

DIVISION 1
John Aguilar
Director



DIVISION 2
Anthony Bianco
Director

Steve Robbins
Administration Building
Board Chambers

DIVISION 3
John Powell
President

**MINUTES OF THE
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

September 14, 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, September 14, 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
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson arrived at 8:

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 was removed or continued from the Agenda
- B. No emergency item added to the Agenda
- C. Changes to the order of the Agenda
 - Action Item 9C will be the last matter heard, following the completion of the closed session calendar.

4. PUBLIC COMMENT

No general public comment received.

5. MEETING OF THE OASIS BOARD

Pursuant to the standing recusal and re-qualification which was previously implemented due to financial interests of Directors, Directors Bianco and Nelson recused themselves from this matter..

A. Approve and authorize the General Manager to execute Change Order No. 3 to the contract with Sukut Construction, LLC, in the amount of \$107,709 for the Oasis In-Lieu Recharge Project - Phase II, Specification No. 2020-36.

Following a presentation by David Wilson, Engineer Manager, the Oasis Board discussed Change Order No. 3 to the contract with Sukut Construction, LLC for the Oasis In-Lieu Recharge Project – Phase II, Specification No. 2020-36.

On a motion by Director Aguilar, second by Director Estrada, the Board approved and authorized the General Manager to execute Change Order No. 3 to the contract with Sukut Construction, LLC, in the amount of \$107,709 for the Oasis In-Lieu Recharge Project - Phase II, Specification No. 2020-36.

Approved by the following roll call vote:

AYES: Powell, Estrada, Aguilar

NOES: None

ABSENT: None

RECUSED: Bianco, Nelson

Motion Passed: 3-0

6. APPROVAL OF THE CONSENT CALENDAR

Consent calendar items 6A through 6R, 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 the minutes of the August 10, 2021 Coachella Valley Water District Board of Directors meeting
- B. Accept and file the General Manager's Report of Activities for July 2021
- C. Accept and file the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of July 2021
- D. Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of July 2021
- E. Approve payment of Fiscal Year 2021-22 Coachella Valley Association of Governments' Energy and Environment Committee Membership Dues in the amount of \$4,587

- F. Approve and authorize the General Manager to execute agreement to continue membership in the California Data Collaborative for FY21-22, FY22-23, FY23-24, FY24-25 and FY25-26
- G. Approve and authorize the General Manager to execute the Special Domestic Water System Installation Agreement with Brittany West LLC for two (2) residential units on approximately 2 acres in Rancho Mirage
- H. Ratify the General Manager's execution of a grant application to the Coachella Valley Mountains Conservancy (CVMC) for a Prop 1 Grant for the CVWD Monitoring Wells Projects
- I. Approve and authorize the General Manager to execute a Special Domestic Water System and Sanitation System Installation Agreement with Hazelden Betty Ford Foundation
- J. Approve and authorize the General Manager to execute the Waiver of Setbacks Agreement ("Agreement") with Gabrych Family Limited Partnership ("Lessor") and Mountain View Power Partners, LLC ("Lessee")
- K. Approve and authorize the General Manager to execute the First Amendment to the Nonpotable Water Agreement for Sun City Shadow Hills Community Association
- L. Approve and authorize the General Manager to execute Task Order No. 8 to the Professional Services Agreement with Black & Veatch in the amount of \$98,730 for Asset Management Services and approve additional expenditures for a total request of \$110,000
- M. Approve the following actions related to a Special Domestic Water System Installation Agreement with Paul J. Thiel and Pamela K. Thiel:
 - authorize the General Manager to execute a Special Domestic Water System Installation Agreement with Paul J. Thiel and Pamela K. Thiel, Co-Trustees of the Paul J. Thiel and Pamela K. Thiel Revocable Trust Established September 14, 1998
 - approve Budget Amendment Resolution 21-22-003, to fund the District's portion of the costs by transferring \$140,000 from the Reservoir 4605-2 Project (R02005) funded by WSBFC funds
- N. Approve the premium renewals for the employee health insurance and benefit premiums for Calendar Year 2022 (CY 2022)
- O. Approve and authorize the General Manager to Enter into Two Joint Funding Agreements with the United States Geological Survey for Water Year 2021-2022 Water Resources Investigations in the combined total of \$142,475 for continuing cooperative water resources investigations for Water Year 2021-2022 Water Resources Investigations
- P. Approve Joint Funding Agreement with the United States Geological Survey for Continuation of Land Subsidence Assessments in the Coachella Valley
- Q. Approve the following actions related to the replacement of the District's SIRE Technologies agenda management system, for a total first year cost of \$38,454:

