



AGENDA STAFF REPORT

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Agenda Number: G
File ID: 0121.312.5

Section Name: Engineering
Project ID: SW0001

MEETING DATE: November 14, 2023

SUBJECT: Authorize the General Manager to execute the Reimbursement Agreement with Kinder Morgan, along with Task Order No. 2 with Clark Land Resources (Clark) for right of way and property acquisition services, and Task Order No. 4 with Woodard & Curran for CalOES/FEMA grant funding services for the North Cathedral City Regional Stormwater Project (SW0001)

TO: BOARD OF DIRECTORS

FROM: ENGINEERING/STORMWATER, CARRIE OLIPHANT

GENERAL MANAGER RECOMMENDATION:

RECOMMENDATION:

Authorize the General Manager to execute the Reimbursement Agreement with Kinder Morgan to relocate a 22-inch petroleum pipeline in the amount of \$3,356,968.

This request includes a recommendation for the Board of Directors to authorize the appropriate officer to execute Task Order No. 2 with Clark Land Resources (Clark) in the amount of \$207,040 to provide right of way and property acquisition services, and Task Order No. 4 with Woodard & Curran to provide CalOES/FEMA grant funding services in the amount of \$281,930.

Lastly, the request includes the following additional expenditures:

CVWD Engineering – \$20,000
Contingency – \$384,600

The total cost of this request is \$4,250,538.

BUDGET IMPACT:

The total cost of the North Cathedral City Regional Stormwater Project is \$4,257,524. The Project (SW0001) is currently funded via Pay-Go and included in the Stormwater Fund Fiscal 2023-24 Capital Improvement Budget in the amount of \$1,000,000. A budget amendment in the amount of \$3,250,538 is being requested to cover the remaining costs. This project was included in Resolution No. 2023-12 (adopted by the Board on June 13, 2023),

which will allow the District to include eligible costs for this project in a future bond issuance that is anticipated in FY 2026. Project costs incurred and funded by Pay-Go prior to the bond issuance will be reimbursed with bond proceeds once the issuance is completed.

PROCUREMENT METHOD:

☒ N/A

If other, please explain: .

BACKGROUND

The North Cathedral City Regional Stormwater Project consists of the design and construction of concrete slope protection, embankment improvements, and bridge undercrossing modifications to collect and convey regional flows from the Morongo Watershed between I-10 and the Union Pacific Railroad (UPRR) to the Whitewater River Stormwater Channel. The Project will remove approximately 50% of the flood hazards currently tributary to North Cathedral City and portions of Thousand Palms.

There are several remaining items that need to be resolved and/or completed for this Project. Below is a summary of the next steps:

1. Kinder Morgan Pipeline relocation plans
 - Staff has engaged with Kinder Morgan to cover the cost of relocating approximately 1,100 linear feet of an existing 22-inch petroleum pipeline. Since CVWD has no prior rights in this location, Kinder Morgan has declined to cover the costs. Kinder Morgan requires that they develop their own construction plans and specifications, and they require that they perform the construction. Kinder Morgan estimates that these plans will take approximately 6 months to complete. This timing aligns with a construction-ready project in July. The Reimbursement Agreement included as part of this Board action will allow for CVWD to cover the costs of design and construction without further delay in recognition of the priority for improving conveyance in this region.
2. Land Acquisition
 - In order to offset the permanent loss of 5.7 acres and temporary impacts of 17.3 acres to a Sonoran creosote bush scrub plant community and active sand field habitat to the Fringe-Toed Lizard, CVWD will place a conservation easement upon 42 acres of land within the existing Whitewater Floodplain Conservation Area (WFCA). CVWD currently owns 27 acres of the proposed 42 acres of land. Task Order No. 2 to Clark Land Resources (CLR) included as part of this Board action will allow for CLR to provide support in the acquisition of the remaining 15 acres. In addition, CLR will provide support in developing the plats and legals for an access easement that is needed between I-10 and UPRR for access during construction and for future operation and maintenance.
3. Benefit Cost Analysis
 - Staff is actively pursuing grants to fund all or a portion of the project. The FEMA Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), and Flood Mitigation Assistance (FMA) programs are administered by the California Office of Emergency Services (CalOES). It is anticipated these grant funding opportunities will be available in spring of 2024, however each of these funding programs require a Benefit Cost Analysis (BCA). Task Order No. 4 to Woodard & Curran included as part of this board action will allow the consultant to develop the BCA in advance of the posted opportunities to determine if a ratio greater than 1 can be achieved. If so, Woodard & Curran will proceed forward and develop the official BCA to apply to the programs. If it is found that the benefit/cost ratio of greater than 1 cannot be achieved, Woodard & Curran will stop work on this task.
4. Environmental Permitting
 - CEQA documentation is complete for this project, however the Engineer of Record (Michael Baker International) is actively working with the U.S. Army Corps of Engineers (USACE) to develop a non-jurisdictional determination for 404 permitting compliance, and the Regional Water Quality Control Board (RWQCB) for 401 permitting compliance as part of the Clean Water Act requirements. In addition, Michael Baker is working with the California Department of Fish and Wildlife (CDFW) for a Streambed Alteration Agreement, 1602 Permit. This work is estimated to be completed by July

2024.

5. Finalize Construction Plans and Specifications

- The construction plans and specifications are currently about 90% complete. The plans are estimated to be complete by June 2024.

If all these items are completed within the timeframe indicated, then the Project will be ready to bid in late summer 2024.

PRIOR BOARD ACTION:

June 23, 2020 – Task Order No. 7 to MBI

August 10, 2021 – Amendment No. 1 to Task Order No. 7 with MBI

June 13, 2023 - Reimbursement Resolution No. 2023-12 adopted by the Board

September 26, 2023 – PSA with MBI

DISTRICT STRATEGIC PLAN GOAL(S)/OBJECTIVES(S):

N/A

ENVIRONMENTAL IMPACT:

☒ Yes, attachments included:

☒ Mitigated Negative Declaration

Notice of Determination – Mitigated Negative Declaration (June 2023)

PUBLIC NOTICE REQUIRED

N/A

LEGAL REVIEW

N/A

ATTACHMENTS

Att 1 – BAI Map

Att 2 – Kinder Morgan Reimbursement Agreement

Att 3 – Clark Land Resources (Clark) Proposal

Att 4 – Task Order No. 2 with Clark

Att 5 – Woodard & Curran Proposal

Att 6 – Task Order No. 4 with Woodard & Curran

Att 7 – Budget Amendment

Att 8 – Notice of Determination