

**SWEETWATER AUTHORITY GOVERNING BOARD
MINUTES OF THE REGULAR MEETING**

January 12, 2022

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, January 12, 2022. Pursuant to provisions provided for by Assembly Bill 361, this meeting was held via teleconference. Chair Sotelo-Solis called the meeting to order at 6:01 p.m.

*(*Note: After calling the meeting to order, Chair Sotelo-Solis established for the record that all Directors were able to hear the proceedings, that all members of the Board were able to hear the Directors participating by teleconference clearly, and that all votes would be taken by a roll call vote pursuant to the provisions of the Brown Act. Chair Sotelo-Solis further established for the record the process by which public comments would be received by the Board, which process was also described in the Agenda for the meeting.)*

- **Roll Call**

Directors Present: Josie Calderon-Scott, Steve Castaneda, *Hector Martinez (6:06 p.m.), Paulina Martinez-Perez, Jose Preciado, Mona Rios, and Alejandra Sotelo-Solis.

Directors Absent: None.

Management, Staff, and Others Present: General Manager Carlos Quintero, Assistant General Manager Jennifer Sabine, Legal Counsel Paula de Sousa, and Board Secretary Ligia Perez. Staff members: Engineering Manager Christopher Bauer, Director of Water Quality Justin Brazil, Program Specialist Clay Clifton, Interim Director of Engineering Erick Del Bosque, Biologist Pete Famolaro, Administrative Assistant Michael Garcia, Program Manager Dan Hayes, Public Affairs Manager Leslie Payne, Director of Finance Rich Stevenson, and Director of Distribution Carl Quiram. Others present: and Don Gilchrest of Thomas Walters & Associates; Tiffany Allen of The City of Chula Vista; Shaun Sumner of the Port of San Diego; Kip Howard of Allegis Development Services, Inc.; Cisy Cao, Nadia Nunez, Cheri Pifer, and Brooke Whalen of KTUA; and Ahmad Esmailpour;

- **Pledge of Allegiance to the Flag**

ACTION CALENDAR AGENDA

1. Findings to Continue Holding Remote/Teleconference Meetings Pursuant to Assembly Bill 361
Recommendation: Make the following findings: 1) The Governor-declared COVID-19 State of Emergency remains in effect and the Board has reconsidered the circumstances of the COVID-19 State of Emergency; 2) State or local officials continue to impose or

recommend measures to promote social distancing; and 3) For the next thirty (30) days, the meetings of the Board, its committees, and any other Authority legislative bodies including the Citizens Advisory Committee, shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.

Director Preciado made a motion, seconded by Director Rios, that the Governing Board make the following findings: 1) The Governor-declared COVID-19 State of Emergency remains in effect and the Board has reconsidered the circumstances of the COVID-19 State of Emergency; 2) State or local officials continue to impose or recommend measures to promote social distancing; and 3) For the next thirty (30) days, the meetings of the Board, its committees, and any other Authority legislative bodies including the Citizens Advisory Committee, shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section. The motion carried unanimously.

- **Opportunity for Public Comment** (Government Code Section 54954.3)

Ahmad Esmailpour commented on his high water bill and asked the Board for a bill adjustment.

- **Chair's Presentation**

"Update on Infrastructure Investment and Jobs Act," presented by Don Gilchrest, Thomas Walters & Associates

ACTION CALENDAR AGENDA (Continued)

2. Items to be Added, Withdrawn, or Reordered on the Agenda

There was none.

3. Approval of Minutes

A. Special Board Meeting of December 2, 2021

B. Special Board Meeting of December 7, 2021

C. Regular Board Meeting of December 8, 2021

Director Rios made a motion, seconded by Director Calderon-Scott, that the Governing Board approve the minutes of the Special Board meeting of December 2, 2021; the Special Board meeting of December 7, 2021; and the Regular Board meeting of December 8, 2021. The motion carried unanimously.

Consent Calendar Items

Director Castaneda recused himself from consideration of Agenda Item 4 (approval of San Diego Gas & Electric Demands and Warrants – check numbers 156823, 156873, 156970, and 156988) due to his contract with Sempra Energy, parent company of SDG&E, which Director Castaneda disclosed on the record.

Director Preciado made a motion, seconded by Director Martinez-Perez, that the Governing Board approve the consent calendar. The motion carried unanimously.

