

**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*

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

*Steve Robbins*  
*Administration Building*  
*Board Chambers*

75515 Hovley Lane East  
Palm Desert, CA

May 11, 2021

[www.cvwd.org](http://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 8:00 a.m., Tuesday, May 11, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell

**2. TELECONFERENCE**

*The meeting of the Coachella Valley Water District Board of Directors 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 item were removed or continued from the Agenda
- B. No emergency items were added to the Agenda
- C. No changes to the order of the Agenda

## 5. PUBLIC COMMENT

Public comment received from Art Gertz.

## 6. APPROVAL OF THE CONSENT CALENDAR

*Consent calendar items 6A through 6F, 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. Approve minutes of the April 20, 2021 CVWD Special Meeting of the Board of Directors
- B. Approve minutes of the April 27, 2021 CVWD Regular Meeting of the Board of Directors
- C. Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Mountain View Country Club
- D. Authorize the General Manager to execute the Reimbursement Agreement with the City of Cathedral City for the Whitewater Neighborhood Street Improvements, Phase II (CIP No. C08833) and Whispering Palms Neighborhood Street Rehabilitation (CIP No. C08831) Projects - Valve and Manhole Adjustments, and approve additional expenditures for a total request of \$156,024
- E. Approve and authorize the General Manager to execute On-Call Contract Services Agreements with water truck operators in the amount of \$1,560,450 annually
- F. Approve Resolution No. 2021-13, A Resolution Declaring May 16-22, 2021 as Special Districts Week

***On a motion by Director Aguilar, second by Director Nelson,*** the Board approved Consent Calendar items 6A through 6F.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

## 7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

## 8. INFORMATIONAL REPORTS

- A. Written Communications – on file

- B. Informational Reports to the Board
  - i SCADA Master Plan Update, presentation by Luis Maciel, Director of Information Systems
  - ii Strategic Plan Update Fiscal Year 2021, Quarter 23(Jan – Mar 21), presentation by Robert Cheng, Assistant General Manager
- C. Reports to be Filed for the Record (No Presentation Required)
  - i Receive and File the Coachella Valley Water District Fiscal 2021 Budget vs. Actual Report July 1, 2020 through March 31, 2021  
***On a motion by Director Nelson, second by Director Aguilar,*** the Board received and filed for the record the Coachella Valley Water District Fiscal 2021 Budget vs. Actual Report July 1, 2020 through March 31, 2021.  
**Approved by the following vote:**  
**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson  
**NOES:** None  
**ABSENT:** None  
**Motion Passed: 5-0**

## 9. ACTION ITEMS

- A. **Reject the bid protest of Ayala Engineering, Inc., and authorize the General Manger to execute a Construction Contract with Sancon Technologies, Inc., as the lowest responsive bidder for the Sewer Manhole Rehabilitation Project, Rancho Mirage and Palm Desert, Specification 2020-67, in an amount of \$424,635, and approve additional expenditures for a total request of \$535,391.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed bids received related to the Sewer Manhole Rehabilitation Project, Rancho Mirage and Palm Desert, Specification 2020-67.

***On a motion by Director Estrada, second by Director Bianco,*** the Board approved the rejection of the bid protest of Ayala Engineering, Inc., and authorized the General Manger to execute a Construction Contract with Sancon Technologies, Inc., as the lowest responsive bidder for the Sewer Manhole Rehabilitation Project, Rancho Mirage and Palm Desert, Specification 2020-67, in an amount of \$424,635, and approve additional expenditures for a total request of \$535,391.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

- B. **Authorize the General Manager to execute the Purchase and Sale Agreement and Joint Escrow Instructions with McRae Family Limited Partnership, APN 691-070-011 for the North Indio Flood Control Project (SW0005), total cost requested \$1,824,576.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed the Purchase and Sale Agreement and Joint Escrow Instructions with McRae Family Limited Partnership.

***On a motion by Director Nelson, second by Director Bianco,*** the Board approved and authorized the General Manager to execute the Purchase and Sale Agreement and Joint Escrow Instructions with McRae Family Limited Partnership, APN 691-070-011 for the North Indio Flood Control Project (SW0005), total cost requested \$1,824,576.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

## 10. BOARD COMMENTS AND REPORTS

### A. Board Member General Comments

- Director Estrada commented in response to public comments provided by Mr. Art Gertz regarding Desert Shores wells; also, thanked staff for their assistance in preparing a project package for submittal to Congressman Ruiz' community projects; similar packages were submitted to Senators Padilla and Feinstein.
- Directors Nelson, Aguilar, Bianco and Powell had no general comment.

### B. Meetings and Conference Reports

- i April 28, 2021 CVWD & City of La Quinta Biannual meeting (Director's Powell and Nelson)
- ii April 30, 2021 Living Desert Board of Trustees Organization Meeting (Director Bianco) *\*\*did not attend*
- iii May 3, 2021 Meeting with Coachella Valley Housing Coalition to discuss Avenue 66 Transmission Main Project - Project Funding Request (Director Estrada)
- iv May 4, 2021 Public Finance Committee Meeting (Director's Aguilar and Estrada)
- v May 5, 2021 CVWD and City of Rancho Mirage meeting (Director's Aguilar and Estrada)

### **Additional meetings reported**

- vi May 4, 2021 Meeting with SSA, Riverside County, California Natural Resources Agency, and Secretary Wade Crowfoot (Director Estrada)

vii May 7, 2021 Meeting with SSA and Allianza Community Organization nonprofit regarding education and public outreach (Director Estrada)

- C. Approval of per diem for meetings reported  
**On a motion by Director Nelson, second by Director Bianco,** the Board approved per diem for the meetings reported.  
**Approved by the following vote:**  
**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson  
**NOES:** None  
**ABSENT:** None  
**Motion Passed: 5-0**

## 11. STAFF REPORTS

- A. **General Manager-** Jim Barrett, provided an update on COVID numbers; advised the Board, staff is working on opening the June 2 and June 8 board meetings for in-person attendance for members of the public; advised the Board, staff is researching the Lake Cahuilla leases with the County of Riverside, CVWD has yet to received signed copies; and
- B. **Counsel** – Jeff Ferre, provided an update on the different proposed bills relating to virtual meetings, teleconferencing and other changes to public meetings, due to COVID-19.
- C. **Departments** – None

## 12. CLOSED SESSION AGENDA

- A. 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: Randall Roberts
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9  
One potential case

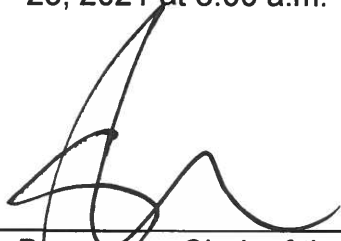
## 13. RECONVENE

- A. Report out of Closed Session  
President Powell reconvened the meeting back into Open Session. Counsel Jeff Ferre reported on item 12A – on a motion by Director Aguilar, second by Director Bianco, on a 5-0 vote. The Board approved the rejection of the claim, to the extent the communication received by Mr. Roberts is deemed to be a claim.

Counsel Jeff Ferre reported there was no reportable action for item 12B.

**14. ADJOURNMENT**

There being no further business before the Board, President Powell adjourned the meeting at 10:02 a.m. The next scheduled regular meeting of the Coachella Valley Water District Board of Directors is Tuesday, May 25, 2021 at 8:00 a.m.



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Sylvia Bermudez, Clerk of the Board  
Coachella Valley Water District



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