- Approve and authorize the General Manager to execute a professional services agreement with PrimeGov for implementation of a new agenda management system for the District in the amount of \$33,439
 - Approve additional expenditures of \$5,015 - 15% in contingency
 - Approve the annual renewal of the contract with PrimeGov with an anticipated expense of \$26,444 plus a 3% annual increase, as long as the District continues to use the software
- R. ***PULLED FOR DISCUSSION*** -- Adopt Resolution No. 2021-36, in support of G. Patrick O'Dowd for the Vice President of the Association of California Water Agencies

On a motion by Director Nelson second by Director Estrada, the Board approved consent calendar items 6A through 6Q.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

6. R. **Adopt Resolution No. 2021-36, in support of G. Patrick O'Dowd for the Vice President of the Association of California Water Agencies.**

On a motion by Director Powell, second by Director Nelson, the Board adopted Resolution No. 2021-36, a Resolution in support of G. Patrick O'Dowd for the Vice President of the Association of California Water Agencies.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

8. INFORMATIONAL REPORTS

- A. Written Communications Received – on file.
- B. Informational Reports to the Board
- i Strategic Plan Update Fiscal Year 2021, Year End Review, presentation by Robert Cheng, Assistant General Manager
 - ii Update on the Developer Fee Cost of Service Study for revising the Supplemental Water Supply Charge to a Water Demand Offset Fee, presentation by Carrie Oliphant, Director of Engineering

9. ACTION ITEMS

A. **Approve the Purchase of Five (5) Vehicles and Equipment in the amount of \$545,601 and the Disposal of up to Seven (7) Fleet Units through Public Auction.**

Following a presentation by Stewart Taylor, Fleet Manager, the Board discussed the purchase of five (5) vehicles and equipment.

On a motion by Director Nelson, second by Director Bianco, the Board approved the Purchase of Five (5) Vehicles and Equipment in the amount of \$545,601 and the Disposal of up to Seven (7) Fleet Units through Public Auction

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. **Authorization to include Sites Reservoir Project Phase 2, Amendment 3 charges on the DWR's Statement of Charges.**

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the Sites Reservoir Project Phase 2, Amendment 3 charges on the DWR's Statement of Charges.

On a motion by Director Nelson, second by Director Estrada, the Board approved and authorized the inclusion of the Sites Reservoir Project Phase 2, Amendment 3 charges on the DWR's Statement of Charges

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

C. **THIS MATTER WAS CONSIDERED BY THE BOARD FOLLOWING COMPLETION OF THE CLOSED SESSIONS AND UPON RECONVENING INTO OPEN SESSION - Approve and authorize the General manager to execute Multi-Agency Funding Agreement, Seepage Analysis Funding Agreement and Task Order 5 with Dahl Consultants for the Mid-Canal Storage Project, Phase 1.**

Following a presentation by Carrie Oliphant, Director of Engineering, the Board discussed the Multi-Agency Funding Agreement, Seepage Analysis Funding Agreement and Task Order 5 with Dahl Consultants for the Mid-Canal Storage Project, Phase 1.

On a motion by Director Nelson, second by Director Estrada, the Board approved and authorized the General manager to execute Multi-Agency Funding Agreement, Seepage Analysis

Funding Agreement and Task Order 5 with Dahl Consultants for the Mid-Canal Storage Project, Phase 1.

Approved by the following roll call vote:

AYES: Powell, Estrada, Nelson

NOES: None

ABSENT: Bianco, Aguilar

Motion Passed: 3-0

D. **Approve the following actions relating to the East Side Dike Improvement Project - Phase I (Specification No. 2018-63):**

- award a Construction Contract to Bosco Constructors, Inc., as the lowest responsive bidder, in the amount of \$2,349,513 for the East Side Dike Improvement Project - Phase I (Specification No. 2018-63)
- authorize the General Manager to execute said construction contract with Bosco Constructors, Inc.
- authorize the General Manager to execute Task Order No. 20-19 with Northwest Hydraulic Consultants, in the amount of \$80,500 for engineering services during construction
- authorize the General Manager to execute Task Order No. 3 with NV5 in the amount of \$87,688 for geotechnical services and concrete testing during construction; and
- approve additional expenditures for a total request of \$2,989,471

Following a presentation by David Wilson, Engineer Manager, the Board discussed the East Side Dike Improvement Project - Phase I (Specification No. 2018-63).

On a motion by Director Nelson, second by Director Bianco, the Board approved the following actions related to the East Side Dike Improvement Project, Phase I, specification no. 2018-63:

- Approved awarding of a construction contract to Bosco Constructors, Inc., as the lowest responsive bidder, in the amount of \$2,349,513 for the East Side Dike Improvement Project - Phase I (Specification No. 2018-63)
- authorized the General Manager to execute said construction contract with Bosco Constructors, Inc.
- authorized the General Manager to execute Task Order No. 20-19 with Northwest Hydraulic Consultants, in the amount of \$80,500 for engineering services during construction
- authorized the General Manager to execute Task Order No. 3 with NV5 in the amount of \$87,688 for geotechnical services and concrete testing during construction; and
- approved additional expenditures for a total request of \$2,989,471

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None
ABSENT: None
Motion Passed: 5-0

E. **Approve the following actions related to the North Indio Flood Regional Flood Control Project - Phase 2 (Specification No. 2020-56), total request of \$110,209,837:**

- Award a Construction Contract to Sukut Construction, LLC, as the lowest responsive and responsible bidder, in the amount of \$88,797,618;
- Execute the following Task Orders to the On-call Biennial Professional Services Agreements currently in place:
 - Task Order No. 11 with Albert A. Webb Associates in the amount of \$1,051,278
 - Task Order No. 4 with NV5 in the amount of \$376,636
 - Task Order No. 12 with Michael Baker International in the amount of \$56,400
- Enter into a Construction and Maintenance Easement Agreement with Sun City Palm Desert Association, which includes a reimbursement to Sun City HOA in the amount of \$680,427.35
- Execute a Check request and Corresponding work authorization to each utility company as follows:
 - Southern California Gas Company - total cost \$280,394.60
 - Frontier Communications - total cost \$215,899.92
 - Imperial Irrigation District - total cost \$290,196.94
- Approve the following additional expenditures:
 - CVWD Project Management and Engineering \$375,000
 - CVWD Inspection Services \$325,000
 - CVWD Operations for domestic water pipeline tie-ins during relocations - \$194,000
 - Right of way related TCE expenses for “optional period compensation” - \$17,851
 - Cultural and Tribal Monitoring During Excavation - \$275,000
 - Contingency (5%) in the amount of \$4,646,785.81
 - Loan interest expense related to principal balance of \$32,995,571 estimated at \$12,627,349 interest expense payable in 35 years. Additional loan funding cost and interest to be determined

Following a presentation by David Wilson, Engineer Manager, the Board discussed the North Indio Flood Regional Flood Control Project - Phase 2 (Specification No. 2020-56).

On a motion by Director Nelson, second by Director Estrada, the Board approved the following actions related to the North Indio Flood

Regional Flood Control Project - Phase 2 (Specification No. 2020-56), total request of \$110,209,837.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- F. **Authorize the General Manager to execute the Agreement for Acquisition of Real Property with Chandhi & Karan, LLC, a California limited liability company, APN's 727-100-032 and 727-100-033; Possession and Use Agreement documents with Felix Chac Hung Chuo (Felix Chac H. Chuo) and Stella Cheang Chuo, trustees of the Felix Chac Hung Chuo and Stella Cheang Chuo Revocable Trust Dated July 12, 2007, APN's 727-100-007 and 727- 100-025; and Deposit of Escrow Funds for the Agreement for Acquisition of Real Property for the multi-owner parcel APN 727-100-006 for the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project (DW2105).**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed agreements related to the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project, (DW2105).

On a motion by Director Estrada, second by Director Nelson, the Board approved and authorized the General Manager to execute the agreement for acquisition of real property with Chandhi & Karan, LLC, a California limited liability company, APN's 727-100-032 and 727-100-033; Possession and Use Agreement documents with Felix Chac Hung Chuo (Felix Chac H. Chuo) and Stella Cheang Chuo, trustees of the Felix Chac Hung Chuo and Stella Cheang Chuo Revocable Trust Dated July 12, 2007, APN's 727-100-007 and 727- 100-025; and Deposit of Escrow Funds for the Agreement for Acquisition of Real Property for the multi-owner parcel APN 727-100-006 for the Saint Anthony Mobile Home Park (MHP) Water Consolidation Project (DW2105).

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- G. **Authorize the District to purchase Directors and Officers liability insurance coverage for an amount up to \$619,500 with AEGIS or alternative insurance companies should the district obtain more beneficial quotes.**

Following a presentation by Elizabeth Tan, Risk Manager, the Board discussed the purchase of Directors and Officers liability insurance coverage.

On a motion by Director Nelson, second by Director Estrada, the Board approved and authorized the District to purchase Directors and Officers liability insurance coverage for an amount up to \$619,500 with AEGIS or alternative insurance companies should the district obtain more beneficial quotes.

Approved by the following roll call 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 Nelson reported on the efforts by the Colorado River Board, Coachella Valley Water District, and water contractors, in regards to the dealing with the worst drought seen in over twenty-years in our region; updates on water levels at Lake Powell and Lake Mead, and ongoing discussions between the seven basin states.
- Directors Aguilar, Bianco, Estrada and Powell had no report.

