



**MEETING MINUTES
REGULAR MEETING – 6:00 PM
TUESDAY, OCTOBER 5, 2021**

In response to COVID-19 (coronavirus), Soquel Creek Water District's October 5, 2021 Board Meeting was held remotely via Zoom.

Recorded Meetings: Recorded meetings are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

President Lather called the meeting to order at 6:00 pm via Zoom.

0. CALL TO ORDER AND ROLL CALL

Board Members Present:

Rachél Lather, President
Dr. Thomas LaHue, Vice-President
Dr. Bruce Daniels
Carla Christensen
Dr. Bruce Jaffe, *Absent*

District Counsel

Joshua Nelson, District Counsel
Charity Schiller, Special Counsel
Sarah Owsowitz, Special Counsel

Staff Members Present:

Ron Duncan, General Manager
Shelley Flock, Conservation and Customer Service Field Manager
Taj Dufour, Engineering Manager
Leslie Strohm, Finance Manager
Traci Hart, Human Resources Manager
Christine Mead, Operations & Maintenance Manager
Melanie Mow Schumacher, Special Projects-Communications Manager
Emma Olin, Executive Assistant/Board Clerk
Rebecca Rubin, Public Outreach Coordinator
Alyssa Abbey, Staff Analyst
Greg Wilson, Water Quality Program Coordinator

Others Present:

5 members of the public
Ashu Shirolkar, Black and Veatch
Chad Brown, Black and Veatch
Anup Shah, Brown and Caldwell
Jean Pedley, Brown and Caldwell
Anne Hogan, City of Santa Cruz
Matt Machado, County of Santa Cruz
Malcom Smith, Data Instincts
Alisa Moore, Environmental Science Associates (ESA)

1. CLOSED SESSION

- 1.1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section §54956.9(d)(1)
Steinbruner vs. Soquel Creek Water District et al., Santa Cruz County Superior Court Case Nos. 19AP00031 19AP00030 19CV00181; CA Sixth District Court of Appeals Case No. H047733
Steinbruner vs. California Coastal Commission, et al., San Francisco County Superior Court Case No. CPF-20517119; CA First District Court of Appeals Case No. Pending
Steinbruner vs. Soquel Creek Water District et al., Santa Cruz County Superior Court Case No. 21CV00537
Steinbruner v. Soquel Creek Water District, et al. Santa Cruz County Superior Court Case No. 21CV01517
- 1.2 Conference with Real Property Negotiators
Property: APN 046-011-30
Agency negotiator: Ron Duncan, Christine Mead
Negotiating parties: Radha Mallery
Under negotiation: Price and terms of payment

At 6:01 pm, President Lather announced that the Board will meet in closed session to discuss Items 1.1 and 1.2.

One public comment was heard prior to the start of closed session.

CONVENE TO CLOSED SESSION – 6:05 pm

RETURN TO OPEN SESSION – 7:00 pm

President Lather adjourned the closed session and returned to open session at 7:00 pm.

President Lather reported that the Board discussed Items 1.1 and 1.2 in closed session. No reportable action was taken.

2. PUBLIC HEARING – None

3. BOARD MEMBERS' OPPORTUNITY TO REMOVE ITEMS FROM CONSENT AGENDA

None removed.

4. CONSENT AGENDA

One public comment was heard.

MOTION: Vice-President LaHue; Second: Director Daniels; To approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11 and 4.12. Motion passed by unanimous roll call vote. Director Jaffe absent.

