

DIVISION 1
Patrick O'Dowd
Director

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President



Steve Robbins
Administration Building
Board Chambers

75515 Hovley Ln. East
Palm Desert, CA

www.cvwd.org

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

June 27, 2017

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 27, 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
Director G. Patrick O'Dowd
Director Anthony Bianco

Absent: 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

- A. Items 5E (Consent Calendar) and 11 xvi (Board meetings reported) were removed from the Agenda
- B. There were no Emergency Items added to the Agenda
- C. There were no changes to the order of the Agenda

4. PUBLIC COMMENT

Given the floor by President Powell, Maria Teresa Dobrev commented on

issues relating to the Cathedral City services.

5. APPROVAL OF THE CONSENT CALENDAR

President Powell requested item 5L be pulled for discussion.

On a motion by Director Powell, seconded by Director Bianco, the board approved the Consent Calendar, excluding item 5E.

AYES: Powell, Estrada, O'Dowd, Bianco

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

- A. Approved MINUTES - June 13, 2017 Regular Meeting of the Board of Directors of the Coachella Valley Water District
- B. Accepted General Manager's Report of Activities during the month of May 2017
- C. Accepted General Manager's Report of Authorizations during the month of May 2017
- D. Accepted Secretary's Record of Written Instruments Accepted and Recorded during the Month of May 2017
- E. *(REMOVED FROM AGENDA)* Authorized Budget Amendment to Purchase Riverside County Tax Defaulted Lands
- F. Adopted Resolution No. 2017-18, Establishing Fiscal Year 2017-18 Assessment District Assessments and Resolution No. 2017-19, Establishing Community Facilities District Special Taxes
- G. Authorized the General Manager to execute Task Order No. 6, for an amount not to exceed \$39,441 to RMC, a Woodard and Curran Company, for completion of four (4) Drinking Water State Revolving Fund Grant Applications for Westside Elementary School, Oasis Gardens Mobile Home Park (MHP) and Galindo MHP.
- H. Approved and authorized reimbursement to the City of Palm Desert for City Street Resurfacing Project - Valve and Manhole Adjustments and authorized the General Manager to execute budget amendment for this project, in the amendment of \$292,750.
- I. Approved the Uniform Guidance Procurement Extension.
- J. Authorized the General Manager to execute a Joint Funding Agreement with U.S. Geological Survey in the amount of \$50,000 to continue funding Phase 6 of the Coachella Valley Land Subsidence Study; and authorized \$5,000 for CVWD staff project management costs to complete the project.
- K. Approved Resolution No. 2017-20, a Resolution supporting Director G. Patrick O'Dowd for the Association of California Water Agencies (ACWA) Region 9 Board of Directors for the 2018-19 term.
- L. *(PULLED)* Approve Water Supply Assessment and Water Supply Verification for the Ivey Palms Specific Plan Project

- M. Authorized the execution of a Estoppel and Consent Certificate to the assignment of a Joint Community Facilities Agreement relating to City of Palm Desert Community Facilities District No. 2005-1 (University Park) to University Park Investor, LLC.
- N. Approved payment of State Water Contractors Membership Dues, Bay-Delta Fund and Energy Fund, in the amount of \$262,523 (to be paid in two installments)
- O. Authorized the General Manager to execute Task Order No. 25 with Krieger & Stewart, Inc., in the amount of \$70,000 for the Water Reclamation Plant Nos. 4, 7, and 10 Chemical System Safety Upgrade Projects
- P. Adopted a Levy of \$.10 per \$100 of Assessed Value (AV) for the Fiscal Year 2018 Tax Roll Riverside and Imperial Counties; and adopted Resolution No. 2017-21, Fixing Rates of Taxation Required in the County of Riverside; and Resolution No. 2017-22, Fixing Rates of Taxation Required in the County of Imperial

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 5. L. Approve Water Supply Assessment and Water Supply Verification for the Ivey Palms Specific Plan Project

Following a presentation by Patti Reyes, Special Projects Manager, the Board discussed the Water Supply Assessment and Water Supply Verification for the Ivey Palms, Specific Plan Project.

