



BOARD PRESIDENT
John P. Powell Jr.
DIVISION 3

VICE PRESIDENT
Castulo R. Estrada
DIVISION 5

**OFFICIAL MINUTES
BOARD OF
DIRECTORS
REGULAR MEETING**

January 14, 2025

www.cvwd.org

DIRECTOR
John Aguilar
DIVISION 1

DIRECTOR
Anthony Bianco
DIVISION 2

DIRECTOR
Peter G. Nelson
DIVISION 4

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Board President John Powell, Jr., called the regular meeting of the Coachella Valley Water District Board of Directors to order at 8:00 a.m., on Tuesday, January 14, 2025, at the office of the District in Palm Desert, California.

General Counsel Jeff Ferre noted for the record, that since Director John Aguilar was attending in-person, there would be no need to conduct the teleconference that had been posted on the agenda.

2. ROLL CALL

Present: Board President John Powell, Jr.
Vice President Castulo Estrada *arrived at 8:05 a.m.; and left the meeting at 8:57 a.m.*
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: None

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

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. Items removed or continued from the agenda

B. Emergency items added to the agenda



C. Changes to the order of the agenda

4. PUBLIC COMMENT

No public comment provided.

5. SPECIAL PRESENTATION & RECOGNITIONS

A. Employee Recognition for January 2025

Anniversaries

- Jose Ponce, Domestic Distribution Operator II, 20 Years
- Jaime Valenzuela, Domestic Distribution Operator II, 20 Years

Retirements

- Scott Davenport, Operations Supervisor, Domestic, 25 Years (not attending)

6. CONSENT CALENDAR

- A. Administration – Approve payment of the Greater Coachella Valley Chamber of Commerce 2025 Annual Membership dues in the amount of \$710
- B. Clerk of the Board – Approve minutes of the December 10, 2024, Coachella Valley Water District Board of Directors
- C. Finance – Receive and file the District's Annual Comprehensive Financial Report (ACFR) and financial audit reports for Fiscal Year ended June 30, 2024
- D. Finance – Receive and file the AB1600 – Developer Fees – Annual Report for Fiscal Year Ending June 30 2024
- E. Operations – Authorize the General Manager to Execute a Contract Services Agreement with Universal Building Maintenance LLC, DBA Allied Universal Janitorial Services, for Janitorial Services at the Palm Desert and Coachella Campuses
- F. Operations – Authorize the General Manager to Execute a Contract Services Agreement with Western Pump, Inc. to Provide Fuel Station Regulatory Compliance, Maintenance, Repair, and Emergency Services.

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved the Consent Calendar items 6A through 6F, as presented.



Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

7. ITEM(S) PULLED FROM CONSENT CALENDAR FOR DISCUSSION

8. ORDINANCE(S) FOR ADOPTION

Human Resources

- A. **Amend and Approve Ordinance 1442.3 (An Ordinance Providing for the Employment, Classification, and Compensation of Coachella Valley Water District Employees).**

RECOMMENDED ACTION: Amend Ordinance 1442.2 and approve Ordinance 1442.3 as proposed.

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board rescinded Ordinance No. 1442.2 and approved Ordinance No. 1442.3, An Ordinance Providing for the Employment, Classification, and Compensation of Coachella Valley Water District Employees.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

9. ACTION CALENDAR

Administration

- A. **Approve extension of the Replenishment Facilities Curtailment Program and authorize the General Manager to execute Amendment No.1 to Agreement No. 23-XX-30-W0764 with the U.S. Bureau of Reclamation for conservation of Colorado River water in calendar year 2026 through replenishment curtailment (up to 35,000 acre-feet).**

RECOMMENDED ACTION: It is recommended that the Board of Directors (Board) (1) approves extension of the Replenishment Facilities Curtailment Program, and (2) authorizes the General Manager to execute Amendment No.1 to Agreement No. 23-XX-30-W0764 with the U.S. Bureau of Reclamation (Reclamation), acting through the Department of Interior (DOI), for conservation of Colorado River water through replenishment curtailment in calendar year (CY) 2026 for up to 35,000



acre-feet (taf) at a fixed price of \$400/af. The total volume conserved under this program from 2023 to 2026 will be up to 140 taf.

