

**DIVISION 1**  
*Patrick O'Dowd*  
Director



**DIVISION 2**  
*Anthony Bianco*  
Director

*CVWD's Coachella Office*  
*Forbes Auditorium*

**DIVISION 3**  
*John Powell*  
President

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

51501 Tyler Street  
Coachella

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

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

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

**November 28, 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, November 28, 2017, at the office of the District in Coachella, California. President Powell led the Pledge of Allegiance

**2. ROLL CALL**

*Present:* President John P. Powell, Jr.  
Vice President Cástulo R. Estrada  
Director Anthony Bianco  
Director G. Patrick O'Dowd  
Director Peter Nelson arrived at 8:18AM

*Absent:* None

*Staff Present:* Jim Barrett, General Manager  
Jeff Ferre, General Counsel  
Sylvia Bermudez, Clerk of the Board

**3. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA**

- A. No item(s) to be removed or continued from the Agenda
- B. Emergency Item(s) to be added to the Agenda  
Pursuant to Government Code Section 54954.2 the Board determined there was a need to meet in closed session on the referenced matter and the need came to the attention after the posting of the agenda.  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. EDCV 13-883 JGB

On a motion by Director O'Dowd, seconded by Director Estrada approved addition of closed session item to the agenda.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** Nelson

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

- C. Changes to the order of the Agenda  
Item 10C will be discussed following the conclusion of Closed Session.

**4. PUBLIC COMMENT**

No public comment received.

**5. APPROVAL OF THE CONSENT CALENDAR**

Items 5C, 5E, 5G, and 5H were pulled for discussion.

On a motion by Director O'Dowd, seconded by Director Bianco, the Board approved the Consent Calendar, excluding the items pulled for discussion.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** Nelson

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

- A. Approved Minutes of November 14, 2017 Coachella Valley Water District Board of Directors Meeting.
- B. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptances of Documents during the month of October 2017.
- C. (pulled) Accept and file the General Manager's Report of Activities during the month of October 2017
- D. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of October 2017
- E. (pulled) Approve and authorize the General Manager to execute a Task Order to Professional Services Agreement with Stantec in the amount of \$229,840 for the WRP 10 New Solar Power Facilities Project (WR1038) and approve additional expenditures of \$55,000, for a total request of \$284,840.
- F. Approved Reimbursement to the City of Cathedral City for 30th Avenue and McCallum Way Street Improvement Project – Domestic Water Valve Adjustments, in the amount of \$28,382.
- G. (pulled) Ratify Emergency Contracts with Krieger & Stewart, Inc. and Houston & Harris, Inc. for the Varner Road Sewer Pipeline

Rehabilitation, for a total request of \$165,000.

- H. (pulled) Approve sponsorship of 2018 Water Education Foundation in the amount of \$7,500.
- I. Approved payment of the California Farm Water Coalition Membership Invoice for 2018, in the amount of \$9,090.

## 6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 5C. Accept and file the General Manager's Report of Activities during the month of October 2017.

President Powell requested clarification on different portions of the GM's report.

On a motion by Director O'Dowd, seconded by Director Estrada, the Board accepted and ordered the filing of the General Manager's Report of Activities during the month of October 2017.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

- 5E. Approve and authorize the General Manager to execute a Task Order to Professional Services Agreement with Stantec in the amount of \$229,840 for the WRP 10 New Solar Power Facilities Project (WR1038) and approve additional expenditures of \$55,000, for a total request of \$284,840.

Following a presentation by Armando Rodriguez, Engineer Manager and Craig Parker, Director of Engineering. The Board discussed the professional services agreement with Stantec for the WRP 10 New Solar Power Facilities Project (WR1038).

On a motion by Director O'Dowd, seconded by Director Estrada, the Board approved and authorized the General Manager to execute a Task Order to Professional Services Agreement with Stantec in the amount of \$229,840 for the WRP 10 New Solar Power Facilities Project (WR1038) and approved additional expenditures of \$55,000, for a total request of \$284,840.

Approved by the following vote:

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

**NOES:** Bianco

**ABSENT:** None

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

- 5G. Ratify Emergency Contracts with Krieger & Stewart, Inc. and Houston & Harris, Inc. for the Varner Road Sewer Pipeline Rehabilitation, for a total request of \$165,000.

Following a presentation by Armando Rodriguez, Engineer Manager, the

Board discussed ratification of emergency contracts with Krieger & Stewart, Inc., and Houston & Harris, Inc., for the Varner Road Sewer Pipeline Rehabilitation.

On a motion by Director O'Dowd, seconded by Director Estrada, the Board ratified emergency contracts with Krieger & Stewart, Inc. and Houston & Harris, Inc. for the Varner Road Sewer Pipeline Rehabilitation, for a total request of \$165,000.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

5H. Approve sponsorship of 2018 Water Education Foundation in the amount of \$7,500.

