



DIVISION 1
Patrick O'Dowd
Director

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President

Steve Robbins
Administration Building
Board Chambers

OFFICIAL MINUTES
REGULAR MEETING OF THE
COACHELLA VALLEY WATER
DISTRICT
BOARD OF DIRECTORS

75515 Hovley Lane
East Palm Desert

www.cvwd.org

October 13, 2020

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 5:00 p.m., Tuesday, October 13, 2020, at the office of the District in Palm Desert, California. President Powell led the Pledge of Allegiance.

2. TELECONFERENCE

The October 13, 2020 Coachella Valley Water District Board of Directors Meeting was conducted pursuant to the Governor's Executive Order N-29-20.

3. ROLL CALL

Present: President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director Anthony Bianco
Director G. Patrick O'Dowd
Director Peter Nelson

Absent: None

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia M. Bermudez, Clerk of the Board

4. CLOSED SESSION AGENDA

A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6 - Agency negotiator: Jay Trinnaman, Scott Hunter, Robert Cheng, Fran

Neilon, and Bill Walters - Employees' organization: Association of Supervisory Support Evaluation Team (ASSET)

- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION - (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) California Department of Water Resources v. All Persons Interested in the Matter of the Authorization of Delta Program Revenue Bonds etc., Sacramento Superior Court Case No. 34-2020-00283112
 - C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d), and initiation of litigation pursuant to paragraph (4) of subdivision (d), of Government Code Section 54956.9 One potential case
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The Board reconvened back to OPEN SESSION at 6:00 P.M.

5. RECONVENE INTO OPEN SESSION

- A. Report out of Closed Session
President Powell convened the meeting back into open session and announced there were no reportable actions for closed session item 4A and 4C. In regard to Item 4(B), Counsel Jeff Ferre reported that a closed session was held pursuant to Government Code Section 54956.9.

On a motion by Director Nelson, seconded by Director O'Dowd, the Board authorized the filing of an Answer to the Validation Complaint filed in Superior Court Case No. 34-2020-00283112.

The motion passed 5-0.

6. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA

In accordance with the section 54954.2 of the Government Code additions to the agenda require a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the Agenda.

- A. No items removed or continued from the Agenda
- B. No emergency item(s) added to the Agenda
- C. No changes to the order of the Agenda

7. PUBLIC COMMENT

No public comment received.

8. APPROVAL OF THE CONSENT CALENDAR

Director Nelson pulled item 8I for discussion and will be voted on separately; Director Powell noted for the record that he will be recusing himself from voting on 8D.

On a motion by Director Nelson, second by Director Estrada, the Board approved the Consent Calendar items 8A through 8H.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- A. Approved minutes of the September 22, 2020 CVWD Board of Directors meeting
- B. Approved awarding of a Procurement Contract for the Purchase of a 200 HP Submersible Chopper Pump in the Amount of \$127,468 for Lift Station No. 81-03
- C. Approved the purchase of 30 Panasonic Toughbooks (ruggedized field laptops) and other necessary equipment in the amount of \$137,308.47
- D. Authorized the General Manager to execute Amendment 1 to Task Order 15 to the Professional Services Agreement with Akel Engineering Group Inc., in the amount of \$60,900 for Additional Engineering Services for the Non-Potable Water Master Plan Project
- E. Authorized the General Manager to execute the Nonpotable Water Agreement with the City of La Quinta for the SilverRock Resort
- F. Authorized the General Manager to execute a one-year professional services agreement with Keenan and Associates in the amount of \$106,000 to provide Employee Benefits Brokerage & Consulting Services with the unilateral option to renew for four additional one-year terms
- G. Approved payment of the Association of California Water Agencies (ACWA) 2021 Membership Dues in the amount of \$40,875.91
- H. Authorized the General Manager to execute a Contract for the Procurement of two Radial Gates and Actuator Pulleys with McWane Plant and Industrial, in the amount of \$127,617, for the Check Structure at MP 88.6 Replacement Project, Specification No. 2020-39, and approved additional expenditures for a total request of \$152,617
- I. **PULLED FOR DISCUSSION** - Authorization of payment for section 401 Water Quality Certification fee for the Coachella Valley Stormwater Channel Improvement Project (Avenue 54 to Thermal Drop)

9. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

8 I. Authorization of payment for section 401 Water Quality Certification fee for the Coachella Valley Stormwater Channel Improvement Project (Avenue 54 to Thermal Drop).

Following a presentation by Steve Bigley, Director of Environmental Services, the Board discussed payment for section 401 Water Quality Certification fee.

On a motion by Director Nelson, second by Director O'Dowd the Board approved and authorized payment for section 401 Water Quality Certification fee for the Coachella Valley Stormwater Channel Improvement Project (Avenue 54 to Thermal Drop).