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

Engineering

- B. **Authorize the Formation of a California Statewide Communities Development Authority Community Facilities District for the Explore Project located in the City of Palm Desert**
RECOMMENDED ACTION: Pulte Homes (the “Developer”), has requested that the Coachella Valley Water District (the “District”) consider formation of a community facilities district (“CFD”) for the Explore development project located in the City of Palm Desert and within the jurisdictional boundaries of the District (the “Explore Project”) consisting of 332 planned residential dwelling units in order to finance certain public improvements, including through the financing of certain public improvements, water system backup facilities charge, water demand offset fees, meter installation fees, backflow device installation fees, sewer connection fees and similar. The District wishes to authorize the California Statewide Communities Development Authority (“CSCDA”) to form and administer the CFD and issue bonds instead of allocating District resources and District staff time. Therefore, it is recommended that the Board of Directors adopt a resolution which does the following: Authorizes CSCDA to form a CFD within the territorial limits of the District to finance certain public improvements, water system backup facilities charge, water demand offset fees, meter installation fees, backflow installation fees and sewer connection fees; Embodies a Joint Community Facilities Agreement setting forth the terms and conditions of the CFD financing; Approves a form of Funding and Acquisition Agreement between the District and the Developer; and Authorizes staff to cooperate with CSCDA and its consultants in connection with the CFD formation and financing.

On a motion by Director, Anthony Bianco second by Director, Peter Nelson, the board approved Resolution No. 2025-01, A Resolution which 1) authorizes California Statewide Communities Development Authority Community Facilities District (CSCDA) to form a Community Facilities District (CFD), within the territorial limits of the District to finance certain public improvements, water system backup facilities charge, water



demand offset fees, meter installation fees, backflow installation fees and sewer connection fees, 2) embodies a Joint Community Facilities Agreement setting forth the terms and conditions of the CFD financing, 3) approves a form of funding and acquisition agreement between the District and the Developer, and 4) authorizes staff to cooperate with CSCDA and its consultants in connection with the CFD formation and financing

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

- C. **Authorize Agreement for Acquisition of Real Properties with Edwin J. Neumeyer Revocable Trust dated June 9, 1999, with Sergio and Monica Duran, and with Empire Airport, LLC for the Valley View Water Consolidation Project (DW2113)**

RECOMMENDED ACTION:

Authorize the General Manager to execute the attached Agreement for Acquisition of Real Property (Agreement) with Edwin J. Neumeyer Revocable Trust dated June 9, 1999 (Neumeyer), with Sergio and Monica Duran (Duran), and with Empire Airport, LLC (Empire) for the Valley View Water Consolidation Project.

It is also requested that the Board of Directors approve the following expenditures for a total cost of \$283,700:

Purchase price for Neumeyer's 1.88-acre temporary construction easement APN 763-340-008 and 763-350-025 - \$178,000

Purchase price for Empire's 1.04-acre temporary construction easement APN 763-330-018 - \$87,000

Purchase price for Duran's 64 square foot easement APN 757-100-013 - \$500

Title, escrow, closing costs - \$5,000

Contingency (5%) - \$13,200

This request also requests authorization for the General Manager to execute any additional documents related to these acquisition transactions.

Prior to discussion of this item, President Powell stated that he would be recusing himself from consideration of this item in order to avoid a conflict of interest since one of the parties to the potential transaction is a source of income. President Powell then left the dais and Board room during consideration of the item.

On a motion by Director, Anthony Bianco second by Director, Peter Nelson, the board approved the following actions regarding the



acquisition of real properties with Edwin J. Neumeyer Revocable Trust dated, June 9, 1999, with Sergio and Monica Duran, and with Empire Airport, LLC for the Valley View Water Consolidation Project (DW2113):

1. authorized the General Manager to execute agreement for acquisition of real property with Edwin J. Neumeyer Revocable Trust dated, June 9, 1999, with Sergio and Monica Duran, and with Empire Airport, LLC for the Valley View Water Consolidation Project (DW2113)
2. approved the following additional expenditures for a total cost of \$288,700:
 - purchase price for Neumeyer's 1.88-acre temporary construction easement APN 763-340-008 and 763-350-025 \$ 178,000
 - purchase price for Empire's 1.04-acre temporary construction easement APN 763-330-018 \$87,000
 - purchase price for Duran's 64 square foot easement APN 757-100-013 \$500
 - Title, escrow, closing costs \$5,000
 - Contingency (5%) \$13,200
3. authorized the General Manager to execute any additional documents related to these acquisition transactions.