4. Approval of San Diego Gas & Electric Demands and Warrants – November 2021
5. Approval of Demands and Warrants (excludes the San Diego Gas & Electric Demands and Warrants) – November 2021
6. Consideration to Approve an Amendment to the Contract with ICF Jones & Stokes, Inc. for the Programmatic Permitting of the Property Operations and Maintenance Plan (Engineering, Capital, and Development Services Committee Meeting of 1/3/22)
Recommendation: Authorize the General Manager to execute an amendment to the contract with ICF for completing Phase 1 and beginning Phase 3a of the programmatic permitting of the Property O&M Plan in an amount not to exceed \$115,000.
7. Accessory Dwelling Unit Capacity Fees Survey (Information Item) (Engineering, Capital, and Development Services Committee Meeting of 1/3/22)
Recommendation: No action was required by the Governing Board.
8. FY 2022-23 Budget Calendar (Finance and Administration Committee Meeting of 1/5/22)
Recommendation: No action was required by the Governing Board.
9. Review of Board Policies and Procedures (Policies 501 through 509) (Finance and Administration Committee Meeting of 1/5/22)
Recommendation: Approve changes to Policy 507 renaming the Communications Committee to the Communications and Legislative Affairs Committee, and remove “meets on a quarterly basis;” and approve the changes to Policies 501-509 as presented.
10. Electric Vehicle (EV) Charging Upgrade Plan Update and Consideration of Request for Quotes for Installation of EV Chargers at the Robert A. Perdue Water Treatment Plant (Perdue Plant) (Water Quality and Distribution Committee Meeting of 1/5/22)
Recommendation: Direct staff to issue the RFQ for Installation of EV Chargers at the Perdue Plant as presented.
11. Capital Projects Update for the Removal of the Operations Yard Underground Fuel Storage Tank (UST) and the Installation of a New Above-ground Fuel Storage Tank (Information Item) (Water Quality and Distribution Committee Meeting of 1/5/22)
Recommendation: No action was required by the Governing Board.

Action and Discussion Items

12. Old and Unfinished Business
 - A. Board Determination on Capacity Fees for the Chula Vista Bayfront Redevelopment, H-3 Parcel (South Bay Gaylord Pacific Hotel and Convention Center)

Shaun Sumner of the Port of San Diego commented on the benefit and importance of the Bayfront Development to the region.

Kip Howard of Allegis Development Services, Inc. commented on the estimated daily usage amount determined by staff for this project and its methodology; and the concessions made by the Developer to reach an agreement.

Tiffany Allen of the City of Chula Vista commented on the importance of the Bayfront Development to Chula Vista and the South Bay region.

Director Castaneda made a motion, seconded by Director Preciado, that the Governing Board determine that the fair and appropriate basis for Capacity Fees assessed for the Gaylord Pacific Project is 0.35 EDU per hotel room, for a total of \$3,235,680, due and payable now.

Director Rios made a substitute motion, seconded by Chair Sotelo-Solis, that the Governing Board determine that the fair and appropriate basis for Capacity Fees assessed for the Gaylord Pacific Project is 0.40 EDU per hotel room, for a total of \$3,697,920, due and payable now. The motion failed with Directors Rios and Sotelo-Solis in favor, and Directors Calderon-Scott, Castaneda, Martinez, Martinez-Perez, and Preciado opposing.

The original motion carried unanimously.

B. Consideration of Single Source Contract for On-call Consulting for Energy Audit

Director Preciado made a motion, seconded by Director Castaneda, that the Governing Board approve to enter into a single source, on-call contract with DHK in an amount not to exceed \$10,000 for assistance related to the Energy Audit Implementation Plan. The motion carried unanimously.

13. New Business

A. Consideration of Phase II Screening for Beautification of Various Authority Facilities

Director Preciado made a motion, seconded by Director Calderon-Scott, that the Governing Board approve the Phase II Schematic Design Concepts as presented and direct staff for the project to be phased and included in the budget process. The motion carried unanimously.

B. Consideration to Retroactively Approve Temporary Modification of Authority Operations due to COVID-19

Russell Walsh submitted written comments regarding the hiking and fishing programs closures at Authority Reservoirs and the right of public access to Authority facilities, which were read onto the record by the Board Secretary pursuant to the Authority's established process for public comments.

