



BOARD PRESIDENT
John P. Powell Jr.
DIVISION 3

VICE PRESIDENT
Castulo R. Estrada
DIVISION 5

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

August 23, 2022

DIRECTOR
John Aguilar
DIVISION 1

DIRECTOR
Anthony Bianco
DIVISION 2

DIRECTOR
Peter G. Nelson
DIVISION 4

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 23, 2022, at the office of the District in Coachella, California. The Pledge of Allegiance was led by President Powell.

2. ROLL CALL

Present: President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director Anthony Bianco
Director John Aguilar left at 9:05 a.m.
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

- 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. SPECIAL PRESENTATION & RECOGNITIONS

Employee recognitions for the months of July 2022 and August 2022

July - Michael Garcia, Assistant Operations Director, 35 years

August - David McGee, Development Services Technician II, 20 years

6. CONSENT CALENDAR

Item 6H was pulled for discussion by Director Peter Nelson.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved the Consent Calendar items except for item 6H, that was pulled for discussion by the Board.

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

- A. Administration – Accept and file the General Manager's Report of Activities for July 2022
- B. Administration – Accept and file the General Manager's Report of Authorizations, Executions, and Acceptance of Documents for the month of July 2022
- C. Administration – Approve payment of Fiscal Year 2022-23 Coachella Valley Association of Governments' Energy and Environment Committee Membership Dues in the amount of \$4,981
- D. Administration – Approve Resolution No. 2022-47 authorizing the General Manager to execute an Indemnity Agreement for an Appeal Bond
- E. Clerk of the Board – Affirm Resolution No. 2022-10, extending the use of the provisions found in Government Code Section 54953(e), and findings related to the State of Emergency due to COVID-19 that authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953
- F. Clerk of the Board – Minutes of the July 26, 2022, Regular Meeting of the Coachella Valley Water District Board of Directors
- G. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of July 2022
- H. **PULLED FOR DISCUSSION - Engineering** – Approve and authorize the General Manager to convey a portion of APN 630-190-052 to Bighorn Golf Club and adopt Resolution No. 2022-48, declaring a

portion of parcel of land to be Exempt Surplus Land under the Surplus Land Act

- I. Engineering – Authorize Amendment 1 to Task Order No. 11 to the Professional Services Agreement with AKEL Engineering Group Inc. in the amount of \$27,768 for Additional Engineering Services for the Non-Potable Water Master Plan Project (NP1601)
- J. Engineering – Authorize the General Manager to execute Task Order No. 10 to CDM Smith in the amount of \$34,720 for the Sanitation System Master Plan and Program Environmental Impact Report, and approve additional expenditures for a total request of \$39,720
- K. Engineering – Authorize an Increase in the General Manager’s Signing Authority from \$75K to \$150K for the Hydraulic Review of the Northstar Specific Plan (SP343) Project
- L. Engineering – Authorize the General Manager to execute a Funding Agreement with the County of Riverside for CVWD's Ion Exchange Treatment Plant 7991 Rehabilitation Project and CVWD's Mecca Lift Station Upgrade Project
- M. Operations – Authorize the General Manager to execute Contract Services Agreements to Unique Auto Body & Collision Center, Inc., Desert Bumper Pro, and Matthew’s Auto Body for Vehicle Collision and Repair Services for a cumulative amount of \$23,000 annually, and approve additional expenditures for a total request of \$25,000
- N. Service & Communication – Authorize the General Manager to approve and execute the Coachella Valley Water District and City of Rancho Mirage Cost-Share Agreement for Cooperative Turf Rebate Program

7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

- 6 H. Engineering – Approve and authorize the General Manager to convey a portion of APN 630-190-052 to Bighorn Golf Club and adopt Resolution No. 2022-48, declaring a portion of parcel of land to be Exempt Surplus Land under the Surplus Land Act.

On a motion by Director, John Powell second by Director, Peter Nelson, the board approved and authorized the General Manager to convey a portion of APN 630-190-052 to Bighorn Golf Club and adopt Resolution No. 2022-48, declaring a portion of parcel of land to be Exempt Surplus Land under the Surplus Land Act

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None
Absent: None
Abstain: None
Recuse: None
Motion: 5-0

8. ACTION CALENDAR

Administration

- A. **Establish an Ad Hoc Strategic Planning Committee, appoint two board members, and add them to the Board Committee list**
RECOMMENDED ACTION: It is recommended that the Board establish an Ad Hoc Strategic Planning Committee and appoint two board members to participate in the two all-day (8 am – 4:30 pm) workshops, on October 4 and November 3, 2022.

The Board directed staff to determine the best approach for providing an opportunity for all Board members to attend the workshops while complying with the Brown Act and the extent to which AB 361 would come into play.

Engineering

- B. **Approve Solicitation of Bids for the Construction of the Adams Street Water Main Replacement Project, Specification No. 2019-33**
RECOMMENDED ACTION: Approve the solicitation of bids for the construction of the Adams Street Water Main Replacement Project located north of Interstate 10 and east of Sun City Palm Desert.

