



DIVISION 1
John Aguilar
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

75515 Hovley Lane East
Palm Desert, CA

www.cvwd.org

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

February 09, 2021

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 8:00 a.m., Tuesday, February 9, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

2. TELECONFERENCE

The February 09, 2021 Coachella Valley Water District Board of Directors Meeting is being 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 John Aguilar
Director Peter Nelson

Absent: None

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

4. 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 Items added to the Agenda
- C. No changes to the order of the Agenda

5. PUBLIC COMMENT

No general public comment received.

6. STATE OF THE DISTRICT

- A. State of the District Address by Board President, John P. Powell, Jr.

7. APPROVAL OF THE CONSENT CALENDAR

Consent calendar items are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

- A. Approved minutes of the January 26, 2021 Coachella Valley Water District Board of Director's meeting
- B. ***PULLED FOR DISCUSSION*** - Ratification of Tolling and Standstill Agreement concerning Net Proceeds between Imperial Irrigation District and Coachella Valley Water District
- C. Approved and authorized the General Manager to execute the Nonpotable Water Agreement for The Plantation Golf Club
- D. Approved and authorized the General Manager to execute Amendment No. 1 to Task Order 22 in the amount of \$57,282 with Woodard and Curran to apply for additional loan/grant funding with the United States Department of Agriculture
- E. Approved and authorized the General Manager to execute Amendment No. 1 to Task Order 9 for an additional amount of \$26,998.00 with RMC Water and Environment for completion of support to the Colorado River Funding Area Disadvantaged Community Involvement Grant
- F. Approved and authorized the General Manager to execute a successor three (3) year Memorandum of Understanding (MOU) between the Coachella Valley Water District (District) and the Association of Supervisory Support Evaluation Team (ASSET) for period of January 1, 2021 through December 31, 2023

Item 7-B was pulled for discussion.

On a motion by Director Nelson, second by Director Bianco, the Board approved the Consent Calendar, with the exception of item 7-B.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

8. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

7B. Ratification of Tolling and Standstill Agreement concerning Net Proceeds between Imperial Irrigation District and Coachella Valley Water District.

President Powell pulled the item for discussion to request a correction a typographic correction to a date referenced in the Recitals.

On a motion by Director Powell, second by Director Aguilar, the Board approved ratification of Tolling and Standstill Agreement concerning Net Proceeds between Imperial Irrigation District and Coachella Valley Water District, and authorized the General Manager to execute said agreement with the proposed correction to section 2.2 – The 1994 Net Proceeds Lawsuit., changing the year of the lawsuit from “1934” to “1994”.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

9. INFORMATIONAL REPORTS

A. Written Communications Received – on file

B. Informational Reports to the Board

i Strategic Plan Update

Fiscal Year 2021, Quarter 2 (Oct – Dec ‘20), presentation by Robert Cheng, Assistant General Manager

C. Reports to be Filed (No presentation required)

i Receive and file the Coachella Valley Water District Fiscal 2021 Budget vs. Actual Report for the quarter ending December 31, 2020

10. ACTION ITEMS

A. **Approve and authorize the General Manager to award Task Order No. 29 for Professional Services to Krieger & Stewart for the Madison Club - Avenue 54 Meter Connection Project (C02104) in the amount of \$67,000, and approve additional expenditures for a total request of \$83,700.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed Task Order No. 29 with Krieger & Stewart for the Madison Club, Avenue 54 Meter Connection Project (CO2104).

On a motion by Director Nelson, second by Director Powell, the Board approved and authorized the General Manager to award Task Order No. 29 for Professional Services to Krieger & Stewart for the Madison Club - Avenue 54 Meter Connection Project (CO2104) in the amount of \$67,000, and approved additional expenditures for a total request of \$83,700.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. **Approve and authorize the General Manager to execute Task Order No. 20-14 to the Triennial Professional Services Agreement with Northwest Hydraulics Consultants, in the amount of \$212,464 for engineering services for levee certification of the Whitewater River Stormwater Channel from Ramon Road to Country Club, and approve additional expenditures for a total request of \$255,714.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed Task Order No. 20-14 with Northwest Hydraulics Consultants for the triennial professional services agreement.

On a motion by Director Aguilar, second by Director Nelson, the Board approved and authorized the General Manager to execute Task Order No. 20-14 to the Triennial Professional Services Agreement with Northwest Hydraulics Consultants, in the amount of \$212,464 for engineering services for levee certification of the Whitewater River Stormwater Channel from Ramon Road to Country Club, and approved additional expenditures for a total request of \$255,714.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Approve and authorize the General Manager to execute Task Order No. 10 to the Biennial Professional Services Agreement with Albert A. Webb Associates in the amount of \$139,556, for engineering services for the Sun City Palm Desert Water Main**

Replacement Project – Phase 3A, and approve additional expenditures for a total request of \$180,000.

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed Task Order No. 10, with Albert A. Webb Associates for the biennial professional services agreement.

On a motion by Director Nelson, second by Director Aguilar, the Board approved and authorized the General Manager to execute Task Order No. 10 to the Biennial Professional Services Agreement with Albert A. Webb Associates in the amount of \$139,556, for engineering services for the Sun City Palm Desert Water Main Replacement Project – Phase 3A, and approved additional expenditures for a total request of \$180,000.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. **Award a Construction Contract to The Van Dyke Corporation as the lowest responsive bidder, for the Water Reclamation Plant No. 4 Process Optimization Project (WR4015), Specification No. 2020-55, in the amount of \$731,760.50, and approve additional expenditures for a total request of \$870,047.50.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed contract for the Water Reclamation Plant No. 4, Process Optimization Project.

On a motion by Director Estrada, second by Director Powell, the Board approved and awarding of a Construction Contract to The Van Dyke Corporation as the lowest responsive bidder, for the Water Reclamation Plant No. 4 Process Optimization Project (WR4015), Specification No. 2020-55, in the amount of \$731,760.50, and approved additional expenditures for a total request of \$870,047.50.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

11. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments

- Director Nelson thanked Facilities staff for addressing constituent concerns regarding trespassing in the north

Indio area; also commented on the upcoming changes to the Colorado River Board appointments from other agencies.

- Director Aguilar reported on the reinstatement of the 2 on 2 meetings between CVWD and neighboring cities and that Cathedral City representatives are looking forward to the meetings and have topics for discussion.
- Bianco had no comments.
- Director Estrada commented on adding the County of Riverside to the 2 on 2 meetings with CVWD to include Juan Perez and a staff member; also reported on discussions from Imperial County NGOs regarding the use of QSA funding for specific projects; thanked Communication staff for connecting with staff from by the Division of Drinking Water to highlight CVWD's projects.
- Director Powell commented on his seat on the Colorado River Board and the nomination process for Vice President Estrada; also commented on COVID cases dropping (nationwide) and would like to consider when CVWD will move back to open meetings.

B. Meetings and Conference Reports

- i January 14, 2021 Desert Valley's Builders Association Teleconference meeting (Director Powell) ****did not attend***
- ii January 19, 2021 Disadvantaged Communities Infrastructure Task Force Teleconference meeting (Director Powell)
- iii January 27, 2021 Golf and Water Task Force Teleconference meeting (Directors Powell and Bianco)
- iv January 28, 2021 Salton Sea Authority Board of Directors Teleconference meeting (Directors Bianco and Estrada)
- v January 28, 2021 Probolsky Research "Water Agency Messaging Webinar" (Director Nelson)
- vi January 29, 2021 The Living Desert Board of Trustees & Advisory Council Teleconference meeting (Director Bianco)
- vii January 29, 2021 Salton Sea Authority North Lake Briefing Teleconference meeting (Director Estrada)
- viii February 1, 2021 Board Finance Committee meeting (Directors Aguilar and Estrada)
- ix February 2, 2021 Board Study Session - Canal & Domestic COSS Presentations (Entire Board present)

Additional meetings reported:

- x. February 3, 2021 Zoom meeting with Utah's Chief Principal for Colorado River, Gene Shawcroft, regarding Colorado River negotiations (Director Nelson)

- xi. February 3, 2021 Discussion with Colorado River Board staff (Director Nelson)
- xii. February 3, 2021 Interview with the Department of Defense regarding Biden Administration nominees (Director Nelson)
- xiii. February 3, 2021 Meeting with local property owner regarding Colorado River water rights (Director Nelson)
- xiv. February 3, 2021 Meeting with developer and community members regarding a proposed arena project off of Cook Street, close to the freeway (Director Bianco)
- xv. February 4, 2021 Basin States Principals Virtual Meeting (Director Nelson)
- xvi. February 4, 2021 Meeting with Salton Sea Authority, Wade Crowfoot, Secretary of CA Natural Resources Agency, Arturo Delgado, Asst. Secretary of the Salton Sea Policy, and representatives from the County of Riverside, Assemblymember's office regarding streamlining the environmental process regarding public review, to expedite the project (Director Estrada)
- xvii. February 5, 2021 Meeting with CVWD staff, County of Riverside, Assemblymember and Supervisor's office and owner of the Mobile Home Park to discuss CVWD water line on Avenue 70 (Director Estrada)
- xviii. February 6, 2021 Lake Cahuilla visit and interview (Director Estrada)
- xix. February 8, 2021 Grower's Meeting (Director Estrada)

- C. Approval of per diem for meetings reported

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

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

12. STAFF REPORTS

- A. General Manager, Jim Barrett reported staff has taken into consideration the Board's desire for shorter presentations; also provided an update on COVID numbers for CVWD staff. Reported the QSA JPA meetings are quarterly and the next meeting is scheduled for March 9.
- B. Counsel, Jeff Ferre reported on a recently filed case involving the Santa Ana Basin where certain agencies in Orange County are

seeking compensation from manufacturing companies that they allege have caused PFAS damages.

C. Departments – none

13. 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 potential cases

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

Receipt of Claim: County of Imperial

C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Case Name: De-Sa v. Coachella Valley Water District, et al. - Imperial County Case No. ECU001562

D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Case Name: Araujo et al. v, Coachella Valley Water District, Imperial County – US District Court Case No. '20CV1800 AJB LL

E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

Receipt of Claim: Courtney Moffatt

F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Government Code Section 54956.9 (d) (1)

Name of case: Anastasia Dilberakis v. Coachella Valley Water District, et al., Riverside County Superior Court Case No. PSC 1902479

14. RECONVENE

A. Report out of Closed Session

President Powell reconvened the meeting back into Open Session; Counsel Jeff Ferre reported on item 13B; the board on a motion by Director Bianco, second by Director Aguilar on a 5-0 vote, took

action to return a portion of the claim as untimely and denied the remainder of the claim on the merits of the claim. On item 13E, on a motion by Director Nelson, second by Director Powell, on a 5-0 vote, the Board rejected the claim and directed appropriate notices to be sent. There was no further reportable action.

15. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the meeting at 11:17 a.m. The next scheduled regular meeting of the Coachella Valley Water District Board of Directors is Tuesday, February 23, 2021 at 8:00 a.m.



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



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