Director O'Dowd commented he attended the 40<sup>th</sup> anniversary event and various other Water Foundation events and it is a great way to keep the public informed. On a motion by Director O'Dowd, seconded by Director Estrada, the Board approved the 2018 sponsorship amount for the Water Education Foundation in the amount of \$7,500.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**7. PRESENTATIONS AND RECOGNITIONS**

A. Employee Recognitions

President Powell and General Manager Barrett recognized the following employees:

***Anniversary:***

- David Hamner, Zanjero Crew Chief, 30 years
- Art Vasquez, Domestic Crew Chief, 30 years (not present)

***Retirement***

- Matt Fleming, Zanjero II, 6 years (not present)
- Joe Morales, Environmental Services Aide III, 23 years, (not present)

**8. PUBLIC HEARING**

- A. Conduct a Public Hearing to consider a Resolution of Necessity of the Board of Directors of the Coachella Valley Water District for the Acquisition by Eminent Domain of a Fee Interest in Certain Real Property Located in the County of Riverside, State of California, and Identified as Assessor Parcel Nos. 727-271-010-9 and 727-271-011-0,

for the Lincoln Street Channel Project.

Carrie Oliphant, Assistant Director of Engineering, provided a presentation on the necessity for the acquisition by eminent domain of real property located in the County of Riverside, State of California, and Identified as Assessor Parcel Nos. 727-271-010-9 and 727-271-011-0, for the Lincoln Street Channel Project.

President Powell opened the public hearing to receive public input concerning the proposed Resolution of Necessity for acquisition of the subject property. No public comment was received.

President Powell closed the public hearing. Following a discussion of the matter, a motion was made by Director Estrada, seconded by Director Nelson to approve the recommended actions. The Board approved the following actions:

- 1) Adopted Resolution No. 2017-34, titled A Resolution of Necessity of the Board of Directors of the Coachella Valley Water District for the Acquisition by Eminent Domain of a Fee Interest in Certain Real Property Located in the County of Riverside, State of California, and Identified as Assessor Parcel Nos. 727-271-010-9 and 727-271-011-0, for the Lincoln Street Channel Project
- 2) Authorized legal counsel to commence an eminent domain proceeding to acquire Assessor Parcel Nos. 727-271-010-9 and 727-271-011-0 for the Lincoln Street Channel Project.
- 3) Authorized the General Manager to execute any and all documents in the name of the Coachella Valley Water District needed to commence and process an eminent domain proceeding to acquire Assessor Parcel Nos. 727-271-010-9 and 727-271-011-0 for the Lincoln Street Channel Project
- 4) Authorized the General Manager to execute a budget amendment in the amount of \$25,000 for the following expenditures: \$15,750 to be filed with the Court for compensation \$9,250 for staff costs, legal counsel costs, title insurance and contingency

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**9. INFORMATIONAL REPORTS**

- A. Written Communications – on file
- B. Informational Reports to the Board

- i Fiscal 2018 Budget vs. Actual Report for the Quarter Ending September 30, 2017

## 10. ACTION ITEMS

- A. Award Construction Contract for the Coachella Welding Shop and Motor Barn Building Improvements-Two 5 Ton Cranes, Specification No. 2017-45R.

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed a construction contract for the Coachella Welding Shop and Motor Barn Building Improvements.

On a motion by Director O'Dowd, seconded by Director Estrada, the Board awarded a construction contract to Trademark Hoist and Crane Company and authorized the General Manager to execute contract in the amount of \$464,670 for the Welding Shop and Motor Barn Building Improvements-Two 5 Ton Cranes Project - Specification No. 2017-45R.; and approved the following expenditures for a total request of \$675,000:

- CVWD Project Management - \$20,000
- CVWD forces-\$25,000
- Inspection Services-\$100,000
- Task Order for Soil and Concrete Testing - \$5,000
- Contingency - \$60,330

The total cost of this request is \$675,000

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

- B. Approve and authorize the General Manager to execute an agreement with the Metropolitan Water District of Southern California (MWD) to Convey 9,500 acre-feet of Rosedale Water in 2017, and direct staff to work with MWD to update and consolidate various Water Exchange Agreements with MWD.

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed an agreement with Metropolitan Water District of Southern California (MWD) to convey 9,500 acre-feet of Rosedale Water in 2017.

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved and authorized the General Manager to execute an agreement with Metropolitan Water District of Southern California (MWD) to convey 9,500 acre-feet of Rosedale Water in 2017; and directed staff to work with MWD to update and consolidate various

Water Exchange Agreements with MWD.

Approved by the following vote:

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

## 11. BOARD COMMENTS AND REPORTS

### A. Board Member General Comments

Director Nelson apologized for arriving late this morning; he mistakenly went to the Palm Desert location. No other Board comments provided.