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

10. INFORMATIONAL REPORTS

- A. Written Communications Received – on file

11. ACTION ITEMS

- A. Authorize the General Manager to award a Design-Build Contract with Weka, Inc. for a Guaranteed Maximum Price of \$675,150 for the Phase 1 Coachella Campus Fire Protection and Irrigation System Improvements Project.

Prior to consideration of this matter, President Powell announced that he would be recusing himself due to a financial interest in real property located in close proximity to the property that is the subject of this Action Item. President Powell then left the dais and the Board room during consideration of this matter.

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed awarding of a design build contract with Weka, Inc for a guaranteed maximum price of \$675,150.

Motion made by Director Estrada; failed due to lack of a second.

The Board then engaged in further discussion on this matter including questions to Staff.

On a motion by Director O'Dowd, second by Director Estrada, the Board approved awarding of a design build contract with Weka, Inc. for a guaranteed maximum price of \$675,150 for the Phase 1 Coachella Campus Fire Protection and Irrigation System Improvements Project.

AYES: Estrada, O'Dowd, Nelson

NOES: Bianco

ABSENT: None

RECUSED: Powell

Motion Passed: 3-1

- B. **Award Construction Contract to Sukut Construction, LLC, as the lowest responsive bidder, in the amount of \$5,578,000 for the L-4 Pump Station Relocation Project – Phase II, Specification No. 2020-37, and authorize additional expenditures for a total request of \$6,634,867.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed awarding of a construction contract to Sukut Construction, LLC for L-4 Pump Station Relocation Project, Phase II, Specification No. 2020-37.

On a motion by Director Nelson, second by Director Powell, the Board approved awarding of a construction contract to Sukut Construction, LLC for L-4 Pump Station Relocation Project, Phase II, Specification No. 2020-37 and approved additional expenditures for a total request of \$ 6,634,867.

Approved by the following roll call vote:

AYES: Powell, Estrada, , O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Authorize Purchase and Sale Agreement and Joint Escrow Instructions and Irrigation Water Service Agreements with Boyum Investment Company, Inc., Crown Hill Ranches, Inc., Dorsey Family Groves, LLC, Hummingbird Ranches, LLC, Stephen D. Ishmael, Ole Fo Ranch, LP, and Woodspur Farming, LLC for the Oasis In-Lieu Recharge Project, Phase II (C02001).**

Prior to staff's presentation, Directors Bianco and Nelson recused themselves and left the Board room pursuant to the recusal and re-qualification process which was previously implemented to establish a quorum for consideration of matters related to the Oasis In-Lieu Recharge Project. Under that previous re-qualification process, due to conflicts of interest of three Board members, President Powell was re-qualified to participate in consideration of such future matters which may come before the Board regarding the Oasis In-Lieu Recharge Project.

Following a presentation by David Wilson, Engineer Manager, the Board discussed a purchase and sale agreement and joint escrow instructions and Irrigation Water Service Agreements.

On a motion by Director O'Dowd second by Director Estrada, the Board approved and authorized the Purchase and Sale Agreement and Joint Escrow Instructions and Irrigation Water Service Agreements with Boyum Investment Company, Inc. Crown Hill Ranches, Inc., Dorsey Family Groves, LLC, Hummingbird Ranches, LLC, Stephen D. Ishmael, Ole Fo Ranch, LP, and Woodspur Farming, LLC for the Oasis In-Lieu Recharge Project, Phase II (C02001).

Approved by the following roll call vote:

AYES: Powell, Estrada, O'Dowd

NOES: None

ABSENT: None

RECUSED: Bianco, Nelson

Motion Passed: 3-0

- D. **Authorize Purchase and Sale Agreement and Joint Escrow Instructions and Exemption Agreement To The Restated Master Declaration of Covenants, Conditions, Restrictions Assessments, Charges, Servitudes, Liens, Reservations and Easements with Sun City Palm Desert Community Association, APN 748-010-014 for the North Indio Flood Control Project (SW0005).**

Following a presentation by David Wilson, Engineer Manager, the Board discussed the Purchase and Sale Agreement and Joint Escrow Instructions and Exemption Agreement To The Restated Master Declaration of Covenants, Conditions, Restrictions Assessments, Charges, Servitudes, Liens, Reservations and Easements with Sun City Palm Desert Community Association.

On a motion by Director Nelson, second by Director O'Dowd, the Board approved and authorized the Purchase and Sale Agreement and Joint Escrow Instructions and Exemption Agreement To The Restated Master Declaration of Covenants, Conditions, Restrictions Assessments, Charges, Servitudes, Liens, Reservations and Easements with Sun City Palm Desert Community Association, APN 748-010-014 for the North Indio Flood Control Project (SW0005).

