

DIVISION 1
John Aguilar
Director



Steve Robbins
Administration
Building Board
Chambers

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President

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

75515 Hovley Ln.
East
Palm Desert

January 12, 2021

www.cvwd.org

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 8:01 a.m., Tuesday, January 12, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

2. TELECONFERENCE

The January 12, 2021 Coachella Valley Water District Board of Directors Meeting was held 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 John Aguilar
Director Peter Nelson

Absent: None

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

4. REORGANIZATION OF THE BOARD

A. Election of new President of the Board

Clerk Bermudez called for nominations for Board President. Director Bianco nominated Director Powell for president. As there were no further nominations, Clerk Bermudez closed the nominations for Board President.

The board approved the appointment of Director John Powell, Jr. as Board President.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. Election of new Vice President of the Board

Board President John Powell called for nominations for Vice President of the Board. Director Bianco nominated Director Estrada for Vice President of the Board. As there were no further nominations, President Powell closed nominations.

The board approved the appointment of Director Estrada as Vice President of the Board.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

5. 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 item removed or continued from the Agenda

B. No emergency item added to the Agenda

C. No change to the order of the Agenda

6. PUBLIC COMMENT

No public comment received.

7. RESOLUTION OF APPRECIATION

A. **Adopt Resolution 2021-01 Honoring George Patrick O'Dowd for his Service to the people of Division 1 and the Coachella Valley**

On a motion by Director Bianco, second by Director Estrada,
the Board adopted Resolution No. 2021-01, A Resolution
Honoring George Patrick O'Dowd for his Service to the People of
Division 1 and the Coachella Valley.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

8. APPROVAL OF THE CONSENT CALENDAR

Consent Calendar items are 8A through 8L.

On a motion by Director Nelson, second by Director Bianco, the
Board approved the consent calendar. Director Aguilar abstained from
8A; minutes of December 2 and December 8, 2020. Item 8L was pulled
for discussion.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- A. Approved the meeting minutes for the CVWD Board of Directors meetings held in December 2020:
 - December 2, 2020 special meeting
 - December 8, 2020 regular meeting
 - December 10, 2020 special meeting
- B. Accepted and filed the General Manager's Report of Activities November 2020.
- C. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of November 2020
- D. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of November 2020
- E. Approved payment of the American Water Works Association Partnership for Safe Water Distribution and Clean Water Treatment Membership Dues for Fiscal Year 2021-22, in the amount of \$2,009
- F. Approved payment of The Greater Coachella Valley Chamber of Commerce 2021 Annual Membership Dues in the amount of \$710

- G. Approved additional payment of \$2,485 to Association of California Water Agencies (ACWA) for revised invoice for 2021 Membership Dues
- H. Approved the following actions related to the additional funding for the implementation of the Asset Management Program:
- authorized the General Manager to execute Task Order 4 to the Professional Services Agreement (PSA) with NexGen Utility Management, Inc. (NexGen) in the amount of \$106,400 for additional integration services for the Asset Management Program (AMP)
 - authorized the General Manager to execute Task Order 7 to the PSA with Black & Veatch (B&V) in the amount of \$49,860 for additional support services for the implementation of the AMP
 - approved an amendment to the Master License Agreement with Central Square Enterprises (Central Square), formerly Sungard, in the amount of \$27,920 for AM integration development support services
 - approved a contingency in the amount of \$15,000. The total requested authorization is in the amount of \$199,180

***The item was pulled for a presentation only. Vote was taken under the consent calendar.*

- I. Authorized the General Manager to execute Task Order No. 4 to DAHL Consultants, for \$117,343 for the Potable Telemetry Upgrade Project, and approved additional expenditures for a total request of \$130,000.
- J. Approved and authorized the General Manager to execute Lease Amendment No. 1 with The Lakes Country Club Association, Inc. extending the existing lease.
- K. Approved the sole source request and authorize the General Manager to execute a five-year agreement with Droplet Technologies LLC., for services related to the customer online portal for CVWD's landscaping rebate program, for \$106,250.
- L. **PULLED FOR DISCUSSION** - Authorize the General Manager to Execute a Professional Services Agreement (PSA) with Koff & Associates to conduct a Comprehensive Classification and Compensation Study in the Amount of \$380,400, and Additional Expenditures for a Total Authorization of \$399,420.

9. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

8L. **Authorize the General Manager to Execute a Professional Services Agreement (PSA) with Koff & Associates to conduct a Comprehensive Classification and Compensation Study in the Amount of \$380,400, and Additional Expenditures for a Total Authorization of \$399,420.**

Following a presentation by Bill Walters, Human Resources Administrator and Scott Hunter, Director of Human Resources, the Board discussed the matter. President Powell agreed to continue the discussion to the end of the meeting.

10. INFORMATIONAL REPORTS

A. Written Communications Received – on file

B. Informational Reports to the Board

- i Tentative Schedule for Preparing the Engineer's Report on Water Supply and Replenishment Assessment and Levying Replenishment Assessment Charges for Fiscal Year 2021/2022, presentation by Zoe Rodriguez del Rey, Water Resources Manager
- ii Update of East Coachella Valley Water Projects Presentation, presentation by Dan Ruiz, Engineer Manager.

11. ACTION ITEMS

A. **Review of current Board Committee Appointments and approve appointments for 2021.**

Following a discussion by the Board regarding changes to the Board Committee Appointments listing in the agenda packet,

On a motion by Director Nelson, second by Director Aguilar, the Board approved the board committee appointments for 2021 as revised and as set forth in the listing of appointments in the agenda packet and as presented at the Board meeting.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. **Approve actions regarding the Reservoir 4605-2 (Sky Mountain Pressure Zone), Specification No. 2020-6 project.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed a construction contract for the Reservoir 4605-2, Sky Mountain Pressure Zone, Specification No. 2020-6.

On a motion by Director Aguilar, second by Director Nelson, the Board approved the following actions related to the Reservoir 4605-2, Sky Mountain Pressure Zone, Specification No.: 2020-6 project:

- awarded a Construction Contract to Pacific Hydrotech Corporation, for Reservoir 4605-2 (Sky Mountain Pressure Zone), Specification No. 2020-6
- authorized the General Manager to execute the construction contract with Pacific Hydrotech Corporation, in the amount of \$9,520,800
- approved additional expenditures, for a total request of \$10,495,000

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Authorize the General Manager to Execute Task Order Nos. 19 through 22 with Woodard and Curran, in the amount of \$96,493 for Consulting Services to complete loan and grant applications for the North Shore Water Main Replacement, Dale Kiler Water Main Replacement, Talavera Water Main Replacement Phase 1, and the Booster Station No. 05513 Improvements Projects.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed Task Order Nos. 19 through 22 with Woodard and Curran, for Consulting Services to complete loan and grant applications for the North Shore Water Main Replacement, Dale Kiler Water Main Replacement, Talavera Water Main Replacement Phase 1, and the Booster Station No. 05513 Improvements Projects.

On a motion by Director Estrada, second by Director Nelson,

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. **Approve the solicitation of bids for the construction of roof access and safety structure improvements to the Administration Building, Rummonds Building, Maintenance & Warehouse Buildings at the CVWD Coachella Campus, including safety improvements at the Ion Exchange Treatment**

Plant (IXTP) Nos. 6806 and 7802 (Project) located near Mecca and Thermal, respectively.

Prior to discussion of this matter, President Powell announced that he would be recusing himself since he has ownership interests in real property located in proximity to the property involved in this Project. President Powell then left the dais and Board room during consideration of this matter. Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed a request for solicitation of bids for the construction of roof access and safety structure improvements for the Administration Building, Rummonds Building, Maintenance & Warehouse Buildings at CVWD's Coachella campus.

On a motion by Director Estrada, second by Director Nelson, the Board considered approval of a request for solicitation of bids for the construction of roof access and safety structure improvements for the Administration Building, Rummonds Building, Maintenance & Warehouse Buildings at CVWD's Coachella campus, with a not to exceed cost of \$375,000 and should include alternatives.

The motion failed 2-2-1:

AYES: Estrada, Aguilar,

NOES: Bianco, Nelson

ABSENT: None

RECUSED: Powell

- E. **Award a Demolition Contract to Resource Environmental, Inc. as the lowest responsive bidder, for the North Indio Flood Control Project (SW0005), Specification No. 2020-49, and authorize the General Manager to execute said contract in the amount of \$605,147.50, and approve additional expenditures for a total authorization of \$715,147.50.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed a demolition contract for the North Indio Flood Control project (SW0005), specification no. 2020-49.

