



BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING
TUESDAY, SEPTEMBER 14, 2021
1:00 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, conducted by Zoom Teleconference, was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 1:00 p.m.

1.1. Roll Call.

Board members in attendance were Nai Hsueh, and Richard Santos. Board members participating by teleconference were Tony Estremera, Barbara Keegan, Gary Kremen, and John L. Varela, constituting a quorum of the Board.

Director Linda LeZotte was excused from attending.

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

1.2. Pledge of Allegiance/National Anthem.

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

1.3. Orders of the Day.

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

2. TIME CERTAIN:

1:00 PM

2.1. Monthly Drought Response and Water Supply Update.

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Ms. Neeta Bijoor, Associate Water Resource Specialist, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

During the presentation, the Board made the following requests of staff:

- The Board requested that staff, in future presentations, list the data by city versus water retailer, Supplemental Attachment 1, Pages 7 and 8;
- The Board requested that staff to include the San Luis and Delta-Mendota Water Authority with the invitations to the virtual Drought Sustainability Summit on October 23, 2021, Supplemental Attachment 1, Page 14; and
- The Board requested that commentary on the water usage outliers be included in the presentation. For example, Stanford showed great water conservation, however, there weren't any students on campus, resulting in water conservation numbers that didn't reflect a normal population during a drought.

The Board noted the information without formal action.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.7, under one motion.

3.1. Adopt a Resolution Setting Time and Date of Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Santa Teresa Water Treatment Plant Filter Media Replacement Project, Project No. 93284013, (San Jose, District 7).

Recommendation: Adopt the Resolution SETTING TIME AND DATE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE SANTA TERESA WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT PROJECT, to occur on September 28, 2021, at 6:00 PM by teleconference Zoom meeting.

- 3.2. Adopt a Resolution Adopting the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approve the Calabazas Creek Bank Rehabilitation Project (Project), Project No. 62084001 (Task 5183) (Cupertino) (District 5).

Recommendation: A. Consider the environmental effects of the Calabazas Creek Bank Rehabilitation Project (Project) as discussed in the Final Mitigated Negative Declaration;
 B. Adopt the Resolution ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CALABAZAS CREEK BANK REHABILITATION PROJECT; and
 C. Approve the Project.

- 3.3. Adopt a Resolution Declaring September 18, 2021, as Coastal Cleanup Day in Santa Clara County.

Recommendation: Adopt the Resolution DECLARING SEPTEMBER 18, 2021, AS COASTAL CLEANUP DAY IN SANTA CLARA COUNTY.

- 3.4. Adopt a Resolution Declaring September 15 to October 15, 2021 as National Hispanic Heritage Month.

Recommendation: Adopt the RESOLUTION DECLARING SEPTEMBER 15 TO OCTOBER 15, 2021, AS NATIONAL HISPANIC HERITAGE MONTH.

- 3.5. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2021

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2021; and
 B. Approve the report, if the reimbursements comply with Board Policy.

- 3.6. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the South County Recycled Water Pipeline Short-Term Phase 1B/2A/1C/2B Project, Project No. 91094009, Contract No. C0668 (Gilroy, Unincorporated Santa Clara County) (District 1).

Recommendation: A. Consider the First Addendum to the South County Recycled Water Master Plan Program Environmental Impact Report;
 B. Find that the South County Recycled Water Pipeline Short-Term Phase 1B/2A/1C/2B Project is substantially complex and therefore requires a construction contract retention of ten percent (10%);

- C. Adopt the plans and specifications and authorize advertisement for bids for the construction of the South County Recycled Water Pipeline Short-Term Phase 1B/2A/1C/2B Project per the Notice to Bidders; and
- D. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

3.7. Accept the CEO Bulletin for the Weeks of August 20 Through September 9, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.7, under one motion, as follows: adopt Resolution No. 21-81, SETTING TIME AND DATE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE SANTA TERESA WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT PROJECT, by roll call vote, as contained in Item 3.1; adopt Resolution No. 21-82, ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CALABAZAS CREEK BANK REHABILITATION PROJECT, by roll call vote, as contained in Item 3.2; adopt Resolution No. 21-83, DECLARING SEPTEMBER 18, 2021, AS COASTAL CLEANUP DAY IN STANTA CLARA COUNTY, by roll call vote, as contained in Item 3.3; adopt Resolution No. 21-84, RESOLUTION DECLARING SEPTEMBER 15 TO OCTOBER 15, 2021, AS NATIONAL HISPANIC HERITAGE MONTH, by roll call vote, as contained in Item 3.4; approve the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2021, as contained in Item 3.5; adopt Plans and Specifications and authorize advertisement for bids for construction of the South County Recycled Water Pipeline Short-Term Phase 1B, 2A, 1C, and 2B project, as contained in Item 3.6; and accept the CEO Bulletin, as contained in Item 3.7.

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

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Submittal of Member Agency Ballot for Association of California Water Agencies Region 5 Board Members for 2022-2023 Term.