4.1 Approval of Minutes

4.1.1 August 17, 2021 – Regular Meeting Minutes

4.1.2 September 7, 2021 – Regular Meeting Minutes

Action: Approved

4.2 Adopt Resolution 21-21, Re-Authorizing Virtual Public Meetings in Accordance with AB 361

Action: Approved

4.3 Board Planning Calendar

Action: Approved

- 4.4 Special Board Assignments Status Report
Action: Approved
- 4.5 Approve Attendance at the Annual Water Innovation Week 2021 Virtual Conference
Action: Approved
- 4.6 Authorize Allocation from Operating Contingency Reserves (OCR) for Emergency Rosedale Well and the General Manager's Decision to Depart from Purchasing Policy
Action: Approved
- 4.7 Small Claims Report for September 2021
Action: Approved
- 4.8 Approve Allocation from Operating Contingency Reserve for Cornwell Standby Generator Replacement
Action: Approved
- 4.9 Mid-Management Employee Group MOU Ratification
Action: Approved
- 4.10 Management Employee Group MOU Ratification
Action: Approved
- 4.11 Deny Claim of Damage – Aptos Center LLC
Action: Approved
- 4.12 Cliff Dr. and Bayview Dr. Main Replacement Project, CWO 21-0131, Bid Award and Notice of Exemption
Action: Approved

5. ORAL AND WRITTEN COMMUNICATIONS (items not on the Agenda)

Written communications addressed to the Board are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

One public comment was heard.

Mr. Duncan responded to public comment regarding Closed Session Item 1.1.

Director Daniels shared that Diablo Water District's Board of Directors adopted a new regulation committing the District to achieve carbon neutrality by the end of 2027 (which is 18 years ahead of California's target). He stated that he is supportive of the District committing to this goal.

6. REPORTS – None

7. ADMINISTRATIVE BUSINESS

- 7.1 Conditional and Unconditional Will Serve Letters – None
- 7.2 Community Water Plan 2021 Progress Report

Mr. Duncan and Ms. Rubin presented the District's 2021 Community Water Plan (CWP) Progress Report (presentation is available as part of the District's October 5, 2021, meeting materials in the [Agenda Center](#)).

One public comment was heard.

Director Daniels provided the following edits/suggestions:

- The Solution, New Water Supplies: Consider modifying language from "protecting the groundwater basin" to "restoring the groundwater basin."
- Water Conservation: Add language clarifying the terms, "i-Meter" and "WaterSmart."
- Water Conservation: Modify language from "leak detection sooner" to "leak detection almost daily."
- Groundwater Management: Change "Groundwater Sustainability Report (GSP)" to "Groundwater Sustainability Plan (GSP)".
- New Water Supplies: Modify language from "Pure Water Soquel is a key component" to "Pure Water Soquel is the key component."

Vice-President LaHue provided the following edits/suggestions:

- Water Conservation: Edit photo caption to fix typo.
- New Water Supplies: Emphasize that the District is not obligated to pay back grant funding.
- Community Survey: Include link for customers to provide feedback.

Director Christensen commented on the status of stormwater capture. Mr. Duncan stated that the site for the project is privately owned, and the project is currently paused.

Director Christensen responded to public comment regarding water transfer/purchase with the City of Santa Cruz.

President Lather emphasized her support for stormwater capture. Mr. Duncan stated that the District will continue to work with the County of Santa Cruz.

Directors expressed appreciation for the CWP Update, emphasizing that it is well done.

- 7.3 Consider Adopting Resolution 21-25 to Adopt an Addendum to the Previously Certified Environmental Impact Report (EIR) Approving the Clarified Treatment Process and Facility Layout Modifications and Adopting Resolution 21-26 to Execute an Amended and Restated Design-Build Agreement Treatment Facilities Project with Black and Veatch Construction Inc. for Phase 2 and 3 Services and Approving a Contract Amendment with Brown and Caldwell

Ms. Mow Schumacher reviewed Item 7.3 (presentation is available as part of the District's October 5, 2021, meeting materials in the [Agenda Center](#)). She stated that Alisa Moore (Environmental Science Associates) and Special Counsel Schiller (Best Best & Krieger) are available to answer any questions, if needed.

Ms. Mow Schumacher discussed the District's Pure Water Soquel (PWS) Program, an environmental groundwater replenishment and seawater intrusion prevention program, includes three primary components: (1) advanced water purification treatment, (2) conveyance infrastructure (Conveyance Infrastructure Project), and (3) seawater intrusion prevention (SWIP) injection wells to replenish the groundwater basin.

