

**DIVISION 1**  
*John Aguilar*  
*Director*



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

**DIVISION 2**  
*Anthony Bianco*  
*Director*

75515 Hovley Ln.  
East Palm Desert

**DIVISION 3**  
*John Powell*  
*President*

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

[www.cvwd.org](http://www.cvwd.org)

**DIVISION 4**  
*Peter G. Nelson*  
*Director*

**July 27, 2021**

**DIVISION 5**  
*Castulo Estrada*  
*Vice President*

**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, July 27, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

**2. ROLL CALL**

Present: President John P. Powell, Jr  
Vice President Cástulo R. Estrada *arrived at 8:09am*  
Director John Aguilar  
Director Anthony Bianco  
Director Peter Nelson

Absent: None

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

**3. 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(s) removed or continued from the Agenda

- B. No emergency Item(s) added to the Agenda
- C. Changes to the order of Agenda; moved per diem meetings up prior to action items; discussed 10E before other action items.

**4. PUBLIC COMMENT**

No public comment received.

**5. 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. Approve Minutes of July 13, 2021 regular meeting of the Coachella Valley Water District Board of Directors
- B. Accept and file the General Manager's Report of Activities June 2021
- C. Accept and file the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of June 2021
- D. Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of June 2021
- E. Authorize the Transfer of Delinquent and Unpaid Domestic Water, Sewer Service and Irrigation Water Charges to Imperial and Riverside County and approve Resolution Nos. 2021-28, 2021-29 and 2021-30
- F. Authorize the Transfer of Delinquent Irrigation Water Availability Charges to the Riverside County Tax Roll Fiscal Year 2021-22, and approve Resolution No. 2021-31
- G. Authorize the Transfer of Sewer Service Charges to Riverside County and Imperial County Tax Rolls for Fiscal Year 2021-22, and approve Resolution Nos. 2021-32 and 2021-33
- H. Authorize the General Manager to execute funding applications with the U.S. Department of Agriculture, Rural Development (USDA)
- I. Approve Resolution No. 2021-34 for CVWD to file a Financing Application with SWRCB under the Clean Water State Revolving Fund program for the Airport Boulevard Sewer Consolidation Project

***On a motion by Director Aguilar second by Director Bianco***, the Board approved consent calendar items 5A through 5I.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

**6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR**

No items pulled for discussion.

**7. PRESENTATIONS AND RECOGNITIONS**

***Anniversary***

- David Aguilar - Welder I, 20 years

**8. PUBLIC HEARING**

**A. Conduct a Public Hearing to consider the Domestic Water Service and Sewage and Waste Service Availability Assessment for Fiscal Year 2021-2022.**

Following a presentation by Albert Galindo, Accountant, the Board discussed the Domestic Water Service and Sewage and Waste Service Availability Assessment for Fiscal Year 2021-2022.

President Powell opened the public hearing to receive on the Domestic Water Service and Sewage and Waste Service Availability Assessment for Fiscal Year 2021-2022. Prior to the receipt of public testimony, President Powell, Clerk of the Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures. There were no public testimony. President Powell closed the public hearing.

***On a motion by Director Nelson second by Director Aguilar,*** the Board adopted Resolution No. 2021-21, A Resolution of the Board adopting the domestic water service and sewage and waste service availability assessments for fiscal year 2021-2022.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**B. Conduct a Public Hearing to consider amendments to Ordinance 1403.2, An Ordinance of the Coachella Valley Water District Establishing a Schedule of Special Charges for Miscellaneous Services.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed amendments to Ordinance 1403.2, An Ordinance of the Coachella Valley Water District Establishing a Schedule of Special Charges for Miscellaneous Services.

President Powell opened the public hearing to receive on the proposed amendments to Ordinance No. 1403.2, establishing a schedule of special charges for miscellaneous services. Prior to the receipt of public testimony, President Powell, Clerk of the

Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures. President Powell opened the floor for public testimony: Gretchen Gutierrez, Executive Director of Desert Valley Builders Association, commented in support of the schedule of special charges for miscellaneous services. President Powell closed the public hearing.

***On a motion by Director Aguilar second by Director Powell,*** the Board adopted Ordinance No. 1403.3, An Ordinance of the Coachella Valley Water District Establishing a Schedule of Special Charges for Miscellaneous Services.

**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 CENSUS 2020 Redistricting, presentation by Sylvia Bermudez, Clerk of the Board and Jeremy Homes, of Best Best & Krieger.

## 10. ACTION ITEMS

- A. **Approve prepayment of Unfunded Accrued Liability (UAL) to the California Public Employees Retirement System (CalPERS) for Fiscal Year 2021-22.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the prepayment of Unfunded Accrued Liability (UAL) to the California Public Employees Retirement System (CalPERS) for Fiscal Year 2021-22.

***On a motion by Director Nelson second by Director Bianco,*** the Board approved the prepayment of Unfunded Accrued Liability (UAL) to the California Public Employees Retirement System (CalPERS) for fiscal year 2021-2022.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

B. **Approve and authorize the General Manager to execute a Professional Services Agreement with NewGen Strategies and Solutions, LLC, in the amount of \$90,000 for a Five-Year Cost of Service Study on Sanitation Services, and approve additional expenditures for a total request of \$100,000.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed a professional services agreement with NewGen Strategies and Solutions, LLC.

