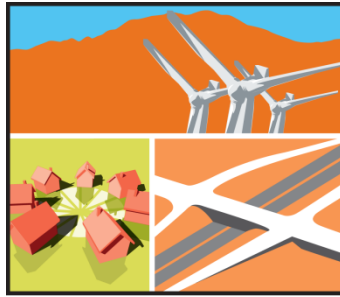


**EXECUTIVE COMMITTEE MEMBERS WILL RECEIVE A UNIQUE PANELIST LINK BY EMAIL.
PLEASE USE THIS LINK TO PARTICIPATE IN THIS MEETING.**



CVAG

EXECUTIVE COMMITTEE AGENDA

**MONDAY, DECEMBER 5, 2022
4:30 p.m.**

Pursuant to Assembly Bill 361 and the findings made by CVAG, this meeting will only be conducted via video/teleconferencing.

INSTRUCTIONS FOR PUBLIC PARTICIPATION

Members of the public may use the following link:

<https://us02web.zoom.us/j/89088833662?pwd=RmgrdTM3OXZjYnptOEJHdmZkQUZGQT09>
Password: 987678

One Tap Mobile: +16699009128,,89088833662#

Dial In: +1 669 900 9128

Webinar ID: 890 8883 3662

Password: 987678

***This will provide listening access and ability to address the
Executive Committee when called upon.***

IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346-1127.

Public Comment is encouraged to be emailed to the Executive Committee prior to the Meeting at cvag@cvag.org by 5:00 p.m. on the day prior to the committee meeting. Comments intended to be read aloud should be no more than 300 characters.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

1. **CALL TO ORDER** – Chair Steven Hernandez, Mayor, City of Coachella

2. **ROLL CALL**

A. **Member Roster**

P6

3. **PLEDGE OF ALLEGIANCE**

4. **AGENDA MODIFICATIONS (IF ANY)**

5. **PUBLIC COMMENTS ON AGENDA ITEMS**

This is the time and place for members of the public to address the Executive Committee on agenda items. At the discretion of the Chair, comments may be taken at the time items are presented. Please limit comments to three (3) minutes.

6. **CHAIR / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

7. **CONSENT CALENDAR**

A. **Approve the September 26, 2022 Executive Committee Meeting Minutes**

P7

B. **Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of CVAG committees**

P13

C. **Receive and file the quarterly report for the CV Housing First program, representing clients served in the third quarter of 2022**

P14

D. **Authorize the Executive Director to take the necessary steps to apply for the Southern California Association of Governments' Regional Early Action Planning (REAP) 2.0 program for a project that assess public right of way availability for affordable housing and a micro-housing pilot project**

P17

E. **Adopt Policy 22-01, formalizing Transportation Uniform Mitigation Fee program compliance requirements**

P19

F. **Adopt the 2023 State and Federal Legislative Platform**

P22

7.1 **ITEM(S) HELD OVER FROM CONSENT CALENDAR**

8. **DISCUSSION / ACTION**

A. **Contract for the Regional PM10 Street Sweeping Program – Emmanuel Martinez**

P37

Recommendation: Authorize the Executive Director to execute a services contract with CleanStreet for regional street sweeping services through 2025, with an option for two, one-year extensions, for a not-to-exceed annual amount of \$763,573.96

B. Next Steps for the Arts and Music Line – Jonathan Hoy

P88

Recommendation: Authorize the Chair and/or Executive Director to:

1. Take the necessary steps accept \$36.483 million in Active Transportation Program Funding, conditional on approval by the California Transportation Commission; and
2. Execute Amendment No. 2 to the agreement with Albert A. Webb Associates for a not to exceed amount of \$1,060,000, including 10 percent contingency; and authorize the Executive Director and/or Legal Counsel to make clarifying changes/revisions before execution; and
3. Execute amendments to existing reimbursement agreements with the Cities of Coachella, Indio and La Quinta to adjust the local share of pre-construction services

C. Formula Funding Distribution with Riverside County Transportation Commission – Jonathan Hoy

P138

Recommendation: Authorize the Executive Director to negotiate a Memorandum of Understanding (MOU) between Riverside County Transportation Commission (RCTC) and the Coachella Valley Association of Governments (CVAG) to outline certain formula funding distributions between RCTC and CVAG as follows:

Measure A

- 1) Distribute Measure A funds as directed in the Measure A Ordinance and Expenditure Plan approved by Riverside County voters in 2002;

Local Transportation Fund Planning

- 2) Distribute Local Transportation Fund (LTF) Planning funds to CVAG following the RCTC-adopted distribution formula;

State Transportation Improvement Program

- 3) Distribute State Transportation Improvement Program (STIP) funds consistent with the 1998 Memorandum of Understanding (MOU) with Western Riverside Council of Governments (WRCOG) and CVAG;
- 4) Revise STIP Planning, Programming, and Monitoring (PPM) distribution to CVAG from a set dollar amount to the Coachella Valley percentage share of taxable sales applied to annual STIP PPM allocation amounts following the procedures contained herein;

Local Partnership Program Formula

- 5) Distribute Local Partnership Program (LPP) Formula funds to CVAG for the eastern county share of taxable sales; and
- 6) Coordinate with CVAG leading up to each LPP Formula cycle to communicate the eastern county LPP Formula share balance and determine if there is an eligible eastern county project on which to program the funds

D. Next Steps for the Interstate 10/ Monroe Street Interchange Project – Jonathan Hoy

P145

Recommendation: Authorize CVAG regional transportation funding in the amount of \$30,847,500 for the Interstate 10/ Monroe Street Interchange Project in order to unlock additional funding sources and direct the Executive Director to work with the Riverside County Transportation Commission (RCTC) to allocate additional Local Partnership Program (LPP) formula funds and Surface Transportation Block Grant (STBG) funding for the project

E. Reimbursement Agreement for Jefferson Street Widening (Avenue 38 to Sun City Boulevard) – Eric Cowle

P149

Recommendation: Approve the Reimbursement Agreement with the City of Indio for the Jefferson Street Widening Project (Avenue 38 - Sun City Boulevard), providing a not-to-exceed amount of \$225,000 in regional funding for the Preliminary Design and Environmental Studies (PS&E) Phase

F. Construction Contract for CV Sync – Phase II – Eric Cowle

P164

Recommendation: Authorize the Executive Director to:

1. Execute a construction contract with Crosstown Electrical & Data, Inc., for a not-to-exceed amount \$86,704,608.80 for Phase II of CV Sync, and authorize the Executive Director and/or Legal Counsel to make clarifying changes to the contract before execution; and
2. Work with the Riverside County Transportation Commission to allocate additional federal Congestion Management and Air Quality (CMAQ) funds to Phase II of the regional Traffic Signal Synchronization Project (CV Sync)

9. INFORMATION

- | | |
|--|-------------|
| a) Executive Committee Attendance | P183 |
| b) CVAG Regional Arterial Program – Project Status Report | P184 |
| c) Bicycle/Pedestrian Safety Program – Project Status Report | P185 |
| d) Status of I-10 Interchange Projects | P186 |
| e) SB 535 and California Climate Investments - Tribal Designation | P187 |
| f) Imperial Irrigation District's Growth and Economic Development Proposal | P190 |
| g) Opportunities for Sustainable Urban Greening and Heat Mitigation Initiatives | P191 |
| h) Update on Property Assessed Clean Energy (PACE) Program | P197 |
| i) Used Oil Recycling Program Event Schedule for 2023 | P199 |
| j) Waste Tire Amnesty Cycle 5 (TA5) Final Report | P202 |
| k) Recent News Coverage of the Salton Sea | P214 |
| l) Update on Inland Regional Energy Network Agreements, Programs, and Governance | P226 |
| m) Utility Box Art Wrap Programs | P229 |
| n) Launch of Countywide "Faces of Fentanyl" Campaign | P230 |
| o) Community Education Efforts by the Coachella Valley Disaster Preparedness Network | P237 |

10. LEGISLATIVE ITEMS –

- | | |
|--|-------------|
| a) Update from the League of California Cities | P238 |
|--|-------------|

11. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

This is the time and place for members of the public to address the Executive Committee on items of general interest within the purview of this committee. Please limit comments to two (2) minutes.

