *Adopt a Position of "Support" on: AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans.

- 3.2. Approve Amendment No. 2 to Agreement No. A4155R, with P.S. Creations, LLC for the PlateScape Project, a Safe, Clean Water FY 2018 Priority A Water Conservation Grant Agreement for a No-cost Extension of the Agreement to June 30, 2023.

Recommendation: Approve Amendment No. 2 to Agreement No. A4155R with P.S. Creations, LLC, to extend the Agreement expiration

date from June 30, 2021 to June 30, 2023, as a 24-month, no-cost extension.

- 3.3. Approve Amendment No. 2 to Agreement No. A4153R with Trust for Conservation Innovation, doing business as Multiplier, providing a 12-month no-cost extension of the agreement expiration date from June 30, 2021 to June 30, 2022, for the Beyond Leak Detection: Evaluating Water Conservation and Leak Notification Benefits of “Smart Home” Devices Project, a Safe, Clean Water and Natural Flood Protection Program Fiscal Year 2018 Priority A Water Conservation Program Grant Agreement.

Recommendation: Approve Amendment No. 2 to Agreement No. A4153R with Trust for Conservation Innovation, doing business as Multiplier, providing a 12-month no-cost extension of the agreement expiration date from June 30, 2021 to June 30, 2022, for the Beyond Leak Detection: Evaluating Water Conservation and Leak Notification Benefits of “Smart Home” Devices Project, a Safe, Clean Water and Natural Flood Protection Program Fiscal Year 2018 Priority A Water Conservation Program Grant Agreement.

- 3.4. Approve the Agreement with MBK Engineers for the CalSim 3 Modeling to Support Climate Impact Analysis on Water Supply Project, Project No. 91151001, CAS File No. 5173, for a Not-to-exceed Fee of \$350,000.

Recommendation: Approve the agreement with MBK Engineers for CalSim 3 Modeling to Support Climate Impact Analysis on Water Supply for a not-to-exceed fee of \$350,000.

- 3.5. Approval of Minutes.

Recommendation: Approve the minutes.

- 3.6. Accept the CEO Bulletin for the Weeks of June 4 through June 17, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.6 under one motion, as follows: adopt positions of “Support” on AB 252, AB 652, and AB 897, as contained in Item 3.1; approve Amendment No. 2 to Agreement No. A4155R with P.S. Creations, LLC, extending the agreement expiration date to June 30, 2021 at no-cost, as contained in Item 3.2; approve Amendment No. 2 to Agreement No. A4153R with Trust for Conservation Innovation, doing business as Multiplier, for a 12-month no-cost extension of the agreement to June 30, 2022, as contained in Item 3.3; approve the agreement with MBK Engineers for CalSim 3 Modeling to Support Climate Impact Analysis on Water Supply, for a not-to-exceed fee of \$350,000, as contained in Item 3.4; approve the Minutes, as contained in Item 3.5; and accept the CEO Bulletin, as contained in Item 3.6.

Move to Approve: Richard Santos
 Second: Nai Hsueh
 Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte,
 Richard Santos, John L. Varela, Tony Estremera
 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. Adopt Resolution Placing in Nomination Director John L. Varela as Chair of the Association of California Water Agencies Region 5 Board.

Recommendation: Adopt the Resolution PLACING IN NOMINATION
 DIRECTOR JOHN L. VARELA AS CHAIR OF THE
 ASSOCIATION OF CALIFORNIA WATER AGENCIES
 (ACWA) REGION 5 BOARD.

The Board considered the item, without a staff presentation.

Motion: Adopt Resolution No. 21-72 PLACING IN NOMINATION
 DIRECTOR JOHN L. VARELA AS CHAIR OF THE
 ASSOCIATION OF CALIFORNIA WATER AGENCIES
 (ACWA) REGION 5 BOARD, by roll call vote.

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

- 4.2. Consider the May 3, 2021, Board Policy and Planning Committee Recommendations Regarding Revisions to Board Governance Ends Policy E-2: Water Supply.

Recommendation: Consider the May 3, 2021, Board Policy and Planning
 Committee Recommendations Regarding Revisions to
 Board Governance Ends Policy E-2: Water Supply.

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

Move to Accept: Nai Hsueh

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

4.3. Consider the March 1, 2021, Board Policy and Planning Committee Recommendations Regarding Modifications to Board Governance Ends Policy E-4: Water Resources Stewardship.

Recommendation: Consider the March 1, 2021, Board Policy and Planning Committee Recommendations Regarding Modifications to Board Governance Ends Policy E-4: Water Resources Stewardship

Ms. Lisa Bankosh, Assistant Officer, reviewed the information on this item, per the attached Board Agenda Memo.

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

4.4. MOVED TO 2.8

The Board noted that Item 4.4 had moved to Item 2.8.

4.5. Review Fiscal Year 2021 Board Policy Planning Calendar.

Recommendation: Review, discuss and revise the Fiscal Year 2021 Board Policy Planning Calendar.

Ms. Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memo.

The Board noted the information without formal action.

4.6. Board Committee Reports.

The Board noted the information, without formal action.

