

**DIVISION 1**  
*Patrick O’Dowd*  
*Director*



**DIVISION 2**  
*Anthony Bianco*  
*Director*

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

**OFFICIAL MINUTES**

**DIVISION 3**  
*John Powell*  
**President**

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

**75515 Hovley Ln.**  
**Palm Desert**

**DIVISION 4**  
*Peter G. Nelson*  
*Director*

**June 13, 2017**

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

**DIVISION 5**  
*Castulo Estrada*  
**Vice President**

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

The regular meeting of the Board of Directors of the Coachella Valley Water District was called to order by President John Powell at 8:00 a.m., Tuesday, June 13, 2017, 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 8:03 AM)  
Director G. Patrick O’Dowd  
Director Anthony Bianco  
Director Peter Nelson

*Absent:* None

*Staff Present:* Jim Barrett, General Manager  
Jeff Ferre, Counsel  
Sylvia 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. Changes to the order of the Agenda – Item 10D to be taken after Items 11A and 11B.

**4. PUBLIC COMMENT**

No public comment received.

**5. APPROVAL OF THE CONSENT CALENDAR**

On a motion by Director O'Dowd, seconded by Director Bianco, the Board approved the Consent Calendar as presented, by the following vote:

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

**NOES:** None

**ABSENT:** Estrada (arrived late)

**Motion Passed: 4-0-1**

- A. Approve payment in the amount of \$1,000 to American Public Works Association for 2017 Membership Dues
- B. Approve payment in the amount of \$1,250 to Urban Water Institute, Inc., for Fiscal Year 2018 Dues
- C. Approve payment in the amount of \$1,350 to Desert Valleys Builders Association for Membership Dues
- D. Authorize Agreement of Purchase and Sale and Joint Escrow Instructions with James and Kandy Roe
- E. Establish Fiscal Year 2017-18 Appropriations Limit and Approve Resolution Establishing the Appropriations Limit of the District for FY 2017-18
- F. MINUTES - May 23, 2017 Regular Meeting of the Coachella Valley Water District Board of Directors
- G. Approve Consulting Agreement Amendment with RMC, a Woodard & Curran Company for Coachella Valley Regional Water Management Group Fiscal Year 2018 Program Management
- H. Authorize Task Order No. 9 to Albert A. Webb Associates for Engineering Services for the Dale Kiler Road Water Main Replacements Project
- I. Authorization to Purchase Property and Liability Insurance Coverage for Fiscal Year 2017-2018
- J. Approve Nonpotable Water Agreement Renewal with the City of Indian Wells for Indian Wells Golf Resort

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

No items pulled for discussion.

**7. PRESENTATIONS AND RECOGNITIONS**

- A. Employee Recognitions  
President Powell and General Manager Barrett, recognized the following employees:

***Retirements***

- Greg Rodriguez, Automotive Technician III, 28 years
- Sandy Fitz, Customer Service Manager, 6 years (not present)

- B. President Powell and General Manager Barrett, recognized the following CVWD employees for completion of CVWD's Leadership Development Program:

- Angela Fasano, Water Management Specialist I,
- Jason Lucas, Water Management Specialist I
- Maureen Perry, Education Specialist,
- Maricela Cabral, Board Administrative Assistant II,
- Michael Dietrick, Lead Inspector,
- Jesse Aguilar, Senior Engineer,
- Diego Colorado, Senior Engineer,
- Brad Poe, Field Service Representative,
- Connie Carrillo, Customer Service Representative II,
- Mark Young, Irrigation Water Technician,
- Joe Mejia, Electronic Technician III,
- Jeff Robertson, Electronic Technician III,
- Braulio Espinoza, Electrician IV,
- Gabe Escoto, Electrician III,
- Nahum Padilla, Collection Systems Operator III,
- Jaime Mora, Water Quality Operator I,
- Ed Tapia, Meter Valve Technician III,
- Gus Orduno, Cross Connection Serviceworker III
- Jose Durate, Domestic Water Serviceworker II

## 8. PUBLIC HEARING

- A. Conduct Public Hearing to Consider Approval of Replenishment Assessment Charges for the West Whitewater River Subbasin Area of Benefit and Mission Creek Subbasin Area of Benefit.

David Scriven, Consultant with Krieger & Stewart Engineering, provided a presentation on the proposed Replenishment Assessment Rates for Mission Creek Subbasin Area of Benefit, West Whitewater River Subbasin Area of Benefit and East Whitewater River Subbasin Area of Benefit.

