



DIVISION 1
Patrick O'Dowd
Director

8:00 AM

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

January 08, 2019

www.cvwd.org

DIVISION 5
Castulo Estrada
Vice President

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President John Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:00 a.m., Tuesday, January 8, 2019, at the office of the District in Palm Desert, California. President Powell led the Pledge of Allegiance

2. ROLL CALL

Present: President John P. Powell, Jr.
Vice President Cástulo R. Estrada arrived at 8:03am
Director Anthony Bianco
Director G. Patrick O'Dowd
Director Peter Nelson

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia 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 were removed or continued from the Agenda
- B. No emergency items were 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

Item #5G was pulled for discussion by President Powell.

On a motion by Director O'Dowd, second by Director Nelson, the Board approved the Consent Calendar.

Approved by the following vote:

AYES: Powell, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

- A. Approved minutes of the December 11, 2018 regular meeting of the Coachella Valley Water District Board of Directors
- B. Approved minutes of the December 19, 2018 special meeting of the Coachella Valley Water District Board of Directors
- C. Accepted and filed the General Manager's Report of Activities during the month of November 2018
- D. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptances of Documents during the month of November 2018.
- E. Accepted and filed Secretary's Report of Written Instruments Accepted and Recorded during the month of November 2018.
- F. Approved Additional Funds of \$45,000 to a Cost Recovery Agreement with the Bureau of Land Management for the Whitewater River Groundwater Replenishment Facility Right-of Way Grant Application.
- G. ***PULLED FOR DISCUSSION*** - Approve and authorize the General Manager to execute a Professional Services Agreement with Gladstein, Neardross, and Associates in the Amount of \$119,966 for an Alternate Fuel Feasibility Study and approve contingency in the amount of \$12,034, for a total request of \$132,000.
- H. Approved and authorized the General Manager to execute the Second Amendment to Consulting Agreement with Northern Digital, Inc. for Assistance with Additional PLC Programming at the Coachella Canal, in the amount of \$140,520.
- I. Approved proposed amendments to CVWD's Conflict of Interest Code and authorize the Clerk of the Board to file with the FPPC and approved Resolution No. 2019-01.

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 5.G Approve and authorize the General Manager to execute a Professional Services Agreement with Gladstein, Neardross, and Associates in the Amount of \$119,966 for an Alternate Fuel Feasibility Study and approve contingency in the amount of \$12,034, for a total request of \$132,000.

Following a presentation by Stewart Taylor, Fleet Manager, the Board discussed a professional services agreement for an alternate fuel feasibility study.

A motion was made by Director Nelson, second by Director O'Dowd, to approve the Professional Services Agreement with Gladstein, Neadross, and Associates in the amount of \$119,966 for an Alternate Fuel Feasibility Study.

Motion Failed 2-3 and no further action was taken on this matter:

AYES: O'Dowd, Nelson

NOES: Powell, Estrada, Bianco

ABSENT: None

7. PRESENTATIONS AND RECOGNITIONS

A. Employee Recognition

Retirements

- Leonard Corral - Collections Crew Chief, 36 years

B. Certifications of Completion for Leadership Development Academy Graduates were presented to the following employees:

Tefaye Demisse	Mercedes Soto
Luis DeArco	Elizabeth Campos
Lisa Dunlop	Cindy Romero
Elizabeth Meyerhoff	Jason Luna
Julie Kretz	Lorraine Garcia
Scott Graves	Josh Rakes
Richard Hulsey	Tom Taylor
Daniel Urrutia	Noah Woody
Albert Galindo	

8. INFORMATIONAL REPORTS

A. Written Communications – on file

B. Informational Reports to the Board

- i Informational Report on East Area of Benefit Producers
(combined with item iv)
- ii Presentation on Imported Water Use Strategies, presentation by Dan Farris, Director of Operations.
President Powell indicated Slide 8 had incorrect information.
The footnote defining the Outside ID1 rate is not Class 2.
The class rate is determined by its use.
- iii Service Department Update, presentation by Scott Burritt, Customer Services Manager, Steven Schipper, Customer Service Supervisor, and Yesenia Reynoso, Accountant-Customer Billing.
- iv Update on In Lieu non AD34 Rebate Program, presentation by Katie Evans, Director of Communication & Conservation.

9. ACTION ITEMS

- A. Award Construction Contract to Downing Construction Inc., as the lowest responsive, responsible bidder, in the amount of \$2,504,539 for the Avenue 59 Drain Replacement and Irrigation Lateral 101.3/Avenue 55-Fillmore Drain Improvement Project, Specification No. 2017-58, authorize the General Manager to sign all necessary contracts and task orders, and approve additional expenditures for a total request of \$2,993,901.

Prior to consideration of this matter, President Powell stated that he would be recusing himself from this matter due to the location of the project to a real property interest and although this interest would not likely rise to the level of a conflict, he would be recusing himself out of an abundance of caution and to avoid even the appearance of a conflict. President Powell then left the dais and the Boardroom during consideration of this matter.

Following a presentation by David Wilson, Engineer Manager the Board discussed a Construction Contract to Downing Construction Inc., as the lowest responsive, responsible bidder.

