



BOARD PRESIDENT
John P. Powell Jr.
DIVISION 3

VICE PRESIDENT
Castulo R. Estrada
DIVISION 5

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

May 24, 2022

DIRECTOR
John Aguilar
DIVISION 1

DIRECTOR
Anthony Bianco
DIVISION 2

DIRECTOR
Peter G. Nelson
DIVISION 4

www.cvwd.org

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, May 24, 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
Vice President Cástulo R. Estrada arrive late at 8:30 a.m.
Director Anthony Bianco
Director John Aguilar
Director Peter Nelson

Absent: None

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.

No additions, deletions or adjustments to the agenda.

4. PUBLIC COMMENT

Ms. Alena Callimanis provided public comment.

5. SPECIAL PRESENTATION & RECOGNITIONS

- A. Employee recognition(s) for the month of May 2022

6. CONSENT CALENDAR

- A. Affirmed Resolution No. 2022-10, extending the use of the provisions found in Government Code Section 54953(e), and findings related to the State of Emergency due to COVID-19 that authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953
- B. Approved Minutes of the May 10, 2022, Regular Meeting of the Coachella Valley Water District Board of Directors
- C. Accepted and filed General Manager's Report of Activities April 2022
- D. Accepted and filed General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of April 2022
- E. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of April 2022
- F. Approved and authorized the General Manager to execute an Agreement with the Living Desert and Southern California Edison for electric vehicle charging ports and grant an easement to Southern California Edison.
- G. Approved payment of the Fiscal Year (FY) 2022-23 assessment to the Salton Sea Authority in the amount of \$200,000

On a motion by Board Member, Anthony Bianco second by Board Member, John Aguilar, the board approved Consent Calendar items 6A through 6G.

Approved by the following roll vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

No items were pulled from the Consent Calendar for discussion.

8. ACTION CALENDAR

Engineering

- A. **Authorize the Solicitation of Bids for Construction of the Monroe Street Trunk Sewer Project, Specification 2022-17**

RECOMMENDED ACTION: Authorize the solicitation of bids for construction of the Monroe Street Trunk Sewer Project (Project).

On a motion by Board Member, Anthony Bianco second by Board Member, John Aguilar, the board authorized the solicitation of bids for construction of the Monroe Street Trunk Sewer Project, Specification No. 2022-17.

Approved by the following vote:

Ayes: Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: Powell

Motion Passed: 3-0

- B. **Approve and authorize the General Manager to execute a Professional Services Agreement to Dudek, in the amount of \$683,981 for the Lift Station 55-11 Capacity Upgrade Project and authorize the General Manager to negotiate a funding agreement for this Project with the County of Riverside**

RECOMMENDED ACTION: Approve and authorize the General Manager to execute the attached Professional Services Agreement with Dudek for the design of the Lift Station 55-11 Capacity Upgrade Project (Project) and authorize the General Manager to negotiate a funding agreement for this Project with the County of Riverside.

On a motion by Board Member, Anthony Bianco second by Board Member, John Aguilar, the board approved and authorized the General Manager to execute a professional services agreement to Dudek in the amount of \$683,981 for the Lift Station 55-11, Capacity Upgrade Project, and authorized the General Manager to negotiate a funding agreement for this project with the County of Riverside, and authorized additional soft project costs in the amount of \$116,019 for a total project authorization of \$800,000.

Approved by the following vote:

Ayes: Aguilar, Bianco, Nelson, Powell

Noes: None

Absent: Estrada
Abstain: None
Recuse: None
Motion Passed: 4-0

- C. **Approve and authorize the General Manager to execute a Professional Services Agreement to CDM Smith, in the amount of \$1,482,512 for the Water Reclamation Plant No.10 Headworks Improvement Project**

RECOMMENDED ACTION: Approve and authorize the General Manager to execute the attached Professional Services Agreement with CDM Smith for the design of the Water Reclamation Plant No. 10 Headworks Improvement Project in the amount of \$1,482,512.

On a motion by Board Member, Peter Nelson second by Board Member, Anthony Bianco, the board approved and authorized the General Manager to execute a professional services agreement with CDM Smith, in the amount of \$1,482,512 for the Water Reclamation Plant (WRP) 10, Headworks Improvement Project, and authorized additional soft projects in the amount of \$313,251 for a total project authorization of \$1,795,763.