On a motion by Director Bianco, seconded by Director O'Dowd, the Board and approved the Water Supply Assessment and Water Supply Verification for the Ivey Palms, Specific Plan Project

AYES: Powell, Estrada, O'Dowd, Bianco

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

7. PRESENTATIONS AND RECOGNITIONS

- A. Employee Recognitions

President Powell and General Manager Barrett, recognized the following employees:

Longevity

- Miguel Romero, Zanjero II, 20 years

Retirements

- Eric Urban, Zanjero Supervisor, 26 years
- Marty Rodriguez, Domestic Water Quality, 31 years

8. PUBLIC HEARING**A. Conduct Public Hearing and Consider Adoption of Sewer Rate Structure, proposed in the Proposition 218 Notice.**

Mark Hildebrand Consultant with Stantec, provided a presentation on the proposed adoption of a sewer rate restructure.

President Powell opened the public hearing to receive public input concerning a proposed ordinance adopting the sewer rate restructure. 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, the following individuals provided public comment: Mitzi Mills, with Indian Ridge Association; Gregory Clark, with Palm Desert Oasis SDA Church; and Kenneth Dobson, with Palm Desert Green H.O.A.

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.

On a motion by Director O'Dowd, seconded by Director Estrada, the board adopted Ordinance No. 1435, an Ordinance authorizing a rate restructure for sewer service charges and amending table A-2 of the District's regulations governing sanitation services; the Board also provided direction to staff to notify customers that have one (1) meter, serving indoor and outdoor use, that a variance is available through June 30, 2018 and that we provide a temporary variance where the return to sewer factor will be 55%, instead of 90%.

AYES: Powell, Estrada, O'Dowd

NOES: Bianco

ABSENT: Nelson

Motion Passed: 3-1-1

9. INFORMATIONAL REPORTS

- A. Written Communications – on file
- B. Informational Reports to the Board
 - i *(CONTINUED)* Update on California Water Fix, presentation by Robert Cheng, Assistant General Manager.
 - ii Steve Bigley, Director of Environmental Services, provided a presentation and update on the Chromium-6 Alternative Treatment Pilot Testing Project.

10. ACTION ITEMS**A. Adoption of a Resolution Establishing Rates for Nonpotable Water Use**

Following a presentation by Teri Vorster, Finance Analyst, the Board discussed the rates for nonpotable water use.

On a motion by Director Estrada, seconded by Director Bianco, the Board approved Resolution No. 2017-23, a Resolution Establishing Rates for Nonpotable Water Use.

AYES: Powell, Estrada, Bianco

NOES: O'Dowd

ABSENT: Nelson

Motion Passed: 3-1-1

B. Award Emergency Construction Contract for the Lateral 99.8-0.51-2.5 Project, Specification No. 2017-47.

Following a presentation by David Wilson, Engineering Manager, the Board discussed an emergency construction contract for the Lateral 99.8-0.51-2.5 Project, Specification No. 2017-47.

On a motion by Director Estrada, seconded by Director O'Dowd, the board approved and authorized the General Manager to execute emergency contract with the Van Dyke Corporation for emergency repairs to Irrigation Lateral 99.8-0.51-2.5 (lateral), Specification No. 2017-47, in the amount of \$86,525.; and approved the following additional expenditures:

• CVWD project management and engineering	\$ 5,000
• CVWD Inspection	\$ 5,000
• Soils Testing	\$ 3,000
• Contingency	<u>\$ 10,000</u>
• Total costs	\$109,525

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

C. Authorize Consulting Agreement (Task Order No. 2) with CGR Management Consultants LLC for Assistance with Implementation of the SCADA Master Plan in Fiscal Year 2018.

Following a presentation by Luis Maciel, Director of Information

Systems, the Board discussed Task Order No. 2, with CGR Management Consultants, LLC.

On a motion by Director Bianco, seconded by Director Estrada, the board approved and authorized the General Manager to execute Consulting Agreement (Task Order No. 2) with CGR Management Consultants, LLC, for assistance with implementation of the SCADA Master Plan in FY 2018, in the amount not to exceed \$514,800.

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

11. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments – No reports from the Board.
- B. Meetings and Conference Reports
 - i May 12, 2017 All Valley Legislative Luncheon (Director Estrada)
 - ii May 16, 2017 Disadvantaged Communities Infrastructure Committee Meeting (Director Estrada)
 - iii 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)
 - iv May 23, 2017 Riverside County Fourth District Supervisor V. Manuel Perez Swearing in Ceremony (Director Estrada)
 - v May 30, 2017 Salton Sea Authority Ad-Hoc Committee Conference Call (Director Estrada)
 - vi May 30, 2017 Meeting with Tom Kirk, Executive Director of Coachella Valley Association of Governments, regarding relevant projects (Director Estrada)
 - vii June 2, 2017 Valley View Elementary Schools 2nd Annual "Career Day" (Director Estrada)
 - viii June 8, 2017 Coachella Valley Conservation Commission Meeting (Director Bianco)
 - ix June 8, 2017 Coachella Valley Association of Governments Energy (Director Bianco)
 - x June 14, 2017 Colorado River Board Meeting (Director Nelson) –
CONTINUED
 - xi June 15, 2017 Salton Sea Authority Board of Directors Meeting (Directors O'Dowd and Estrada)
 - xii June 15, 2017 Coachella Valley Irrigated Lands Coalition (CVILC) Meeting (Director Powell)
 - xiii June 19, 2017 Salton Sea Authority Planning Meeting (Directors

- O'Dowd and Estrada)
- xiv June 20, 2017 Disadvantaged Communities Infrastructure Committee Meeting (Director Estrada)
 - xv June 20, 2017 Saving the Salton Sea Event (Director O'Dowd)
 - xvi **REMOVED** June 20, 2017 Coachella Valley Grape Growers Cooperative Meeting (Director Bianco)
 - xvii June 21, 2017 Conference Call with City of Coachella Mayor Steven Hernandez (Director Estrada)
 - xviii June 22, 2017 Interview with NPR Reporter (Director Estrada)
 - xix June 26, 2017 California Farm Water Coalition Board Meeting (Director Nelson) **CONTINUED**
 - xx June 26, 2017 Coachella Valley Association of Governments 2017 General Assembly (Director Nelson) **CONTINUED**

Additional Meetings Reported:

- June 14 Conference call with Communications Director to prepare for NPR reporter (Director Estrada)
- June 15 DVBA luncheon (Director Powell)
- June 16 Meeting with Riverside County Supervisor Perez (Director O'Dowd)
- June 21 Meeting with Brian Nestande of Riverside County (Director O'Dowd)
- June 23 Meeting with NPR reporter (Director Estrada)
- June 23 Meeting with Director of Engineering and staff (Director Estrada)

- C. Approval of per diem for meetings reported.

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

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

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

No reports.

12. STAFF REPORTS

- A. General Manager Barrett reported he would be out of the office beginning, June 28th through July 21st for surgery.
- B. Counsel Ferre reported on the Governor's bill on long-term permanent

way through several committees.

- C. Departments – None

13. CLOSED SESSION AGENDA

Counsel Jeff Ferre announced that Director Bianco has recused himself from any discussion or action on Item 13C in order to avoid any conflict of interest as a result of the potential involvement of his employer in the subject matter of this closed session.


- 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. EDCV 13-883 JGB
- B. 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 1208959s
- 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

14. RECONVENE

- A. Report out of Closed Session
President Powell reconvened the meeting back to open session and stated there was no reportable actions taken on items 13A through 13C.


15. ADJOURNMENT

There being no further business before the Board of Directors, at this time, President Powell adjourned the meeting at 1:00 PM.



John P. Powell, President
Coachella Valley Water District

ATTEST:



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