

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 17, 2021

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:01 p.m. This meeting was conducted via teleconferencing in accordance with AB 361. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. AB 361:

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

On a motion by Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0 the Board approved.

2. ROLL CALL:

President Saadati called the meeting to order, and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

Directors present: Angela S. Chen, Taghi S. Saadati, William A. Bosworth, John M. Gatto, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, Senior Sanitary Engineer Vani Kathula, and Counsel Marc Hynes.

District Consultant: Richard Tanaka

Public: None

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:02 p.m. Staff member Kathula was excused from closed session.

A. Conference with legal counsel – Significant Exposure to Litigation in accordance with government code section paragraph (2) of subdivision (d), there is significant exposure to litigation from California Riverwatch pertaining to the Clean Water Act.

Board action: There was no reportable action.

Manager Porter and Deputy Manager Woodhouse were excused from the remainder of closed session at 7:14 p.m.

B. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. Name of Case: County

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Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District, and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Board action: There was no reportable action.

The closed session was adjourned at 7:25 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, and staff member Kathula rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Bosworth, seconded by Director Kwok, by a vote of 4-0-1 the minutes of Wednesday, November 3, 2021, were approved as written. Director Gatto abstained.
- B. By consensus, the Minutes of Wednesday, October 20, 2021, are to be Noted & Filed.
- C. The Board reviewed October payable warrants and financial statements. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, the financial statement and payment of bills were approved as written.
- D. Board members will submit their November timesheets to Manager Porter.

6. CORRESPONDENCE:

There was none.

7. MEETINGS:

- A. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on November 18, 2021.

8. REPORTS:

- A. Manager Porter, Deputy Manager Woodhouse, and Staff Member Kathula reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on November 15, 2021.

9. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates.

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- B. The Board reviewed the I-280/Wolfe Road Sewer Relocation Agreement. Manager Porter described the status of the Wolfe Road Relocation project. District staff is working with Bennett Trenchless Engineers to determine the best alignment for a new joint use agreement with Caltrans. Manager Porter provided the summary of the agreement with Bennet Trenchless Engineers. On a motion by Director Gatto, seconded by Director Chen, by a vote of 5-0-0, the motion to approve the agreement with Bennett Trenchless Engineers in the total amount of \$125,200 was approved.

10. NEW BUSINESS:

- A. The Board reviewed the preliminary itinerary of the CASA Winter Conference to be held January 19-21, 2022, in Palm Springs, CA. The Board plan to attend and authorized attendance by two District staff.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects. Staff is working with Vallco on their submittals so they can proceed with their make ready utilities work. Westport Cupertino has requested three separate installer's agreements. Staff is working with them to minimize the administration costs to the District.
- B. Manager Porter reported on the October Peak Flow Rate Measurement and presented a report on the peak flow measurements taken as a result of the October 24, 2021 storm event.
- C. Manager Porter reported on the monthly maintenance report and provided updates on SSOs, FOG and electrical improvements at pump station.


12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, December 1, 2021.
- B. The Board discussed Calendar Conflict: CASA Winter Conference coincides with 2nd regular Board Meeting on Wednesday, January 19, 2022. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, the motion to re-schedule the 2nd regular meeting in January to Monday, January 17, 2022, was approved. The meeting will be held virtually.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:13 p.m. the meeting was adjourned.


Secretary of the Sanitary Board


President of the Sanitary Board