Approved by the following vote:

Ayes: Aguilar, Bianco, Nelson, Powell

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

- D. **Approve and authorize the General Manager to execute a Construction Contract with Jones Brothers Construction, as the lowest responsive bidder, in the amount of \$3,879,963, for the Irrigation Lateral 119.64-7.5 Replacement Project – Phase I (IR1701), Specification No. 2020-46, and approve additional expenditures for the total request of \$4,610,430**

RECOMMENDED ACTION: Reject the bid received from Hemet Manufacturing Company, Inc. dba Genesis Construction ("Genesis") as non-responsive and authorize the General Manager to execute a construction contract with Jones Brothers Construction ("Jones Brothers") in the amount of \$3,879,963 for the Construction of Irrigation Lateral 119.64-7.5 Replacement Project – Phase I (IR1701), Specification No. 2020-46. This request also includes authorization for the General Manager to execute a Professional Services Agreement (PSA) in the amount of \$93,847, with Lee + Ro, Inc. to provide engineering services during construction as the Engineer of Record, and Task Order No. 8 to the Biennial Soil and Concrete Testing Professional Services Agreement

with NV5 to provide geotechnical and concrete services during construction in the amount of \$197,120. Lastly, the request includes the following additional expenditures: CVWD Project Management and Engineering - \$45,000 CVWD Inspection Services - \$90,000 Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms. If an on-call inspection firm is used, a Task Order will be executed and issued in substantially the same form and content as the attached task order IID pole holding (13 poles) - \$84,500 Contingency (5%) - \$220,000 The total cost of this request \$4,610,430.

On a motion by Board Member, Anthony Bianco second by Board Member, John Aguilar, the board approved the following items:

- rejected the bid received from Hemet Manufacturing Company, Inc. dba Genesis Construction ("Genesis") as non-responsive
- authorized the General Manager to execute a construction contract with Jones Brothers Construction ("Jones Brothers") in the amount of \$3,879,963 for the Construction of Irrigation Lateral 119.64-7.5 Replacement Project – Phase I (IR1701), Specification No. 2020-46
- authorized the General Manager to execute a Professional Services Agreement (PSA) in the amount of \$93,847, with Lee + Ro, Inc. to provide engineering services during construction as the Engineer of Record, and Task Order No. 8 to the Biennial Soil and Concrete Testing Professional Services Agreement with NV5 to provide geotechnical and concrete services during construction in the amount of \$197,120
- approved additional expenditures for the total request of \$4,610,430:
 - o CVWD Project Management and Engineering - \$45,000
 - o CVWD Inspection Services - \$90,000 Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms

Approved by the following vote:

Ayes: Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: Powell

Motion Passed: 3-0

Environmental Services

- E. **Approve and authorize the General Manager to execute a Professional Services Agreement with West Yost Associates, in the amount of \$2,684,112 to Implement the CV-SNMP Development Workplan, and execution of the First Supplement to the Memorandum of Understanding Regarding Collaboration on the**

Coachella Valley Salt and Nutrient Management Plan between the CV-SNMP Agencies

RECOMMENDED ACTION: Staff recommends that the Coachella Valley Water District (CVWD) Board of Directors authorize the General Manager to: 1) Execute a Professional Services Agreement (PSA) with West Yost Associates (West Yost) for \$2,684,112 to implement the CV-SNMP Development Workplan (Attachment 1). 2) Execute the First Supplement to the Memorandum of Understanding Regarding Collaboration on the CV-SNMP (MOU) between the CV-SNMP Agencies (Attachment 2).

On a motion by Board Member, Peter Nelson second by Board Member, Anthony Bianco, the board approved and authorized the General Manager to execute a professional services agreement with West Yost Associates, in the amount of \$2,684,112 to implement the CV-SNMP Development Workplan, and the First Supplement to the Memorandum of Understanding regarding collaboration on the Coachella Valley Salt and Nutrient Management Plan between the CV-SNMP agencies.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

Finance

- F. **Approve Resolution No. 2022-17 and authorize the General Manager to execute documents related to extending the revolving credit agreement with Bank of the West**

RECOMMENDED ACTION: Staff recommends approval of the resolution and authorize the General Manager to execute documents related to extending the revolving credit agreement with Bank of the West.

On a motion by Board Member, John Aguilar second by Board Member, Anthony Bianco, the Board considered approval of Resolution No. 2022-17, authorizing the General Manager to execute documents related to extending the revolving credit agreement with Bank of the West.

Approved by the following vote:

Ayes: Aguilar, Bianco

Noes: Powell, Nelson, Estrada

Absent: None

Abstain: None

Recuse: None
Motion Failed: 2-3

Staff was then directed to work with the lender and advisers regarding whether it would be possible to pursue a revolving line of credit in a lesser amount to possibly be brought back to the Board for consideration at a future meeting.

Operations

- G. **Approve and authorize the General Manager to Execute the Nonpotable Water Agreement for The Annenberg Foundation Trust at Sunnylands (Sunnylands)**

RECOMMENDED ACTION: It is recommended that the Board of Directors approve and authorize the General Manager to execute the Nonpotable Water Agreement for Sunnylands.