B. Meetings and Conference Reports

- i August 2, 2021 California Agencies Prep for Seven Basin States Zoom Meeting (Director Nelson)
- ii August 9, 2021 Meeting between CVWD staff and Office of Senator Padilla, Angela Ebner (Director Estrada)
- iii August 9 - August 10, 2021 Seven Basin States Meeting (Director Nelson)
- iv August 11, 2021 Planning meeting with CVWD staff regarding upcoming Water Board Meeting (Director Estrada)
- v August 12, 2021 Desert Valley's Builder's Association Board Meeting (Director Powell)
- vi August 12, 2021 SAFER Advisory Group 2021 Meeting No. 2 (Director Estrada)
- vii August 13, 2021 Seven Basin States Principles Meeting with Bureau of Reclamation for Press Conference Preparation (Director Nelson)
- viii August 13, 2021 Meeting with California Department of Housing and Community Development regarding relocation of Oasis Mobile Home Park (Director Estrada)
- ix August 16, 2021 Bureau of Reclamation 24-month Study Rollout WebEx Meeting (Director Nelson)
- x August 16, 2021 Panelist for Bureau of Reclamation's Conference Rollout of Tier 1 Drought Declaration and Reconsultation of 2019 DCP Agreements (Director Nelson)

- xi August 16, 2021 Meeting between CVWD staff and State Water Resources Control Board staff (Director Estrada)
- xii August 17, 2021 EAC Meeting - Whitewater River Groundwater Replenishment Facility, Right-of-Way Grant Draft EIR (Director Estrada)
- xiii August 19, 2021 Sixth Annual California Data Summit Zoom Meeting (Director Nelson)
- xiv August 23, 2021 California Farm Water Coalition Zoom Meeting (Director Nelson)
- xv August 26, 2021 Legislative Committee Meeting (Director's Aguilar and Estrada)
- xvi August 27, 2021 California agencies preparation for the August 30, 2021 Lower Basin Meeting (Director Nelson)
- xvii August 30, 2021 Lower Basin Meeting regarding Drought Sensitivity Analysis/Modeling Discussion/Next steps for 1,030 Consultation (Director Nelson)
- xviii August 31, 2021 Third Consultation Colorado River Management Work Group Meeting for the 2022 Annual Operation Plan for Colorado River Reservoirs (AOP) (Director Nelson)
- xix September 7, 2021 Meeting with Agua Caliente Tribal Chairman Jeff Grubbe (Director Powell)
- xx September 9, 2021 CVAG Energy and Environmental Resources Committee Meeting (Director Bianco) ****did not attend**
- xxi September 10, 2021 Agua Caliente Mediation Meeting (Director's Powell and Estrada)
- xxii September 13, 2021 2 & 2 meeting between CVWD and City of Indian Wells (Director's Powell and Estrada)

Additional meetings reported

- xxiii September 8, 2021 US Water Alliance California Consolidation Project Convening #3 Meeting (Director Estrada)
- xxiv September 9, 2021 Coachella Valley Energy Commission Meeting (Director Estrada)
- xxv September 10, 2021 All Valleys Mayor and Tribal Chair Luncheon (Director Estrada)
- xxvi September 13, 2021 Meeting with IID Director JB Hamby (President Powell)

- C. Approval of per diem for meetings reported
On a motion by Director Nelson, second by Director Powell,
the Board approved per diem for the meetings reported.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

11. STAFF REPORTS

- A. General Manager, Jim Barrett, General Manager reported that the IID Energy Commission seats will be at-large; one seat will represent cities, one for counties (Imperial and Riverside), and one for the tribal nations. Provided an update on COVID numbers, and the District will provided mandatory COVID-19 informational sessions to all employees beginning, September 20.
- B. Counsel, Jeff Ferre, General Counsel provided an update on AB 361: Open meetings: state and local agencies. The bill has passed and was sent to the Governor for signature. The bill was passed as an urgency bill, which would go into effect once signed by the Governor.
- C. Departments – none
- D. Legislative Update - *continued to 09/28/21 meeting.*

12. CLOSED SESSION AGENDA

Director Aguilar did not participate in Closed Session discussions.

- 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 Significant exposure to litigation pursuant to paragraphs (2) and (4) of subdivision (d) of Government Code Section 54956.9 One (1) potential case


13. 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 12A through 12C.

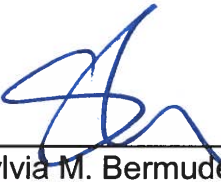
14. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 11:44 a.m. The next regular scheduled meeting will be on Tuesday, September 26, 2021 at 8:00 a.m.

APPROVED: 09-28-21
ITEM NO.: 6.A



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



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