### B. Meetings and Conference Reports

- i November 15, 2017 College & Career Day at Indio Middle School (Estrada)
- ii November 15, 2017 Colorado River Board Meeting (Director Nelson)
- iii November 15, 2017 CV Water Counts Academy Presentations (Director Nelson)
- iv November 15 - 17, 2017 NWRA Annual Conference (Director O'Dowd)
- v November 17, 2017 Living Desert Board of Trustees & Advisory Council (Director Bianco) **\*\* did not attend.**
- vi November 27, 2017 Meeting to discuss Agua Caliente Tribal Suit (Director Nelson)
- vii November 28- December 1, 2017 ACWA Fall Conference (Director O'Dowd) – **postpone to next agenda**

#### Additional meetings:

- November 17, 2017 ACWA Board Meeting (Director O'Dowd)
- November 17, 2017 Leadership Coachella Valley (Director Nelson)
- November 20, 2017 Meeting with CVWD staff regarding badger meetings/Beacon meter system (Director Nelson)
- November 21, 2017 Disadvantaged Communities Infrastructure Committee Meeting (President Powell and Director Estrada)
- November 21, 2017 Conference Call re: ACWA Region 9 Board Meeting (Director O'Dowd)
- November 21, 2017 Meeting with Tudors regarding water connection at property (President Powell)
- November 26, 2017 Meeting Mike Wade and Stephanie Schulte (Director Nelson)

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

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

Approved by the following vote:

**AYES:** Powell, Estrada, Bianco, Nelson

**NOES:** None

**ABSENT:** O'Dowd

**Motion Passed:** 5-0

- D. No Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies

**12. STAFF REPORTS**

- A. General Manager - None
- B. Counsel – Jeff Ferre, reported on the recent State Board hearing regarding permanent water restrictions and the timeline for adoption of said regulations.
- C. Departments - None

**13. CLOSED SESSION AGENDA**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Government Code Section 54956.9 (2) (d)  
Receipt of Claim – Holly Rodway, Received 10/27/2017
- B. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Board President John Powell  
Unrepresented Employee: General Manager
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957  
Title: General Manager

**14. RECONVENE**

- A. Report out of Closed Session  
President Powell convened the meeting back into open session; General Counsel Jeff Ferre, announced there were no reportable actions. The Board then considered Action Item 10(C).

- 10(C) General Manager Employment Agreement including: (1) payment of incentive compensation for 2017 performance goals; (2) cost of living adjustment to salary; and (3) a Third Amendment To General Manager Employment Agreement to incorporate a cost of living adjustment and performance goals for 2018.

In accordance with Brown Act requirements, Legal Counsel summarized the actions which were proposed to be taken and the terms of the potential amendment to the Employment Agreement. The Board discussed the proposed actions and the proposed amendment to the Employment Agreement.

On a motion by Director Nelson, seconded by President Powell, the



Board took the following actions: (1) approved payment of incentive compensation for 2017 performance goals; (2) approved a cost of living adjustment to salary which will be reflected in the Third Amendment to the Employment Agreement; and (3) approved the Third Amendment to the Employment Agreement to incorporate the cost of living adjustment and performance goals for 2018 and authorized the President of the Board to execute the Amendment.

These actions adjust the current base salary of \$273,745 by a COLA of 3.1% which results in a new base salary of \$282,231 effective the first pay period after January 1, 2018; and (2) the General Manager will be eligible for a discretionary bonus of between 0% and 10% of base salary based on factors or criteria for 2018 which were discussed with the General Manager as part of his evaluation and which were adopted as part of the Third Amendment. In addition, \$21,899.60 will be paid in 2017 for meeting 80% of the 2017 performance goals.

Approved by the following vote:

**AYES:** Powell, Estrada, Bianco, Nelson

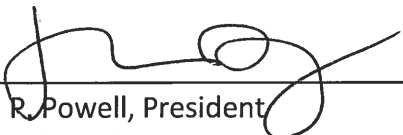
**NOES:** None

**ABSENT:** O'Dowd

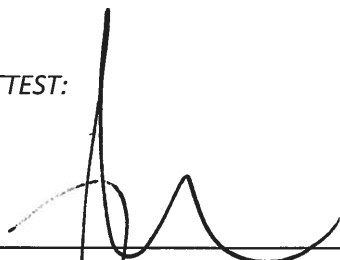
**Motion Passed: 4-0 with Director O'Dowd absent.**

**15. ADJOURNMENT**

There being no further business before the Board, President Powell adjourned the meeting at 11:50 AM. The next regular meeting of the Coachella Valley Board of Directors is scheduled for Tuesday, December 12, 2017, in the Palm Desert location.

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

ATTEST:

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