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

- Awarding of a Construction Contract to Downing Construction Inc., as the lowest responsive, responsible bidder, in the amount of \$2,504,539 for the Avenue 59 Drain Replacement and Irrigation Lateral 101.3/Avenue 55-Fillmore Drain Improvement Project, Specification No. 2017-58
- Authorized the General Manager to execute Task Order No. 24 with Krieger & Stewart, Inc. for engineering services during construction in the amount of \$40,000 and Task Order No. 55 with RMA GeoScience to provide geotechnical services during construction in the amount of \$17,362
- Approved the following additional expenditures for a total request of \$2,993,901:
 - CVWD Project Management and Engineering - \$70,000
 - CVWD Inspection - \$90,000 - Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms (MWH Constructors and Wallace & Associates). 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.
 - Contingency - \$272,000

Approved by the following vote:

AYES: Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT/RECUSED: Powell

Motion Passed: 4-0

- B. Award Construction Contract to Creative Home dba CHI Construction, as the lowest responsive bidder, in the amount of \$572,650 for the Manhole Rehabilitation and Replacement Project, Specification No. 2018-65, authorize the General Manager to execute all necessary contracts and tasks orders, and approve additional expenditures for a total request of \$708,650.

Following a presentation by Donnell Wilcox, Senior Engineer, the Board discussed a Construction Contract to Creative Home dba CHI Construction, as the lowest responsive bidder.

On a motion by Director Nelson, second by Director O'Dowd, the Board approved the following actions:

- Awarding of a Construction Contract to Creative Home dba CHI Construction, as the lowest responsive bidder, in the amount of 572,650 for the Manhole Rehabilitation and Replacement Project, Specification No. 2018-65
- Authorized the General Manager to execute Task Order No. 25 to Krieger & Stewart, Inc., in the amount of \$26,000 to provide engineering services during construction as the Engineer of Record
- Approved the following additional expenditures for a total request of \$708,650:
 - CVWD Project Mgmt & Engineering - \$15,000 - Soils testing services for this project will be provided by CVWD's on-call inspection firms (Construction Testing and Eng South, Converse Professional Group, NV5West, Inc., or SCST, LLC). A Task Order will be executed and issued in substantially the same form and content as the attached task order
 - CVWD Inspection Services - \$15,000. Inspection services for this Project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms (MWH Constructors and Wallace & Associates). 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 order
 - Project Contingency - \$70,000

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. Discussion of Board Committee Assignments for 2019.

The Board discussed the board committee assignments for 2019; the following changes were made:

- Removed all RDA Oversight Committee Meetings
- Changed meeting schedule of JWPAC to annually and/or as needed
- Changed title from Ad-Hoc Committees to Standing Board Committees

On a motion by Director O'Dowd, second by Director Estrada, the Board approved the Board Committee Assignments for 2019.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

10. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Director Nelson commented if there are plans for an event related to the Mid-Valley Project; Director of Communication & Conservation, Katie Evans reported an event would be planned following Phase 2. Director Nelson also reported, issues relating to the Frost Water Ordering System and asked the appropriate staff to look into the issues.
- Directors O'Dowd, Bianco, Estrada and Powell had no report.

B. Meetings and Conference Reports

- i December 7, 2018 NWRA Federal Affairs Conference call (O'Dowd)
- ii December 11, 2018 Conference call regarding WINN Act Extension (Director O'Dowd)
- iii December 12, 2018 to December 14, 2018 Colorado River Water Users Association (CRWUA) Annual Conference (Directors Powell, Nelson, O'Dowd, Bianco)
- iv December 12, 2018 Colorado River Board Meeting (Director Nelson)
- v December 17, 2018 Greater Coachella Valley Chamber of Commerce (GVCC) Elected officials meet and greet (Director Estrada)
- vi December 18, 2018 Safe Drinking Water Funding Working Group Meeting (Director O'Dowd)
- vii December 18, 2018 Individual meeting/call with Chris Kahn (Directors Powell, Bianco and Estrada)
- viii December 18, 2018 Disadvantaged Communities Infrastructure Task Force Meeting (Directors Powell and Estrada)

- ix December 19, 2018 Special Board Meeting (Directors Powell, Nelson, O'Dowd, Bianco)
- x January 3, 2019 Association of California Water Agencies (ACWA) Federal Affairs Swearing in New Legislature (Director O'Dowd)
- xi January 4, 2019 Meeting with Dave Eggerton and Dave Reynolds of ACWA (O'Dowd)
- xii January 4, 2019 Meeting with Joe Findaro, Brad Hiltcher and other members of the lobbying community to discuss coordinating efforts regarding ACWA's and California's priorities in water (O'Dowd)
- xiii January 7, 2019 Growers' Meeting (Powell and Estrada)

Additional meetings added:

- January 7, 2019 Meeting with Salton Sea Authority members regarding federal issues related to the Salton Sea (Director O'Dowd)

C. Approval of per diem for meetings reported

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

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

D. Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies – ***removed from agenda***

11. STAFF REPORTS

- A. General Manager- no report
- B. Counsel – no report
- C. Departments - none

12. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6 - Agency negotiator: Jay Trinnaman, Robert Cheng and Fran Nielson; Employees' organization: Association of Supervisory Support Evaluation Team (ASSET)
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Three (3) cases
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957 - Title: General Manager

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957 - Title: General Counsel

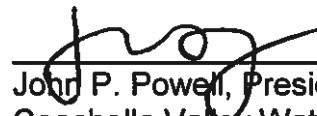
13. ADJOURNMENT

President Powell reconvened the meeting back into Open Session and reported there were no reportable actions for Closed Session Items 12(A) and (B) and that Items 12(C) and (D) were deferred to a future meeting.

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 12:08 PM. The next regular scheduled meeting will be on Tuesday, January 22, 2019, in Coachella



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



John P. Powell, President
Coachella Valley Water District