### ***Mission Creek Subbasin Area of Benefit Water Supply and Replenishment***

President Powell opened the public hearing to receive public input concerning a proposed resolution adopting the proposed Replenishment Assessment Rates for Mission Creek Subbasin Area of Benefit, for FY 2017-2018. Prior to the receipt of public comment, President Powell, Clerk of the Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures which have been followed in accordance with the requirements of Proposition 218.

There was no public input received. President Powell closed the public hearing and it was determined that the requirements of Proposition 218 had been met and as a result, the Board could then consider the proposed Ordinance.

Following a discussion of this matter, a motion was made by Director O'Dowd, second by Director Estrada, to adopt Resolution No. 2017-16, Levying a Replenishment Assessment Charge for 2017-18 for Mission Creek Subbasin Area of Benefit, effective July 1, 2017, in the amount of \$135.52 per acre-foot.

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

***West Whitewater River Subbasin Area of Benefit Water Supply and Replenishment***

President Powell opened the public hearing to receive public input concerning a proposed resolution adopting the proposed Replenishment Assessment Rates for West Whitewater River Subbasin Area of Benefit, for FY 2017-2018. Prior to the receipt of public comment, President Powell, Clerk of the Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures which have been followed in accordance with the requirements of Proposition 218.

Given the floor by President Powell, Craig Kessler, provided public comment on the West Whitewater River Subbasin Area of Benefit rates for FY 2017-18.

Director O'Dowd provided comments on the West Whitewater River Subbasin Area of Benefit rates.

President Powell closed the public hearing. It was determined that the requirements of Proposition 218 had been met and as a result, the Board could then consider the proposed Ordinance.

Following a discussion of this matter, a motion was made by Director Nelson, second by Director Estrada to adopt Resolution No. 2017-17, Levying A Replenishment Assessment Charge for FY 2017-2018 for West Whitewater River Subbasin Area of Benefit, effective July 1, 2017, in the amount of \$ 143.80 per acre-foot.

**AYES:** Powell, Estrada, O’Dowd, Bianco, Nelson

**NOES:** O’Dowd

**ABSENT:** None

**Motion Passed: 4-1**

**9. INFORMATIONAL REPORTS**

- A. Written Communications – on file

**10. ACTION ITEMS**

- A. Award Construction Contract for Well 5640-2 and Well 5683 Perimeter Walls and Site Improvements, Specification No. 2017-30.

Following a presentation by Dan Ruiz, Engineering Manager, the Board discussed the contract for Wells 5640-2 and 5683 Perimeter Walls and Site Improvements, Specification No. 2017-30.

On a motion by Director O’Dowd seconded by Director Estrada, the Board approved awarding of construction contract and authorized the General Manager to execute said contract for Well 5640-2 and Well 5683 Perimeter Walls and Site Improvements with Desert Concepts Construction, Inc. (Desert Concepts) in the amount of \$250,000; and approved the following expenditures, for a total cost request of \$440,000:

- CVWD Project Management - \$10,000
- CVWD Survey - \$5,000
- Environmental Services (Cultural Resources Study) - \$20,000
- Inspection Services - \$15,000
- Contingency - \$40,000

**AYES:** Estrada, O’Dowd, Nelson

**NOES:** Powell, Bianco

**ABSENT:** None

**Motion Passed: 3-2**

- B. Award Construction Contract for the Lift Station 55-13 Abandonment Project, Specification No. 2016-44.

Following a presentation by Armando Rodriguez, Engineering Manager, the Board discussed the contract for Lift Station 55-13, Abandonment Project, Specification No. 2016-44.

On a motion by Director Nelson, seconded by Director Estrada, the Board approved awarding of construction contract and authorized the General Manager to execute said contract for Lift Station 55-13 Abandonment Project, Specification No. 2016-44, with J & J Brothers Construction Company dba Jones Bros Construction Company, in the amount of \$312,743.50 and Task Order No. 12 with Lee & Ro, Inc. in the amount of

\$30,238; Also approved the following expenditures for a total cost request of \$424,981.50:

- CVWD project management and Engineering - \$20,000
- CVWD Inspection - \$25,000
- RMA Soil and Concrete Testing - \$6,000
- Contingency - \$31,000

**AYES:** Powell, Estrada, O’Dowd, Bianco, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

C. Ratify Emergency Construction Contract with Jones Bros. Construction, Inc., for Whitewater River Stormwater Channel Sewer Pipeline Rehabilitation.

Following a presentation by Armando Rodriguez, Engineering Manager, the Board discussed the emergency contract with Jones Bros. Construction, Inc., for Whitewater River Stormwater Channel Sewer Pipeline Rehabilitation.