12. **ANNOUNCEMENTS**

The next meeting of the **Executive Committee** will be held on Monday, January 30, 2023, at 4:30 p.m. via Zoom webinar.

13. **CLOSED SESSION**

Pursuant to the provisions of Government Code Section 54956.8, the Executive Committee will adjourn to Closed Session.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Number Assessor Parcel Numbers 687-050-018, and a portion of 687-050-003

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Party: Allottee 97E, United States of America in Trust of Debrah Purnel

Under Negotiation: Price and Terms of Payment for acquisition of easements for CV Link

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 73-710 Fred Waring Dr, Suite 200 and various suites, and 74199 Highway 111, Suites W100 and E102, 73733 Fred Waring Drive, and 43100 Cook Street, City of Palm Desert;

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Parties: City of Palm Desert, Ocean Properties Development Corp., Shah Management and Baxley Properties

Under Negotiation: Price and Terms of Payment

14. **ADJOURNMENT**

ITEM 2A**EXECUTIVE COMMITTEE
2022-2023 ROSTER**

Jurisdiction	Members
City of Palm Springs, Past Chair	Lisa Middleton Mayor
City of Indio	Waymond Fermon Mayor
Twenty-Nine Palms Band of Mission Indians	Darrell Mike Tribal Chair
Torres Martinez Desert Cahuilla Indians	Joseph Mirelez Tribal Vice Chair
Cabazon Band of Cahuilla Indians	Brenda Soulliere Tribal Member
Agua Caliente Band of Cahuilla Indians	Reid Milanovich Chairman
City of Indian Wells	Dana Reed Mayor
City of Cathedral City	Ernesto Gutierrez Mayor
City of Palm Desert	Kathleen Kelly Councilmember
City of La Quinta	Linda Evans Mayor
City of Blythe	Joseph DeConinck Vice Mayor
County of Riverside	Kevin Jeffries , 1st District Supervisor Karen Spiegel , 2 nd District Supervisor Chuck Washington , 3 rd District Supervisor V. Manuel Perez , 4 th District Supervisor Jeff Hewitt , 5 th District Supervisor
City of Rancho Mirage	Ted Weill Councilmember
City of Desert Hot Springs, Vice Chair	Scott Matas Mayor
City of Coachella, Chair	Steven Hernandez Mayor

ITEM 7A

EXECUTIVE COMMITTEE MINUTES OF MEETING SEPTEMBER 26, 2022



The audio file for this committee meeting can be found at: <http://www.cvag.org/audio.htm>
Any handouts distributed during the meeting will be placed in the meeting file.

1. CALL TO ORDER

The Executive Committee meeting was called to order by Chair Steven Hernandez, Mayor, City of Coachella, at 4:30 p.m. via a Zoom webinar, which was pursuant to Assembly Bill 361 and the findings made by CVAG, this meeting will only be conducted via video/teleconferencing.

2. ROLL CALL

A roll call was taken, and it was determined that a quorum was present. Those in attendance were as follows:

MEMBERS PRESENT

Mayor Lisa Middleton
Mayor Pro Tem Oscar Ortiz
Tribal Vice Chair Joseph Mirelez
Tribal Member Brenda Soulliere
Mayor Dana Reed
Mayor Pro Tem Rita Lamb
Councilmember Kathleen Kelly
Mayor Linda Evans
Vice Mayor Joseph DeConinck
Supervisor Jeff Hewitt
Councilmember Ted Weill
Mayor Scott Matas
Mayor Steven Hernandez

AGENCY

City of Palm Springs
City of Indio
Torres Martinez Desert Cahuilla Indians (*Arrived in item 9*)
Cabazon Band of Mission Indians
City of Indian Wells
City of Cathedral City
City of Palm Desert
City of La Quinta
City of Blythe
County of Riverside 5th District
City of Rancho Mirage
City of Desert Hot Springs
City of Coachella

MEMBERS NOT PRESENT

Tribal Chair Darrell Mike
Tribal Chair Reid Milanovich
Supervisor Kevin Jeffries
Supervisor Karen Spiegel
Supervisor Chuck Washington
Supervisor V. Manuel Perez

AGENCY

Twenty-Nine Palms Band of Mission Indians
Agua Caliente Band of Cahuilla Indians
County of Riverside 1st District
County of Riverside 2nd District
County of Riverside 3rd District
County of Riverside 4th District

3. PLEDGE OF ALLEGIANCE

Supervisor Jeff Hewitt led the Executive Committee in the Pledge of Allegiance.

4. **AGENDA MODIFICATIONS (IF ANY)**

None.

5. **PUBLIC COMMENTS ON AGENDA ITEMS**

None.

6. **CHAIR / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

Executive Director Tom Kirk reminded members of the separate Zoom link for the closed session and announced the recent elections of CVAG committees.

Chair Hernandez stated he met with Antonio Villaraigosa, Infrastructure Advisor to the State of California, and noted the influx of funding coming into the state.

7. **CONSENT CALENDAR**

IT WAS MOVED BY COUNCILMEMBER WEILL AND SECONDED BY MAYOR MIDDLETON TO APPROVE THE CONSENT CALENDAR.

- A. **Approve the June 27, 2022 Executive Committee Meeting Minutes**
- B. **Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of CVAG committees**
- C. **Authorize the Chair to execute Amendment No. 1 to the Implementation and Management Services Agreement with Desert Community Energy, contingent on the DCE Board's approval, to extend the existing staffing arrangement until October 30, 2027**
- D. **Approve Amendment Number Two to the agreement with Southern California Mountains Foundation for the regional Tire Amnesty Program for an amount not to exceed \$50,000 through October 31, 2023; and authorize the Executive Director and/or legal counsel to make clarifying changes before execution**

THE MOTION TO CARRIED WITH 10 AYES, 7 MEMBERS ABSENT AND 2 ABSTENTIONS ON 7A, AND WITH 12 AYES AND 7 MEMBERS ABSENT ON ITEMS 7B-D.

MAYOR MIDDLETON	AYE / ABSTAINED ON ITEM 7A
MAYOR PRO TEM ORTIZ	AYE / ABSTAINED ON ITEM 7A
TRIBAL CHAIR MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	ABSENT
TRIBAL COUNCILMEMBER SOULLIERE	AYE
TRIBAL CHAIR MILANOVICH	ABSENT
MAYOR REED	AYE
MAYOR PRO TEM LAMB	AYE
COUNCILMEMBER KELLY	AYE
MAYOR EVANS	AYE

VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	ABSENT
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	ABSENT
SUPERVISOR HEWITT	AYE
COUNCILMEMBER WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	AYE

7.1 ITEM(S) HELD OVER FROM CONSENT CALENDAR

None.

8. DISCUSSION / ACTION

A. Design and Engineering Services for the Western Coachella Valley Flooding and Blowsand Projects – Phase One – Jonathan Hoy

Transportation Director Jonathan Hoy presented the staff report. Mr. Hoy also noted that CVAG had received a letter from the Sierra Club regarding project coordination as it pertains to the Coachella Valley Multiple Species Habitat Conservation Plan.

Member discussion ensued, recognizing the need for creative solutions being brought forward to address the flood-prone roadways. Members also acknowledged the regional efforts to secure outside funding.

IT WAS MOVED BY MAYOR MATAS AND SECONDED BY MAYOR MIDDLETON TO AUTHORIZE THE CHAIR AND EXECUTIVE DIRECTOR TO: 1) EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL (MBI) IN AN AMOUNT NOT TO EXCEED \$4,464,631.58 TO PROVIDE DESIGN, ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE WESTERN COACHELLA VALLEY FLOODING AND BLOWSAND PROJECTS – PHASE ONE; AND 2) EXECUTE REIMBURSEMENT AGREEMENTS WITH THE PALM SPRINGS AND CATHEDRAL CITY TO OUTLINE THE LOCAL SHARE OF PROJECT COSTS, WITH CVAG'S SHARE NOT TO EXCEED \$3,348,473.69, AND ALLOWING THE EXECUTIVE DIRECTOR AND/OR LEGAL COUNSEL TO MAKE MINOR MODIFICATIONS PRIOR TO EXECUTION

THE MOTION TO CARRIED WITH 12 AYES AND 7 MEMBERS ABSENT.

MAYOR MIDDLETON	AYE
MAYOR PRO TEM ORTIZ	AYE
TRIBAL CHAIR MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	ABSENT
TRIBAL COUNCILMEMBER SOULLIERE	AYE
TRIBAL CHAIR MILANOVICH	ABSENT
MAYOR REED	AYE
MAYOR PRO TEM LAMB	AYE
COUNCILMEMBER KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE

SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	ABSENT
SUPERVISOR HEWITT	ABSENT
COUNCILMEMBER WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	AYE

B. Amendment No. 2 to the Reimbursement Agreement for the Avenue 48 between Van Buren Street and Dillon Road Widening Project – Eric Cowle

Transportation Engineer Eric Cowle presented the staff report. Brief member discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM ORTIZ AND SECONDED BY MAYOR PRO TEM LAMB TO APPROVE AMENDMENT NO. 2 TO THE REIMBURSEMENT AGREEMENT BETWEEN CVAG, THE COUNTY OF RIVERSIDE AND THE CITY OF COACHELLA FOR THE AVENUE 48 BETWEEN VAN BUREN STREET AND DILLON ROAD WIDENING PROJECT, ADDING AN AMOUNT NOT TO EXCEED \$3,450,000, WITH CVAG'S SHARE OF \$2,587,500, FOR THE CONSTRUCTION PHASE AND EXTENDING THE TIME TRIGGER TO COMMENCE CONSTRUCTION TO AUGUST 31, 2023; AND AUTHORIZE THE EXECUTIVE DIRECTOR AND/OR LEGAL COUNSEL TO MAKE CLARIFYING CHANGES BEFORE EXECUTION.

THE MOTION TO CARRIED WITH 12 AYES AND 7 MEMBERS ABSENT.

MAYOR MIDDLETON	AYE
MAYOR PRO TEM ORTIZ	AYE
TRIBAL CHAIR MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	ABSENT
TRIBAL COUNCILMEMBER SOULLIERE	AYE
TRIBAL CHAIR MILANOVICH	ABSENT
MAYOR REED	AYE
MAYOR PRO TEM LAMB	AYE
COUNCILMEMBER KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	ABSENT
SUPERVISOR HEWITT	ABSENT
COUNCILMEMBER WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	AYE

9. INFORMATION

- a) Executive Committee Attendance
- b) CVAG Regional Arterial Program – Project Status Report
- c) Bicycle/Pedestrian Safety Program – Project Status Report

- d) **Status of I-10 Interchange Projects**
- e) **Feedback from Members on the Continued Use of Virtual Meetings**
- f) **Unaudited Investment Report through June 30, 2022**
- g) **Update on Property Assessed Clean Energy (PACE) program**
- h) **Update on Inland Regional Energy Network Agreements, Governance and Programs**
- i) **Overview of the 2022 Air Quality Management Plan**
- j) **Update on Colorado River Shortages and Potential Impacts to the Salton Sea**
- k) **Regional PM10 Street Sweeping Study**
- l) **Member jurisdictions' contributions to CV Housing First**
- m) **Update on the Navigation Center in the City of Palm Springs**
- n) **Update on the State's Community Assistance, Recovery and Empowerment (CARE) Court**
- o) **Regional Early Action Planning (REAP) 2.0 Program Overview and Next Steps**

These items were placed in the agenda packet for members' information.

10. LEGISLATIVE ITEMS – Emmanuel Martinez and Erin Sasse, League of California Cities

- a) **Update on Federal and State Advocacy Efforts**
- b) **Update from the League of California Cities**

Adding to the written report, Erin Sasse with League of California Cities updated members on key bills of interest.

11. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

12. ANNOUNCEMENTS

The next meeting of the **Executive Committee** will be held on Monday, December 5, 2022, at 4:30 p.m. via Zoom webinar.

Chair Hernandez noted that former Riverside County Larry Parrish, who served as CVAG's interim director in 2009, passed away over the summer and that the meeting would be adjourned in his memory.

Prior to the closed session, members sang “Happy Birthday to You” to acknowledge Mr. Kirk’s birthday.

13. CLOSED SESSION

Pursuant to the provisions of Government Code Section 54956.8, the Executive Committee adjourned to Closed Session at 4:59 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Numbers 687-060-050, 687-062-066 and 680-340-002 (City of Cathedral City)

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Party: Welk Resort Group, Inc. and Welk Park North

Under Negotiation: Price and Terms of Payment for settlement related to CV Link

The Executive Committee ended the closed session and returned to regular session at 5:09 p.m.

14. ADJOURNMENT

On behalf of the Chair and Legal Counsel, Assistant Executive Director Erica Felci stated there was no reportable action and adjourned the meeting at 5:09 p.m.

Respectfully submitted,

Erica Felci

CVAG Assistant Executive Director

ITEM 7B

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Remote Teleconference/Virtual Meetings Pursuant to Assembly Bill 361

Contact: Erica Felci, Assistant Executive Director (efelci@cvag.org)

Recommendation: Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of CVAG committees

Background: All meetings of CVAG's standing committees are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*), and must be open and public so that any member of the public may attend and participate in the meetings.

Starting in March 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of COVID-19, as it was determined that social distancing was an important factor addressing the pandemic. Among these were Executive Orders N-25-20, N-29-20 and N-35-20 (collectively, the "Brown Act Orders") that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued Executive Order N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, this order rescinds the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which effective October 1, 2021, allows legislative bodies to meet virtually provided the legislative body makes specific findings.

Specific Findings Required under AB 361:

The CVAG Executive Committee has previously made the following findings pursuant to AB 361:

1. A statewide state of emergency is currently in place;
2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and
3. Meeting in person would present imminent risks to the health or safety of attendees.

With this item, staff is recommending the CVAG Executive Committee confirm these findings still exist and continue remote/ virtual meetings, pursuant to AB 361.

Fiscal Analysis: There are no additional costs to CVAG hosting virtual meetings. Committee members are paid the same stipends as they would in person.

ITEM 7C

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: CV Housing First: Third Quarter Report for 2022

Contact: Erica Felci, Assistant Executive Director (efelci@cvaq.org) and Ivan Tenorio, Management Analyst (itenorio@cvaq.org)

Recommendation: Receive and file the quarterly report for the CV Housing First program, representing clients served in the third quarter of 2022

Homelessness Committee: Concurred (Meeting of November 16)

Background: CVAG is now in its second year of operating the CV Housing First program with staff. The program is focused on the CV200, a by-name list of chronically homeless individuals residing in desert cities that have frequent contacts with law enforcement and who are likely to be shelter resistant or who have already fallen out of housing. The list was developed in partnership with CVAG's member jurisdictions and local law enforcement.

CVAG staff has committed to adjusting CV Housing First programming based on the data, and provides quarterly updates to its members about the program. The CV Housing First team uses two primary methods to get clients to housing solutions: rapid resolution and crisis stabilization units. CVAG staff will continue to provide quarterly reports as it provides services in 2022.

CV Housing First Clients – By the Numbers through September 30, 2022

CV200 as of 7/1/2022	Q1	Q2	Q3	Q4	TOTAL
Clients housed in Crisis Stabilization Units (CSH)	33	26	30		89
Clients being helped through Rapid Resolution (RR)	0	1	1		2

Clients returned to the street (failures)	5	13	7		25
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Clients moved into permanent housing from CSH (successes)	15	12	10		37
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Clients moved into permanent housing through RR (successes)	0	1	1		2
TOTAL HOUSED FROM LIST OF 200	15	13	11		39

NON CV200 as of 7/1/2022	Q1	Q2	Q3	Q4	TOTAL
Households Housed in CSH Units	1	4	1		6
Households being helped through RR	6	5	3		14

Households returned to the street (failures)	0	3	1		4
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Households moved into permanent housing from CSH (successes)	1	1	0		2
Households moved into permanent housing from RR (successes)	6	5	3		14
TOTAL HOUSEHOLDS HOUSED	7	6	3		16
TOTAL INDIVIDUALS HOUSED	7	6	3		16

CVAG staff continues to track program metrics, such as the length of stay in the units. For the third quarter, the CV200 clients who successfully exited the program into permanent housing stayed in a crisis stabilization unit for **102 days**. Those CV200 clients who exited the program unsuccessfully stayed **96 days**.

