



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, OCTOBER 12, 2021  
11:00 AM**

(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 11:00 a.m.

**1.1 Roll Call.**

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

Director Linda LeZotte 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, J. Aranda, A. Baker, L. Bankosh, R. Blank, S. Bogale, J. Bourgeois, R. Chan, A. Fulcher, R. Gibson, A. Gschwind, B. Hopper, M. Lugo, 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, 2.2, and 2.3.

**11:00 AM**

**2.1 CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, J. Carlos Orellana, Brian Hopper, Tina Yoke, Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks

Employee Organizations: Employees Association, Engineers Society, Professional Managers

- 2.2 CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION  
Government Code Section 54956.9(d)(4)  
One Potential Case
- 2.3 CLOSED SESSION  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
Titles: CEO, District Counsel and Clerk of the Board

**1:00 PM**

Upon return to Open Session, the same Board members, excluding Director LeZotte, and staff were present.

- 2.4 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 LeZotte, and gave direction to staff; in regard to Item 2.2, the Board met in Closed Session with all members present, excluding Director LeZotte, and took no reportable action; and in regard to Item 2.3, the Chair confirmed that the Board met in Closed Session with all members present, excluding Director LeZotte, and continued the item to a later meeting.

Director LeZotte joined the meeting by teleconference.

- 2.5 Pledge of Allegiance/National Anthem.

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

- 2.6 Orders of the Day.

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

- 2.7 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.

- 2.8 Resolution Establishing Policy Criteria for Public Trails on Santa Clara Valley Water District (Valley Water) Lands and Public Hearing to Amend the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land, as Recommended by the Board Policy and Planning Committee during its January 25, 2021 meeting.

Recommendation:   A. Consider the January 25, 2021 Board Policy and Planning Committee recommendation to approve the Policy Criteria and Guidance for Public Trails on Valley Water Lands;  
                              B. Adopt the Resolution ESTABLISHING POLICY CRITERIA FOR PUBLIC TRAILS ON VALLEY WATER LANDS;

- C. Open the Public Hearing to Consider Amendment of the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land;
- D. Close the Public Hearing; and
- E. Adopt the Resolution AMENDING THE WATER RESOURCES PROTECTION MANUAL TO INCLUDE POLICY CRITERIA AND GUIDANCE FOR PUBLIC TRAILS ON VALLEY WATER LANDS.

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

Chairperson Estremera opened the Public Hearing.

Ms. Katja Irvin, Sierra Club Loma Prieta Chapter, expressed enthusiasm regarding the completion of the Resolution Establishing Policy Criteria for Public Trails on Santa Clara Valley Water District (Valley Water) Lands.

The Board continued the Public Hearing to the October 26, 2021 meeting.

## 2.9 Receive Information on the Downtown San Jose West Mixed-Use Plan (Downtown Google Project).

Recommendation: Receive information on opportunities and challenges related to the Downtown San Jose West Mixed-Use Plan (Downtown Google Project).

Ms. Bankosh reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Handout 2.9-A were reviewed by Ms. Sheela Jivan, Google, and Mr. Wayne Gilmore, Google.

The Board noted that Handout 2.9-A, Page 9, Los Gatos Creek Setbacks and Enhancement Zones, map legend, 30-foot Guadalupe River Riparian Setback should be revised to read 35-foot Guadalupe River Riparian Setback; and the participating Google representatives were advised that a minimum 50-foot riparian setback was required for all new construction.

The Board noted the information, without formal action.

## 2.10 Monthly Drought Emergency 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.

Mr. Aaron Baker, Chief Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and Ms. Neeta Bijoor, Senior Water Resource Specialist, reviewed the information contained in Supplemental Attachment 1.

Director Hsueh requested that staff work with the Water Conservation and Demand Management Committee to identify if it is feasible, in the prospective timelines for project developments, to incorporate water wise features into new

developments, such as Cambrian Park Plaza, Vallco Town Center, and the Downtown San Jose West Mixed-Use Plan (Downtown Google Project) (Board Member Request No. 21-0004).

The Board noted the information, without formal action.

### **3. CONSENT CALENDAR:**

The Board considered Consent Calendar Items 3.1 through 3.5, under one motion.

**3.1 Approve Federal Funding Requests for Federal Fiscal Years 2022 and 2023.**

Recommendation: Approve the recommended federal Fiscal Years (FYs) 2022 and 2023 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.

**3.2 Adopt the Resolution Declaring October 23-30, 2021, as California Flood Preparedness Week in Santa Clara County.**

Recommendation: Adopt the Resolution DECLARING THE WEEK OF OCTOBER 23-30, 2021, AS CALIFORNIA FLOOD PREPAREDNESS WEEK IN SANTA CLARA COUNTY.