Approved by the following vote:

Ayes: Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Recused: Powell

Motion Passed: 4-0

D. Reimbursement to the City of Cathedral City for City Street Resurfacing Projects - Valve and Manhole Adjustments

RECOMMENDED ACTION: Authorize the General Manager to reimburse the City of Cathedral City (City) for valve can lid and manhole cover adjustments associated with the City's 2024-2025 City Street Pavement Reconstruction Projects in the amount of \$197,050 and execute the enclosed budget amendment in the amount of \$170,815.

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved the reimbursement to the City of Cathedral City (City) for valve can lid and manhole cover adjustments associated with the City's 2024-2025 City Street Pavement Reconstruction Projects, in the amount of \$197,050, and authorized the General Manager to execute the budget amendment form in the amount of \$170,815.



Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Nelson, Bianco

Noes: None

Absent: None

Recused: Motion Passed: 5-0

E. **Authorize the General Manager to Execute a Special Domestic Water System Installation Agreement with the Coachella Valley Unified School District.**

RECOMMENDED ACTION: Authorize the General Manager to Execute a Special Domestic Water System Installation Agreement with the Coachella Valley Unified School District. In addition, authorize the General Manager to reimburse the Coachella Valley Unified School District up to \$450,000 for the cost to upsize the existing 8-inch diameter pipeline to a 24-inch diameter pipeline based on competitive bids and the process outlined in the subject Agreement.

Prior to discussion of this item, Director Bianco stated that he would be recusing himself from consideration of this matter in order to avoid even the appearance of a conflict of interest since he has an interest in real property located in proximity to the proposed project. Director Bianco then left the dais and Board room during consideration of the item.

On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada, the board approved the following actions regarding a Special Domestic Water System Installation Agreement with the Coachella Valley Unified School District:

1. authorized the General Manager to execute a Special Domestic Water System Installation Agreement with the Coachella Valley Unified School District.
2. authorized the General Manager to reimburse the Coachella Valley Unified School District up to \$450,000 for the cost to up-size the existing 8-inch diameter pipeline to a 24-inch diameter pipeline based on competitive bids and the process outline in the subject Agreement.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Nelson

Noes: None

Absent: None

Recused: Bianco

Motion Passed: 4-0

Operations



- F. **Authorize the General Manager to Execute a Contract Services Agreement with Andritz Separation, Inc. for a Belt Filter Press Refurbishment for Wastewater Reclamation Plant No.10 in the amount of \$380,136 and approve additional contingency expenditures of \$19,864, for a total requested authorization of \$400,000.**

RECOMMENDED ACTION: Authorize the General Manager to execute a contract services agreement (CSA) with Andritz Separation, Inc. (Andritz) for a belt filter press (BFP) refurbishment for Wastewater Reclamation Plant No.10 (WRP 10) in the amount of \$380,136 and approve additional contingency expenditures of \$19,864, for a total requested authorization of \$400,000.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board authorized the General Manager to execute a contact services agreement (CSA) with Andritz Separation, Inc., for a belt filter press (BFP) refurbishment for Wastewater Reclamation Plant No. 10 (WRP 10) in the amount of \$380,136 and approved additional contingency expenditures of \$19,864 for a total requested authorization of \$400,000.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

- G. **Ratification of the Purchase of a New Caterpillar D8 Dozer Engine**
RECOMMENDED ACTION: It is recommended that the Board of Directors ratify the purchase of a new Caterpillar D8 Dozer engine from RDO Equipment (RDO) in the amount of \$112,867 and approve additional contingency expenditures of \$7,133 for a total requested authorization of \$120,000.

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board ratified the purchase of a new Caterpillar D8 Dozer engine from RDO Equipment in the amount of \$112,867 and approved additional contingency expenditures of \$7,133 for a total requested authorization of \$120,000.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Motion Passed: 5-0

Vice President Estrada left the meeting at approximately 8:57 a.m.



10. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed
 - I. January 14, 2025, Communications Log
- B. Informational Presentations to the Board
 - I. CVWD'S Federal Lobbyist, Best, Best & Krieger, LLP to present 2024 Year in Review and 2025 Administration and Congressional Outlook.

11. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments
 - Director Peter Nelson provided the following comments: sent prayers to all those impacted by the fires in the Los Angeles area, and spoke to the recent inquiries regarding CVWD's maintenance program for hydrants and system; asked staff to provide information to CVWD customers and the public on the District's maintenance and preventive efforts; also, reported the La Quinta High School received funding for enhancements and asked CVWD staff to reach out to appropriate officials at Desert Sands Unified School District to provide information regarding CVWD's slope lining requirements. ACWA Region 9 is hosting a training event at the Nancy Wright Water Sewer Plant in Desert Hot Springs, on Friday, January 17. The Colorado River Board will be conducting interviews for executive director role, during its January 15 meeting.
 - Director John Aguilar commented on a CVWD public communications listed in the program brochure for an event at the McCallum Theater. Thanked Communications team for the information shared in the program.
 - Director John Powell also commented on the need for awareness of fire protection systems, given the recent fires in the Los Angeles area, and commented on the discussions regarding stress tests on systems.
- B. Board Requests for Future Agenda Items

12. BOARD MEETING REPORTS

- A. Meetings and Conference Reports
 - i. November 14, 2024, Colorado River Board Meeting (Director Estrada)
 - ii. November 18, 2024, Agua Caliente Mediation Meeting (Director Estrada)



- iii. November 19, 2024, CVWD Chromium-6 Pipe Rig Tour (Director Estrada)
- iv. November 20, 2024, Disadvantaged Community Infrastructure Task Force Meeting (Director Estrada)
- v. December 4-6, 2024, Colorado River Water Users Annual Conference (Director Estrada)
- vi. December 4, 2024, Colorado River Board Meeting (Director Estrada)
- vii. December 7, 2024, Employee Appreciation Dinner (Director Estrada)
- viii. December 9, 2024, Agua Caliente Mediation Meeting (Director Estrada)
- ix. December 11, 2024, Golf & Water Task Force Meeting (Directors Powell and Bianco)
- x. December 12, 2024, Coachella Valley Energy Commission Special Meeting (Director Bianco)
- xi. December 16, 2024, California Farm Water Coalition Meeting (Director Nelson)
- xii. January 8, 2025, Meeting to discuss CVWD's legislative platform (Director Powell)
- xiii. January 9, 2025, Legislative Breakfast with District Attorney Mike Hestrin and Sheriff Chad Bianco (Director Aguilar)
- xiv. January 9, 2025, Coachella Valley Conservation Commission Meeting (Director Bianco)

Additional Meetings Reported

- xv. January 6, 2025, Section 5 Contractors Conference Call (Director Nelson)
- xvi. January 10, 2025, Coachella Valley Irrigated Lands Coalition Meeting (Directors Powell and Nelson)

- B. Approval of per diem for meetings reported

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

13. REPORTS

- A. General Manager Jim Barrett reported the following: Board committee appointments will be addressed at the January 28 meeting, along with a discussion



and possible direction for staff to review and update the board travel policy, including the board meeting stipend. Additionally, he reported that the District's ERP project is progressing, and there is a need for temporary staff to assist with day-to-day responsibilities while District staff manage the project.

- B. Counsel, Jeff Ferre provided an update on the Sites Reservoir Project, and reported the Sites Project Authority launched a competitive procurement process with the release of a Request for Qualifications (RFQ) for a Reservoir Construction Manager at Risk (CMAR) to construct the reservoir.

- C. Departments – None

14. CLOSED SESSION AGENDA

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuance to Government Code Section 54956.8 -Property is described as APNs: 763-350-009, 721-050-002, 721-060-002, and 721-060-005.
Agency Negotiator: Carrie Oliphant, Director of Engineering
Negotiating Party: Bruce Rucker
Under Negotiation: Price and Terms of Payment
- B. 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. 5:13-cv-00883-JGB (SPx)
- C. 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. 5:20-cv-00174-JGB-SPx
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Paragraph (2) or (3) of subdivision (d) of Gov. Code § 54956.9.

15. RECONVENE

- A. Report out of Closed Session
Board President John Powell convened the meeting to Open Session and announced there were no reportable actions.

16. ADJOURNMENT

There being no further business to discuss, Board President Powell adjourned the meeting at 10:58 a.m. The next regular meeting is scheduled for Tuesday, January 28, 2025, at 8:00 a.m. at the District's Coachella office.



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

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