



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

BOARD PRESIDENT

John P. Powell Jr.

DIVISION 3

VICE PRESIDENT

Castulo R. Estrada

DIVISION 5

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

April 12, 2022

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

President Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:00 a.m., Tuesday, April 12, 2022 at the office of the District in Coachella, California. The Pledge of Allegiance was led by President Powell.

2. ROLL CALL

Present: President John P. Powell, Jr
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: Vice President Cástulo R. Estrada

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia M. 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 removed or continued from the agenda.
- B. No emergency items added to the agenda.
- C. No changes to the order of the agenda.

4. PUBLIC COMMENT

No public comment received.

5. CONSENT CALENDAR

- A. Approved Minutes of the March 22, 2022, regular meeting of the Coachella Valley Water District Board of Directors.
- B. Authorized the General Manager to execute a Cooperative Agreement for the Construction of the Coachella Valley Stormwater Channel Improvement Project from Avenue 54 to Thermal Drop, by and between the Coachella Valley Water District and the County of Riverside (Specification 2018-60)
- C. Authorized the Release of Funds from the Community Facilities District (CFD) No. 102 for Task Order No.22-9 (TO22-9) to the Triennial Professional Services Agreement with Northwest Hydraulic Consultants (NHC), total amount requested is \$59,671
- D. *PULLED FOR DISCUSSION* - Approve Resolution 2022-14 (Closing Resolution) and to authorize the General Manager to execute the Installment Sale Agreement (ISA) for the Fiscal 2020-2021 Nonpotable Water (NPW) Connection with State Water Resources Control Board (SWRCB) Project No. 8580-110

On a motion by Board Member John Aguilar, second by Board Member Peter Nelson, the board approved the Consent Calendar, with the exception of item 5D, which was pulled for discussion at the request of the department.

Approved by the following roll vote:

Ayes: Aguilar, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: Bianco

Recuse: None

Motion Passed: 3-0-1-1

6. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

- 5 D. Approve Resolution 2022-14 (Closing Resolution) and to authorize the General Manager to execute the Installment Sale Agreement (ISA) for the Fiscal 2020-2021 Nonpotable Water (NPW) Connection with State Water Resources Control Board (SWRCB) Project No. 8580-110

On a motion by Board President John Powell, second by Board Member Peter Nelson, the board approved Resolution 2022-14 (Closing Resolution) and authorized the General Manager to execute the Installment Sale Agreement (ISA) for the Fiscal 2020-2021 Nonpotable Water (NPW) Connection with State Water Resources Control Board (SWRCB) Project No. 8580-110.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion : 4-0-1

7. OTHER BOARDS ACTIONS – None

8. ACTION CALENDAR

Communication and Conservation

A. Implementation of Water Shortage Contingency Plan Demand Reduction Actions

RECOMMENDED ACTION: Staff recommend that the Board adopt the following action items from the Water Shortage Contingency Plan (WSCP) to increase domestic water conservation.1. Shortage Level 2.1: Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.2. Shortage Level 2.2: Restaurants can serve water only on request.3. Shortage Level 2.4: Agency shall actively discourage overseeding.4. Shortage Level 2.6: Agency shall expand public information campaign (See Attachment 1 – Outreach Plan).5. Shortage Level 2.7: Agency shall increase water waste patrols.6. Shortage Level 3.8: Agency shall encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.7. Shortage Level 3.11: Agency shall expand rebate programs by increasing turf rebates from \$2 per square foot to \$3 (See Attachment 2 - Memo from Jenna Shimmin, Conservation Manager). Additionally, staff recommends the Board authorize staff to implement streamlined rebate application processes once identified.

On a motion by Board President John Powell second by Board Member Peter Nelson, the Board approved the following action items from the Water Shortage Contingency Plan (WSCP) to increase domestic water conservation.

1. Shortage Level 2.1: Outdoor water use is prohibited during 10:00 a.m. and sunset for spray irrigation except for leak checks or with an agency approved conservation alternative plan.
2. Shortage Level 2.2: Restaurants can serve water only on request.
3. Shortage Level 2.4: Agency shall actively discourage overseeding.
4. Shortage Level 2.6: Agency shall expand public information campaign (See Attachment 1 – Outreach Plan).
5. Shortage Level 3.8: Agency shall encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.
6. Shortage Level 3.11: Agency shall expand rebate programs by increasing turf rebates from \$2 per square foot to \$3 (See Attachment 2 - Memo from Jenna Shimmin, Conservation Manager). Additionally, staff recommends the Board authorize staff to implement streamlined rebate application processes once identified

Approved by the following vote:

Ayes: Bianco, Powell, Nelson

Noes: Aguilar

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 3-0-1-1

Engineering

- B. **Award a construction contract to Fain Drilling in the amount of \$824,750 for the Salt and Nutrient Management Plan (SNMP) and WRP 2 Monitoring Wells Projects, Specification Nos. 2022-08 and 2021-34, and approve additional expenditures for a total request of \$960,000**
RECOMMENDED ACTION: Authorize the General Manager to execute a construction contract with Fain Drilling in the amount of \$824,750 for the construction of nine (9) monitoring wells and rehabilitation of eight (8) existing monitoring wells for the Salt and Nutrient Management Plan (SNMP) and drilling of three (3) monitoring wells for the WRP 2 Monitoring Wells Projects located throughout the eastern Coachella Valley. It is also recommended that the Board authorize the following expenditures: Project Management and Engineering - \$10,000· Amendment to Task Order 9 with Todd Groundwater for Construction Support and Inspection Services - \$49,666· CVWD Inspection - \$30,000· Contingency (5%) - \$45,584The total cost of this request is \$960,000.

On a motion by Board Member John Aguilar, second by Board President John Powell, the board approved the following actions:

1. awarded a construction contract to Fain Drilling in the amount of \$824,750 for the Salt and Nutrient Management Plan (SNMP) and WRP, and
2. authorized the General Manager to execute a construction contract with Fain Drilling in the amount of \$824,750 for the construction of nine (9) monitoring wells and rehabilitation of eight (8) existing monitoring wells for the Salt and Nutrient Management Plan (SNMP) and drilling of three (3) monitoring wells for the WRP 2 Monitoring Wells Projects located throughout the eastern Coachella Valley; and
3. approved the following expenditures, with a total cost of request of \$960,000: Project Management and Engineering - \$10,000 Amendment to Task Order 9 with Todd Groundwater for Construction Support and Inspection Services - \$49,666 CVWD Inspection - \$30,000 Contingency (5%) - \$45,584

Approved by the following vote:

Ayes: Aguilar, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: Bianco

Recuse: None

Motion Passed: 3-0-1-1

- C. **Authorize the General Manager to execute a First Amendment to the Special and Standard Domestic Water System Installation Agreement and a Termination Agreement with Brittany West LLC**
RECOMMENDED ACTION: Authorize the General Manager to execute a First Amendment to the Special and Standard Domestic Water System Installation Agreement and a Release of Lien and Termination Agreement with Brittany West LLC.

Board Member John Aguilar, made a motion to approve and authorize the General Manager to execute a First Amendment to the Special and Standard Domestic Water System Installation Agreement and a Release of Lean and Termination Agreement with Brittany West LLC.

Board President John Powell made a substitute motion, second by Board Member Peter Nelson, the board approved and authorized the General Manager to execute a first amendment to the Special and Standard Domestic Water System Installation Agreement a Release of Lien and Termination Agreement with Brittany West LLC.

Approved by the following vote:

Ayes: Bianco, Powell, Nelson

Noes: Aguilar

Absent: Estrada

Abstain: None
Recuse: None
Motion Passed: 3-1-1

- D. **Authorize the General Manager to execute a Special Domestic Water System Installation Agreement with Thomas Hazelbaker and Lynn Hazelbaker**

RECOMMENDED ACTION: Authorize the General Manager to execute the Special Domestic Water System Installation Agreement with Thomas Hazelbaker and Lynn Hazelbaker

On a motion by Board Member Peter Nelson, second by Board Member John Aguilar, the board approved and authorized the General Manager to execute the Special Domestic Water System Installation Agreement with Thomas Hazelbaker and Lynn Hazelbaker.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion : 4-0-1

- E. **Authorize the General Manager to execute the Southern California Edison (SCE) Water Reclamation Plant #10 Added Facilities Agreement (AFA) for the T-1 Pump Station Replacement.**

RECOMMENDED ACTION: Authorize the General Manger to execute an Added Facilities Agreement with Southern California Edison (SCE) for WRP-10 T-1 Pump Station Replacement.

On a motion by Board President John Powell, second by Board Member John Aguilar, the board approved and authorized the General Manger to execute an Added Facilities Agreement with Southern California Edison (SCE) for WRP-10 T-1 Pump Station Replacement.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion : 4-0-1

Environmental Services

- F. **California Environmental Quality Act (CEQA) review for the East Coachella Valley Water Supply Project -Valley View Mobile Home Park Consolidation Project phase IIIA-2 Transmission Main**

RECOMMENDED ACTION: Certify the subsequent Mitigated Negative Declaration (MND), adopt the Mitigation Monitoring and Reporting Plan (MMRP) for the East Coachella Valley Water Supply Project – Valley View Mobile Home Park Consolidation Phase IIIA-2 Transmission Main, and authorize staff to file a Notice of Determination to complete the CEQA review for the project.

On a motion by Board Member Anthony Bianco, second by Board Member Peter Nelson, the Board certified the subsequent Mitigated Negative Declaration (MND), adopt the Mitigation Monitoring and Reporting Plan (MMRP) for the East Coachella Valley Water Supply Project – Valley View Mobile Home Park Consolidation Phase IIIA-2 Transmission Main, and authorize staff to file a Notice of Determination to complete the CEQA review for the project.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0-1

Finance

G. **Approve the Proposed Fiscal Year 2022 Mid-Year Operating Budget Amendment**

RECOMMENDED ACTION: Staff recommends that the Board of Directors approve the proposed Fiscal Year 2022 Mid-Year Operating Budget Amendment.

