

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

August 10, 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, August 10, 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 Castulo R. Estrada
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson *joined at 9:00am*

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 removed or continued from the Agenda
- B. No emergency item(s) added to the Agenda
- C. No changes made to the order of the Agenda

4. PUBLIC COMMENT

No public comment received.

5. APPROVAL OF THE CONSENT CALENDAR

A. Approve Minutes of July 27, 2021 regular meeting of the Coachella Valley Water District Board of Directors

B. Approve and authorize the General Manager to Execute Assignment and Assumption Agreements and a Water Production Metering Agreement in Connection with the Purchase and Sale of the Rancho La Quinta Golf Courses and Home Owners Associations

On a motion by Director Aguilar second by Director Bianco, the Board approved consent calendar items.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled.

7. INFORMATIONAL REPORTS

A. Written Communications Received – on file.

8. ACTION ITEMS

A. **Approve and authorize the General Manager to execute Amendment No. 1 to Task Order No. 7 with Michael Baker International for the North Cathedral City Stormwater Master Plan Project in the amount of \$75,570 and approval of additional expenditures for a total request of \$110,570.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed an amendment to Task Order No. 7 with Michael Baker International for the North Cathedral City Stormwater Master Plan Project.

On a motion by Director Aguilar second by Director Bianco, the Board approved and authorized the General Manager to execute Amendment No. 1 to Task Order No. 7 with Michael Baker International for the North Cathedral City Stormwater Master Plan Project in the amount of \$75,570 and approved additional expenditures for a total request of \$110,570.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar

NOES: None

ABSENT: Nelson
Motion Passed: 4-0

B. **Approve the following actions related to the Phase 2 Coachella Campus Fire Protection and Irrigation System Improvements Project.**

Prior to consideration of this matter, President Powell stated that he would be recusing himself due to a real property interest located in proximity to the property subject to this project. In order to avoid even an appearance of a conflict, President Powell left the dais and the Board room during deliberations. Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed Phase 2 of the Coachella Campus Fire Protection and Irrigation System Improvements Project.

On a motion by Director Estrada second by Director Aguilar the Board approved the following actions related to Phase 2 Coachella Campus Fire Protection and Irrigation System Improvements project:

- Awarded a Design-Build Contract with Weka, Inc. for a Guaranteed Maximum Price of \$1,461,748 for the Phase 2 Coachella Campus Fire Protection and Irrigation System Improvements Project
- Authorized the General Manager to execute contract with Weka, Inc.
- Approved the following additional expenditures for a total request of \$1,592,000:
 - CVWD Project Management - \$20,000
 - CVWD Inspection - \$20,000
 - Task Order No. 5 with Atlas Engineering West for Soils Testing - \$10,000
 - CVWD Contingency (5.3%) - \$80,252

Approved by the following vote:

AYES: Estrada, Bianco, Aguilar

NOES: None

ABSENT/RECUSED: Powell, Nelson

Motion Passed: 3-0

C. **Approve the following actions related to acquisition of Real Property for the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project (DW2105).**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the acquisition of Real Property for the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project (DW2105).

On a motion by Director Estrada second by Director Bianco, the Board approved and authorized the General Manager to execute an

agreement for Acquisition of Real Property with William Paul Burkett, Successor Trustee of the Gladys Louise Burkett and Routhford Jack Burkett Family Trust dated May 16, 1984 and restated on September 16, 1999, APNs 727-100-023 and 727-100-024 for the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project (DW2105), and any additional documents related to this acquisition transaction; and approved additional expenditures for a total request of \$66,360.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

9. **BOARD COMMENTS AND REPORTS**

A. Board Member General Comments – No comments/reports from the Board.

B. Meetings and Conference Reports

- i July 27, 2021 U.S. Environmental Protection Agency (EPA) meeting with District staff regarding water tender operations (Director Estrada)
- ii July 28, 2021 Golf and Water Task Force meeting (Director's Powell and Bianco)
- iii July 29, 2021 Meeting with Assemblyman Eduardo Garcia regarding Salton Sea funding and state funding for relocation of Oasis (Director Estrada)
- iv August 3, 2021 Board Study Session (Entire Board)
- v August 6, 2021 Joint Meeting between CVWD and City of Indio (Director's Nelson and Estrada)

Additional meetings reported

- vi US Water Alliance California Consolidation Project Convening Workshop No. 2 (Director Estrada)
- vii Meeting with Supervisor V. Manuel Perez & staff, Congressman Raul Ruiz & staff, Assemblymember Eduardo Garcia and staff regarding the Oasis situation (Director Estrada)
- viii Conference call with Nitin Patel, Auditor with Clifton Larson Allen, LLP (Director Powell)
- ix IID Coachella Valley Energy Commission Meeting (Directors Powell and Estrada)
- x Meeting with the Salton Sea Authority, SSA lobbyists Oracio Gonzalez (state level) & Lisa Moore (federal level) and CA Water Boards Chair, Joaquin Esquivel (Director Estrada)

C. Approval of per diem for meetings reported

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

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

10. STAFF REPORTS

- A. General Manager, Jim Barrett provided an update to the Board on COVID-19 data for CVWD, including the number of recovered cases, current positive and the percentage of vaccinated staff; also reported on the Coachella Valley Energy Commission Committee meeting, where he and Director Estrada attended.
- B. Counsel, Jeff Ferre reported the State Water Resources Control Board will hold a public webinar on August 19 to provide information on funding opportunities for water districts to apply for funding to recoup water bill arrearages and loss of revenue due to the pandemic shutoff moratorium .
- C. Departments – none

11. CLOSED SESSION AGENDA

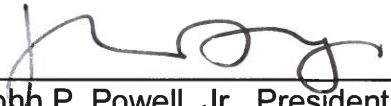
- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:13-cv-00883-JGB (SPx)
- B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:20-cv-00174-JGB-SPx
- C. 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

12. RECONVENE

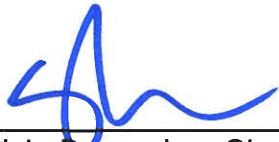
- A. Report out of Closed Session
President Powell convened the meeting back to Open Session and announced there were no reportable actions for the closed session calendar items 11A-11C.

13. ADJOURNMENT

There being no further business to discuss. President Powell adjourned the meeting at 10:07am. The next regular scheduled meeting is Tuesday, September 14, 2021 at 8:00 am, at the Steve Robbins Administration Building at 75515 Hovley Lane, Palm Desert.



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



Sylvia Bermudez, Clerk of the Board
Coachella Valley Water District