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

12. BOARD COMMENTS AND REPORTS**A. Board Member General Comments**

- Directors Nelson, O'Dowd, Bianco and Estrada had no report.
- Director Powell commented on the change from verbal reports of meetings and conference attendance to a written format. Clerk Bermudez will prepare a template for the Board to use.

B. Meetings and Conference Reports

- i September 22, 2020 to September 24, 2020 Salton Sea Management Program Update - Community Input sought for SSMP Projects; Virtual Public Workshops (Director O'Dowd)
- ii September 23, 2020 Sustainable Conservation: Ensuring Safe and Affordable Drinking Water for all Californians (Director Estrada)
- iii September 23, 2020 Golf and Water Task Force Zoom Meeting (Director's O'Dowd and Bianco)
- iv September 23, 2020 Association of California Water Agencies (ACWA) Federal Affairs Subcommittee Meeting on Water Supply Zoom Meeting (Director O'Dowd)
- v September 24, 2020 ACWA Federal Affairs Subcommittee Meeting on Drinking Water and Energy Zoom Meeting (Director O'Dowd)
- vi September 24, 2020 ACWA Board of Directors Budget Workshop (Director O'Dowd)
- vii September 25, 2020 ACWA Executive Committee Virtual Meeting (Director O'Dowd)
- viii September 25, 2020 ACWA Board of Directors Meeting (Director O'Dowd)
- ix September 28, 2020 ACWA Federal Affairs Committee Zoom Meeting (Director O'Dowd)
- x September 29, 2020 Board Study Session (Entire Board attended)
- xi September 30, 2020 Conference call with Salton Sea Authority and Alianza CV to discuss North Lake Pilot Project (Director Estrada)
- xii October 1, 2020 Salton Sea Authority Board of Directors Zoom Meeting (Director's O'Dowd and Estrada)
- xiii October 6, 2020 Westside Elementary Groundbreaking (Director Estrada)
- xiv October 6, 2020 Board Study Session: Cost of Service Study Review of all Funds (Entire Board attended)
- xv October 7, 2020 U.S. Dept. of the Interior Bureau of Reclamation - Stakeholder Virtual Webinar Series - Reclamation History (Director O'Dowd)
- xvi October 8, 2020 Ensuring Equitable Involvement in Regional Water Planning Virtual Summit (Director Estrada)

- xvii October 8, 2020 Desert Valley's Builders Meeting (Director Powell)
- xviii October 13, 2020 Ensuring Equitable Involvement in Regional Water Planning - Day 2 Virtual Summit (Director Estrada)
- xix October 12, 2020 to October 13, 2020 Imagine H2O - Water Innovation Week 2020 (Director O'Dowd)**only attended on October 12*

Additional meetings reported

- xx September 21, 2020 Conference Call between County of Riverside/Salton Sea Authority/ State regarding North Lake Project (Director Estrada)
- xxi September 24, 2020 Congressional Hearing urged by Congressman Ruiz and Congressman Vargas regarding the Salton Sea (Director O'Dowd)
- xxii October 9, 2020 Interview with Mary Egan, CEO/Managing Partner of MRG Associates – Review of ACWA's Executive Director's performance (Director O'Dowd)

- C. Approval of per diem for meetings reported

On a motion by Director Nelson, second by Director Bianco,
the Board approved per diem for meetings reported.

Approved by the following roll call vote:

AYES: Powell, Estrada, , O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

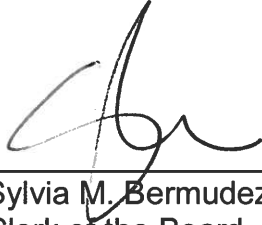
13. STAFF REPORTS

- A. General Manager, Jim Barrett provided an update on COVID numbers within CVWD.
- B. Counsel, Jeff Ferre, reported on the upcoming process and new requirements which will need to be followed for preparation of the District's Urban Water Management Plan Update in 2021.
- C. Departments
 - ADMINISTRATION – Robert Cheng, Assistant General Manager reported on the Sites Project request for CVWD to participate in a video regarding CVWD's participation in Sites Project.

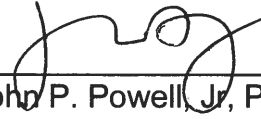
14. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 7:24 p.m. The next regular scheduled meeting will

be on Tuesday, October 27, 2020 at 8:00 a.m. at the Steve Robbins Administration Building, 75-515 Hovley Lane, Palm Desert



Sylvia M. Bermudez, CMC
Clerk of the Board
Coachella Valley Water District



John P. Powell, Jr, President
Coachella Valley Water District