On a motion by Board Member Peter Nelson, second by Board Member John Aguilar, the board approved the proposed fiscal year 2022 mid-year operating budget amendment.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion : 4-0-1

Operations

H. **Award a Construction Contract to EXARO Technologies Corporation in the amount of \$1,821,771 for Cathodic Protection System Improvements, and approve additional expenditures for a total request of \$2,018,000**

RECOMMENDED ACTION: It is recommended that the Board of Directors authorize the General Manager to execute a Construction Contract (Contract) with EXARO Technologies Corporation (EXARO) in the amount of \$1,821,771 for Corrosion Protection System Improvements, Specification No. 2022-06 (Project). It is also recommended that the Board of Directors authorize a contingency in the amount of \$196,229, for a total requested authorization of \$2,018,000.

On a motion by Board Member Peter Nelson, second by Board Member John Aguilar, the board approved and authorized the General Manager to execute a Construction Contract (Contract) with EXARO Technologies Corporation (EXARO) in the amount of \$1,821,771 for Corrosion Protection System Improvements, Specification No. 2022-06 (Project) and approved a contingency in the amount of \$196,229, for a total requested authorization of \$2,018,000.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0-1

9. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board filed
- B. Informational Report(s)
 - Update on proposed Colorado River Water Conservation Program, presentation by Robert Cheng, Assistant General Manager.

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments - No general comments from the Board.
- B. Board Requests for Future Agenda Items - No requests for future items by the board.

11. BOARD MEETING REPORTS

- A. March 23, 2022 Water Committee of Western Growers (Director Powell)

- B. March 24, 2022 Salton Sea Authority Board Meeting (Director Estrada)
***Continue**
- C. March 24, 2022 California Caucus Discussion (Director Nelson)
- D. March 25, 2022 Joint Press Conference with Congressman Raul Ruiz
(Director Estrada) ***Continue**
- E. March 29, 2022 Board Study Session (Directors Powell, Nelson, Bianco
and Estrada)
- F. March 30, 2022 Joint Water Policy Advisory Committee Meeting
(Directors Powell and Estrada)
- G. March 31, 2022 Legislative Committee Meeting (Directors Aguilar and
Estrada)
- H. March 31, 2022 Discussion on Agricultural Conservation (Directors
Powell and Nelson)
- I. March 31, 2022 30th Annual Senior Inspiration Awards (Director Estrada)
***Continue**
- J. April 2, 2022 WELL 2022 Central Valley Conference (Director Estrada)
***Continue**

On a motion by Board Member Anthony Bianco, second by Board Member Peter Nelson, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0-1

12. REPORTS

- A. General Manager - Jim Barrett, provided an update on COVID related numbers.
- B. Counsel - No report from Counsel.
- C. Departments - No departmental reports.

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Coachella Valley Water District v Imperial Irrigation District, Case, Los Angeles County Case No. 22STCV00356.
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Name of case: Navajo Nation v. U.S. Department of Interior et al, Ninth Circuit Case No. 19-17088
- C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Dos Santos De Sa & Zhang v. CVWD (Imperial County Superior Court Case No. ECU001562
- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Araujo, Dos Santos, Carvalho v. CVWD (US District Court, Southern District Case No. 20 CV-1800-AJB LL)
- E. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
One potential case
- F. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) CDWR Water Operations Cases, Judicial Council Coordination Proceeding No. 5117, The Metropolitan Water District of Southern California, Mojave Water Agency, Coachella Valley Water District, San Geronio Pass Water Agency, and Municipal Water District of Southern California, petitioners/plaintiffs v. California Department of Fish and Wildlife and California Department of Water Resources, respondents/defendants; California Natural Resources Agency, real party in interest, Fresno County Superior Court Case No. 20CECG01347.

14. RECONVENE

- A. Report out of Closed Session

President Powell convened the meeting back to open session. Counsel Jeff Ferre reported on item 13 B and 13E:

- For Item 13 B, on a motion by Director Nelson, seconded by Director Bianco, the Board authorized the filing of a Writ of Certiorari in connection with the case of Navajo Nation v. U.S. Department of Interior. The motion passed 3-0 with Vice President Estrada and Director Aguilar absent
- For Item 13 E, on a motion by Director Bianco, seconded by President Powell, the Board authorized the filing of a complaint against Lee & Ro in regard to work performed on the WRP 10 Project. The motion passed 3-0 with Vice President Estrada and Director Aguilar absent.

15. 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 12:48 p.m. The next regular scheduled meeting will be on Tuesday, April 26, 2022, at 8:00 a.m. in Coachella

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