On a motion by Director Nelson, seconded by Director Estrada, the Board ratified the awarding of an emergency contract for the Whitewater River Stormwater Channel Sewer Pipeline Rehabilitation, to Jones Bros. Construction, Inc. in the amount not to exceed \$300,000; and approved the following expenditures, for a total cost request of \$375,000:

Project Management	10,000
Geotechnical Engineering Support (allowance)	15,000
Contingency	50,000

**AYES:** Powell, Estrada, O’Dowd, Bianco, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

D. Adopt the proposed Fiscal Year 2017-18 Operating and Capital Improvement Budget.

Following a presentation by Kay Godbey, Finance Director, the Board discussed the proposed FY 2017-18 Operating and Capital Improvement Budget.

On a motion by Director Nelson, seconded by Director Estrada, the Board

approved and adopted the FY 2017-18 Operating and Capital Improvement Budget.

**AYES:** Powell, Estrada, Nelson

**NOES:** O'Dowd, Bianco

**ABSENT:** None

**Motion Passed: 3-2**

## 11. ORDINANCES FOR ADOPTION

A. Adopt Ordinance to Not Implement Authorized Rate Increases for Domestic Water Service Charges for Fiscal Year 2017-18.

Following a presentation by Kay Godbey, Finance Director, the Board discussed the proposed Ordinance relating to the determination that the authorized rate increase to domestic water service charges for FY 2017-18 would not be needed.

On a motion by Director O'Dowd, seconded by Director Nelson, the Board adopted Ordinance 1433, An Ordinance to Not Implement Authorized Rate Increases for Domestic Water Service Charges for the Fiscal Year 2017-18.

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

B. Approval of Fiscal 2018 Canal Service Rates and adopt Ordinances Authorizing Increase in Rates for Canal Water Service Charges.

Following a presentation by Kay Godbey, Finance Director, the Board discussed the FY 2018 canal service rates. Given the floor by President Powell, Craig Kessler and Stu Rowland provided comments relating to the Fiscal 2018 Canal Service Rates.

On a motion by Director Estrada, seconded by Director O'Dowd, the Board approved and adopted Ordinance No. 1434, An Ordinance of the Coachella Valley Water District Board of Directors Authorizing Increases in the Rates for Canal Water Service Charges.

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

C. Amend Working Rules and Regulations Ordinance 1425.8.

Following a presentation by Heidi Keeran, Director of Human

Resources, the Board discussed amendments to the Working Rules and Regulations Ordinance.

On a motion by Director O’Dowd, seconded by Director Estrada, the Board approved Ordinance No. 1425.9, An Ordinance Providing for the Employment and Classification of District Employees, Fixing Compensation Therefore, and Other Purposes and Repealing All Ordinances in Conflict Therewith.

**AYES:** Powell, Estrada, O’Dowd, Bianco, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

D. Amendments to Employee -Employer Relations Ordinance 1270.

Following a presentation by Heidi Keeran, Director of Human Resources, the Board discussed amendment to the Employee-Employer Relations Ordinance.

On a motion by Director O’Dowd, seconded by Director Nelson, the Board approved Ordinance No. 1270.1, An Ordinance of Coachella Valley Water District Establishing Employer-Employee Relations Procedures, Rules and Policies Under Chapter 10, Division 4, Title 1 of the Government Code of the State of California.

**AYES:** Powell, Estrada, O’Dowd, Bianco, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

## 12. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Nelson – thanked staff for their hard work and efforts in the repairs to the sewer line over the weekend; Reported the Northern California 8<sup>th</sup> station rain index is 196%, which is almost 2 years of water; received a call from Randy Record, President of the Metropolitan Board regarding the California Water Fix.
- O’Dowd – thanked and commended staff for the work and quality of work in repairing sewer lines.
- Bianco – thanked staff for their work in repairing the sewer line and said he was proud to be part of CVWD team.
- Estrada – also, thanked staff for their work and efforts in quickly repairing the sewer line.



- Powell – thanked CVWD staff for their hard work and efforts on the repairs to the sewer line and appreciated the air footage taken of the repairs; asked if President Record requested CVWD's support for the California Water Fix.

B. Meetings and Conference Reports

Directors Bianco and Estrada were not present to report on meetings listed below. Meetings will be added to the next Board meeting for reporting.

- i May 12, 2017 All Valley Legislative Luncheon (Director Estrada)
- ii May 15, 2017 Board Study Session (Director Estrada)
- iii May 15, 2017 Joint Meeting between CVWD and City of Indio regarding current water issues (Director Estrada)
- iv May 20, 2017 Meeting with Riverside County Supervisor Manuel Perez at St. Anthony's Mobile Home Park regarding County issues and Sewer Extension Project (Director Estrada)
- v May 22, 2017 Board Study Session (Director Estrada)
- vi May 23, 2017 Riverside County Fourth District Supervisor V. Manuel Perez Swearing In Ceremony (Director Estrada)
- vii May 23, 2017 Energy & Environmental Symposium (Salton Sea Symposium) (Director O'Dowd)
- viii May 24, 2017 Golf and Water Task Force Meeting (Director Bianco)
- ix May 25, 2017 Pre-Net Power Proceeds Mediation Conference Call (Directors Powell & O'Dowd)
- x May 30, 2017 IID/CVWD Net Power Proceeds Mediation (Directors Powell & O'Dowd)
- xi May 30, 2017 Salton Sea Authority Ad-Hoc Committee Conference Call (Director Estrada)
- xii May 30, 2017 Meeting with Tom Kirk, Executive Director of Coachella Valley Association of Governments, regarding relevant projects (Director Estrada)
- xiii May 31, 2017 California Farm Water Coalition Conference Call (Director Nelson)
- xiv June 1, 2017 Riverside County Supervisor V. Manuel Perez' Community Swearing-In Ceremony (Director Estrada) **Director Powell reported he attended swearing-in ceremony as well**
- xv June 2, 2017 Valley View Elementary Schools 2nd Annual "Career Day" (Director Estrada)
- xvi June 2, 2017 Association of California Water Agencies Board of Directors' Meeting (Director O'Dowd)
- xvii June 5, 2017 Salton Sea Management Meeting (Director O'Dowd)
- xviii June 6, 2017 Rancho Mirage/CVWD 2x2 Meeting to discuss CVWD Water Economics & Riverside County Tax Bill Improvements (Directors Powell & O'Dowd)

- xix June 8, 2017 Coachella Valley Conservation Commission Meeting (Director Bianco)
- xx June 8, 2017 Coachella Valley Association of Governments Energy and Environmental Resources Committee Meeting (Director Bianco)
- xxi June 9, 2017 Association of California Water Agencies State Legislative Committee Meeting (Director O'Dowd)
- xxii June 12, 2017 100 Year Anniversary Planning Committee Meeting (Director Powell)
- xxiii June 12, 2017 Meeting with CVWD Staff regarding Plantation Golf Club (Director Powell)

**Meetings added:**

- June 5, 2017 Imperial Irrigation District Energy Consumers Advisory Committee Meeting (Director Powell)
- June 8, 2017 Desert Valley Builders Association Subcommittee Meeting (Director Powell)

- C. Approval of per diem for meetings reported

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved per diem for meetings reported.

**AYES:** Powell, O'Dowd, Nelson

**NOES:** None

**ABSENT:** Estrada, Bianco

**Motion Passed: 3-0-2**

- D. Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies

None reported.

**13. STAFF REPORTS**

- A. General Manager – None
- B. Counsel – None
- C. Departments – None

**14. CLOSED SESSION AGENDA**

- A. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION  
Pursuant to Government Code § 54956.9 (a) Coachella Valley Water District vs. Imperial Irrigation District, County of Riverside Superior Court, Case No. INC 1208959

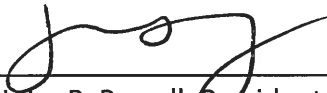
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9 (d) (1)  
Name of case: Downing Construction v. Coachella Valley Water District,  
PSC 1606232
  
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to, and initiation of, litigation pursuant to paragraphs  
(2) and (4) of subdivision (d) of Government Code Section 54956.9  
One potential case

**15. RECONVENE**


- A. Report out of Closed Session  
President Powell reconvened the meeting back to open session and reported that in regard to Item B, the Board, on a motion by Director Nelson seconded by Director O’Dowd, took action to reject the claim filed by Downing Construction, Inc., and authorized staff to send the appropriate notice.  
**AYES:** Powell, O’Dowd, Nelson  
**NOES:** None  
**ABSENT:** Estrada, Bianco  
**Motion Passed: 3-0-2**

**16. ADJOURNMENT**

There being no further business before the Board of Directors, at this time, President Powell adjourned the meeting at 12:36 PM. The next regular scheduled meeting will be Tuesday, June 27, 2017 in Palm Desert, CA.

  
\_\_\_\_\_  
John P. Powell, President  
Coachella Valley Water District

ATTEST:

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

