



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**

October 25, 2022

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 8:07 a.m., Tuesday, October 25, 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 Anthony Bianco
Director John Aguilar
Director Peter Nelson

Absent:

Vice President Cástulo R. Estrada

Staff Present:

General Manager, Jim Barrett
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. Closed Session Items 13D-N and one anticipated litigation 13A were removed from the Agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

Ed Luna provided public comment.

5. SPECIAL PRESENTATION & RECOGNITIONS

A. Employee recognitions for the month of October 2022 Anniversaries

- Todd Enoki, Electrical Crew Chief, 20 years
- Matt Loutsenhizer, Auto Shop Supervisor, 20 years

Retirement

- Armando Pacheco, Mechanical Technician II, 20 years

6. CONSENT CALENDAR

- A. Administration – Accept and file the General Manager's Report of Activities for September 2022
- B. Administration – Accept and file the General Manager's Report of Authorizations, Executions, and Acceptances of Documents during the month of September 2022
- C. Administration – Approve payment of National Water Resources Association (NWRA) Irrigation Caucus Fiscal Year 2022-23 Annual Dues in the amount of \$400
- D. Administration – Approve payment of WateReuse 2023 Annual Membership Dues in the amount of \$12,547.50
- E. Administration – Approve payment of Association of Metropolitan Water Agencies (AMWA) 2023 Annual Membership Dues in the amount of \$9,000
- F. Administration – Approve payment of American Water Works Association (AWWA) 2023 Annual Membership Dues in the amount of \$16,236
- G. Clerk of the Board – Affirm 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.
- H. Clerk of the Board – Approve the Minutes of the October 11, 2022, Coachella Valley Water District Board of Directors Regular Meeting
- I. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of September 2022
- J. Engineering – Authorize the Release of Funds up to \$28,348 from the Community Facilities District No. 102 to Complete Repairs to the Flood Control System at the Reserve

- K. ***PULLED FOR DISCUSSION*** --Environmental Services – Adoption of the Coachella Valley Water District 2022 Local Guidelines for Implementation of California Environmental Quality Act (CEQA)
- L. Environmental Services – Award a Professional Services Agreement with Advanced Chemical Transport, Inc. for a 2-year contract term, and up to three additional one-year terms, for a maximum term of 5 years in the amount of \$460,000 for On-Call Hazardous Waste Removal Services
- M. Environmental Services – Approve Payment of Annual Water Rights Permit Fees to State Water Resources Control Board for Fiscal Year 2022-2023 in the amount of \$189,210.70

On a motion by Director, John Aguilar second by Director Peter Nelson, the board approved Consent Calendar items 6A through J and L through M. Item 6K was pulled for discussion and voted on separately. Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion: 4-0

7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

- 6. K. **Environmental Services** – Adoption of the Coachella Valley Water District 2022 Local Guidelines for Implementation of California Environmental Quality Act (CEQA)

RECOMMENDED ACTION: Adopt the Coachella Valley Water District 2022 Local Guidelines for Implementation of California Environmental Quality Act (CEQA).

On a motion by Director, John Aguilar second by Board President, John Powell, the board adopted the Coachella Valley Water District 2022 Local Guidelines for Implementation of California Environmental Quality Act (CEQA).

Approved by the following roll vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion: 4-0

8. ACTION CALENDAR

Engineering

- A. **Approve and authorize the General Manager to execute Task Order No. 4 to the Biennial Professional Services Agreement with Krieger and Stewart, Inc. in the amount of \$80,900 to develop a feasibility study for The Quarry Country Club Non-Potable Water Connection Project**

(C02302), Specification No. 2022-39, and approve expenditures for a total request of \$105,900

RECOMMENDED ACTION: Approve and authorize the General Manager to execute Task Order No. 4 to the Biennial Professional Services Agreement (PSA) with Krieger and Stewart, Inc. (K&S) in the amount of \$80,900 to develop a feasibility study, cost estimate, and conceptual plans for the Quarry Country Club Non-Potable Water Connection Project (Project). This request includes the following additional expenditures: Project Management and Engineering - \$15,000 Contingency - \$10,000 The total cost of this request is \$105,900.

On a motion by Board President, John Powell second by Director, John Aguilar, the board approved and authorized the General Manager to execute Task Order No. 4 to the Biennial Professional Services Agreement with Krieger and Stewart, Inc., in the amount of \$80,900 to develop a feasibility study for the Quarry Country Club Non-Potable Water Connection Project (C02302), Specification No. 2022-39, and approved the following expenditures for a total request of \$105,900.

Approved by the following roll vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion: 4-0

- B. **Approve the Solicitation of Bids for the Construction of the Hydropneumatic Tank Replacement - Phase 2 (3 Tanks) Project, Specification No. 2022-30**

RECOMMENDED ACTION: Approve the solicitation of bids for the construction of the Hydropneumatic Tanks Replacement – Phase 2 (3 Tanks) Project, Specification No. 2022-30, located in Rancho Mirage and Bombay Beach in Riverside County and Imperial County, respectively.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved the solicitation of bids for the construction of the Hydropneumatic Tanks Replacement, Phase 2 (three tanks) Project, Specification No. 2022-30, located in Rancho Mirage and Bombay Beach in Riverside County and Imperial County, respectively.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

- C. **Award a Construction Contract to Downing Construction, Inc. in the amount of \$8,314,437 for the Adams Street Water Main Replacement Project, Specification No. 2022-41 and approve additional expenditures for a total request of \$9,725,000**

RECOMMENDED ACTION: Award a Construction Contract to Downing Construction, Inc. in the amount of \$8,314,437 for the Adams Street Water

Main Replacement Project, Specification No. 2022-41 and approve additional expenditures for a total of \$9,725,000.