Director Preciado made a motion, seconded by Director Martinez, that the Governing Board retroactively approve the temporary closure of the fishing programs at Sweetwater and Loveland Reservoirs from January 7, 2022 through March 4, 2022, and temporary closure of the lobby through January 31, 2022, if necessary. The motion carried unanimously.

14. Approval of Directors' Attendance at Meetings and Future Agenda Items

Council of Water Utilities Virtual Meeting, – Tuesday, January 18, 2022, 8:00 a.m. –
Program Title: "New Funding Opportunities," presented by Danielle Blacet-Hyden,
Deputy Executive Director, California Municipal Utilities Association, and Jean Kinney
Hurst, Partner, Hurst Brooks Espinosa, LLC

No action was required by the Governing Board.

REPORTS AND INFORMATIONAL ITEMS

15. COVID-19 Pandemic Delayed Revenue Balance Dashboard

16. Committee Minutes

17. Committee Look Ahead

- Engineering, Capital, and Development Services Committee Six-Month Look Ahead FY 2021-22 Q3 & Q4 (Information Item) (Engineering, Capital, and Development Services Committee Meeting of 1/3/22)
Recommendation: No action was required by the Governing Board.
- Finance and Administration Committee Six-Month Look Ahead FY 2021-22 Q3 & Q4 (Finance and Administration Committee Meeting of 1/5/22)
Recommendation: No action was required by the Governing Board.
- Water Quality and Distribution Committee Six-Month Look Ahead FY 2021-22 Q3 & Q4 (Water Quality and Distribution Committee Meeting of 1/5/22)
Recommendation: No action was required by the Governing Board.

18. Informational Reports

- Financial Reports – November 2021
- Quarterly Report of One-time Water Bill Adjustments – Second Quarter FY 2021-22
- Quarterly Report of Directors' Expenses – Second Quarter FY 2021-22
- Quarterly Consultant Report – Second Quarter FY 2021-22
- Quarterly Vendor Agreement Listing – Second Quarter FY 2021-22

19. Report of Legal Counsel

Legal Counsel de Sousa reported that Best Best & Krieger continues to monitor legislation in Sacramento.

20. Report of Management

General Manager Quintero reported on:

- The effects of COVID-19 on employees and Authority operations.

21. Reports by Directors on Events Attended

A. 2021 CRWUA Annual Conference – December 14-16, 2021

Director Martinez provided an update during Agenda Item 22 – Directors' Comments.

B. Other Events Attended

There was none.

22. Directors' Comments

Director Preciado commented on the effects of COVID-19 on universities and workplaces; is hopeful Authority employees and their families stay healthy; and on the potential for a partnership for COVID-19 testing for essential employees.

Director Martinez provided an update on the 2021 CRWUA Annual Conference.

Director Rios commented that many public agencies are affected by the COVID-19 surge; Cal/OSHA has an upcoming meeting and the potential direction its decisions may offer, and on the announcement from the County of San Diego that booster vaccinations are now available for everyone 12 years and older.

Vice Chair Martinez-Perez commented on the effects of COVID-19 cases in schools.

Chair Sotelo-Solis announced that there will be a COVID-19 booster clinic in National City for those 12 and older on Saturday, January 22, 2022.

CLOSED SESSION

At 8:46 p.m. the Board convened in closed session for:

A. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiators: Carlos Quintero, General Manager
Jennifer Sabine, Assistant General Manager

Employee Organizations: Sweetwater Authority Employees' Committee
Sweetwater Authority Middle Management Group
Sweetwater Authority Confidential Group

B. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiators: Carlos Quintero, General Manager
Jennifer Sabine, Assistant General Manager

Unrepresented Employees: Director of Administrative Services
Director of Distribution
Director of Engineering
Director of Finance
Director of Water Quality

There was no need for closed session on the following item:

- C. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 (d)(1):

United States, et al. ex rel John Hendrix v. J-M Manufacturing Company Inc., and Formosa Plastics Corporation, U.S.A., Case No. ED CV06-00055-GW

There were no minutes taken, and the session was not audio-recorded.

The Board came out of Closed Session at 9:10 p.m. and reconvened in open session with Directors Martinez, Martinez-Perez, Rios, and Sotelo-Solis present. There was no reportable action taken by the Governing Board.

23. Adjournment

With no further business before the Board, Chair Sotelo-Solis adjourned the meeting at 9:12 p.m.



Alejandra Sotelo-Solis, Chair

Attest:



Ligia Perez, Board Secretary