



BOARD PRESIDENT

John P. Powell Jr.

DIVISION 3

VICE PRESIDENT

Castulo R. Estrada

DIVISION 5

**OFFICIAL MINUTES
BOARD OF
DIRECTORS
REGULAR MEETING**

May 13, 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 Vice President Castulo R. Estrada called the regular meeting of the Coachella Valley Water District Board of Directors to order at 8:03 a.m. on Tuesday, May 13, 2025, at the office of the District in Palm Desert, California

2. ROLL CALL

Present: Board President John Powell, Jr.
Vice President Castulo Estrada
Director Anthony Bianco
Director John Aguilar
Director Peter Nelson

Absent: None

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

Vice President Estrada then confirmed with President Powell and Director Nelson that the Brown Act requirements for attending the meeting via teleconference have been complied with and will be followed for this meeting.

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 received.

5. CONSENT CALENDAR

- A. Clerk of the Board – Approve minutes of the April 22, 2025, Regular Meeting of the Coachella Valley Water District Board of Directors
- B. Environmental Services – Authorize the General Manager to execute Amendment 4 to the Professional Service Agreement (PSA) with Environmental Science Associates (ESA) in the amount of \$42,964 for the Water Reclamation Plant No. 4 (WRP4) Non-Potable Water Improvements Project Environmental Impact Report (EIR), and approve additional expenditures for a total request of \$67,964
- C. Operations – Approve the Updated Sewer System Management Plan and the Spill Emergency Response Plan
- D. Operations – Award a Contract Services Agreement for the Pond Liner 2A Liner Replacement Project at Water Reclamation Plant No. 4

ITEM 5 E was pulled for discussion

- E. Service & Communication – Legislative Update – SB 466 (Caballero) – CR-6 Civil Liability Exemption

On a motion by Director, Anthony Bianco second by Vice President, Castulo Estrada, the board approved the Consent Calendar, except for item 5E, which was pulled for discussion.

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

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

- 5. E.** Service & Communication – Legislative Update – SB 466 (Caballero) – CR-6 Civil Liability Exemption. Questions were



answered regarding the status of SB 466 in the applicable legislative committees.

On a motion by Director, John Aguilar second by Vice President, Castulo Estrada, the board accepted and approved the Legislative Update on SB 466 (Caballero), CR-6 Civil Liability Exemption.

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

7. ORDINANCE(S) FOR ADOPTION

- A. **Adopt Ordinance No. 1436 of the Coachella Valley Water District (CVWD) Board of Directors Adopting an Administrative Remedies Procedure for Challenges to Fees, Charges, and Assessments**

RECOMMENDED ACTION: Adopt Ordinance No. 1436, an Ordinance of the Coachella Valley Water District Board of Directors, Adopting an Administrative Remedies Procedure for Challenges to Fees, Charges, and Assessments and adding a new Chapter 5.10 to the CVWD Code.

On a motion by Director, John Aguilar second by Director, Anthony Bianco, the board adopted Ordinance No. 1436, an Ordinance of the Coachella Valley Water District (CVWD) Board of Directors Adopting an Administrative Remedies Procedure for Challenges to Fees, Charges and Assessments.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

8. ACTION CALENDAR

Administration

- A. **Authorize the General Manager to execute the Third Amendment to the Delivery and Exchange Agreement between The Metropolitan Water District of Southern California and the Coachella Valley Water District for 35,000 acre-feet.**

RECOMMENDED ACTION: Authorize the General Manager to execute the Third Amendment to the Delivery and Exchange Agreement (Third Amendment) between The Metropolitan Water District of Southern



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

California (MWD) and the Coachella Valley Water District (CVWD) for 35,000 acre-feet (35 taf) for a total of 315,000 acre-feet (315 taf) to be

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delivered from 2027 to 2035 to the Whitewater Groundwater Replenishment Facility (Whitewater Facility). This amendment succeeds the Second Amendment to the Delivery and Exchange Agreement, which provided assurance of deliveries to the Whitewater Facility from 2019 to 2026. Any water delivered under this Third Amendment before 2027 will satisfy the obligations under this amendment and will not replace the delivery obligations under the Second Amendment.

Changes to the Third Amendment include updates to the unit costs and a provision for predelivery of up to 200,000 acre-feet (200 taf) in 2025 and 2026. Any volume delivered before 2027 will not be satisfied by using water available in the advance delivery account, as established by the Advance Delivery Agreement between MWD and CVWD.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved and authorized the General Manager to execute a Third Amendment to the Delivery and Exchange Agreement between the Metropolitan Water District of Southern California (MWD) and the Coachella Valley Water District (CVWD) for 35,000 acre-fee (35 taf) for a total of 315,000 acre-feet (315 taf) to be delivered from 2027 to 2035 to the Whitewater Groundwater Replenishment Facility.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

Engineering

- B. **Authorize the General Manager to Execute a Construction Contract with Mamco, Inc. dba Alabbasi, as the lowest responsive and responsible bidder, in the amount of \$5,333,333, for the Irrigation Lateral 123.45-1.3-2.2 Division Box (IR1901) and 123.45-1.3-2.2 Pipeline Replacement Project - Phase 2 (IR2005), Specification No. 2025-15, and approve additional expenditures for the total request of \$6,305,754.**

RECOMMENDED ACTION:

It is recommended that the Board of Directors authorize the General Manager to execute a construction contract with Mamco, Inc., dba Alabbasi in the amount of \$5,333,333 for the construction of Irrigation Lateral 123.45-1.3-2.2 Division Box (IR1901) and 123.45-1.3-2.2 Pipeline Replacement Project - Phase 2 (IR2005), Specification No. 2025-15. This request includes authorization for the General Manager to execute sole-source Professional Services Agreements (PSAs) with Lee + Ro, Inc. and Michael Baker International in the amount of \$88,062 and \$174,920,



respectively, to provide engineering services during construction as the Engineers of Record. This request also includes authorization for the General Manager to execute Task Order No. 1 to the on-call PSA with Converse Consultants to provide geotechnical and concrete testing services during construction in the amount of \$99,165. Lastly, the request includes the following additional expenditures, for a total cost of this request of \$6,305,754.

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 due to the proximity of this project to real property in which he has a financial interest. Since President Powell was participating remotely, he was placed in the virtual waiting room during consideration of this matter.

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

- 1) authorized the General Manager to execute a construction contract with Mamco, Inc., dba Alabassi in the amount of \$5,333,333 for the construction of Irrigation Lateral 123.45-1.3-2.2 Division Box (IR1901) and 123.45-1.3-2.2 Pipeline Replacement Project, Phase 2 (IR2005), Specification No. 2025-15.
- 2) authorized the General Manager to execute sole-source Professional Services Agreements with Lee + Ro, Inc., and Michael Baker International in the amount of \$88,062 and \$174,920, respectively, to provide engineering services during construction as the Engineers of Record.
- 3) authorized the General Manager to execute Task Order No. 1 to the on-call PSA with Converse Consultants to provide geotechnical and concrete testing services during construction in the amount of \$99,165.
- 4) approved the following additional expenditures, for a total cost request of \$6,305,754:
 - CVWD Project Management and Engineering \$ 60,000
 - CVWD Inspection Services \$150,000
 - 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 issues in substantially the same form and content as the attached task order.
 - Environmental Cultural Monitoring \$75,000



- Riverside County Encroachment Permit (deposit-based fee includes inspection services) \$25,000
- Contingency (5%) \$300,274

Approved by the following vote:

Ayes: Estrada, Bianco, Nelson

Noes: Aguilar

Recuse: Powell

Motion Passed: 3-1

- C. **Authorize the General Manager to execute an Amended and Restated Agreement For Purchase and Sale of Real Estate with Outdoor Resorts/Palm Springs Owners Association**
RECOMMENDED ACTION: Authorize the General Manager to execute the Amended and Restated Agreement For Purchase and Sale of Real Estate (Amendment) with Outdoor Resorts/Palm Springs Owners Association (Outdoor) for the sale of a portion of Assessor Parcel No. (APN) 673-020-004. Public comment was received from Ed Vitrano.

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board approved and authorized the General Manager to execute an Amended and Restated Agreement for Purchase and Sale of Real Estate with Outdoor Resorts Palm Springs Owners Association, for the sale of a portion of Assessor Parcel No. (APN) 673-020-004.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

- D. **Authorize the General Manager to Execute a Special Domestic Water System and Sanitation System Installation Agreement with Palm Creek Ranch, LLC.**

RECOMMENDED ACTION: Authorize the General Manager to Execute a Special Domestic Water System and Sanitation System Installation Agreement with Palm Creek Ranch, LLC for the Palm Creek Ranch Development (Tract 36805) located in the Thousand Palms community of Riverside County. In addition, authorize the General Manager to reimburse Palm Creek Ranch up to \$65,000 for the cost to oversize a proposed 18-inch diameter gravity sewer pipeline to a 36-inch diameter gravity sewer pipeline based on competitive bids and the process outlined in the subject Agreement.



On a motion by Vice President, Castulo Estrada second by Director, John Aguilar, the board approved and authorized the General Manager to execute a Special Domestic Water System and Sanitation System Installation Agreement with Palm Creek Ranch, LLC for the Palm Creek Ranch Development (Tract 36805) located in the Thousand Palms community of Riverside County; and authorized the reimbursement to Palm Creek Ranch up to \$65,000 for the cost to oversize a proposed 18-inch diameter gravity sewer pipeline to a 36-inch diameter gravity sewer pipeline based on competitive bids and the process outlined in the subject Agreement.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

Environmental Services

E. Water Supply Assessment for the Desert Hot Springs Newland Project

RECOMMENDED ACTION: Approve the Water Supply Assessment (WSA) for the Desert Hot Springs Newland Project.

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved the Water Supply Assessment (WSA) for the Desert Hot Springs Newland Project.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

Finance

- F. Adopt Resolution 2025-08, approving an Agreement with Public Agency Retirement Services (PARS) to establish a combo Section 115 Pension and OPEB Trust with Public Agency Retirement Services (PARS) and associated actions to fund and establish the Trust.**
- RECOMMENDED ACTION:** Adopt Resolution 2025-08, approving an Agreement with Public Agency Retirement Services (PARS) to establish a combo Section 115 Pension and OPEB Trust; close the Public Financial Management (PFM) OPEB account and authorize the transfer of all funds from PFM to PARS to fund the Other Post Employee Benefits (OPEB) Trust; approve the formation of a new Pension Trust Fund; and approve a payment of \$5,000,500 to establish the Pension Trust Fund.



On a motion by Board President, John Powell second by Vice President, Castulo Estrada, the board approved the following actions:

- 1) adopted Resolution No. 2025-08, approving an Agreement with Public Agency Retirement Services (PARS) to establish a combo Section 115 Pension and OPEB Trust with Public Agency Retirement Services (PARS).
- 2) approved closing the Public Financial Management (PFM) OPEB account and authorized the transfer of all funds from PFM to PARS to fund the Other Post Employee Benefits (OPEB) Trust
- 3) approved the formation of a new Pension Trust Fund
- 4) approved a payment of \$5,000,500 to establish the Pension Trust Fund

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

- G. **Receive and file the Cost of Service Canal Water Rate Study for the Canal Water Fund and authorize preparation and mailing of Proposition 218 Notices for the Proposed Canal Rate Increases for Fiscal Years 2026 through 2030**

RECOMMENDED ACTION: It is recommended that the Board of Directors receive and file the Cost of Service Canal Rate Study for the Canal Water Fund. In addition, it is recommended that the Board authorize the preparation and mailing of Proposition 218 Notices for the Proposed Canal Rate Increases for Fiscal Years 2026 through 2030.

On a motion by Director, John Aguilar second by Director, Anthony Bianco, the board received and filed the Cost of Service Canal Water Rate Study for the Canal Rate Study for the Canal Water Fund, and authorized the preparation and mailing of Proposition 218 Notices for the Proposed Canal Rate Increases for Fiscal Years 2026 through 2030.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Aguilar, Nelson

Noes: None

Motion : 5-0

Operations

- H. **Approve and Authorize the Execution of an Agreement for Initiation and Continuation of Domestic Water Service for Model Homes and Compliance with Nonpotable Water Service Requirements**
- RECOMMENDED ACTION:** Approve and authorize the General Manager to execute the Agreement for Initiation and Continuation of Domestic Water



Service for Model Homes and Compliance with Nonpotable Water Service Requirements (Agreement).

On a motion by Board President, John Powell second by Director, Anthony Bianco, the board approved and authorized the General Manager to execute the Agreement for Initiation and Continuation of Domestic Water Service for Model Homes and Compliance with Nonpotable Water Service Requirements (Agreement).

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

9. INFORMATIONAL ITEMS AND REPORTS

A. Written Communications to the Board as filed

I. 05-13-2025 Communications Log

B. Informational Presentations to the Board

I. Proposed Compliance Plan to comply with California's Hexavalent Chromium MCL

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

A. Board General Comments

- Director Bianco - requested study session for the district's proposed landscape ordinance to review ordinance redline.
- Director Nelson commented on the 50 percent allocation on the State Water Project.
- Director Aguilar – had no comment.
- Director Estrada – had no comment.
- Director Powell reported attending the Western Growers meetings in Washington, D.C. and noted that Jason Phillips, CEO of Friant Water Authority, is running for Commissioner of the Bureau of Reclamation.

B. Board Requests for Future Agenda Items

11. BOARD MEETING REPORTS

A. Meetings and Conference Reports



- i. April 23, 2025, Golf and Water Task Force Meeting (Director Bianco)
- ii. April 25, 2025, Conference call with Finance staff regarding canal rate study (Director Powell)
- iii. April 25, 2025, Conference call with Special Counsel Buzz Thompson (Director Powell)
- iv. April 25, 2025, The Living Desert Board of Trustees Organization Meeting (Director Bianco)
- v. April 28, 2025, Meeting with General Manager Jim Barrett and Director of Engineering Carrie Oliphant regarding various developments (Director Aguilar)
- vi. April 28, 2025, Meeting with Newland Capital Group regarding new development (Director Aguilar)
- vii. April 28, 2025, California Farm Water Coalition Meeting (Director Nelson) ***Did not attend*
- viii. May 7, 2025, Special Board Meeting
- ix. May 8, 2025, Environmental Assessment Committee Meeting (Director Estrada) ***Did not attend*
- x. May 8, 2025, Energy and Sustainability Committee Meeting (Director Bianco)
- xi. May 9, 2025, Legislative Business Breakfast with Senator Ochoa-Bogh (Director Nelson)

Additional Meetings Reported

- xii. May 6, 2025, Coachella Valley Irrigated Lands Coalition Meeting (Directors Powell and Nelson)
- xiii. May 8, 2025, CA Section 5 Contractors Meeting (Director Nelson)

- B. Approval of per-diem for meetings reported

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

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Motion Passed: 5-0

12. REPORTS

- A. General Manager, Jim Barrett, had no report.
- B. Counsel, Jeff Ferre, had no report.



C. Departments – None

13. ADJOURNMENT

There being no further business to discuss, Board Vice President Estrada adjourned the meeting at 11:31 a.m. The next regular meeting is scheduled for Tuesday, May 28, 2025, at 8:00 a.m. at the District's Coachella office.

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

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