As noted in previous reports, CVAG staff also incorporated additional program metrics to track permanent housing resolutions. Knowing the type of housing where clients resolve will help with identifying future opportunities and options for housing, while also highlighting where we face challenges in finding placement for clients. Of the 11 permanent housing resolutions in the third quarter, the breakdown of clients' Exit Destination is as follows:

- Family/Friends – 5
- Permanent Supportive Housing (PSH) – 3
- Rental With Ongoing Subsidy (Low Income Senior Housing) – 0
- Rental With Ongoing Subsidy (VASH Voucher) – 0
- Rental With Ongoing Subsidy (Housing Choice Voucher) – 1
- Rental with No Ongoing Subsidy - 0
- Rapid Rehousing - 0

- Shared Housing – 1
- Long-term care facility or nursing home – 1

CVAG staff would note that a number of factors have impacted the program in recent months, including the availability of vouchers and soaring rent costs that exceed voucher limits. But the biggest hurdle remains the availability of affordable housing units and permanent housing solutions. CVAG staff is assessing how to best address these as it refines the program for 2023.

One area where the program has benefitted is with partnerships, such as the collaboration with Inland County Legal Services (ICLS) to provide services to reduce homelessness and assist CV200 clients with vital documents that aid in obtaining permanent housing. Since launching this partnership earlier this year, ICLS has provided the following services to CVAG clients:

- I.D. Vouchers – 10
- Birth Certificates – 36
- Social Security Disability Insurance (SSDI) claims – 4
- Supplemental Security Income (SSI) claims – 5
- General Relief assistance – 4
- Calfresh/EBT – 3
- Veteran Services - 1

These numbers are tracked from through outreach events and legal clinics that are co-hosted by CVAG.

Fiscal Analysis: The CV Housing First program, including the staffing and CV200 program, is incorporated into the CV Housing First budget, which has been funded by contributions from cities, Riverside County, the Desert Healthcare District/Foundation, and grants.

ITEM 7D

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: REAP 2.0 Housing Infill Project Scoping

Contact: Peter Satin, Regional Planner (psatin@cvag.org)

Recommendation: Authorize the Executive Director to take the necessary steps to apply for the Southern California Association of Governments' Regional Early Action Planning (REAP) 2.0 program for a project that assess public right of way availability for affordable housing and a micro-housing pilot project

Homelessness Committee: Concurred (Meeting of November 16)

Background: In September 2022, CVAG staff presented to the Homelessness Committee the Regional Early Action Planning Grants of 2021 (REAP 2.0), a State of California-funded program to accelerate meeting the State's housing and climate goals. REAP 2.0 is being administered regionally by the Southern California Association of Governments (SCAG), which has set aside up to \$541,975 for use by CVAG under its Subregional Partnership 2.0 (SRP 2.0) program. The SRP 2.0 program was designed primarily to expediate implementation of local housing elements, but also included the opportunity to fund projects that would qualify under SCAG's Programs to Accelerate Transformational Housing (PATH) guidelines, which at the time were still under development. During discussion of the item, members of the Homelessness Committee expressed their frustration that none of the REAP funds could be used to actually build housing.

Since then, SCAG has released guidelines for the PATH program, which has a strong focus on project implementation over planning. One of the allocations within the PATH framework is the Housing Infill on Public and Private Lands (HIPPL) pilot program, which seeks to scale up development of surplus and excess publicly owned land on specific sites already serviced by existing utilities and transit. Funding can be applied to various stages of pre-development, including, but not limited to, site feasibility, environmental review, and engineering. Priority will be given to projects where the applicant can demonstrate that construction will begin within five years of award.

Through its buildout of CV Link, a multimodal pathway spanning the Coachella Valley, and other projects across the Coachella Valley, CVAG has come to own or otherwise have real property interest in scattered, small parcels along the pathway's alignment. CVAG's member jurisdictions also own right of way. Keeping in mind REAP 2.0's focus on accelerating infill development, affirmatively furthering fair housing, and reducing vehicle miles traveled, and with any eye toward supporting CVAG's CV Housing First program to house some of the Coachella Valley's most at-risk homeless, CVAG staff is proposing to utilize the REAP 2.0 funds to explore using these properties to provide either crisis stabilization units or permanent supportive housing under SCAG's HIPPL program. These sites' location and orientation make development difficult in instances where parking would be required, but their proximity to alternative transportation make

them ideal locations for an at-risk population that is unlikely to own a car. As a part of the REAP 2.0 project, CVAG would conduct a survey of surplus right of way, particularly land along the CV Link pathway that is owned either by CVAG directly or a member jurisdiction, to assess its suitability for permanent supportive housing or similar development, including consideration of nearby resources like food and other retail, as well as transit access. The end goal would be the identification of a pilot project for buildout. By investing in a study geared towards identifying an implementable pilot project, CVAG will be able to actually build units – a key priority expressed by members of the Homelessness Committee – as well as assess the idea's feasibility and determine whether this concept may be part of the long-term solution for increasing affordable housing units and/ or addressing homelessness in the Coachella Valley.

CVAG staff is currently coordinating with SCAG to determine whether this project would constitute an eligible activity under the SRP 2.0 program or whether CVAG would apply through one of the separate, competitive pots of funding. Applications for funding under the SRP 2.0 program will be due on February 10, 2023, and require the approval of CVAG's Executive Committee prior to submission. However, CVAG committee meetings, including the Homelessness Committee and Executive Committee meetings, are often cancelled for the month of January. CVAG staff is therefore seeking approval for the project at a conceptual level so that, should the project be deemed eligible under the SRP 2.0 program or another aspect of REAP, CVAG staff will be able to move forward with the application. Staff will provide an informational update on the project's status at a future meeting.

Fiscal Analysis: Under the SRP 2.0 program, CVAG has been allocated up to \$541,975 for use on project implementation, project management, and grant administration.

Should the project not qualify for SRP 2.0, CVAG staff would notify SCAG they are turning down the allocation. Any unused SRP 2.0 funds will be shifted to REAP's PATH program and will be earmarked for use within the region for which they were originally intended. This means that, should CVAG pass on any portion of the \$541,975, those funds would then be made competitively available under PATH and prioritized for projects within the CVAG boundary.

ITEM 7E

Coachella Valley Association of Governments Executive Committee December 5, 2022



Subject: Transportation Uniform Mitigation Fee Program Compliance Requirements

Contact: Peter Satin, Regional Planner (psatin@cvag.org)

Recommendation: Adopt Policy 22-01, formalizing Transportation Uniform Mitigation Fee program compliance requirements

Transportation Committee: Concurs (Meeting of November 7)

Background: The Transportation Uniform Mitigation Fee (TUMF) was established in 1989 as a one-time impact fee charged on all new development occurring within the CVAG region, and is intended to compliment revenue generated through Riverside County's Measure A sales tax. Measure A was originally approved by voters as a dedicated transportation project funding source in 1989 and then again in 2002, and will remain in effect until 2039 unless voters choose to extend it. In the Coachella Valley, Measure A funds are disbursed by the Riverside County Transportation Commission (RCTC) according to the following breakdown:

- Fifty-percent to CVAG for highways and regional arterial projects;
- Thirty-five-percent to local jurisdictions for streets and roads; and
- Fifteen-percent to public transit.

