

DIVISION 1
John Aguilar
Director



DIVISION 2
Anthony Bianco
Director

Steve Robbins
Administration Building
Board Chambers

DIVISION 3
John Powell
President

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

75515 Hovley Ln.
East Palm Desert

DIVISION 4
Peter G. Nelson
Director

www.cvwd.org

DIVISION 5
Castulo Estrada
Vice President

March 23, 2021

- 1. MEETING CALLED TO ORDER AND BOARD IMMEDIATELY
CONVENED INTO CLOSED SESSION at 5:00 PM**

- 2. CLOSED SESSION AGENDA**
 - A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Case Name: County of Riverside v. CVWD; Mamco, Inc., dba Alabbasi, Riverside County Superior Court Case No PSC1903863
 - B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Case Name: Mamco, Inc. v. CVWD; Riverside Superior Court Case No. PSC2002032
 - C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Case Name: Ramirez, et al. v. CVWD, et al., Riverside Superior Court Case No. PSC1906746
 - D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Case Name: Anthony Vineyards v. Mamco, Inc. and CVWD, Riverside County Superior Court Case No. PSC2000906
Receipt of New Claim: Claimant – Anthony Vineyards
 - E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code Section 54956.9 (d)
(1) Name of cases: five (5)

- Randall C. Roberts v. Coachella Valley Water District et. al., Case No. RIC 1825310
Randall C. Roberts v. Coachella Valley Water District et. al., Case No. PSC 1904774
Randall C. Roberts v. Coachella Valley Water District et. al., Case No. PSC 1905977
Randall C. Roberts v. Coachella Valley Water District et. al., Case No. RIC 1904943
Roberts v. Coachella Valley Water District et. al., Case No. RIC 1905897
- F. 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
- G. THREAT TO PUBLIC SERVICES OR FACILITIES Pursuant to Government Code Section 54957 Consultation with Director of Information Technology
- H. 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
- I. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 One (1) potential case

6:00 PM- OPEN SESSION

3. RECONVENE INTO OPEN SESSION

- A. Report out of Closed Session
Meeting convened into Open Session; Counsel Jeff Ferre reported no reportable actions for items 2A through 2G. Items 2H and 2I were not discussed. Items 2A through 2D were taken up first and Director Bianco did not participate in those Items in order to avoid a conflict of interest.

4. PLEDGE OF ALLEGIANCE

President Powell called the open session of the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 6:00 p.m., Tuesday, March 23, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

5. TELECONFERENCE

The meeting of the Coachella Valley Water District Board of Directors was conducted pursuant to the Governor's Executive Order N-29-20.

6. ROLL CALL

Present:

President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director John Aguilar
Director Peter Nelson

Absent:

Director Anthony Bianco (*participated in Closed Session; left at start of Open Session*)

Staff Present:

Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia M. Bermudez, Clerk of the Board (via teleconference)
Maricela Cabral, Deputy Clerk of the Board

7. 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. Item 12F was removed from the agenda, as it was inadvertently included as a duplicate of item 12D.
- B. No emergency Item(s) were added to the Agenda
- C. No changes to the order of the Agenda

8. PUBLIC COMMENT

No general public comment received.

9. 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 the March 9, 2021 CVWD Board Meeting Minutes
- B. Accepted and filed the General Manager's Report of Activities for February 2021

- C. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of February 2021
- D. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of February 2021
- E. Approved and authorized the General Manager to execute a Special Domestic Water System Installation Agreement with University Park Investor, LLC (UPI)
- F. Approved and authorized the General Manager to execute a Contract Service Agreement with Duke's Root Control Inc., in the amount of \$81,897 for Sewer Root Control Services, and approved additional expenditures for a total request of \$90,000
- G. Approved amendments to the District's Conflict of Interest Code pursuant to the Political Reform Act of 1974 and adopted Resolution No. 2021-005

On a motion by Director Aguilar, second by Director Estrada, the Board approved the Consent Calendar items 9A through 9G.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

10. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled for discussion.

11. INFORMATIONAL REPORTS

- A. Written Communications Received – on file

12. ACTION ITEMS

- A. **Approve and authorize the General Manager to execute the Land Exchange Agreement with Imperial Irrigation District, APNs 691-070-009 and 691-070-010 for the North Indio Flood Control Project (SW0005), and approve additional expenditures totaling \$7,875.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed the land exchange agreement with Imperial Irrigation District.

On a motion by Director Nelson, second by Director Aguilar, the Board considered and approved the land exchange agreement with Imperial Irrigation District for APNs APNs 691-070-009 and 691-070-010 for the North Indio Flood Control Project (SW0005), and approved additional expenditures totaling \$7,875.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None
ABSENT: Bianco
Motion Passed: 4-0

- B. **Reject the bid protest received from Granite Construction Company, waive the immaterial deviations in the bid from Mamco, Inc. dba Alabbasi (Alabbasi), and authorize the General Manager to execute a construction contract with Alabbasi, as the lowest responsive and responsible bidder, in the amount of \$49,977,777 for the Coachella Valley Stormwater Channel (CVSC) Improvement Project from Avenue 54 to the Thermal Drop Structure, Specification No. 2018-60 and approve additional expenditures for a total request of \$64,737,307.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed a construction contract with Mamco Inc. dba Alabbasi (Alabassi) for the Coachella Valley Stormwater Channel (CVSC) Improvement Project.

On a motion by Director Nelson, second by Director Estrada, the Board considered and approved the following actions:

- Rejected the bid protest received from Granite Construction Company
- Waived the immaterial deviations in the bid from Mamco Inc. dba Alabbasi
- Award construction contract with Mamco Inc., dba Alabassi, as the lowest responsive and responsible bidder, in the amount of \$49,977,777 for the Coachella Valley Stormwater Channel (CVSC) Improvement Project, from Avenue 54 to the Thermal Drop Structure, Specification No. 2018-60
- Authorized the General Manager to execute contract with Mamco Inc., dba Alabassi in the amount of \$49,977,777
- Authorized General Manager to execute Task Order No. 10 with WSP USA (WSP) in the amount of \$900,763 to provide engineering services during construction and Task Order No. 3 with Atlas Technical Consultants LLC (Atlas) in the amount of \$493,445 to provide welding inspection, and soil and concrete testing services during construction; and
- Approved additional expenditures for a total request of \$64,737,307

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

- C. **Reject the bid protest of Pacific Hydrotech Corporation, waive the immaterial deviations in Myers & Son Construction, LLC, and authorize the General Manager to execute a construction contract to Myers & Sons Construction, LLC, as the lowest responsive and responsible bidder for the WRP 10 T1 Pump Station Replacement and T2 Pump Station Modifications Project, Specification No. 2020-34, in the amount of \$22,677,360 and approve additional expenditures for a total request of \$35,186,040.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed a construction contract for the WRP 10 T1 Pump Station Replacement and T2 Pump Station Modifications Project.

On a motion by Director Aguilar, second by Director Powell, the Board approved the following actions:

- Rejected bid protest of Pacific Hydrotech Corporation
- Waived the immaterial deviations in Myers & Son Construction, LLC
- Award construction contract to Myers & Son Construction LLC as the lowest responsive and responsible bidder for the WRP 10 T1 Pump Station Replacement and T2 Pump Station Modifications Project, Specification No. 2020-34 in the amount of \$22,677,360
- Authorized the General Manager to execute contract with Myers & Son Construction LLC in the amount of \$22,677,360
- Authorized the General Manager to execute Task Order No. 32 with Krieger & Stewart, Inc. in the amount of \$1,250,000 for engineering services during construction
- Authorized the General Manager to execute Task Order No. 1 with Leighton Group in the amount of \$111,899 for soils and concrete testing services
- Authorized the General Manager to execute Task Order No. 4 with Vanir Construction Management, Inc. in the amount of \$169,080 for SRF Compliance Support; and
- Approved additional expenditures for a total request of \$35,186,040

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

- D. **Waive immaterial deviations in Jones Brothers Construction Company's bid and authorize the General Manager to award a construction contract to Jones Brothers Construction Company, as the lowest responsive bidder, for the FY 2017-2018 Non-Potable Water (NPW) Pipeline Connection Project, Specification No. 2020-60R, in the amount of \$12,679,330.46, and approve additional expenditures for a total request of \$15,489,360.46.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed a construction contract for the FY 2017-2018 Non-Potable Water (NPW) Pipeline Connection Project.

On a motion by Director Estrada, second by Director Aguilar, the Board approved the following actions:

- Waived immaterial deviations in Jones Brothers Construction Company bid
- Award construction contract to Jones Brothers Construction Company as the lowest responsive and responsible bidder for the FY 2017-2018 Non-Potable Water (NPW) in the amount of \$12,679,330.46
- Authorized the General Manager to execute contract with Jones Brothers Construction Company in the amount of \$12,679,330.46
- Authorized the General Manager to execute Amendment No. 1 to Task Order No. 19 with Krieger & Stewart in the amount of \$291,000 for engineering services during construction
- Authorized the General Manager to execute Task Order No. 2 with NV5, West, Inc., in the amount of \$65,000 for soils and concrete testing services
- Authorized the General Manager to execute Task Order No. 5 with Vanir Construction Management in the amount of \$145,460 for SRF compliance; and
- Approved additional expenditures for a total request of \$15,489,360.46

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

- E. **Approve the Solicitation of Bids for Construction of the Sewer Manhole Rehabilitation Project - Rancho Mirage and Palm Desert, Specification No. 2020-67.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed the solicitation of bids for construction of the Sewer Manhole Rehabilitation Project, Rancho Mirage and Palm Desert, Specification No. 2020-67.