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved the award of a Construction Contract to Downing Construction, Inc. (Downing) for the Adams Street Water Main Replacement Project (Specification No. 2022-41), in the amount of \$8,314,437, located north of Interstate 10 and east of Sun City Palm Desert and authorized the General Manager to execute the construction contract with Downing Construction for the Adams Street Water Main Replacement Project (Specification No. 2022-41); and authorized the following expenditures for a total cost of \$9,725,000:

- Project Management - \$50,000
- Professional Services Agreement with Michael Baker International for Construction Support Services - \$258,700
- Task Order 4 with RMA for Soils Testing - \$49,330
- CVWD Forces - \$260,000
- CVWD Inspection - \$220,000
- Contingency (6%) - \$572,533

Approved by the following roll vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion: 4-0

9. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communication to the Board – none received
- B. Informational Presentations to the Board

- i. GEOTAB Informational Update, presentation by Stewart Taylor, Fleet Manager and Dan Charlton, Assistant General Manager of Operations.

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

A. Board General Comments

- Director Nelson commented on Rockies snowfall, 19" Utah / North of Colorado River Shed"
- Director Aguilar had no report.
- Director Bianco asked about the completion of landscaping in Coachella; Assistant General Manager, Dan Charlton, reported the plants need to mature, before the landscaping can be addressed.
- Director Powell commented, he drove by the Alamo tank and stated the landscaping looked good.

B. Board Requests for Future Agenda Items – No requests

11. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- i. September 7, 2022, North Shore Elementary School Predevelopment Meeting (Director Estrada) *Continue report
- ii. September 29, 2022, All Valley Mayors and Tribal Chairpersons Luncheon (Director Estrada) *Continue report
- iii. October 4, 2022, Strategic Planning Workshop 2022 (Director Estrada) *Continue report
- iv. October 10, 2022, Speaker for Community Water Systems Alliance Tour (Director Estrada) *Continue report
- v. October 12, 2022, Colorado River Board Meeting (Directors Nelson and Estrada)
- vi. October 13, 2022, Salton Sea Authority Board Meeting (Directors Bianco and Estrada)
- vii. October 17, 2022, Discussion regarding Funding Opportunity for Voluntary Participation in the Lower Colorado Conservation and Efficiency Program (Director Bianco)
- viii. October 17, 2022, Desert Valleys Builders Association Meeting (Director Powell)
- ix. October 18, 2022, Meeting regarding Volvo Rancho Mirage (Directors Powell and Aguilar)
- x. October 19, 2022, Desert Valleys Builders Association October Public Officials Luncheon (Directors Powell, Nelson, Aguilar, Bianco, and Estrada)
- xi. October 24, 2022, California Farm Water Coalition Meeting (Director Nelson) **did not attend
- xii. October 24 to October 25, 2022, CalMutuals Annual Meeting (Director Estrada) *Continue report

Additional Meetings Reported:

- xiii. October 17, 2022, 7 Basin States Santa Fe follow up meeting (Director Nelson)
- xiv. October 20, 2022, Basin States, USBR, & U.S. Dept. of the Interior Meeting (Director Nelson)

B. Approval of Per Diem for Meetings Reported

On a motion by Director, John Aguilar second by Board President, John Powell, the board approved per diems for meetings reported.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

12. REPORTS

- A. General Manager – Jim Barrett, provided an update on COVID and announced a candidate has been selected for the Director of Finance, Richard Aragon. Also announced the new executive assistant Julia Breyer.
- B. General Counsel – Jeff Ferre provided an update on new Brown Act legislation dealing with the timing for posting additional agenda materials to a website and new options for maintaining order in public meetings.
- C. Departments – No Reports.

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9.
Three (3) Cases
- B. 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)
- 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. 5:20-cv-00174-JGB-SPx
- D. 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, RIC 1825310 (SWP Mandate)
- E. 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, RIC 1904943 (Canal)
- F. 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, RIC 1905897, Fourth District Court of Appeal Case Nos. E079712 and E079078 (RAC Mandate)
- G. 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, PSC 1904774, Fourth District Court of Appeal Case No. E078411 (MVP Lawsuit)
- 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, PSC 1905977
(SWP Validation FY2020):

- 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, PSC 2003606 (RAC Validation FY2021)
- J. 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, PSC 2003702 (SWP Validation FY2021)
- K. 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)
- L. 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)
- M. 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 2203038 (RAC Validation FY2023)
- N. 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 2203364 (SWP Validation FY2023)
- O. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 - Agency Negotiator: Jay Trinnaman, Scott Hunter, Dan Charlton, Bill Walters, Chris Chaffin - Employees' Organization: Coachella Valley Water District Employee Association (CVWDEA).

14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting into open session and announced there were no reportable actions. Items 13 D-N were not discussed.

15. ADJOURNMENT

There being no further business, President Powell adjourned the meeting at 12:25 p.m. The next regularly scheduled meeting is 8:00 a.m. on Tuesday, November 8, 2022, in Palm Desert.

DRAFT