4.7. Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

- 5.1. Report of Bids Received and Award of Construction Contract to NTK Construction, Inc. for the Rinconada Water Treatment Plant Interim Site Restoration Project, Project No. 93294057, Contract No. C0670 (Los Gatos), (District 7).

Recommendation: A. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Rinconada Water Treatment Plant Interim Site Restoration Project;
B. Award the Construction Contract to NTK Construction, Inc. in the sum of \$2,271,660; and
C. Approve a contingency sum of \$341,000 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

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

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

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

Director Keegan left the meeting and returned as noted below.

- 7.1. Proposed Adjustments and Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program.

Recommendation: A. Review Proposed Text Adjustments and Key Performance Indicator Modifications for Project F5: Good Neighbor Program: Encampment Cleanup under the renewed Safe, Clean Water and Natural Flood Protection Program; and
B. Consider whether to set a time and place for a public hearing on the proposed modifications to the Project.

Ms. Jennifer Codianne, Deputy Operating Officer, and Ms. Jessica Collins, Watersheds Business Planning and Analysis Manager, reviewed the information on this item, per the attached Board Agenda Memo.

Motion: Approve Recommendations A and B, setting time and place for a public hearing to be held at 1:00 p.m., on July 13, 2021 via Zoom teleconference.

Move to Approve: Nai Hsueh
Second: Richard Santos
Yeas: Nai Hsueh, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan, Gary Kremen
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Director Keegan returned.

- 7.2. Approve Agreement with Kleinfelder, Inc. for the Purified Water Program-Preliminary Geotechnical Pipeline Alignment Project, under the Indirect Potable Water Reuse Project No. 91304001, CAS File No. 5167, for a Not-to-Exceed Fee of \$1,107,408 (Cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose and Campbell) (Districts 2, 3, 4, 5 and 7).

Recommendation: Approve the Consultant Services Agreement with Kleinfelder, Inc. for the Purified Water Program – Preliminary Geotechnical Pipeline Alignment Project, for a not-to-exceed fee of \$1,107,408.

Mr. Henry Barrientos, Senior Water Resources Specialist, reviewed the information on this item, per the attached Board Agenda Memo.

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

8. EXTERNAL AFFAIRS:

- 8.1. Valley Water Headquarters Campus Signage Update.

Recommendation: Receive information on the progress of the campus signage plans and consider options for the headquarters boardroom glass sign.

Ms. Jimin Lee, Public Info Representative II, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 8.1-A.

The Board requested that staff come back with an additional Boardroom Glass Sign alternative, mimicking the layout of Options 2 and 3, while removing the vertical line between *Santa Clara Valley Water District* and the Valley Water Logo from Option 2 and incorporating a color background on both. The Board also requested that staff investigate Boardroom lighting issues that prevent clear demonstration of the signage on Board meeting streaming videos.

The Board continued the item to a future meeting.

9. CHIEF EXECUTIVE OFFICER:

9.1. CEO and Chiefs' Report.

Ms. Sue Tippets, Chief Operating Officer, reported that the Calabazas/San Tomas Aquino Creek Marsh Connection Project had received \$3.37 million in grant funding from the San Francisco Bay Restoration Authority, and \$500,000 in Proposition 1 grant funding from the California Department of Fish and Wildlife.

Ms. Tina Yoke, Chief Operating Officer, introduced Mr. James Randol, newly appointed Emergency Safety and Security Manager.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the information on the attached Office of Government Relations and Civic Engagement Updates, identified as Handouts 9.1-A and 9.1-B, respectively, herein. Copies of the Handouts were distributed to the Board and made available to the public.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

Director Varela reported attending a meeting with Mr. Victor Griego, Latinos for Water; a McMullin Area Groundwater Sustainability Agency *Aquaterra* virtual tour; a California Independent System Operator conference call on energy performance; the Valley Water *Taste of Inclusion* event; and various meetings with staff.

Director Keegan reported attending Board Audit Committee (BAC) and Board Policy and Planning Committee (BPPC) meetings; various Board meetings; and various meetings with staff.

Director Santos reported attending Berryessa Citizens Advisory Committee and Milpitas Rotary Club meetings; and various meetings with staff.

Director LeZotte reported attending the aforementioned BAC, BPPC, Special Board meetings; Water Conservation and Demand Management (WCDM) Committee and California Special Districts Association meetings; a Bay Area Council summit; a meeting with Mr. Chuck Bonham, California Department of Fish and Wildlife; and various meetings with staff.

Director Hsueh reported attending the aforementioned WCDM Committee meeting, and Special Board meetings; and various meetings with staff.

Director Estremera reported attending the aforementioned Valley Water *Taste of Inclusion* event; Recycled Water Committee, Budget Working Group, and Delta Conveyance Authority Board meetings; a farewell event for Senator Jim Beall; and various meetings with staff.

12.2. Clerk Review and Clarification of Board Requests.

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

12.3. Adjourn to Regular Meeting at 1:00 p.m., on July 13, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Chairperson Estremera adjourned the meeting at 7:10 p.m., to the 1:00 p.m. Regular meeting on July 13, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: