

**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*

**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 13, 2018**

**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, November 13, 2018, 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 8:42AM  
Director Anthony Bianco  
Director G. Patrick O'Dowd

*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**

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 to be removed or continued from the Agenda
- B. No emergency Item(s) to be 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**

Director Powell pulled items 5F and 5L for discussion.

On a **motion by Director O'Dowd, second by Director Bianco**, the Board approved the remainder of the Consent Calendar.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson, Estrada

**Motion Passed: 3-0**

- A. Approved Minutes of the October 23, 2018 Coachella Valley Water District Board of Directors Meeting
- B. Approved and authorized the General Manager to execute the Biennial On-Call Contract Service Agreement to provide on call biennial services to adjust domestic water valve operator wells and sewer manholes for the period December 7, 2018 to December 7, 2020.
- C. Approved and authorized payment of the 2019 annual agency dues for Association of California Water Agencies (ACWA) in the amount of \$40,070.91.
- D. Approved and authorized payment of the 2019 Association of Metropolitan Water Agencies (AMWA) dues in the amount of \$8,058.
- E. Approved and authorized payment of the 2019 WaterReuse Association's dues in the amount of \$8,399.50
- F. *PULLED* - Approve and authorize payment of 2019 California Special Districts Association Membership dues in the amount of \$7,252.
- G. Approved and authorized payment of the 2019 American Water Works Association (AWWA) dues in the amount of \$14,504
- H. Approved and authorized payment of Annual Water Rights permit fees to State Water Resources Control Board for Fiscal Year 2018-2019, in the amount of \$ 130,360.37 and authorized to protest the assessment for the FY 2018-19 Water Rights Permit fees.
- I. Approved and authorized the General Manager to execute Task Order No. 3 to CDM Smith in the amount of \$65,093 for the Sanitation System Master Plan and Program Environmental Impact Report, and approve additional expenditures for a total request of \$150,093
- J. Approved and authorized the General Manager to award and execute Task Order No. 23 to Krieger & Stewart, in the amount of \$149,919 for Engineering Design Services, and award Task Order No. 18-16 to Northwest Hydraulic Consultants in the amount of \$61,998 for Hydrology and Hydraulic Studies for Reservoir 4602 Rehabilitation Project, and approve additional expenditures for a total request of \$470,000.

- K. Approved and authorized the General Manager to execute a Memorandum of Understanding with Talavera Community Association for the Proposed Domestic Water Pipeline Replacement Program
- L. *PULLED* - Awarded a Professional Services Agreement to Matrix Consulting Group for an Overhead Cost Allocation Plan and District User Fee and Miscellaneous Charge Study.
- M. Approve and authorize the General Manager to award a Professional Services Agreement to Stradling Yocca Carlson & Rauth, a Professional Corporation, for Bond and Tax Counsel Services.
- N. Approved the following actions relating to the Construction of Water Reclamation Plant No. 10 Equalization Basin (EQ Basin) Floating Cover Replacement Project, Specification No. 2018-71 (Project):
- Authorized the General Manager to execute a construction contract with Raven Industries in the amount of \$458,960 for the Construction of Water Reclamation Plant No. 10 Equalization Basin (EQ Basin) Floating Cover Replacement Project, Specification No. 2018-71 (Project);
  - Authorized the General Manager to execute Task Order No. 15 to Lee & Ro, Inc., the Engineer of Record, for engineering services during construction in the amount of \$29,610; and
  - Approved the following additional expenditures, for a total request of \$598,570:
    - CVWD Project Management and Engineering - \$35,000
    - CVWD Electrical and Electronics Trades - \$ 5,000
    - CVWD Inspection Services - \$ 20,000
    - Contingency - \$ 50,000
- O. Adopted Annual Review of Investment Policy Without Any Changes.
- P. Approved Resolution congratulating Timothy H. Quinn for his service on the Association of California Water Agencies

## 6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 5.F. Approve and authorize payment of 2019 California Special Districts Association Membership dues in the amount of \$7,252.

The Board discussed the payment of the 2019 California Special Districts Association Membership dues of \$7,252; Since no motion was made, nor passed, to approve this payment, the dues will not be paid and the District will therefore not be renewing its membership.

5. .L Award a Professional Services Agreement to Matrix Consulting Group for an Overhead Cost Allocation Plan and District User Fee and Miscellaneous Charge Study.

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the professional services agreement to Matrix Consulting Group for an overhead cost allocation plan and district user fee and miscellaneous charge study.

On a **motion by Director Powell, second by Director O'Dowd**, the Board approved and authorized the General Manager to execute a professional services agreement to Matrix Consulting Group for an overhead cost allocation plan and district user fee and miscellaneous charge study.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson, Estrada

**Motion Passed: 3-0**

**7. PRESENTATIONS AND RECOGNITIONS**

A. Employee Recognition

Anniversary

- Isabel Luna, Executive Assistant, 35 years (continued to 12/11 meeting)

Retirement

- Les Walkeapaa, Water Quality Analyst, 13 years (not present)

B. Centennial Recognition

- i Chris Barwick, representative from Senator Feinstein's office presented a Centennial Proclamation to CVWD

**8. INFORMATIONAL REPORTS**

A. Written Communications – None

**9. ACTION ITEMS**

A. Approve the Continuance of the Emergency Declaration for the East Side Dike Emergency Sediment Removal Project.

Prior to discussion of this item, a similar disclosure was made for this item as was done for the previous action of this item at a previous Board meeting. That is, due to a financial interest in a business and/or real property, of Anthony Vineyards, that was impacted by two recent storm events. Director Bianco recused himself from participation in any decision making process that the District may be undertaking in regard to said storm events. Director Bianco then left the dais and the Board room during consideration of this item.

Following a presentation by Dan Charlton, Director of Facilities and Maintenance, regarding the status of this project and the need to continue the emergency declaration, the Board took the following action:

On a **motion by Director Estrada, second by Director O'Dowd**, the Board approved the continuance of the Emergency Declaration for the East Side Dike Emergency Sediment Removal Project.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson

**RECUSED:** Bianco

**Motion Passed: 3-0**

B. Reject Bids for the Trunked Radio System Replacement Project.

Following a presentation by Dan Charlton, Director of Facilities and Maintenance, the Board discussed the rejection of bids for the trunked radio system replacement project.

On a **motion by O'Dowd, second by Director Bianco**, the Board took action to reject all proposals for the Trunked Radio System Replacement Project (Project), Request for Proposal (RFP) No. 2018-54; and authorized staff to initiate a new RFP solicitation.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson, Estrada

**Motion Passed: 3-0**

C. Consider Granting an Extension of Time Before Implementing a Correction to Water Budgets for Desert Falls Villas, Desert Falls Master and The Links at Desert Falls.

Following a presentation by Katie Evans, Director of Communication & Conservation, the Board discussed an Extension of Time Before Implementing a Correction to Water Budgets for Desert Falls Villas, Desert Falls Master and The Links at Desert Falls as requested by Desert Falls. .

Director Bianco made a motion to approve the request for an extension **Motion failed due to a lack of second.**

**Director O'Dowd made a motion, second by Director Powell,** to deny the request for an extension of a grant and directed staff to work with the customer.

**AYES:** Powell, O'Dowd

**NOES:** Bianco

**ABSENT:** Nelson, Estrada

**Motion Failed: 2-1**

Staff mentioned they would communicate with the customer as to possible next steps and payment options.

- D. Award Construction Contract to J.R. Filanc Construction Company, Inc., in the amount of \$ 3,252,777 for the Replacement of Booster Station No. 3501, Specification No. 2018-43, and approve additional expenditures for a total request of \$4,263,000.

Following a presentation by Dan Ruiz, Engineering Manager, the Board discussed a construction contract for the Replacement of Booster Station No. 3501, Specification No. 2018-43.

On a **motion by Director O'Dowd, second by Director Bianco**, the Board approved and awarded a construction contract to J.R. Filanc Construction Company, Inc., in the amount of \$ 3,252,777 for the Replacement of Booster Station No. 3501, Specification No. 2018-43, and approved additional expenditures in the amount of \$1,010,223, for a total request of \$4,263,000.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

- E. Award Construction Contract to Downing Construction, Inc., in the amount of \$4,049,406 for the Talavera Water Main Replacement, Phase 2 Project, Specification No. 2018-76, and approve additional expenditures for a total request of \$5,135,000.42.

Following a presentation by Dan Ruiz, Engineering Manager, the Board discussed the a construction contract for the Talavera Water Main Replacement, Phase 2 Project, Specification No. 2018-76.

On a **motion by Director O'Dowd, second by Director Bianco**, the Board approved the following:

- Awarded a construction contract to Downing Construction, Inc., for the Talavera Water Main Replacement, Phase 2 Project, Specification No. 2018-76

- Authorized the General Manager to execute contract with Downing Construction, Inc., in the amount of \$4,049,406; and
- Approved additional expenditures in the amount of \$1,085,594.42, for a total request of \$5,135,000.42

***Approved by the following vote:***

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

- F. Award Construction Contract to J&J Brothers Construction Company dba Jones Bros Construction Company, as the lowest responsive bidder, in the amount of \$3,234,527 for the Irrigation Lateral 123.45-6.0 Replacement Project, Specification No. 2016-32, and approve additional expenditures for a total request of \$3,797,675.

Following a presentation by David Wilson, Engineering Manager, the Board discussed a construction contract for the Irrigation Lateral 123.45-6.0 Replacement Project, Specification No. 2016-32.

On a **motion by Director Powell, second by Director O'Dowd**, the Board approved the following:

- Awarded a construction contract to J&J Brothers Construction Company *dba* Jones Bros Construction Company, as the lowest responsive bidder, in the amount of \$3,234,527 for the Irrigation Lateral 123.45-6.0 Replacement Project, Specification No. 2016-32
- Authorized the General Manager to execute contract with J&J Brothers Construction Company *dba* Jones Bros Construction Company
- Authorized the General Manager to execute Task Order No. 19 with Krieger & Stewart, Inc., for engineering services during construction in the amount of \$79,000, and Task Order No. 46 with RMA GeoScience to provide geotechnical services during construction in the amount of \$44,148; and
- Approved additional expenditures for a total request of \$3,797,675.

***Approved by the following vote:***

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

- G. Award of Construction Contract to Pacific Hydrotech Corporation in the amount of \$9,408,369 for the Construction of Lift Station 81-01 Rehabilitation Project, Specification No. 2017-26, Burr Street Lift Station 81-03 Project, Specification No. 2018-4, Dedication of Right-of-Way to the City of Indio, and approve additional expenditures for a total request of \$11,566,204.

Following a presentation by Donnell Wilcox, Senior Engineer, the Board discussed a construct contract for the Construction of Lift Station 81-01 Rehabilitation Project, Specification No. 2017-26, Burr Street Lift Station 81-03 Project, Specification No. 2018-4.

On a **motion by Director O'Dowd, second by Director Bianco**, the Board approved the following:

- Awarded a construction contract to Pacific Hydrotech Corporation in the amount of \$9,408,369 for the Construction of Lift Station 81-01 Rehabilitation Project, Specification No. 2017-26, Burr Street Lift Station 81-03 Project, Specification No. 2018-4, Dedication of Right-of-Way to the City of Indio
- Authorized the General Manager to execute contract with Pacific Hydrotech Corpotation
- Approved and authorized the General Manager to execute Task Order Nos. 10 and 11 to Lee & Ro, Inc., the Engineer of Record for engineering services during construction, in the amount of \$660,835; and
- Approved additional expenditures for a total request of \$11,566,204.

***Approved by the following vote:***

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

- H. Reject the bid protest from South West Pump & Drilling and award Construction Contract to L.O. Lynch Quality Wells & Pumps, Inc., in the amount of \$542,491 for the Well Rehabilitation Project, Specification No. 2018-74, and approve additional expenditures for a total request of \$855,962.

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the proposed project and the bids received.

On a **motion by Director Bianco, second by Director O'Dowd**, the Board approved the following:



- Rejected the bid protest from South West Pump & Drilling and awarded the Construction Contract to L.O. Lynch Quality Wells & Pumps, Inc., in the amount of \$542,491 for the Well Rehabilitation Project, Specification No. 2018-74
- Approved additional expenditures in the amount of \$313,471, for a total request of \$855,962.

***Approved by the following vote:***

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

**10. BOARD COMMENTS AND REPORTS**

A. Board Member General Comments

- Director O'Dowd reported on the wildfires throughout California.
- Director Bianco reported he participated in CVWD's employee softball tournament; thanked staff for including him in the tournament.
- Director Estrada had no report
- Director Powell reported on the recently developed Riverside County Enhanced Infrastructure Financing District (EIFD).

B. Meetings and Conference Reports

***All meeting reports for Director Nelson will be continued to 11/27/18 agenda.***

- i October 23, 2018 CA Nevada America Water Works Association Award Presentation to CVWD (Directors Powell and Estrada)
- ii October 23, 2018 Internal Control Project Interview (Director Nelson)
- iii October 25, 2018 Meeting with District staff regarding Irrigation Rules and Regulations (Directors Powell and Bianco)
- iv October 25, 2018 Southern California Water Coalition Annual Dinner - A New Sacramento: What's next in California water (Director O'Dowd)
- v October 26, 2018 Association of California Water Agencies (ACWA) State Legislative Committee Meeting (Director O'Dowd)
- vi October 29, 2018 Basin States DCP Check-in Call with Bureau of Reclamation (Director Nelson)
- vii October 30, 2018 ACWA DAC Drinking Water Initiative Task Force Meeting (Director O'Dowd)
- viii October 30, 2018 City of Indio/CVWD Triannual Meeting (Directors Powell and Nelson)
- ix October 31, 2018 Meeting with District staff to discuss Irrigation Rules and Regulations (Directors Powell and Bianco)

- x October 31, 2018 National Water Resources Association (NWRA) Organizational Conference Call (Director O'Dowd)
- xi November 1, 2018 ACWA Region 9 Pre-event meeting (Director O'Dowd)
- xii November 2, 2018 ACWA Region 9 "Ensuring Water Reliability for our Future" Program (Directors Nelson, O'Dowd and Nelson)
- xiii November 5, 2018 Growers' Meeting (Directors Powell and Estrada)
- xiv November 7, 2018 to November 9, 2018 NWRA Annual Conference (Director O'Dowd)
- xv November 8, 2018 Coachella Valley Conservation Commission Meeting (Director Bianco)

#### **Additional Meetings Reported**

- October 30, 2018 Bond Counsel Interviews (Director O'Dowd)
- November 1, 2018 Channel Q interview regarding CVWD Centennial celebration events (Director Powell)
- November 4, 2018 CVWD Centennial Celebration (Directors Powell and O'Dowd)
- November 6, 2018 Meeting with CVWD staff regarding turf removal program (Director Bianco)
- November 7, 2018 Tour with Southern California Grantmakers (Director Estrada)
- November 8, 2018 Desert Valley Builders Association Board Meeting (Director Powell)

#### C. Approval of per diem for meetings reported

On a **motion by Director O'Dowd, second by Director Bianco**, the Board approved per diem for meetings reported.

#### ***Approved by the following vote:***

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

## 11. STAFF REPORTS

- A. General Manager, Jim Barrett thanked staff for their work in putting together a successful Centennial event at the Living Desert.
- B. Counsel, Jeff Ferre had no report.
- C. Departments – None

## 12. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Receipt of Claim: Claimant – Frontier Cable Incident No. 2180410.0
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Receipt of Claim: Claimant– Frontier Cable; Incident No. 2180901.0
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Receipt of Claim: Claimant – Simon Omega
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Government Code Section 54956.9 (d) (1)  
Name of case: James Monge v. CVWD, Riverside County Case Number PSC 1800066
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Name of Case: Worker's Compensation – Settlement Authority Request for Compromise and Release - Claim Number: CV-94-0500043; CV-98-0500043; CV-01-0500018; CV-01-0500043; CV-03-0500064; CV-08-0500045 (WCAB ADJ11532597; ADJ11546887; ADJ11546888; ADJ11546889; ADJ 11546890; ADJ 57080981)
- F. 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
- G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Government Code Section 54956.8 - Property is described as APN No's: 750-310-002; 691-040-002; 691-040-006; 750-310-001; 691-040-005; 691-070-004; 691-070-007; 748-010-014; 691-040-001; 691-070-025; 691-070-008 - Agency Negotiator: Carrie Oliphant, Assistant Director of Engineering; Negotiating Party: Multiple parties; Under negotiation: Price and terms of payment
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code section 54956.9 (d) (1)  
Name of case: Mission Springs Water District v. Desert Water Agency and Coachella Valley Water District, Case No. PSC 1600676
- I. 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

- J. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency negotiator: Jay Trinnaman, Robert Cheng, & Fran Neilon  
Employees' organization: Association of Coachella Valley Water  
District Managers (ACVWDM)

**13. RECONVENE**

- A. Report out of Closed Session  
President Powell convened the meeting into open session. Clerk of the Board Bermudez reported on items 12 A and 12B;

On item 12A, on a motion by Director Bianco, second by Director O'Dowd, the board approved 4-0 to deny the claim filed by Frontier Cable on September 6, 2018;

On item 12B, on a motion by Director O'Dowd, second by Director Estrada, the board approved 4-0 to deny the second claim filed by Frontier Cable on September 10, 2018.

Clerk Bermudez announced there were no other reportable actions for items 12C through 12J.

**14. ADJOURNMENT**

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 12:03 PM. The next regular scheduled meeting will be on Tuesday, November 27, 2018 in Coachella, CA.



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



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John P. Powell, President  
Coachella Valley Water District