On a motion by Director, John Powell second by Director, Peter Nelson, the board approved the solicitation of bids for the construction of the Adams Street Water Main Replacement Project located north of Interstate 10 and east of Sun City Palm Desert.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

Environmental Services

- C. **Approve Water Supply Assessment and Water Supply Verification for the Refuge Specific Plan**

RECOMMENDED ACTION: Approve the Water Supply Assessment and Water Supply Verification (WSA/WSV) for the Refuge Specific Plan.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved the Water Supply Assessment and Water Supply Verification (WSA/WSV) for the Refuge Specific Plan.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion: 5-0

Information Services

- D. **Authorize the Purchase of Dell Enterprise Server Storage hardware from Sidepath Inc. in the amount of \$321,489 for the main computer storage refresh in Palm Desert**

RECOMMENDED ACTION: Authorize the purchase of Dell Enterprise Server Storage hardware, a PowerStore 3000T storage system from Sidepath Inc. for the hardware refresh at the Palm Desert Facility. The Dell Enterprise Server Storage hardware will cost \$321,489, including a 10% contingency allowance.

On a motion by Director, Anthony Bianco second by Director, Peter Nelson, the board authorized the purchase of Dell Enterprise Server Storage hardware, a PowerStore 3000T storage system from Sidepath Inc. for the hardware refresh at the Palm Desert Facility. The Dell Enterprise Server Storage hardware will cost \$321,489, including a 10% contingency allowance.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion: 5-0

9. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

A. Board General Comments

- Director Nelson reported the Bureau of Reclamation released the 24-month study, which showed the lower basin in a tier 2 shortage, which does not require any California contributions to Lake Mead and the ongoing negotiations related to the drought.
- Director Estrada reported on a meeting related to water quality issues in the eastern Coachella Valley.

B. Board Requests for Future Agenda Items – None requested.

11. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- 1) June 29, 2022, Colorado River Drought Salton Sea Impact Discussion with SSA (Director Estrada)
- 2) June 30, 2022, USDA Pre-Meeting (Director Estrada)
- 3) July 12, 2022, CVILC Meeting (Director Nelson)
- 4) July 14, 2022, Imperial County Ag Water Advisory Committee Meeting (Director Nelson)
- 5) July 26, 2022, California Caucus Check-in (Director Nelson)
- 6) July 27, 2022, Golf and Water Task Force Meeting (Director Powell) ***Powell did not attend**
- 7) July 28, 2022, Secretary Crowfoot Salton Sea Update (Director Nelson)
- 8) July 28, 2022, CVWD Legislative Committee Meeting (Directors Estrada and Aguilar)
- 9) July 29, 2022, Seven Basin States, USBOR, USDOJ Colorado River Discussion (Director Nelson)
- 10) August 5, 2022, Principals Meeting (Directors Powell and Estrada)
- 11) August 9, 2022, Meeting with Desert Concepts regarding Well 4529 (Directors Estrada and Aguilar)
- 12) August 10, 2022, Colorado River Board Meeting (Director Nelson) *** Meeting canceled**
- 13) August 15, 2022, Desert Valley's Builders Association Meeting (Director Powell)
- 14) August 22, 2022, California Farm Water Coalition Meeting (Director Nelson)

Additional Meetings Reported

- 15) June 30, 2022, USDA Meeting (Director Estrada)
- 16) July 13, 2022, Colorado River Board California Caucus on Next Steps (Director Nelson)
- 17) August 1, 2022, California Caucus Zoom meeting (Director Nelson)

- 18) August 2, 2022, Colorado River 2023 Annual Operating Plan Review (Director Nelson)
- 19) August 5, 2022, Federal/State/Agency Salton Sea virtual meeting (Director Nelson)
- 20) August 9, 2022, Federal California and Arizona specific discussions (Director Nelson)
- 21) August 10 to August 11, 2022, Federal Teams and Seven Basin States Meeting (Director Nelson)
- 22) August 12, 2022, Meeting with Wade Crowfoot, Tom Gibson, Karla Nemeth and Arturo Delgado to provide update from August 10-11 Federal Teams/Seven Basin States meetings (Director Nelson)
- 23) August 15, 2022, Section 5 California parties meeting (Director Nelson)
- 24) August 16, 2022, Coachella Valley Irrigated Land Coalition meeting (Directors Powell and Nelson)

- B. Approval of per diem for meetings reported

On a motion by Director, Anthony Bianco second by Director, Peter Nelson, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion: 4-0

12. REPORTS

- A. General Manager, Jim Barrett provided an update on COVID.
- B. Counsel, Jeff Ferre reported on the status of the pending bill AB 2449 which would provide opportunities for virtual meetings outside of a state of emergency.
- C. Departments – No Reports

13. 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
One Case

- B. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 - Agency Negotiator: Jay Trinnaman, Scott Hunter, Chris Chaffin, Robert Cheng and Dan Charlton - Employees' Organization: Coachella Valley Water District Employee Association (CVWDEA)
- C. 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. 5:20cv00174JGBSPx
- D. 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. 5:13cv00883JGB (SPx)

14. RECONVENE

- A. Report out of Closed Session
President Powell reconvened the meeting back to Open Session and reported there were no reportable actions.

15. ADJOURNMENT

There being no further business, President Powell adjourned the meeting at 11:40 a.m. The next regular scheduled meeting will be on Tuesday, September 13, at 8:00 a.m. at Steve Robbins Administration Building located at 75515 Hovley Lane East, Palm Desert.