On a motion by Director Estrada, second by Director Powell, the Board approved awarding of a Demolition Contract to Resource Environmental, Inc. as the lowest responsive bidder, for the North Indio Flood Control Project (SW0005), Specification No. 2020-49, and authorized the General Manager to execute said contract in the amount of \$605,147.50, and approved additional expenditures for a total authorization of \$715,147.50.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None
Motion Passed: 5-0

- F. **Approve and authorize the General Manager to execute Change Order No. 8 to the contract with Granite Construction Company (Granite) for the Coachella Valley Stormwater Channel Bank Protection and Fillmore Ditch Outfall Improvement Project, Specification No. 2018-62, in the amount of \$382,000, and additional expenditures for a total authorization of \$430,000.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed a contract with Granite Construction Company for the Coachella Valley Stormwater Channel Bank Protection and Fillmore Ditch Outfall Improvement Project, Specification No. 2018-62.

On a motion by Director Estrada, second by Director Nelson, the Board approved and authorized the General Manager to execute Change Order No. 8 to the contract with Granite Construction Company (Granite) for the Coachella Valley Stormwater Channel Bank Protection and Fillmore Ditch Outfall Improvement Project, Specification No. 2018-62, in the amount of \$382,000, and approved additional expenditures for a total authorization of \$430,000.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- G. **Award a Professional Services Agreement to Black & Veatch for the WRP 7 Non-Potable Water Improvements, Phase 1 Project, and authorize the General Manager to execute said contract for \$998,640 and approve additional expenditures for a total Authorization of \$1,373,640.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed a professional services agreement for the WRP 7 Non-Potable Water Improvements, Phase 1 Project. Steve Bigley, Director of Environmental Services, provided additional information on this request, related to regulatory requirements imposed on CVWD which necessitate this project.

On a motion by Director Nelson, second by Director Estrada, the Board approved awarding of a professional services agreement to Black & Veatch for the WRP 7 Non-Potable Water Improvements, Phase 1 Project, and authorized the General

Manager to execute said contract for \$998,640 and approved additional expenditures for a total Authorization of \$1,373,640.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

H. **Authorize the General Manager to execute Purchase and Sale Agreement and Joint Escrow Instructions and Irrigation Water Service Agreements for the Oasis In-Lieu Recharge Project, Phase II (C02001).**

Prior to discussion of the item, Counsel Jeff Ferre reported for the record that as a result of a previous recusal and re-qualification on this matter due to conflicts of interest, Directors Nelson and Bianco will recuse themselves from consideration of this matter and President Powell has been re-qualified to take part in consideration of this matter.

Directors Bianco and Nelson, then recused themselves and left the dais and the Board room during consideration of this matter.

Following a presentation by David Wilson, Engineer Manager, the Board discussed the purchase and sale agreement and joint escrow instructions and Irrigation Water Service Agreements for the Oasis in-Lieu Recharge Project.

On a motion by Director Aguilar, second by Director Estrada, the Board approved and authorized the General Manager to execute Purchase and Sale Agreement and Joint Escrow Instructions and Irrigation Water Service Agreements for the Oasis In-Lieu Recharge Project, Phase II (C02001), with the property owners listed in the agenda packet for this matter:

Approved by the following vote:

AYES: Powell, Estrada, Aguilar

NOES: None

ABSENT: None

RECUSED: Bianco, Nelson

Motion Passed: 3-0

12. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- *Director Nelson* reported on LAWDP's snowpack at 27%; The California snow water equivalent is 22% of normal; Colorado River is at 71% snow water equivalent; also reported President-Elect Biden's pick for the Department of Interior Secretary, Deb

Haaland, the first Native-American to be serve in this position. Ms. Haaland is a former CRB director, who serves on the streams and rivers division, in New Mexico. Also, commented on the Paradox Valley salinity draft EIR; and commented on customer complaint by Sam Griffith related to trespassing issues and requested an update.

- *Director Aguilar* reported on his meetings with all department heads, and the General Manager. He thanked all department heads for their time and the valuable information provided during the meetings.
- *Director Bianco* wished everyone a Happy New Year; and looking forward to 2021; thanked all involved who worked on the Alamo Reservoir project.
- *Director Estrada* wished everyone a Happy New Year; reported all is going well with the Salton Sea and the use of Prop 68 funding; also commented on the new appointment of the Department of Interior Secretary; commented on the Eagle Project, creating energy storage and mitigation fees of an estimated \$50 million.
- *Director Powell* commented on an article in The New York Times, "Wall Street Eyes Billions in the Colorado's Water."