On a motion by Director Aguilar, second by Director Estrada, the Board approved the solicitation of bids for construction of the Sewer Manhole Rehabilitation Project, Rancho Mirage and Palm Desert, Specification No. 2020-67.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

- F. **Award of Construction Contract for FY 2017-2018 NPW Pipeline Connection Project, Specification No. 2020-60R, in the amount of \$12,679, 330.46 and additional expenditures, for a total request of \$15,489,360.46, presentation by Armando Rodriguez, Engineer Manager.**

Item 12F was not discussed, noted it was inadvertently included as a duplicate of 12D.

- G. **Approve proposed changes to the CVWD State Water Project (SWP) Fund Reserve Policy.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed proposed revisions to the District's State Water Project (SWP) Fund Reserve Policy.

On a motion by Director Aguilar, second by Director Nelson, the Board approved the changes to the CVWD State Water Project (SWP) Fund Reserve Policy as presented.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

- H. **Presentation on Disclosure Responsibilities Under the Federal Securities Laws, presentation by Doug Brown, Stradling Yocca Carlson & Rauth.**

No action taken. Informational presentation/training by bond counsel Doug Brown of Stradling, Yocca Carlson & Rauth.

13. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments
No comments from Director's Powell, Nelson and Aguilar.
Director Estrada thanked staff for the water tender provided to Oasis Mobile Home Park.
- B. Meetings and Conference Reports
- i February 25, 2021 Salton Sea Authority Board of Directors meeting (Director Bianco)
 - ii March 10, 2021 Colorado River Board Teleconference meeting (Director's Nelson and Estrada)
 - iii March 10, 2021 City of Desert Hot Springs/CVWD meeting (Director's Powell and Aguilar)
 - iv March 10, 2021 Six Agency Committee Teleconference meeting (Director Nelson)
 - v March 11, 2021 Board Finance Committee Meeting (Director's Aguilar and Estrada)
 - vi March 11, 2021 Desert Valley's Builders Association Teleconference meeting (Director Powell) ****did not attend**
 - vii March 11 - 12, 2021 23rd Annual Law of the Colorado River Conference - Preparing for Renewed River Management Plans (Directors Aguilar & Nelson)
 - viii March 15, 2021 Colorado River Mid-Term Modeling System Roll-out Webinar (Director Nelson)
 - ix March 16, 2021 Disadvantaged Communities Infrastructure Task Force meeting (Director's Powell and Estrada)
 - x March 19, 2021 CVWD Infrastructure Tours with Director Aguilar and district staff
 - xi March 22, 2021 Joint Water Policy Advisory Committee (JWPAC) Teleconference meeting (Director's Powell, Nelson and Estrada)

Additional meetings reported:

- xii March 9, 2021 Eastern Coachella Valley Community meeting with County of Riverside regarding IID power outage on February 25 (Director Estrada)
- xiii March 11, 2021 Principle Seven Basin States meeting (Director Nelson)
- xiv March 11, 2021 CLE meeting (Director Nelson)
- xv March 16, 2021 ProPublica Interview regarding Eastern Coachella Valley climate change issues to Disadvantaged communities
- xvi March 18, 2021 Follow-up conference call with State Water Board staff concerning March 8, 2021 discussion with Joaquin Esquivel
- xvii March 19, 2021 Oasis Monthly Update meeting (Director Estrada)

- xviii March 22, 2021 Legislative Committee meeting (Director's Aguilar and Estrada)
- xix March 22, 2021 Thermal/Oasis Community Council meeting (Director Estrada)

C. Approval of per diem for meetings reported

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

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0

14. STAFF REPORTS

A. General Manager, Jim Barrett reported on the following:

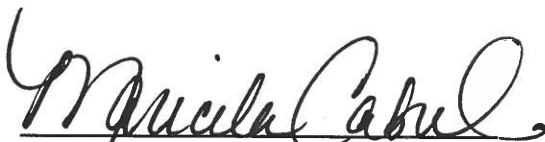
- SWP lowered table allocation from 10% to 5%
- provided an update on COVID numbers; passing of two employees
- CVWD received CSDA's Transparency Award
- CV Link Groundbreaking invite to CVWD Board and staff on March 29, 2021 at 10:00am
- ACWA finalist for Claire A. Hill Award, Palm Desert Replenishment Facility Phase I project
- County Riverside Board of Supervisors approved a 12-month lease extension for recreation area at Lake Cahuilla

B. Counsel – Jeff Ferre had no report


C. Departments – none

15. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the meeting at 8:05 p.m. The next scheduled regular meeting of the Coachella Valley Water District Board of Directors is Tuesday, April 13, 2021 at 8:00 a.m.



Maricela Cabral, Deputy Clerk
Coachella Valley Water District



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