



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

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

**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**

75515 Hovley Ln.  
East Palm Desert

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

**November 09, 2021**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Vice President Estrada called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:00 a.m., Tuesday, November 9, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by Vice President Estrada.

**2. ROLL CALL**

*Present:* President John P. Powell, Jr  
Vice President Cástulo R. Estrada  
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 items removed or continued from the Agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

**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 the minutes of the October 26, 2021 regular meeting of the CVWD Board of Directors.
- B. Adopt Resolution No. 2021-043, a resolution of the Board of Directors of the Coachella Valley Water District re-authorizing remote teleconference/virtual meetings of CVWD legislative bodies provisions pursuant to AB 361 and Government Code 54953.
- C. Approve payment of American Water Works Association (AWWA) 2022 Annual Membership dues in the amount of \$15,757.
- D. Approve payment of 2022 California Special Districts Association (CSDA) Annual Membership Dues in the amount of \$8,195.
- E. Approve and authorize the General Manager to execute a five-year Professional Services Agreement with Digital Assurance Certification, LLC for the Continuing Debt Disclosure Services for CVWD's Bond Issuance, and approve the option for two additional one-year extensions.
- F. Approve and authorize the General Manager to execute the First Amendment to Bank of the West Agreement with CVWD for the Revolving Line of Credit.
- G. Approve and authorize the General Manager to execute the Special Stormwater System Installation Agreement for Indian Wells Crossing Phase East with the City of Indian Wells and Brixton IWC, LLC and a second Special Stormwater System Installation Agreement for Indian Wells Crossing Phase West with the City of Indian Wells and Miles Lodge, LLC.
- H. Award a Triennial Professional Services Agreement (PSA) with Northwest Hydraulics Consultants (NHC) to provide stormwater hydrology and hydraulics (H&H) review services for developments subject to regional stormwater flooding and authorize the General Manager to execute the agreement.

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

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

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

No items pulled for discussion.

**7. PRESENTATIONS AND RECOGNITIONS*****Anniversaries***

- Michael Stenzel - Chemist, 30 years
- Grant Roper - Collections Crew Chief, 20 years (not present)

***Retirement***

- Eric Crystal - Equipment Operator II, 32 years (not present)

**8. INFORMATIONAL REPORTS**

A. Written Communications Received – on file

B. Informational Reports to the Board

- Update on the Developer Fee Cost of Service Studies for the Water System Backup Facilities Charge, Offset Fee and Sanitation Capacity Charge, presentation by Carrie Oliphant, Director of Engineering.
- Advanced Metering Infrastructure (AMI) Pilot Report, presentation by Adam McWey, Management Analyst.

**9. ACTION ITEMS**

A. **Adopt Resolution No. 2021-44, authorizing the General Manager to file a \$2,806,686 construction grant application for the Oasis Garden Mobile Home Park Septic-to-Sewer Project through the State Water Resources Board for the Clean Water State Revolving Fund for the planning, design, and construction of the project.**

Following a presentation by Karrie Swaine, Controller and Armando Rodriguez, Engineer Manager, the Board discussed Resolution No. 2021-44, authorizing the General Manager to file a \$2,806,686 construction grant application for the Oasis Garden Mobile Home Park Septic-to-Sewer Project.

***On a motion by Director Nelson, second by Director Aguilar,*** the Board approved and adopted Resolution No. 2021-44, authorizing the general manager to file a construction grant application for the Oasis Garden Mobile Home Park Septic-to-Sewer Project; and authorize the general manager to execute a special sanitation system installation agreement with Desert Empire Homes.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

- B. **Award a Construction Contract to Weka, Inc., as the lowest responsive bidder, in the amount of \$712,959 for the Construction of Madison Club – Avenue 54 Meter Connection Project (C02104), Specification No. 2020-73, authorize the General Manager to execute a Nonpotable Water Facilities Installation Agreement with East of Madison, LLC; and approve additional expenditures for a total request of \$988,305.**

Following a presentation by David Wilson, Engineer Manager, the Board discussed a Construction Contract to Weka, Inc., as the lowest responsive bidder, in the amount of \$712,959 for the Construction of Madison Club – Avenue 54 Meter Connection Project (C02104).