CVAG uses its portion of Measure A funding alongside revenues generated by the TUMF program for regional projects identified in the Transportation Project Prioritization Study (TPPS). Costs for these projects are shared with the member jurisdiction in whose municipality the project takes place, and the cost sharing proportion is dictated by CVAG Policy 13-03. This policy encourages jurisdictions to continuously participate in regional programs by requiring that, in order to be eligible for the maximum allocation of CVAG regional transportation funds, local jurisdictions participate in both the TUMF program and the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as implemented and administered by the Coachella Valley Conservation Commission (CVCC). CVAG is thus able to incentivize participation in regional transportation and conservation programs to better ensure their success.

Local jurisdictions receive their allotment of Measure A funds directly from RCTC, but only after CVAG certifies their ongoing compliance with the TUMF program. This certification is provided to RCTC ahead of each fiscal year. In practice, compliance with the TUMF program has entailed adherence to the fee schedule and calculation methods as outlined in the current TUMF Handbook, and remitting TUMF collections and associated permit information to CVAG by the 20th day of the month following the month in which the fees were collected. While these are longstanding practices followed by member jurisdictions, CVAG staff is recommending they be formalized by adopting Policy 22-01, which clearly identifies the criteria that must be met to be compliant with the TUMF program.

Participation in the CVMSHCP as a requirement of the TUMF program mirrors the similar requirement for regional transportation funding eligibility as described in Policy 13-03. Specifically, adherence to the CVMSHCP entails

...endorsing the Permit Application, signing the Implementing Agreement and complying with all CVMSHCP requirements therein, charging and collecting the CVCC approved Local Development Mitigation Fee (LDMF) and following the policies duly adopted and amended by CVCC, including CVCC's Joint Project Review clarifying memorandum adopted during its June 10, 2021 Commission meeting.

This would bring CVAG's TUMF program in line with its regional transportation program, and would further ensure the success of the Coachella Valley's cooperative planning efforts.

An approved agreement allows CVAG to provide staffing for the CVCC to implement the CVMSHCP. Through the course of these duties, CVAG staff compile an annual report for presentation to the CVCC every April, and which summarizes local agency compliance with the CVMSHCP. Upon acceptance of the CVMSHCP annual report by the CVCC, CVAG staff would transmit the compliance summary to the Transportation Committee ahead of RCTC's certification request.

Currently, all member jurisdictions participating in the TUMF program are also compliant with the CVMSHCP and no further action is required. If Policy 22-01 is adopted, these requirements will be applied during the certification period for Fiscal Year 2022/2023 and added to the TUMF Handbook for circulation to member agency staff.

Fiscal Analysis: There is no direct cost to adopting this policy.

Attachment: CVAG Policy 22-01

CVAG Policy Number 22-01

Transportation Uniform Mitigation Fee (TUMF) Program Requirements

CVAG is responsible for administering the Transportation Uniform Mitigation Fee (TUMF) program for the Coachella Valley. The TUMF was established in 1989 as a one-time impact fee charged on all new development occurring within the CVAG region, and is intended to compliment revenue generated through Riverside County's Measure A sales tax. In the Coachella Valley, Measure A funds are disbursed by the Riverside County Transportation Commission (RCTC) according to the following breakdown:

- Fifty-percent to CVAG for highways and regional arterial projects;
- Thirty-five-percent to local jurisdictions for streets and roads; and
- Fifteen-percent to public transit.

CVAG uses its portion of Measure A funding alongside revenues generated by the TUMF program for regional projects identified in the Transportation Project Prioritization Study (TPPS). Costs for these projects are shared with the member jurisdiction(s) based on the project's location, and the cost sharing proportion is dictated by CVAG Policy 13-03.

Local jurisdictions receive their allotment of Measure A funds directly from RCTC, but only after CVAG certifies their ongoing compliance with the TUMF program. This certification is provided to RCTC ahead of each fiscal year. CVAG is adopting Policy 22-01 to provide transparency to member jurisdictions regarding what must be met to be considered compliant with the TUMF program. These criteria better align regional and local Measure A eligibility and incentivize participation in regional planning efforts. Requirements for the TUMF program are:

- Implementation of the impact fee schedule recommended by the CVAG Executive Committee, adherence to the TUMF calculation methods as described in the approved TUMF Handbook, and collection of fees prior to issuing a building or similar permit;
- Remittance of collected fees to CVAG by the 20th of the month following the month in which they were collected. Failure to remit collections in a timely manner may result in the charging of interest, as approved by the CVAG Executive Committee on November 26, 1990;
- Submission of permit information, in a format specified by CVAG, for all eligible TUMF developments by the 20th of the month following the month in which the permit was issued. Information pertaining to exempt developments that would otherwise be subject to TUMF shall also be transmitted; and
- Participation in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as administered by the Coachella Valley Conservation Commission (CVCC) by endorsing the Permit Application, signing the Implementing Agreement and complying with all CVMSHCP requirements therein, charging and collecting the Local Development Mitigation Fee as approved by CVCC, and following the policies duly adopted and amended by CVCC, including CVCC's Joint Project Review clarifying memorandum adopted during its June 10, 2021 meeting.

ITEM 7F

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: State and Federal Legislative Advocacy in 2023

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Adopt the 2023 State and Federal Legislative Platform

Transportation Committee, Energy & Environmental Resources Committee, Public Safety Committee and Homelessness Committee: Reviewed their specific sections of the draft 2023 legislative platform and provided feedback regarding priorities and positions outlined in the document during the November meetings

Background: In February 2022, CVAG's Executive Committee adopted its first legislative platform to help guide CVAG's legislative advocacy work in Washington and Sacramento. As part of a legislative strategy, the legislative platform is integral to engaging and advocating on key issues as it provides direction on key issue areas of importance to CVAG. Because this document outlines key positions on issue areas both at the state and federal level, staff and advocacy teams are able to monitor and track priority issues for CVAG and expedite engagement. As such, this allows staff and lobbyist to advance work on issues with adopted positions without having to wait for the next committee meeting to seek approval or guidance. This is an important benefit of adopting a legislative platform, as it allows CVAG to efficiently and effectively engage even when priority issues move rapidly through the legislative process.

The legislative platform is divided into various issues areas, including transportation, energy and environment, homeless and affordable housing and public safety. Throughout the month of November, CVAG staff presented to all of CVAG's committees so that each could provide input on the section pertinent to their jurisdiction. Ultimately, this process helped ensure the platform is comprehensive and well vetted before it is considered by the Executive Committee for adoption. CVAG's Committees generally concurred with the platform as presented. However, at the Public Safety Committee meeting of November 14, the members supported adding a new position that allows CVAG to advocate for additional judgeships in Riverside County in order to address the shortfall in the court's staffing levels. This position, which has been incorporated into the platform, mirrors the position that the County of Riverside has taken with its legislative advocacy.

Although there are some changes to the platform, such as tracking emerging programs, there is not significant variability over a one-year period. The key updates include stronger and clearer language related to protecting local control and decision-making regarding use of local funds and project prioritization; opposition efforts that aim to eliminate to decrease capacity enhancement transportation projects; new language related to the Inflation Reduction Act programs for active transportation and support for continued and increased funding for said programs; and monitoring implementation of the

California Action Plan for Transportation Infrastructure. The platform also reinforces CVAG's longstanding policy of supporting regular train service between Los Angeles and the Coachella Valley, particularly the CV Rail project led by the Riverside County Transportation Commission (RCTC). In terms of funding flexibility, it supports sub-regional funding mechanisms to provide agencies within Riverside County, such as RCTC, the same flexibility that has been established for other counties via AB 1413, as well as to support policies that clarify RCTC's powers and authorities. Having flexibility with revenue streams is critical to further the projects goals of CVAG, particularly at a time when traditional and ongoing state and federal funding sources have decreased. The legislative platform will also direct staff to monitor implementation of the California's climate portfolio, including heat mitigation efforts that have been discussed by CVAG's Energy & Environmental Resources Committee.

In addition, the platform includes language in support for regional agencies to continue to be allowed to conduct meetings electronically via Zoom videoconference or other virtual platforms, similar to what has existed under AB 361. As a regional agency that requires participation from various local jurisdictions and the county, public meetings held electronically help to increase access and participation by its members. From an environmental standpoint, electronic meetings help to also reduce vehicle miles travelled, reducing the carbon footprint in comparison to in-person meetings. This flexibility has demonstrated support as a result of the survey conducted by CVAG on the topic and has generally received broad support.

CVAG staff and lobbyists have vetted the draft platform and anticipate the majority of issues in 2022 to carryover to 2023, especially during a biennial state legislative session. To ensure adequate coverage and informed engagement, CVAG's advocacy strategy will be to continue to coordinate with all of CVAG's member agencies, Riverside County Transportation Commission, Southern California Association of Governments and the County of Riverside.

With adoption, CVAG staff anticipates continuing the momentum that was started during the 2022 legislative cycle. This included CVAG opposing legislation that would have required local and state funds for capacity enhancing projects and other similar projects to adhere to the state's climate goals. Staff would note having a presence in Sacramento is important amid a changing of the guard. In the state legislature, 26 Assemblymembers and Senators opted to not seek re-election this year. Another seven senators are termed out. In effect, the 2023 legislative cycle will include a significant number of new members. This is an important dynamic to monitor as it can impact the type of bills that are introduced in the upcoming session. It will also may require increased educational efforts to new members on priority committees for CVAG, such as transportation and sustainability. CVAG staff and lobbying team will monitor the final results, which will help to determine approaches to elevate CVAG's projects and legislative priorities.

Fiscal Analysis: There are no additional costs to CVAG for updating the 2023 State and Federal Legislative Platform. Advocacy efforts are covered under existing contracts with the Ferguson Group in Washington and the Politico Group in Sacramento, California

Attachment: 2023 State and Federal Legislative Platform

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

2023 State and Federal Legislative Platform

Adopted:



Coachella Valley Association of Governments

The Coachella Valley Association of Governments (CVAG) is a council of governments in the Coachella Valley and eastern Riverside County that funds and delivers transportation projects, operates regional programs and coordinates government services in order to improve and address issues of regional significance. CVAG's activities include, but are not limited to, improving the regional transportation system, providing services to the chronically homeless and promoting the use of green energy and sustainability. CVAG's membership includes 10 cities, the County of Riverside and four Indian tribes. As an organization committed to addressing issues of common interest and concern of its member agencies, CVAG strives to implement regional programs and policies that advance a better quality of life and balanced growth for residents, businesses and tourists of Central and Eastern Riverside County.

The legislative platform will guide the tracking and analysis of priority legislative, budget, regulatory, and administrative issues at the federal and state levels. It will assist in providing staff and lobbyists guidance on policy-related matters that may impact the operation and implementation of the various programs and services offered by CVAG. This document will facilitate the development of a federal and state strategy and focused action plan to address the needs and priorities of CVAG and its member jurisdictions.

**Agua Caliente Band of Cahuilla
Indians**

City of Blythe

Cabazon Band of Mission Indians

City of Cathedral City

City of Coachella

City of Desert Hot Springs

City of Indian Wells

City of Indio

City of La Quinta

City of Palm Desert

City of Palm Springs

City of Rancho Mirage

County of Riverside

**Torres Martinez Desert Cahuilla
Indians**

**Twenty-Nine Palms Band of
Mission Indians**

CVAG

**73-710 Fred Waring Drive
Suite 200**

Palm Desert, CA 92260

Tel: 760-346-1127

www.cvag.org

Key Categories



TRANSPORTATION

Reliable, sustainable and safe multimodal transportation infrastructure is a top priority for the Coachella Valley Association of Governments as it strives to support the transportation needs of current and future residents and visitors.



ENERGY

Supporting and securing funding for clean energy and energy efficiency initiatives that reduce our carbon footprint, improve air quality, and increase climate resiliency for our member agencies and our residents.



ENVIRONMENTAL

Conservation of the Coachella Valley's natural resources and maintaining and growing our rich and abundant wildlife is a focus of CVAG and our members.



BROADBAND

Deployment of middle-mile infrastructure that can facilitate a high-speed last-mile broadband network for beneficial use among CVAG's residents, businesses, and members is key to the success and vitality of CVAG and the communities it serves.



HOMELESS AND AFFORDABLE HOUSING

Addressing the dual challenges of homelessness and development of affordable housing through regional solutions is critical to ensuring a high quality of life in the Coachella Valley.



PUBLIC SAFETY

Maintaining a safe and secure community, free of crime, while ensuring clean and engaging public spaces, is essential to maintaining vibrant and growing business and residential communities.

STATE

Fighting for Fairness and Funding

- Support legislative efforts that improve funding opportunities for the Coachella Valley in the state's Cap-and-Trade program and oppose policies that disproportionately disadvantage the CVAG region to compete for funding.
- Support policies that allow for a diverse set of social equity metric measuring tools to qualify and compete for Cap-and-Trade funded programs including, but not limited to, household income and the AB 1550 low-income definition and oppose efforts that would limit use to, or increase reliance on, the CalEnviroScreen in grant programs.
- Support legislative efforts, regulation and guidance that allows for virtual public meetings to continue for regional agencies, such as AB 361, to facilitate access to meetings and allow for increased efficiencies and effectiveness in conducting public meetings while also reducing vehicle miles traveled.
- Support legislative and regulatory changes to the Transformative Climate Communities program to allow eligible and qualifying planning grant recipients to also be eligible and qualify to apply for implementation grants.
- Support policy changes to funding programs that use the CalEnviroScreen tool that would broaden eligible competitive areas and that better reflect the diversity in the Coachella Valley.
- Oppose legislative and regulatory actions that utilize CalEnviroScreen and high-housing density criteria, which favor large urban centers, to determine allocation of state grant funds and would decrease funding competitiveness for areas such as the Coachella Valley.
- Oppose program guidelines that use transit-oriented development standards, such as the Affordable Housing and Sustainable Communities program, that disproportionately favor large urban centers and do not reflect the reality of growth and development in the Coachella Valley, therefore decreasing funding opportunities for the CVAG region.
- Advocate for policy changes that allow for regional variances related to transit quality, transit frequency and density related to housing-oriented development, to allow the CVAG region better compete for funding in the state's Cap-and-Trade program.

Transportation

Bridges, Regional Arterials and Improved Access

- Support regional efforts to increase passenger rail service between Los Angeles and the Coachella Valley, including funding opportunities and actions by the Facilitate Equitable Deals task force to improve coordination and collaboration with Union Pacific Railroad (FED-UP).
- Support legislation that increases funding opportunities for bridges, interchanges and regional arterials in the Coachella Valley.
- Support efforts by the California Department of Transportation, Riverside County Transportation Commission, San Diego Association of Governments and the San Bernardino Association of Governments, to implement congestion projects identified in the Inland Empire Multimodal Corridor

Plan that increase mobility to and from the CVAG region, including increased funding for bypass roads, bridges and transportation improvements in the pass area.

- Support California Environmental Quality Act (CEQA) reform to expedite and streamline project delivery for transportation projects.
- Support and advocate for actions that increase transportation resources in the City of Blythe and local Tribal Nations, to address historic underinvestment and improve mobility, economic development opportunities and quality of life.
- Monitor the state's road charge pilot program and other potential replacement mechanisms for the state gasoline excise tax.
- Monitor legislative changes to Senate Bill 1 (Statutes 2017); oppose efforts to divert funding to non-transportation related uses, such as housing, or otherwise qualifying eligibility of SB 1 funds on non-transportation related goals and objectives.
- Monitor implementation of the California Action Plan for Transportation Infrastructure (CAPTI) and opposed policies that decrease funding opportunities for the Coachella Valley.
- Oppose legislative changes that create or strengthen a nexus between the availability of transportation funding and local jurisdictions' ability to meet their requirements under the Regional Housing Needs Assessment (RHNA) numbers.
- Oppose legislative or regulatory policies that decrease local decision-making authority regarding use of local funds for priority transportation projects.
- Monitor legislation that would increase voter approval thresholds for the creation, extension, or increase of local transportation tax measures and support regional efforts by RCTC to clarify their authorities and establish diversified and flexible funding sources such as those created in other counties via AB 1413 that allow sub-regional funding mechanisms to advance local priority projects.