- Recommendation:
- A. Note the candidacy of Director John L. Varela for Association of California Water Agencies (ACWA) Region 5 Board Chair;
 - B. Consider the Region 5 Nominating Committee recommended slate or vote for individual candidates as indicated on the attached ballot; and
 - C. Authorize the Board Chair to complete and sign the ballot.

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

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

- 4.2. Purified Water Project - City of San José Partnership Update.

- Recommendation:
- A. Receive information on the status of partnership with City of San Jose on the Purified Water Project;
 - B. Direct staff to identify a mutually agreeable facilitator to support discussions with the City of San Jose on partnership options on the Purified Water Project;
 - C. Authorize Chief Executive Officer to develop and provide City of San Jose a draft term sheet for potential partnership for the Purified Water Project; and
 - D. Authorize Chief Executive Officer to explore compensating City of San Jose for staff time to participate through December 31, 2021, in facilitated discussions and development of a partnership agreement.

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

Motion: Approve staff's recommendations B, C and D.

Move to Approve: Nai Hsueh

Second: Richard Santos

Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Richard Santos, John L. Varela, Tony Estremera

Nays: None

Abstains: None

Recuses: None

Absent: Linda J. LeZotte

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

4.3. Board Committee Reports.

The Board noted the information, without formal action.

4.4. Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve Amendment No. 5 to Agreement No. A3626A with CDM Smith Inc., to Perform Engineering Design Services During Construction for the Rinconada Water Treatment Plant (RWTP) Interim Site Restoration Project and to Provide Engineering Design Services for the RWTP Reliability Improvement Project Phases 3 - 6, Project No. 93294057, Increasing the Total Not-to-Exceed Fee by \$6,120,110, for a Total Revised Not-to-Exceed Fee of \$35,405,987, and Extending the Agreement Term to October 31, 2023 (Los Gatos) (District 7).

Recommendation: Approve Amendment No. 5 to Agreement No. A3626A with CDM Smith, Inc. for Engineering Design Services During Construction for the Rinconada Water Treatment Plant (RWTP) Interim Site Restoration Project and for Engineering Design Services for the RWTP Reliability Improvement Project Phases 3- 6, Project No. 93294057, increasing the total not-to-exceed fee by \$6,120,110 for a total revised not-to-exceed fee of \$35,405,987 and extending the Agreement term to October 31, 2023.

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

Move to Approve: Barbara Keegan

Second: John L. Varela

Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Richard Santos, John L. Varela, Tony Estremera

Nays: None

Abstains: None

Recuses: None

Absent: Linda J. LeZotte

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

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

8. EXTERNAL AFFAIRS:

- 8.1. Office of Racial Equity, Diversity, and Inclusion (REDI) Annual Board Update 2021.

Recommendation: Receive the annual update on activities in the Office of Racial Equity, Diversity, and Inclusion (REDI).

Mr. Warren Whitlock, Racial Equity and Diversity and Inclusion 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.

9. CHIEF EXECUTIVE OFFICER:

- 9.1. CEO and Chiefs' Report.

Ms. Sue Tippets, Interim Chief Operating Officer, reviewed and distributed the attached Watersheds Operations and Maintenance Report, identified as Handout 9.1-A, herein.

Ms. Rachael Gibson, Chief of External Affairs, reviewed and distributed the attached Communications Activities, identified as handout 9.1-B, 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 Association of California Water Agencies (ACWA) Finance, and ACWA Investment Committee meetings; and Santa Clara County Farm Bureau Board, SMART Cities, South County Regional Wastewater Authority (SCRWA), and Latina Coalition of Silicon Valley meetings.

Director Keegan reported attending Youth Commission, Water Conservation and Demand Management (WCaDM) Committee, Special Board Policy and Planning Committee (BPPC), and Stream Planning and Operations Committee (SPOC) meetings; briefings for the September 9 SPOC, and September 15, 2021 Board Audit Committee (BAC) meetings; and a nature walk at Watson Park.

Director Santos reported attending the aforementioned Santa Clara County Farm Bureau Board meeting; a virtual COVID-19 Town Hall meeting with Assemblymember Alex Lee; and a Berryessa Citizens Advisory Council meeting.

Director Hsueh reported attending the aforementioned Youth Commission, BPPC, and WCaDM meetings; and City of San Jose Vice Mayor Chappie Jones, San Jose Water Company, and Media Training meetings.

Director Kremen reported attending a Mountain View Chamber of Commerce meeting, and various Media Interviews.

Chairperson Estremera reported attending the aforementioned SPOC, and City of San Jose Vice Mayor Chappie Jones meetings; Recycled Water Committee, and Delta Conveyance Authority Prep meetings; and various meetings with staff.

12.2. Clerk Review and Clarification of Board Requests.

None.

12.3. Adjourn to Special Closed Session Meeting at 2:00 p.m., on September 20, 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-08-21.

Chairperson Estremera adjourned the meeting at 2:20 p.m., to the 2:00 p.m. Special Closed Session meeting on September 20, 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: