



# COACHELLA VALLEY WATER DISTRICT

*Established in 1918 as a public agency*

## **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**

**June 27, 2023**

**51501 Tyler Street, Coachella,  
CA 92236**

## **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 8:04 a.m., Tuesday, June 27, 2023, at the office of the District in Coachella, California.

### **2. ROLL CALL**

#### *Present:*

Board President John Powell  
Vice President Castulo Estrada  
Director Peter Nelson

#### *Absent:*

Director John Aguilar  
Director Anthony Bianco

#### *Staff Present:*

General Manager Jim Barrett  
Counsel Jeff Ferre  
Clerk of the Board 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. No items removed or continued from the Agenda
- B. No emergency items added to the Agenda

- C. No changes to the order of the Agenda

**4. PUBLIC COMMENT**

No public comment received.

**5. SPECIAL PRESENTATION & RECOGNITIONS**

- A. Employee Recognition for May & June 2023

Retirement

- Francisco Lopez, Equipment Operator 1, 16 years (*not attending*)

Anniversaries

- Brad Porras, Distribution Operator I, 20 years (*not attending*)
- Luis Cervantes, Building Maintenance Tradesworker, 20 years (*not attending*)
- Jason Kasten, Building Maintenance Tradesworker, 20 years (*not attending*)

**6. CONSENT CALENDAR**

- A. Administration – Accept and file General Manager's Report of Activities for May 2022.
- B. Administration – Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents for May 2023
- C. Clerk of the Board – Accept and file the Secretary's Report for the month of May 2023
- D. Clerk of the Board – Minutes of the June 13, 2023 Regular Meeting of the Coachella Valley Water District Board of Directors
- E. Engineering – Authorize Execution of Tribal Monitoring Agreement and Additional Construction Contingency for the Adams Street Water Main Replacement Project, Specification No. 2022-41
- F. Finance – Fiscal Year 2023 Budget to Actual Financial Report for the Quarter Ending March 31, 2023
- G. **PULLED FOR DISCUSSION** - Finance – Approve the Proposed Changes to the CVWD State Water Project (SWP) Fund Reserve Policy
- H. Operations – Authorize the General Manager to execute a Contract Services Agreement with Houston and Harris PCS, Inc., in an amount not-

to-exceed \$510,000 for On-Call Jet Cleaning and Video Inspection of Gravity Sewer Lines

- I. Operations – Authorize the General Manager to execute a Contract Services Agreement with South West Pump & Drilling, Inc., in an amount not-to-exceed \$500,000 annually, or \$1,000,000 over the initial two-year contract period for On-Call Pump and Well Maintenance Services

***On a motion by Director Nelson, second by Director Estrada***, the board approved the Consent Calendar, with the exception of item 6G, that was pulled for discussion.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

## **7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION**

- 6 G.** Finance – Approve the Proposed Changes to the CVWD State Water Project (SWP) Fund Reserve Policy.

**RECOMMENDED ACTION:** Approve the Proposed Changes to the CVWD State Water Project (SWP) Fund Reserve Policy.

***On a motion by Director Estrada, second by Director Nelson***, the board approved the Consent Calendar, with the exception of item 6G, that was pulled for discussion.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

## **8. ACTION CALENDAR**

### **Engineering**

- A. Grant the request of the Van Dyke Corporation, the apparent low bidder, to withdraw their bid due to a mistake in filling out the bid as permitted by Public Contract Code 5103 and authorize the General Manager to execute a Construction Contract with MNR Construction Inc. in the amount of \$16,207,270 for the North Shore Water Main Replacement and Dale Kiler Road Water Main Replacement Projects, Specification No. 2022-1, and approve additional expenditures for a total request of \$18,435,740.

**RECOMMENDED ACTION:** Approve actions related to the North Shore Water Main Replacement and Dale Kiler Road Water Main Replacement Project, Specification No. 2022-1:

***On a motion by Vice President, Castulo Estrada second by Director Nelson,*** the board approved the following actions related to the North Shore Water Main Replacement and Dale Kiler Road Water Main Replacement Project, Specification No. 2022-1;

- i. Grant the request of the Van Dyke Corporation, the apparent low bidder, to withdraw their bid due to a mistake in filling out the bid as permitted by Public Contract Code 5103
- ii. Award a Construction Contract to MNR Construction, Inc., in the amount of \$16,207,270 for the construction of the North Shore Water Main Replacement and Dale Kiler Road Water Main Replacement Project, Specification No. 2022-1
- iii. Authorize the General Manager to execute a Construction Contract with MNR Construction Inc., in the amount of \$16,207,270 for the construction of the North Shore Water Main Replacement and Dale Kiler Road Water Main Replacement Projects, Specification No. 2022-1, located in the communities of North Shore and Mecca, respectively, in Riverside County
- iv. Authorize the following expenditures for a total request of \$18,435,740
  - Project Management and Engineering in the amount of \$150,024

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

### **Environmental Services**

**B. California Environmental Quality Act (CEQA) review for the North Cathedral City Regional Stormwater Project**

**RECOMMENDED ACTION:** Certify the Final Initial Study and Mitigated Negative Declaration (MND), adopt the Mitigation Monitoring and Reporting Plan (MMRP) for the North Cathedral City Regional Stormwater Project, and authorize staff to file a Notice of Determination (NOD) to complete the CEQA review for the project.

***On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada,*** the board certified the Final Initial Study and Mitigated Negative Declaration (MND), adopt the Mitigation Monitoring and Reporting Plan (MMRP) for the North Cathedral City Regional Stormwater Project, and authorize staff to file a Notice of Determination (NOD) to complete the CEQA review for the project.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion:** 3-0

## Finance

- C. **Approve the solicitation of bids to procure a new or upgraded enterprise resource planning (ERP)/utility billing (UB) solution with the potential for third-party software integrations**  
**RECOMMENDED ACTION:** Approve solicitation of bids for the procurement of a new or upgraded ERP/UB solution with the potential for third-party software integrations.

***On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada,*** the board approved solicitation of bids for the procurement of a new or upgraded ERP/UB solution with the potential for third-party software integrations.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Abstain:** None

**Recuse:** None

**Motion Passed:** 3-0

## Service & Communication

- D. **Reconsideration of CVWD's position on SB 583 (Padilla): Salton Sea Conservancy**  
**RECOMMENDED ACTION:** Staff seeks a revised position to SB 583 following the version of the bill released for the Assembly Natural Resources Committee.

***On a motion by Vice President, Castulo Estrada second by Board President, John Powell,*** the board reconsidered CVWD's position on SB 583 (Padilla): Salton Sea Conservancy, and approved a SUPPORT if amended position, per the California Assembly's Committee on Natural Resources Bill Analysis, regarding the Conservancy's governing board.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Abstain:** None

**Recuse:** None

**Motion Passed:** 3-0

## 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

- Director Nelson reported Article 21 water is continued through July 4, suspended July 5-11; reported that with El Nino confirmed, next year could lead to wetter season, and concerns of carry overs in San Luis Reservoir, which may be susceptible to spills.
- Director Estrada reported on ongoing meetings with EPA regarding the Oasis Mobile Home Park, are now held quarterly.
- Director Powell had no report.

B. Board Requests for Future Agenda Items

- None requested

## 11. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- May 24, 2023, SAFER Advisory Group Meeting No. 2 (Director Estrada)
- May 25, 2023, Local Agency Formation Commission (LAFCO) Meeting (Director Estrada)
- May 30, 2023, 2:2 Meeting between CVWD and Cathedral City (Director Estrada)
- June 1, 2023, 2:2 Meeting between CVWD and Imperial Irrigation District (Director Estrada)
- June 1, 2023, North Lake Pilot Demonstration Project – Water Supply/Ag Drain discussion (Director Estrada)
- June 15, 2023, Colorado River Board Meeting (Directors Nelson and Estrada) *\*Estrada did not attend*
- June 15, 2023, Six Agency Committee Meeting (Director Nelson)
- June 15, 2023, Special Meeting of the Salton Sea Authority Board of Directors (Director Estrada)
- June 20, 2023, Study Session – Class & Compensation (Directors Powell, Nelson and Bianco)
- June 21, 2023, Agua Caliente Meet and Greet (Directors Powell and Estrada)
- ~~June 22, 2023, LAFCO Public Hearing (Director Estrada) \*remove~~

- xii. June 22, 2023, Salton Sea Authority Board Meeting (Director Estrada) *\*Did not attend*
- xiii. June 26, 2023, California Farm Water Coalition Meeting (Director Nelson)
- xiv. June 26, 2023, Desert Valley Builders Association Board of Directors Meeting (Director Powell) *\*Did not attend*
- xv. June 26, 2023, Coachella Valley Association of Governments 2023 General Assembly & 50th Celebration (Director Estrada) *\*Did not attend*

**Additional Meetings Reported**

- xvi. June 14, 2023, Colorado River Water Users Association (CRWUA) Board meeting (Director Powell)
- xvii. June 19, 2023, California Section 5 Contractors Call (Director Nelson)
- xviii. June 20, 2023, Pre-call in preparation for 6/21 call with Senator Padilla re: SB 583 (Directors Powell and Estrada)
- xix. June 20, 2023, Meeting with CVWD Assistant GM Robert Cheng regarding Bucket 2 Meeting and golf course conservation (Directors Powell and Nelson)
- xx. June 21, 2023, Conference call with Senator Padilla re: SB 583 (Directors Powell and Estrada)
- xxi. June 22, 2023, 2024 Annual Operating Plan: First Consultation (Director Nelson)
- xxii. June 22, 2023, Autonomous University of Baja California Water Forum (Director Estrada)
- xxiii. June 26, 2023, Conference call with Salton Sea Authority and Riverside County regarding additional discussions on Senator Padilla's Bill (Director Estrada)

- B. Approval of per diem for meetings reported

***On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada***, the board approved per diem for meetings reported.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion:** 3-0

## **12. REPORTS**

- A. General Manager, Jim Barrett, reported on the open house for the SCADA master program; attending the ACWA Region 10 meeting on Thursday, 6/29.
- B. Counsel, Jeff Ferre, had no report.
- C. Departments – No reports.

### **13. CLOSED SESSION AGENDA**

- A. 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. 5:20cv00174JGBSPx
- 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. 5:13cv00883JGB(SPx)
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9. One (1) Case
- 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, CVRI 2203364 (SWP Validation FY2023)
- 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, CVPS 2102910 (SWP Validation FY2022)
- 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, PSC 2003702 (SWP Validation FY2021)
- 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 1905977 (SWP Validation FY2020)



- 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, RIC 1825310 (SWP Mandate)

#### **14. RECONVENE**

- A. Report out of Closed Session  
President Powell reconvened the meeting to Open Session and announced there were no reportable actions.

#### **15. ADJOURNMENT**

There being no further business to discuss, President Powell adjourned the meeting at 9:45 a.m. The next regularly scheduled meeting is on Tuesday, July 11, 2023, at 8:00 a.m. at the Coachella office.

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