Active Transportation

- Support increased funding for the Active Transportation Program (ATP) to address the backlog of applications and increase the program's funding capacity.
- Support increased investment in active transportation infrastructure as a component of other state-funded transportation programs that increase access and opportunities for walking, biking, and complete streets that connect the multimodal transportation system.
- Support policies and programs that promote increased use of active transportation infrastructure and systems.
- Support efforts that streamline project delivery, build local capacity such as additional technical assistance, and provide increased flexibility to innovate and strategically invest funds to meet local needs.
- Oppose legislative, regulatory, and administrative efforts to score ATP applications on non-transportation related criteria, such as housing-related policies, CalEnviroScreen and policies which would hinder low density areas like the Coachella Valley and the City of Blythe.
- Oppose changes to the ATP that would decrease CVAG's competitiveness, such as the elimination of leveraged funding and other categories that are advantageous to CVAG and its members jurisdictions.

Intelligent Transportation Systems

- Support programs that leverage technology to improve mobility, increase goods movement efficiency, reduce emissions and help to mitigate environmental impacts.
- Identify state programs and funding that supplement CVAG's CV Sync project.
- Monitor legislation that incorporates innovative technologies into the state transportation system, such as zero or near-zero emission vehicles, autonomous vehicles, and small electric mobility devices that improve transportation accessibility, efficiency and reduce environmental impacts.

Energy and Environment

- Support legislative and regulatory efforts to increase the flexibility of funding programs from the California Air Resources Board's Cap-and-Trade Program to ensure the Coachella and Palo Verde Valleys get their fair share, including taking into account regional variances related to growth, housing, and greenhouse gas (GHG) reduction strategies.
- Support increased investments of the state GHG reduction funds toward transportation projects to reduce transportation related GHG emissions.
- Support investments in Cap-and-Trade funded programs, such as the Clean Vehicle Rebate Program, Single-Family Energy Efficiency, and Low-income Weatherization programs.
- Advocate for changes in the CalEnviroscreen mapping tool that reflect the socio-economic realities of the diverse communities in the Coachella Valley and Palo Verde Valleys, or the use of alternative tools such as household income per the AB 1550 designation.
- Support policies that ensure criteria for defining disadvantaged communities and environmental justice areas accurately represent eastern Riverside County, including those that mirror AB 1550 community mapping, in order to ensure the region can compete for funding opportunities.
- Support policies, programs, and funding for electric vehicle charging infrastructure and increased use of electric vehicles in the region.
- Support efforts that provide necessary resources for implementation of the Coachella Valley Multiple Species Habitat Conservation Plan as well as resources for desert communities to prepare and adapt to changing climate and natural disasters, such as the Climate Resiliency programs.
- Support funding for programs that support local planning and response measures to extreme heat events, including nature-based solutions, to protect critical infrastructure, habitat and public health and safety.
- Support legislation that provides funding for the restoration and revitalization of the Salton Sea to limit regional impacts to air quality, wildlife habitat, and health of communities, including the Phase One: 10 Year Plan.
- Support efforts at the Salton Sea that facilitate economic development, such as lithium extraction.
- Monitor actions related to the 1934 Agreement of Compromise between Imperial Irrigation District and the Coachella Valley Water District and support Coachella Valley Energy Commission efforts to achieve a permanent service option and governance structure between Coachella Valley stakeholders and IID post-2033.

- Identify programs and support legislation that provides funding for clean energy, energy efficiency, decarbonization, and green building programs.
- Monitor legislative and regulatory efforts related to vehicle electrification and building decarbonization that would add new requirements to local governments, including Title 24 building standards.
- Monitor implementation of the state's climate resiliency efforts and efforts related to environmental justice communities and AB 617 (Statutes of 2017) emission reduction funding programs.
- Support policies and funding that expand access for rooftop solar to households of all incomes. Monitor issues related to Net Energy Metering and initiatives that impact availability and affordability of rooftop solar.

Broadband

- Support funding and implementation of the Coachella Valley's middle-mile broadband project and the programs to assist with last-mile connections that bridge the digital divide in the Coachella Valley.
- Monitor legislative and regulatory actions related to SB 156 (Statutes of 2021) and related actions by the California Department of Technology and the Office of Broadband and Digital Literacy.
- Monitor the California Middle-Mile Advisory Committee and its recommendations regarding implementation of middle-mile infrastructure.
- Monitor the California Public Utilities Commissions proceedings related to broadband infrastructure implementation, such as Rulemaking (R.) 20-09-001 and Rulemaking proceeding, R.20-08-021.

Homelessness and Affordable Housing

- Support increased investment in, and creation of, programs that assist local governments, counties and regional collaborations to address the challenges associated with homelessness.
- Support legislative efforts that allow for sustainable financing options, as outlined in CVAG's Regional Early Action Plan (REAP) and member jurisdictions' Local Early Action Plans (LEAP), in order to address housing shortages and provide affordable housing options.
- Support efforts by Lift to Rise to establish the Coachella Valley Housing Catalyst Fund to increase housing production in the Coachella Valley and create homeownership opportunities for low- and very low-income families, permanent supportive housing for the homeless and address unpermitted mobilehome park issues.
- Support CEQA reform to streamline the delivery of housing projects.
- Monitor the Affordable Housing and Sustainable Communities Program and advocate for increased flexibility and changes that ensure a greater share of funding is available to areas that don't have Transit Oriented Developments (TOD) and thereby more accurately account for unique community characteristics and growth patterns in the Coachella Valley.
- Support the extension of state-funded solutions, including Project RoomKey and Project HomeKey, with an emphasis on ensuring those investments are used in the Coachella Valley.

- Support legislative efforts that would allow local jurisdictions to implement, if they choose, programs and ordinances that require unsheltered individuals to accept housing solutions and treatment solutions.
- Support efforts to establish homeless courts that can help local jurisdictions provide additional solutions and services for homeless individuals.
- Support legislative efforts that would allow local jurisdictions to implement, if they choose, programs and ordinances that increase the available housing units and/or require unsheltered individuals to accept housing solutions and treatment solutions so long as there are adequate housing units available.

Public Safety

- Support programs and policies that provide funding for the CVAG region to obtain, enhance, operate, maintain and update early earthquake warning systems.
- Monitor legislation and executive orders related to the COVID-19 pandemic and other public health and safety emergencies and support programs that provide assistance to negatively impacted communities in the Coachella Valley.
- Monitor legislation impacting race, diversity, and inclusion policies as it pertains to local law enforcement.
- Support and advocate for additional judgeships in Riverside County to address the chronic backlog of cases.

FEDERAL

Transportation

Bridges, Regional Arterials and Improved Access

- Support regional efforts for the Coachella Valley-San Geronio Pass Rail Corridor Service (CV Rail), including funding opportunities to advance the preferred alternative, to support alternate transportation modes and better connect desert communities and attractions with Los Angeles, Orange County and the Inland Empire.
- Support actions by the Riverside County Transportation Commission, the Federal Railroad Administration and the California Department of Transportation that advance CV Rail.
- Support advocacy efforts by the Facilitate Equitable Deals Task Force to improve coordination and collaboration with Union Pacific Railroad (FED-UP).
- Support outside funding for CVAG's priority projects as outlined in the Transportation Project Prioritization Study (TPPS), including interchanges along the Interstate 10 corridor and State Highway Route 86, in order to reduce the burden on regional and local funds.
- Support legislative and regulatory efforts that increase funding for the expansion and improvement of regional arterial projects that improve public safety, encourage economic development, ease traffic congestion, and reduce air quality and environmental impacts.
- Support efforts by Riverside County Transportation Commission, San Diego Association of Governments and the San Bernardino Association of Governments, to reduce congestion and increase mobility to and from the CVAG region, including increased funding for bypass roads, bridges and transportation improvements in the pass area.
- Support Congressionally directed spending requests for transportation projects in the Coachella Valley and in eastern Riverside County.
- Support increased funding for Tribal nations in the Coachella Valley for implementation of regional transportation projects.
- Support efforts that expand public transportation opportunities in the City of Blythe, including increased transit.
- Support National Environmental Policy Act (NEPA) reform to expedite and streamline environmental review and project delivery for transportation projects.
- Support efforts that dedicate funding for goods movements projects, including grade separation projects, in eastern Riverside County.
- Oppose efforts that decrease local control and decision-making regarding local revenue sources, including, but not limited to, Measure A sales tax revenue and the Transportation Uniform Mitigation Fee (TUMF).
- Oppose efforts that would divert revenue derived from transportation sources to non-transportation related projects or activities.
- Oppose efforts to eliminate or decrease use of state and local transportation funds for capacity enhancement projects and monitor one-size-fits-all approaches regarding their use.