On a motion by Board Member, Peter Nelson second by Board Member, Anthony Bianco, the board approved and authorized the General Manager to execute the nonpotable water agreement for the Annenberg Foundation Trust at Sunnylands.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

9. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Board Member Nelson reported on meeting with Ernest A. Conant Regional Director with the Bureau of Reclamation regarding the Upper Sacramento River and flows from the Shasta Mountains.
- Board Members Aguilar and Bianco had no report(s).
- Board Member Estrada reported on meeting with EPA scheduled for Wednesday, May 25.
- Board President Powell reported on a meeting in Sacramento on Monday, May 23 with Governor Newsom and water district general managers and board presidents; also reported on irrigation smart

controllers provided to domestic users; reported he uses an irrigation smart controller by Rachio; provides data to customer on phone, including setting schedules, notifications, etc.

B. Board Requests for Future Agenda Items

There were no board requests for future agenda items.

11. BOARD MEETING REPORTS

A. Meetings and Conference Reports

1. May 9, 2022 Meeting with CVWD staff to discuss Verano developers (Director Aguilar)
2. May 11, 2022 Colorado River Board of Directors Meeting (Director Nelson)
3. May 12, 2022 Coachella Valley Conservation Commission Meeting (Director Bianco)
4. May 12, 2022 Desert Valley Builders Association (DVBA) meeting (Director Powell)
5. May 13, 2022 State Water Board Racial Equality Action Plan Development – Strategizing Retreat (Director Estrada)
6. May 16, 2022 California Delta Stewardship Council – Managing Salinity in the Delta Zoom Meeting (Director Nelson)
7. May 16, 2022 Seven Basin States Principles, USBR, DOI, Tribe – 2026 Guideline Discussions (Director Nelson)
8. May 17, 2022 CVWD Colorado River Conservation Program Workshop & Special Meeting of the Board of Directors (Directors Powell, Nelson, Aguilar and Estrada)
9. May 18, 2022 Special Board Meeting
10. May 18, 2022 Disadvantaged Community Infrastructure Task Force Meeting (Directors Powell and Estrada) **Powell did not attend*
11. May 19-21, 2022 Basin States Principles, USBR Dept. of Interior Meeting (Director Nelson)

Additional meetings reported

12. May 11, 2022 Colorado River Users Association (CRWUA) Meeting (Director Powell)
13. May 16, 2022 Meeting with Riverside County, Salton Sea Authority, Secretary Crowfoot, CNRA regarding the North Lake Project (Director Estrada)
14. Meeting with United States Environmental Protection Agency (EPA), State of California, Water Resources Control Board & Riverside County regarding the 05/20/22 Meeting with EPA (Director Estrada)

15. May 20, 2022 Business meeting/dinner with representatives from Imperial Irrigation District and the US Department of Interior (Director Nelson)

- B. Approval of per diem for meetings reported

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

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

12. REPORTS

- A. General Manager, Jim Barrett mentioned an email regarding the Fall tour of the Upper Colorado River, beginning in either Salt Lake City, Utah or Grand Junction, Colorado and concluding in Las Vegas, Nevada. Also provided an update on COVID numbers, and mentioned the newly employee committee, called SPARK and the upcoming employee breakfast on May 25 in Palm Desert and May 26 in Coachella, from 6am to 9am.
- B. Counsel, Jeff Ferre reported on the State Water Resources Control Board meeting today where it is expected to issue Emergency Regulations requiring water suppliers to declare Stage 2 shortages under their respective Water Shortage Contingency Plans. .
- C. Departments – No Report(s)

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1825310 (SWP Mandate)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1904943 (Canal)

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1905897 (RAC Mandate)
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 1904774 (MVP Lawsuit)
- E. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 1905977 (SWP Validation FY2020):
- F. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 2003606 (RAC Validation FY2021)
- G. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 2003702 (SWP Validation FY2021)
- H. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2103373 (RAC Validation FY2022):
- I. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVPS 2102910 (SWP Validation FY2022)
- J. 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 – Howard Jarvis Taxpayers Association Claim Received – April 29, 2022

14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting to Open Session. Counsel Jeff Ferre reported on closed session actions:

- On item 13C, **on a motion by Director Bianco, second by Director Nelson, on a 5-0 vote**, the Board authorized the filing of an appeal.

- On items 13F and 13H, **on a motion by Director Bianco, second by Director Nelson, on a 5-0 vote**, the Board authorized the filing of an appeal.
- On item 13J, **on a motion by Director Estrada, second by Director Powell, on a 5-0 vote**, the board authorized the return of the claim with no action and as being filed untimely, and to reject otherwise on its merits.

15. ADJOURNMENT

There being no further business, President Powell adjourned the meeting at 10:40 a.m. The next regular scheduled meeting will be on Tuesday, June, 14, 2022 at 8:00 a.m. at CVWD's Steve Robbins Administration Building, in Palm Desert.