**3.3 Approve the Nomination of Ms. Vaishali “Shali” Sirkay, by District 7 Vice Chair Gary Kremen, as Replacement to the District 7 Representative Seat on the Santa Clara Valley Water District 2021 Redistricting Advisory Committee.**

Recommendation: Approve the nomination of Ms. Vaishali “Shali” Sirkay, by District 7 Vice Chair Gary Kremen, as a replacement to the District 7 Representative seat on the Santa Clara Valley Water District 2021 Redistricting Advisory Committee.

**3.4 Approval of Minutes.**

Recommendation: Approve the minutes.

**3.5 Accept the CEO Bulletin for the Weeks of September 24 – October 7, 2021.**

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.5, under one motion, as follows: approve Federal Funding Requests for Federal Fiscal Years 2022 and 2023, as contained in Item 3.1; adopt Resolution No. 21-83, DECLARING OCTOBER 23-30, 2021, AS CALIFORNIA FLOOD PREPAREDNESS WEEK IN SANTA CLARA COUNTY, by roll call vote, as contained in Item 3.2; approve the Nomination of Ms. Vaishali “Shali” Sirkay, by District 7 Vice Chair Gary Kremen, as Replacement to the District 7 Representative Seat on the Santa Clara Valley Water District 2021 Redistricting Advisory Committee, as contained in Item 3.3; approve the minutes, as contained in Item 3.4; and accept the CEO Bulletin, as contained in Item 3.5.

Move to Approve:	Linda J. LeZotte
Second:	John L. Varela
Yeas:	Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

## **REGULAR AGENDA:**

### **4. BOARD OF DIRECTORS:**

#### **4.1 Board Committee Reports.**

The Board noted the information, without formal action.

#### **4.2 Proposed Future Board Member Agenda Items.**

None.

### **5. WATER UTILITY ENTERPRISE:**

#### **5.1 Receive the Capital Improvement Program Committee's September 20, 2021 Request for Staff to Present to the Board the Recommendation to Proceed to the Request For Proposal Stage With a Single Proposer for the Coyote Pumping Plant Adjustable Speed Drive Replacement Project, Project No. 91234002, (Morgan Hill), (District 1).**

Recommendation:	A. Receive an update on the Coyote Pumping Plant Adjustable Speed Drive Replacement Project Design-Build Request for Qualifications;
	B. Approve staff's recommendation to proceed with a single proposer, as supported by the Capital Improvement Program Committee during their September 20, 2021 meeting; and
	C. Provide direction to staff as necessary.

Mr. Heath McMahon, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and Mr. Mathew Pagedarn, Brown and Caldwell, reviewed the information contained in Attachment 1.

Move to Approve:	Nai Hsueh
Second:	Richard Santos
Yeas:	Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

**6. WATERSHEDS:**

None.

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

None.

**8. EXTERNAL AFFAIRS:**

None.

**9. CHIEF EXECUTIVE OFFICER:**

9.1 Fiscal Year 2020-21 Fourth Quarter Financial Status Update.

Recommendation: Receive the Fiscal Year 2020-21 fourth quarter financial status update as of June 30, 2021.

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

The Board noted the information, without formal action.

9.2 CEO and Chiefs' Report.

Ms. Sue Tippets, Interim Chief Operating Officer, reviewed the information contained in Handout 9.2-A, and Ms. Rachel Gibson, Chief of External Affairs, reviewed the information contained in Handout 9.2-B.

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 Joint Water Resources, Joint Recycled Water (City of Sunnyvale), and Agricultural Water Advisory Committee (AWAC) meetings; and More Water Now Initiative, San Luis Delta Mendota Water Authority (SLDMWA), Santa Clara County Farm Bureau, and Upper Llagas Creek Flood Protection Project meetings.

Director Santos reported attending a Landscape Committee meeting; and participating in a Silicon Valley Advanced Water Purification Center tour with Assembly Member Alex Lee and participating in the Santa Clara Parade of Champions.

Director LeZotte reported attending the aforementioned Joint Water Resources, Joint Recycled Water (Sunnyvale), Landscape and AWAC Committee meetings; and various meetings with staff.

Director Hsueh reported attending the aforementioned Joint Recycled Water (Sunnyvale), Landscape and AWAC Committee meetings; Redistricting Advisory Committee and Moreland West Neighborhood Association meetings; various meetings with staff; and participating in a radio interview.

Director Kremen reported attending the aforementioned SLDMWA meeting; Mountain View Rotary Club and Delta Conveyance Authority Finance meetings.

Director Keegan requested that staff provide opportunities for the public to engage in Valley Water Racial Equity, Diversity and Inclusion Series Speaker events (Board Member Request No. 21-0005).

12.2 Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk, Board of Directors, read the new Board Member Requests into the record.

12.3 Adjourn to 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on October 26, 2021, to be called to order in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).

Chairperson Estremera adjourned the meeting at 2:30 p.m., to the 4:00 p.m. Closed Session and 6:00 p.m. Regular meeting on October 26, 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:

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