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved the following actions related to the construction of Madison Club – Avenue.54 Meter Connection Project (C02104):

- awarded a construction contract to Weka, Inc., as the lowest responsive bidder, in the amount of \$712,959 for the Construction of Madison Club – Avenue 54 Meter Connection Project (C02104), Specification No. 2020-73
- authorized the general manager to execute construction contract with Weka, Inc., as the lowest responsive bidder, in the amount of \$712,959
- authorized the general manager to execute a Nonpotable Water Facilities Installation Agreement with East of Madison, LLC
- approved the following expenditures, for a total request of \$988,305
  - CVWD Project Management and Engineering - \$25,000
  - CVWD Inspection Services \$36,000 - Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms. If an on-call inspection firm is used a Task Order will be executed and issued in substantially the same form and content as the attached task order
  - Madison Club Landscape Replacement - \$87,020
  - Contingency (5%) - \$47,000

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

C. **Approve and adopt the Vehicle Accident & Incident Prevention Policy.**

Following a presentation by Scott Hunter, Director of Human Resources and Risk Management and Chris Chaffin, Sr. Human Resources Specialist, the Board discussed the proposed Vehicle Accident & Incident Prevention Policy.

***On a motion by Director Nelson, second by Director Aguilar,*** the Board approved and adopted the Vehicle Accident and Incident Prevention Policy.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

D. **Approve and authorize the General Manager to execute an agreement for Fleet Management, Global Positioning, and Vehicle Location Services with GeoTab, Inc and RMJ Technologies.**

Following a presentation by Stewart Taylor, Fleet Manager, the Board discussed an agreement for Fleet Management, Global Positioning, and Vehicle Location Services with GeoTab, Inc and RMJ Technologies

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

- authorized the general manager to execute an agreement for Fleet Management, Global Positioning, and Vehicle Location Services with GeoTab, Inc and RMJ Technologies; in the amount of \$233,687 (option C)
- approved a one-time purchase in the amount of \$187,236 for vehicle hardware, including cameras, asset guards, and Driver ID tags
- approved a contingency in the amount of \$9,077, for a total request of \$430,000

**Approved by the following roll call vote:**

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

**NOES:** Bianco

**ABSENT:** None

**Motion Passed: 4-1**

E. **Award a construction contract to CSI Electrical Contractors, Inc., (CSI) in the amount of \$936,775 for the Potable Telemetry Upgrade Project, Specification No. 2021-29 (Project);**

**authorize the General Manager to execute the contract with CSI Electrical Contractors, Inc., (CSI).**

Following a presentation by Dan Charlton, Assistant General Manager, the Board discussed a contract with CSI Electrical Contractors, Inc., (CSI) for the Potable Telemetry Upgrade Project, Specification No. 2021-29 (Project).

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

- award a construction contract to CSI Electrical Contractors, Inc., (CSI) in the amount of \$936,775 for the Potable Telemetry Upgrade Project, Specification No. 2021-29 (Project)
- authorized the general manager to execute contract with CSI Electrical Contractors, Inc. (CSI)
- authorized the general manager or designee to execute Task Order No. 7 to Dahl Consultants in the amount of \$59,804
- approved a contingency in the amount of \$40,647 for a total request of \$1,037,226

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

F. **Approve the release of a solicitation for proposals (RFP) for the Upgrade of Audio/Visual Equipment in the Palm Desert Boardroom and Associated Facilities.**

Following a presentation by Luis Maciel, Director of Information Systems, the Board discussed the release of a request for proposals (RFP) for the upgrades to the A/V equipment in the Palm Desert boardroom and associated facilities.

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved the solicitation of proposals (RFP) for the upgrade of audio/visual (A/V) equipment in the Steve Robbins Administration Building (SRAB), to include the Board Chambers and A/V control room, board conference room, training rooms, and the atrium; and a general design for conference room A/V installations.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

G. **Receive a report from the District's redistricting consultant on the redistricting of District division boundaries as required by Election Code Section 22000 et seq.**

Jeremy Holm of Best Best & Krieger, provided a presentation on the redistricting of CVWD division boundaries, pursuant to the 2020 Census data. No action taken by the Board.

H. **Consider approving a discretionary bonus/payment of incentive compensation for meeting 2021 performance goals under the sixth amendment to employment agreement with the General Manager.**

Prior to consideration by the Board, Counsel Jeff Ferre then explained that if the Board elects to take the recommended then pursuant to requirements set forth in Government Code Section 54953(c)(3), prior to taking action, the following oral report must be made: (1) the Sixth Amendment to the Employment Agreement provides that the General Manager will be eligible for a discretionary bonus of between 0% and 10% of the General Manager's base salary; (2) the performance goals for 2021 are attached to the Sixth Amendment; (3) during a performance evaluation of the General Manager, the Board determined that the General Manager met 9% of the maximum 10% available regarding 2021 performance goals; and (4) 9% of the base salary equals the amount of \$27,807. Any incentive compensation that is approved will be paid in 2021. The Board then discussed this matter.

***On a motion by Director Estrada, second by Director Nelson,*** the Board approved a discretionary bonus of \$27,807 for meeting nine (9%) percent of the 2021 performance goals under the Sixth Amendment to the Employment Agreement with the General Manager.

**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 – No reports.

B. Meetings and Conference Reports

i October 13, 2021 Meeting preparation for Congressional Subcommittee Water, Oceans and Wildlife Testimony (Director Nelson)

- ii October 15, 2021 Congressional Subcommittee Water, Oceans and Wildlife Oral-Written Testimony (Director Nelson)
- iii October 18, 2021 Lower Basin States Meeting (Director Nelson)
- iv October 20, 2021 Congressional Subcommittee Water, Oceans and Wildlife Testimony - Day 2 (Director Nelson)
- v October 22, 2021 Lower Basin States Conference Call (Director Nelson)
- vi October 22, 2021 CVILC Board Meeting (Director Nelson)
- vii October 25, 2021 California Farm Water Coalition Meeting (Director Nelson)
- viii October 26, 2021 Seven Basin States Principals Meeting (Director Nelson)
- ix October 27, 2021 CVWD/City of La Quinta 2 by 2 Meeting (Directors Powell and Estrada)
- x October 28, 2021 Salton Sea Authority Board of Directors Meeting (Directors Bianco and Estrada)
- xi October 28, 2021 Joint meeting with Cathedral City regarding sewer project (Director Aguilar)
- xii October 28, 2021 Legislative Committee Meeting (Directors Aguilar and Estrada)
- xiii November 4, 2021 Water Education Foundation's Central Valley Tour - A Virtual Journey (Director Aguilar)

**Additional meetings reported**

- xiv October 28, 2021 California Water Commission Groundwater Trading Webinar (Director Nelson)
- xv October 29, 2021 Basin States Principles Meeting (Director Nelson)
- xvi November 1, 2021 meeting with County Supervisor V. Manuel Perez and staff to discuss project in the east valley for affordable housing (Director 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 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 provided an update on COVID numbers; also staff continues to work on the proposed vaccine policy; and mentioned the federal mandate and extension of deadline to January 4, 2022 by the White House Administration.



- B. Counsel Jeff Ferre provided a report per a request from Director Nelson as to the viability of potential challenges to the imposition of water rights permit fees imposed on an annual basis by the State Water Resources Control Board.
- C. Departments – None

## 12. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Anthony Vineyards v. Mamco, Inc., dba Alabbasi, et al., Riverside County Superior Court Case No. PSC2000906
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Ramirez, et al. v. CVWD, et al., Riverside County Superior Court Case No. PSC1906746
- C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)County of Riverside v. CVWD, et al., Riverside County Superior Court Case No. PSC1903863
- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Mamco, Inc., dba Alabbasi v. Coachella Valley Water District, Riverside Superior Court Case No. PSC2002032
- E. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) CVWD v. CV Pipeline Riverside County Superior Court Case No. PSC2003711
- F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 Potential Claimant: Cody Tyler Ritchie & Allana Lee Vigil
- G. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6  
Agency negotiator: Scott Hunter  
Employees' organization: Association of Coachella Valley Water District Managers (ACVWDM)
- H. 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

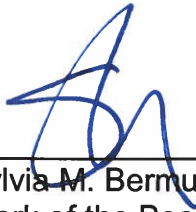
**13. RECONVENE**

A. Report out of Closed Session

Vice President Estrada reconvened the meeting into Open Session and announced there were no reportable actions.

**14. ADJOURNMENT**

There being no further business before the Board, Vice President Estrada adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 12:35 p.m. The next regular scheduled meeting will be on Tuesday, December 7, 2021 at the Steve Robbins Administration Building in Palm Desert.



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



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John Powell, Jr. Board President  
Coachella Valley Water District