



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**

January 23, 2024

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 Coachella Valley Water District Board of Directors to order at 8:00 a.m., Tuesday, January 24, 2024, at the office of the District in Palm Desert, California.

2. ROLL CALL

Present: Board President John Powell
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson arrived at 8:07 a.m.

Absent: Vice President Castulo Estrada

Staff Present: General Manager Jim Barrett
General Counsel Jeff Ferre
Clerk 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.

5. CONSENT CALENDAR

- A. Administration – Accept and file the General Manager's Report of Authorizations, Executions and Acceptance of Documents for November 2023
- B. Administration – Accept and file the General Manager's Report of Activities for November 2023
- C. Administration – Accept and file the General Manager's Report of Authorizations, Executions and Acceptance of Documents for December 2023
- D. Administration – Accept and file the General Manager's Report of Activities for December 2023
- E. Administration – Approve CVWD's participation with Community Water Systems Alliance for CY 2023 and approve membership dues in an amount not to exceed \$10,000
- F. Administration – Approve payment of 2024 Urban Water Institute (UWI) Membership dues in the amount of \$1,375
- G. Administration – Approve payment of 2024 National Water Resources Association (NWRA) Municipal Caucus Annual dues in the amount of \$525
- H. Clerk of the Board – Minutes of the January 2, 2024, Special Meeting and January 9, 2024, Regular Meeting of the Coachella Valley Water District Board of Directors
- I. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of November 2023
- J. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of December 2023
- K. Environmental Services – Adopt California Environmental Quality Act (CEQA) Addendum No.2 to the Valley View Mobile Home Park Water Consolidation Project Certified Mitigated Negative Declaration and

Subsequent Mitigated Negative Declaration (MND) and authorize staff to file a Notice of Determination (NOD)

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board approved the Consent Calendar as presented.

Approved by the following roll vote:

Ayes: Powell, Aguilar, Bianco

Noes: None

Absent: Estrada, Nelson

Motion Passed: 3-0

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

No items were pulled.

7. ORDINANCE(S) FOR ADOPTION

- A. **Amend Ordinance No. 1442 and Approve Ordinance No. 1442.1 (An Ordinance Providing for the Employment, Classification, and Compensation of Coachella Valley Water District Employees RECOMMENDED ACTION:** Amend Ordinance 1442 and Approve Ordinance 1442.1 as proposed.

On a motion by Director, John Aguilar second by Director, Anthony Bianco, the board rescinded Ordinance No. 1442, and approved Ordinance No. 1442.1, an ordinance titled, An Ordinance Providing for the Employment, Classification and Compensation of Coachella Valley Water District Employees.

Approved by the following roll call vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

8. ACTION CALENDAR

Engineering

- A. **Authorize the General Manager to reject all bids for the WRP 7 Aeration Improvements Project, Specification No. 2022-24, and authorize the General Manager to execute a Task Order No. 4 with Jacobs to modify the design of the Project, approve the solicitation of bids for the modified Project, and approve additional expenditures for a total request of \$544,921 RECOMMENDED ACTION:** Authorize the General Manger to reject all bids for the WRP 7 Aeration Improvements Project, Specification No. 2022-24

(Project), authorize the General Manager to execute Task Order No. 4 with Jacobs in the amount of \$474,921 to re-design the Project and authorize the solicitation of bids for the Project after the re-design is completed.

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

- authorized the rejection of bids for the WRP 7 Aeration Improvements Project, Specification No. 2022-24 (project)
- authorized the General Manager to execute Task Order No. 4 with Jacobs in the amount of \$474,921 to re-design the Project
- authorized the solicitation of bids for the Project after the re-design is completed.
- approved additional expenditures for a total expenditure of \$544,921:
 - CVWD Project Management and Engineering \$ 20,000
 - Project Contingency \$ 50,000

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

- B. **Authorize the General Manager to award a Professional Services Agreement to West Yost & Associates, Inc. in the amount of \$1,141,191 for the Evaluation of Options to Comply with California's Proposed Hexavalent Chromium Maximum Contaminant Level Project and approve additional expenditures for a total request of \$1,228,251**
RECOMMENDED ACTION: Authorize the General Manager to execute a Professional Services Agreement (PSA) with West Yost & Associates, Inc. in the amount of \$1,141,191 for the Evaluation of Options to Comply with California's Proposed Hexavalent Chromium Maximum Contaminant Level Project (Project).

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board authorized the General Manager to execute a professional services agreement (PSA) with West Yost & Associates, Inc., in the amount of \$1,141,191 for the evaluation of options to comply with California's Proposed Hexavalent Chromium Maximum Contaminant Level Project (Project); and approved the additional expenditures in the amount of \$87,060, for a total cost of \$1,228,251:

- Project Management - \$30,000
- Contingency (5%) - \$57,060

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

- C. **Award a Construction Contract to Pacific Hydrotech Corporation, as the lowest responsive and responsible bidder, in the amount of \$8,256,900, and execute an amendment to the Infrastructure Project Funding Agreement, dated August 30, 2022 with the County of Riverside using American Rescue Plan Act (ARPA) Funds, for the Lift Station 55-11 Upgrade Project, Specification No. 2022-18, and approve additional expenditures for a total request of \$9,722,557**
RECOMMENDED ACTION: Approve the following actions related to the Lift Station 55-11 Upgrade Project, Specification No. 2022-18:

Award a Construction Contract to Pacific Hydrotech Corporation, as the lowest responsive and responsible bidder, in the amount of \$8,256,900 for the Lift Station 55-11 Upgrade Project, Specification No. 2022-18

Authorize the General Manager to execute a Construction Contract to Pacific Hydrotech Corporation in the amount of \$8,256,900 for the Lift Station 55-11 Upgrade Project, Specification No. 2022-18

Authorize the General Manager to execute an amendment to the Infrastructure Project Funding Agreement, dated August 30, 2022 with the County of Riverside using American Rescue Plan Act (ARPA) Funds

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved the following actions related to the Lift Station 55-11 Upgrade Project, Specification No. 2022-18:

- awarded a Construction Contract to Pacific Hydrotech Corporation, as the lowest responsive and responsible bidder, in the amount of \$8,256,900 for the Lift Station 55-11 Upgrade Project, Specification No. 2022-18
- authorized the General Manager to execute a Construction Contract to Pacific Hydrotech Corporation in the amount of \$8,256,900 for the Lift Station 55-11 Upgrade Project, Specification No. 2022-18
- authorized the General Manager to execute an amendment to the Infrastructure Project Funding Agreement, dated August 30, 2022 with the County of Riverside using American Rescue Plan Act (ARPA) Funds
- approved the following expenditures for a total request of \$9,722,557:
 - CVWD Project Management and Engineering – \$135,000

- Task Order No. 1 with Dudek for Engineering Services During Construction – \$310,402
- Task Order No. 2 with NV5 West, Inc. for Soils Testing Services – \$215,255
- CVWD Inspection Services – \$390,000. Inspection services for this Project will be provided by CVWD inspection staff and/or On-Call Inspection Consulting Firms. If an On-Call Inspection Consulting Firm is used, a Task Order will be executed.
- Project contingency (5% Bid Cost) – \$415,000

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

- D. **Approve Solicitation of Bids for the Well Rehabilitation Project, Phase 3 (FY23-24 Strategic Initiative), Specification No. 2023-44**
RECOMMENDED ACTION: Approve the solicitation of bids for the construction of the Well Rehabilitation Project, Phase 3 (Project) to rehabilitate Well 5662-1 in the Valley Pressure Zone, which is currently offline, and located near San Pablo Avenue in the City of Palm Desert. This Project is included in the FY 23-24 Strategic Plan.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved the solicitation of bids for the Well Rehabilitation Project, Phase 3 (FY23-24 Strategic Initiative), Project to rehabilitate Well 5662-1 in the Valley Pressure Zone, which is currently offline, and located near San Pablo in the City of Palm Desert.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

Finance

E. Approve Resolutions Updating the Authorized Banking and Investments Signatory for Coachella Valley Water District

RECOMMENDED ACTION: Approve six (6) resolutions, updating authorized personnel for the investment and banking transactions for the Coachella Valley Water District:

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved six (6) resolutions, updating authorized personnel for the investment and banking transactions for the Coachella Valley Water District:

- Resolution No. 2024-01, A Resolution Designating Authorized Representatives to Sign Checks
- Resolution No. 2024-02, A Resolution Designating Authorized Representatives to Transfer Funds
- Resolution No. 2024-03, A Resolution Designating Authorized Representatives for US Bank Investment Transactions
- Resolution No. 2024-04, A Resolution Designating Authorized Investment Representatives of CVWD Monies in Riverside County Treasurer's Pooled Investment Fund (TPIF)
- Resolution No. 2024-05, A Resolution Designating Authorized Investment Representatives of CVWD in the California Asset Management Trust and to Invest in Shares of the Trust and in Individual Portfolios
- Resolution No. 2024-06, A Resolution Designating Authorized Investment Representatives of CVWD Monies in The Local Agency Investment Fund (LAIF)

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Motion Passed: 4-0

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
- B. Board Requests for Future Agenda Items

11. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- i. December 6, 2023, Meeting with State Water Board staff – multiple sites (Director Estrada) - continued to next meeting
- ii. January 9, 2024, Meeting with staff and Federal Lobbyists (Director Estrada) - continued to next meeting
- iii. January 10, 2024, Meeting between CVWD and COD regarding Mecca/Thermal Campus (Director Estrada) - continued to next meeting
- iv. January 11, 2024, Coachella Valley Conservation Commission Meeting (Director Bianco)
- v. January 11, 2024, CVAG Energy and Sustainability Committee Meeting (Director Bianco) ****did not attend**
- vi. January 11, 2024, Pre-Meeting to discuss CVWD East Coachella Valley Infrastructure Celebration (Director Estrada) - continued to next meeting
- vii. January 12, 2024, Meeting with Assistant General Manager Cheng (Director Estrada) - continued to next meeting
- viii. January 12, 2024, Meeting with Section 5 Contractors (Director Nelson)
- ix. January 15, 2024, Call with Assistant General Manager Cheng regarding AWWA Conference and State Water Project (Director Nelson)
- x. January 16, 2024, Board Study Session (All members present)
- xi. January 17, 2024, Agua Caliente Mediation (Directors Powell and Estrada)
- xii. January 17, 2024, Disadvantaged Community Infrastructure Task Force Meeting (Director Powell) ****did not attend**
- xiii. January 17, 2024, Roundtable discussion with MWD Directors and representatives from Calleguas service area (Director Estrada) - continued to next meeting
- xiv. January 18, 2024, MWD Tour of Inspection Site (Director Estrada) - continued to next meeting
- xv. January 18, 2024, Salton Sea Authority Board Meeting (Director Aguilar) ****did not attend (technical issues)**
- xvi. January 19, 2024, Sites Reservoir Committee Meeting (Director Nelson)
- xvii. January 21, 2024, WELL speaking engagement (Director Nelson)
- xviii. January 22, 2024, Eastern Coachella Valley Community Celebration (Director Estrada) - continued to next meeting

Additional Meetings Reported

- xix. January 19, 2024, Meeting with General Manager and legal counsel regarding ongoing litigations (Director Powell)

xx. January 22, 2024, Desert Valley Builders Association Board Meeting (Director Powell)

B. Approval of per diem for meetings reported

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, 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

12. REPORTS

A. General Manager – No Report

B. Counsel – No Report

C. Departments – No Report

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: RAC Rates Howard Jarvis Taxpayers Association v. Coachella Valley Water District, et al., Riverside Superior Court Case No.s: SWP tax case in the trial court (RIC1825310); Canal appeal (4th DCA No. E0819996); RACS SLAPP appeal (4th DCA No. E079079); New domestic rate challenges: (CVRI2305843, CVRI2305795); FY 23 challenges (CVRI2203038, CVRI2203364, CVRI2204484); FY 24 challenges (CVRI2304311, CVRI2304703, CVRI2305556)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Coachella Valley Water District v Imperial Irrigation District, Case, Los Angeles County Case No. 22STCV00356
- 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. 5:13-cv-00883-JGB (SPx)

- D. 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
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (d)(1) Name of Case: Sierra Club et al., v. California Department of Water Resources, Sacramento Superior Court Case No. 34-2020-80003517 (Consolidated with No. 34-2020-00283112)
- F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8 Property is described as: Colorado River Water, point of diversion, Imperial Dam, place of use Riverside County.
Agency Negotiator: Robert Cheng, Assistant General Manager and Steve Abbott, Special Counsel
Negotiating Party: United States Bureau of Reclamation
Under negotiation: Price and terms of payment
- G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8 - Property is described as Assessor Parcel Nos. 651-130-057, 651-140-013, 651-140-014, 651-140-015, and 651-140-016
Agency Negotiator: Carrie Oliphant, Director of Engineering
Negotiating Party: Peter Tynberg
Under negotiation: Price and terms of payment

14. RECONVENE

- A. Report out of Closed Session
President Powell convened the meeting to Open Session; Counsel Jeff Ferre reported the following: Item 14F, on a motion by Director Aguilar, seconded by Director Nelson, the Board authorized the filing of an appeal as appropriate and in consultation with DWR and other respondents. The motion passed 4-0-1 with Vice President Estrada absent. There were no other reportable actions.

15. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 11:17 a.m. The next regularly scheduled meeting is on Tuesday, February 13, 2024, at 8:00 a.m. at the Steve Robbins Administration Building in Palm Desert.

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