***On a motion by Director Bianco second by Director Nelson,*** the Board approved and authorized the General Manager to execute a professional services agreement in the amount of \$90,000 for a five-year Cost of Service Study on sanitation services and approved \$10,000 in contingencies, for a total request of \$100,000.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

C. **Award a Construction Contract with Van Dyke, as the lowest responsible bidder, in the amount of \$744,245 for construction of the Sewer Pipeline Rehabilitation Fairway Drive Project, Specification No. 2020-65 and approve additional expenditures for a total request of \$907,097.**

Following a presentation by Donnell Wilcox, Senior Engineer, the Board discussed a Construction Contract with Van Dyke, as the lowest responsible bidder, in the amount of \$744,245 for construction of the Sewer Pipeline Rehabilitation Fairway Drive Project, Specification No. 2020-65.

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

- Rejected Hurtado Construction Inc.'s bid in the amount of \$597,695 as non-responsive
- Awarded construction contract to Van Dyke as the lowest responsible bidder submitting a responsive bid in the amount of \$744,245; and in light of this recommendation, Van Dyke's bid protest would be deemed moot
- Approved Budget Amendment Resolution No. 21-22- 02, in the amount of \$141,097
- Approved the following additional expenditures, for a total cost request of \$907,097:

- Amendment No. 2 to Task Order No. 7 with Albert A. Webb Associates for Engineering Services During Construction - \$26,427
- Task Order No.2 with RMA Group for soils testing - \$18,000
- CVWD Project Manager and Engineering - \$25,000
- CVWD inspection Services - \$19,000 - Inspection Services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firm. If an on-call inspection firm is used, a task order will be executed and issued in substantially the same format and content as the attached task order
- Construction Contingency (10%) - \$74,425

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

D. **Approve the purchase of one (1) Caterpillar 320GC Excavator in the amount of \$241,850, the trade-in of one (1) Salvaged Excavator to Quinn Caterpillar, and approval of Budget Amendment Resolution No. 21-22-01.**

Following a presentation by Dan Charlton, Assistant General Manager of Operations, the Board discussed the purchase of one (1) Caterpillar 320GC Excavator.

*On a motion by Director Aguilar, second by Director Bianco,* the Board approved the purchase of one (1) Caterpillar 320GC Excavator in the amount of \$241,850, the trade-in of one (1) Salvaged Excavator to Quinn Caterpillar, and approved Budget Amendment Resolution No. 21-22-01.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

E. **Approve and authorize the General Manager to execute a Contract Services Agreement with A.C. Water Service for Water Tender Services for the Oasis Mobile Home Park.**

Following a presentation by Dan Charlton, Assistant General Manager, the Board discussed a contract services agreement for water tender services with A.C. Water Service for water tender services at the Oasis Mobile Home Park.

***On a motion by Director Bianco second by Director Estrada,***  
the Board approved and authorized the General Manager to  
execute a Contract Services Agreement with A.C. Water Service  
for Water Tender Services for the Oasis Mobile Home Park.

**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 reported the State Water Resources Control Board is holding a meeting this afternoon for public comment on Emergency Curtailment and Reporting Regulation for the Sacramento and San Joaquin Delta Watershed.
- Director Powell commented on the CDC's changing guidelines.
- Directors Aguilar and Bianco had no report.

### B. Meetings and Conference Reports

- i June 7, 2021 North Lake update Alternate 1/Alternate 1A with County and Salton Sea Authority (Director Estrada)
- ii June 7, 2021 CVWD Oasis meeting with State Water Board and EPA (Director Estrada)
- iii June 9, 2021 Colorado River Board of Director's Meeting (Director Estrada)
- iv June 9, 2021 Six Agency Committee Meeting (Director Estrada)
- v June 10, 2021 Discussion with County regarding Coachella Valley Housing Projects (Director Estrada)
- vi June 11, 2021 North Lake Update Alternative 1/Alternative 1A with County and Salton Sea Authority and State of California (Director Estrada)
- vii June 23, 2021 CVWD and City of Palm Desert meeting (Director's Bianco and Estrada)
- viii June 24, 2021 Salton Sea Authority Board of Director's meeting (Director's Bianco and Estrada)
- ix June 25, 2021 Meeting with Salton Sea Authority for updates (Director Estrada)
- x July 14, 2021 Colorado River Board of Director's Meeting (Director's Powell and Estrada) \*\*Director Estrada did not attend

- xi July 14, 2021 Six Agency Committee Meeting (Director's Nelson and Estrada) \*\*Director Estrada did not attend
- xii July 14, 2021 Desert Valleys Builders Association Board meeting (Director Powell)
- xiii July 16, 2021 Interview with Marco Revuelta, Telemundo (Director Estrada)
- xiv July 19, 2021 Agua Caliente Mediation Session (Director's Powell and Estrada)
- xv July 20, 2021 Disadvantaged Communities Infrastructure Task Force Meeting (Director's Powell and Estrada)
- xvi July 22, 2021 Colorado River Management Work Group Meeting for the 2022 Annual Operation Plan for Colorado River Reservoirs (AOP), Second Consultation (Director Nelson)
- xvii July 23, 2021 Joint Meeting between CVWD and City of Coachella (Director's Powell and Estrada)

- C. Approval of per diem for meetings reported  
***On a motion by Director Bianco second by Director Aguilar,***  
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, provided on update on COVID-19 cases and vaccine status of CVWD workforce; introduced Victoria Llort, CVWD's new Government Affairs Specialist.
- B. Counsel – Jeff Ferre, had no report.
- C. Departments – none

**13. CLOSED SESSION AGENDA**

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2), and initiation of litigation pursuant to paragraph (4), of subdivision (d) of Government Code Section 54956.9  
One (1) potential case

**14. RECONVENE**

- A. Report out of Closed Session  
President Powell reconvened the meeting into Open Session and announced there was no reportable action related to item 13A.




Valley Water District Board of Directors is scheduled for Tuesday,  
August 10, 2021 at 8:00am.



---

Sylvia Bermudez, Clerk of the Board  
Coachella Valley Water District



---

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