Ms. Mow Schumacher stated that this item is presented for the Board to consider the following:

- Authorize a purchase order to Black and Veatch Construction Inc. (BVCI) for the design optimization and value engineering in the amount of \$2,316,247;

- Adopt Resolution 21-25, to approve clarifications to the treatment processes and facility layout modifications and Resolution 21-26, to authorize the execution of the Amended and Restated Design-Build Agreement for the Treatment Facilities Project with BVCI by the Board President;
- Authorize a purchase order for the amount of \$87,022,827 for BVCI for construction, start up and commissioning, and warranty services;
- Direct and authorize the General Manager to work with the City of Santa Cruz on development of a reimbursement agreement for the recycled water line at the Santa Cruz Wastewater Treatment Facility (SCWWTF) in the amount of \$676,480 and other construction items associated with the PWS Project; and
- Authorize a purchase order for the amount not to exceed \$3,486,425 for Brown and Caldwell for construction and program/project management support.

Two public comments were heard. Ms. Olin shared an email in support of the PWS Project from Mark Dettle, City of Santa Cruz Public Works Director, who is not able to attend tonight's meeting.

Directors expressed support for the PWS Program and emphasized its value for the community.

Special Counsel Schiller stated that a public member, Rebecca Steinbruner, submitted a written comment to the Board at 8:25 pm during consideration of this item. Special Counsel Schiller requested the Board consider allowing a brief recess to allow the Board, staff and Counsel time to review and respond to the written comment for the record. President Lather called a brief recess at 8:40 pm. The meeting resumed at 8:50 pm.

Staff shared two written comments from Rebecca Steinbruner that were submitted to the Board via email during the consideration of this item. Ms. Moore and Special Counsel Schiller responded to claims made in the emails, stating that there is no new information presented.

MOTION: Vice-President LaHue; Second: Director Christensen; To

- a. Adopt Resolution 21-25, approving the adoption of an addendum to the previously certified Environmental Impact Report (EIR) approving the clarified treatment process and facility layout modifications; and
- b. Adopt Resolution 21-26, authorizing and entering into an Amended and Restated Design-Build Agreement with Black and Veatch Construction, Inc. for the Treatment Facilities Project with execution by the Board President or the General Manager, and authorize the General Manager to sign a purchase order to Black and Veatch Construction Inc. in the amount not to exceed \$87,022,827 for Phase 2 and Phase 3 services; and
- c. Authorize the General Manager to sign a purchase order to Black and Veatch Construction Inc. in the amount \$2,316,247 for the design optimization and value engineering services; and
- d. Authorize the Board President to amend the existing professional consultant services agreement with Brown and Caldwell for additional and continued program management and construction management services and authorize the General Manager to sign a purchase order in the amount not to exceed \$3,486,425; and
- e. Authorizing the General Manager to issue any necessary change orders and contract modifications to complete additional work within the contract authority and the District's policies; and
- f. Direct and authorize the General Manager to work with the City of Santa Cruz on development of a reimbursement agreement for the recycled water line at the SCWWTF in the amount of \$676,480 and other construction items associated with the PWS Project.

Motion passed by unanimous roll call vote. Director Jaffe absent.

7.4 Water Loss Audit 2020 - Informational

Ms. Abbey presented the results of the District's 2020 Water Loss Audit, which was submitted to the State Department of Water Resources (DWR) on September 1, 2021.

One public comment was heard.

Director Christensen expressed support for this item and stated that the District is proactive in detecting leaks. She stated that she is also supportive of the District updating its meters.

Directors expressed appreciation for the analysis and conservation efforts.

In response to a question posed by Director Daniels, Ms. Abbey stated that the District's advanced metering infrastructure technology marginally increases the District's data validity score.

INFORMATION ITEM ONLY.

8. **ADJOURNMENT**

President Lather adjourned the meeting at 9:13 pm.

SUBMITTED:



Emma Olin, Board Clerk

APPROVED:



Rachél Lather, President