B. Meetings and Conference Reports

- i December 9, 2020 Colorado River Board Meeting (Directors Powell and Nelson)
- ii December 10, 2020 Special Meeting of the CVWD Board of Directors (Directors Powell, Estrada, Bianco and Aguilar)
- iii December 10, 2020 Desert Valley's Builders Association (DVBA) Monthly Meeting (Director Powell)***remove for per diem purposes.**
- iv December 14, 2020 California Farm Water Coalition (CFWC) Meeting (Director Nelson)
- v December 14, 2020 Agua Caliente Mediation Group Settlement Meeting (Director Powell)
- vi December 17, 2020 Salton Sea Authority (SSA) Monthly Meeting (Director Estrada)
- vii December 17, 2020 Meeting with General Manager Jim Barrett, Assistant General Manager Robert Cheng and District staff (Director Aguilar)
- viii December 21, 2020 Meeting with District Department Heads and staff (Director Aguilar)
- ix December 22, 2020 Meeting with District Department Heads and staff (Director Aguilar)
- x January 5, 2021 Meeting with District Department Heads and staff (Director Aguilar)
- xi January 8, 2021 Video shoot for the State of the District Address (Director Powell)

Additional meetings reported:

- xii December 3, 2020 Oath of Office (Director Nelson)
- xiii December 4, 2020 Presentation of water conditions on Colorado River to ACWA (Director Nelson)
- xiv December 7, 2020 Presentation of water conditions on Colorado River to ACWA (Director Nelson)
- xv December 18, 2020 USRB Reports on Annual Colorado River Operations (Director Nelson)
- xvi January 6, 2021 Conference Call regarding Lake Cahuilla (Directors Powell and Estrada).

C. Approval of per diem for meetings reported

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

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

13. STAFF REPORTS

- A. General Manager, Jim Barrett provided an update on COVID cases at the District. Also reported former DWA General Manager Dave Luker, passed this morning.
- B. Counsel, Jeff Ferre had no report.
- C. Departments
 - *Operations* –Assistant Director of Operations, Mike Garcia read a memorial tribute for Nelson McCarthy, Wastewater Reclamation Plant (WRP) Operator 1.

14. CLOSED SESSION AGENDA

- A. ***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION*** - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
Two (2) potential cases
- B. ***CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION*** - Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. EDCV 13-883 JGB
- C. ***CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION*** - Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, and Desert Water Agency, Case No. 5:20-cv-00174-JGB(SPx)

- D. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8 - Property is described as: 58075 Jefferson Street, La Quinta
Agency Negotiator: Carrie Oliphant, Director of Engineering
Negotiating Party: Riverside County Parks & Recreation District
Under negotiation: Price and terms of payment
- E. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION** - Pursuant to Government Code § 54956.9 (a) Name of Case: Rancho Mirage Mobile Home Community, LP., v. Coachella Valley Water District, Civil Action No. 5:20-cv-02359 JWH (SHKx)
- F. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6 - Agency negotiator: Jay Trinnaman, Robert Cheng and Fran Neilon -
Employees' Organization: Association of Supervisory Support Evaluation Team (ASSET)

15. RECONVENE

- A. Report out of Closed Session
President Powell reconvened the meeting back into Open Session. Counsel Jeff Ferre reported that in regard to one of the two potential cases of litigation on item 14A, direction to initiate an action has been given and that the action, defendants and other particulars shall, once formally commenced, be disclosed upon inquiry and subject to the limitations in the Brown Act. There were no other reportable actions.

Item 8L – The Board took back up consideration of this matter. Following further discussion, on a ***motion by Director Estrada, second by Director Aguilar***, the Board approved and authorized the General Manager to Execute a Professional Services Agreement (PSA) with Koff & Associates to conduct a Comprehensive Classification and Compensation Study for \$380,400, and approved additional expenditures for a total authorization of \$399,420.

Approved by the following vote:

AYES: Estrada, Bianco, Aguilar, Nelson

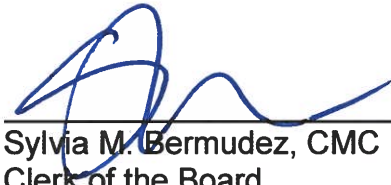
NOES: Powell

ABSENT: None

Motion Passed: 4-1

16. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the meeting at 1:34 p.m.



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



Castulo Estrada, Vice President
Coachella Valley Water District