- Monitor implementation of programs in the federal Infrastructure Investment and Jobs Act (2021 Infrastructure Bill) and the Inflation Reduction Act of 2022 (IRA 2022), such as the Bridge Investment Program, and support funding for existing programs such as the Highway Bridge Program and the Transportation Infrastructure Financing Innovation Act (TIFIA) Program.
- Monitor regulatory and legislative changes to the Federal Highway Administration's Congestion Mitigation and Air Quality (CMAQ) Improvement Program and oppose efforts that impose additional requirements on, or decrease funding for, CVAG or its member agencies.
- Monitor efforts that would make changes to the Clean Air Act and associated transportation programs to meet nonattainment or maintenance requirements.
- Monitor potential replacement mechanisms for the federal gasoline excise tax.

Active Transportation

- Support policies and programs that provide funds for regional projects identified in CVAG's Active Transportation Plan.
- Advocate for increased federal funding to the state's Active Transportation Program, including opportunities to augment the program through the Reconnecting Communities and the Neighborhood Access and Equity grant programs.
- Monitor legislative and regulatory activity related to new mobility devices, such as scooters and automated vehicles, to ensure adequate safety compatibility with active transportation systems.

Intelligent Transportation Systems

- Identify and pursue funding opportunities that support, expand or leverage intelligent transportation systems, including CVAG's synchronization (CV Sync) traffic signal program.
- Monitor legislative and regulatory changes to funding sources for intelligent transportation systems, including the Congestion Mitigation and Air Quality program, and oppose efforts to decrease funding for non-attainment areas.

Energy and Environment

- Support legislation and programs that invest in projects that achieve environmental benefits, including improved air and water quality, water and energy conservation, and urban greening and heat mitigation initiatives in the region.
- Support programs that fund implementation of the Coachella Valley Multiple Species Habitat Conservation Plan and that support habitat restoration in the Coachella Valley.
- Support Salton Sea Authority efforts related to Salton Sea projects and legislation that provides funding for the restoration and revitalization of the Salton Sea, including the Phase One: 10 Year Plan.
- Support legislation that facilitates environmentally sensitive renewable energy development at the Salton Sea Known Geothermal Resource Area, including lithium extraction.

- Support legislation that provides funding for electric vehicle infrastructure and incentives for early adoption of electric vehicles.
- Monitor federal legislative, regulatory, and administrative activities that may impact the Coachella Valley Multiple Species Habitat Conservation Plan and the Desert Renewable Energy Conservation Plan.
- Monitor legislative and regulatory actions that may impact Property Assessed Clean Energy programs.
- Identify programs and support legislation that provides funding for clean energy, energy efficiency, decarbonization and green building programs.
- Monitor and support funding opportunities for wildlife crossing structures to increase habitat connectivity and decrease wildlife-vehicle collisions in areas where populations are fragmented by highways and interstates.
- Support policies and funding that expand access for rooftop solar to households of all incomes. Monitor issues related to Net Energy Metering and initiatives that impact availability and affordability of rooftop solar.

Broadband

- Support and advocate for funding for open access middle-mile infrastructure to facilitate last-mile connections and leverage existing networks and construction projects to build networks, when possible.
- Support efforts and funding that prioritize connectivity to unserved and underserved communities and community anchor institutions.
- Support and identify programs that support middle-mile and last-mile broadband infrastructure and that leverage dig-once opportunities such as CVAG's CV Sync project.
- Monitor actions by the Federal Communications Commission related to broadband and implementation of the broadband investments as authorized in the 2021 infrastructure Bill.

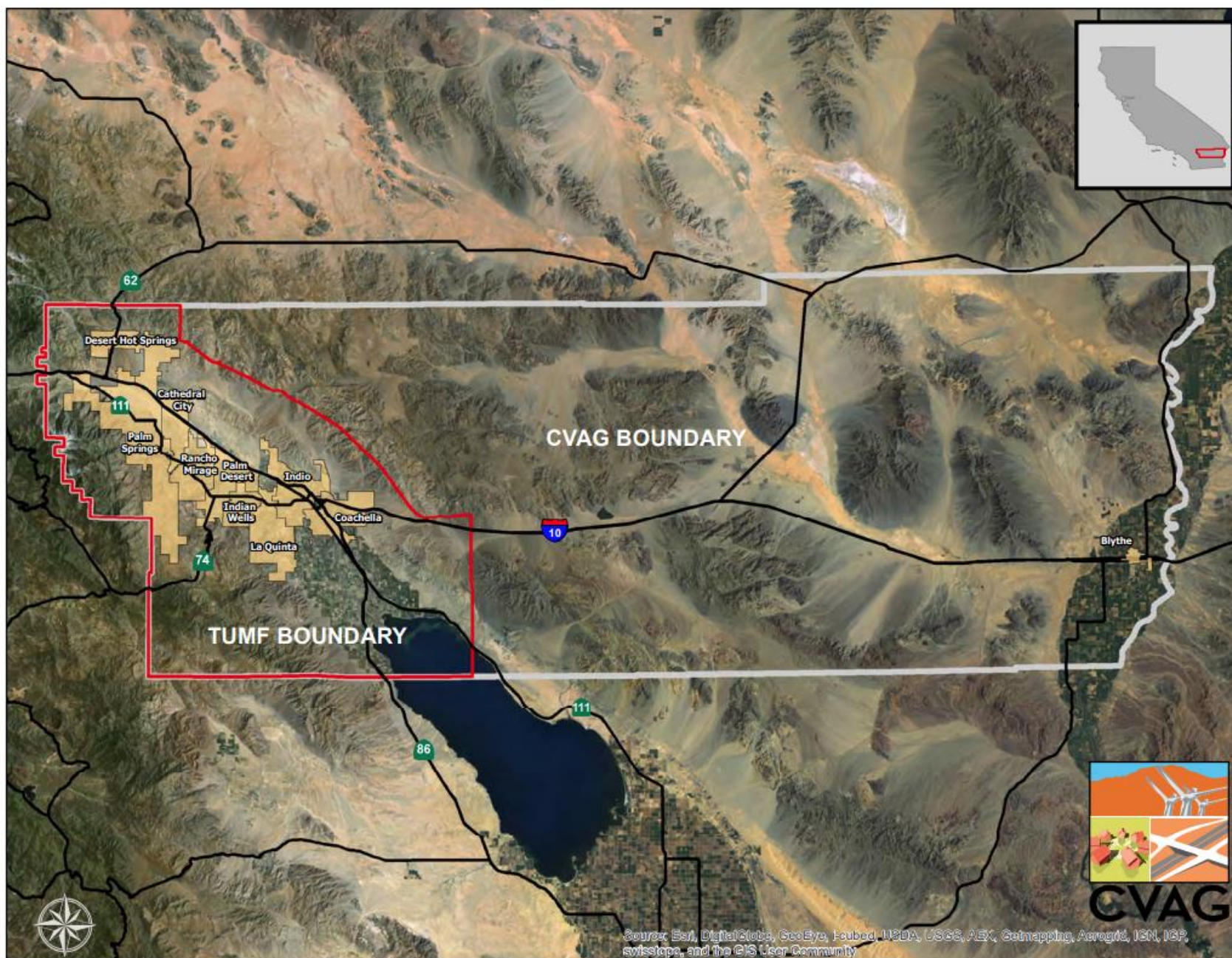
Homeless and Affordable Housing

- Identify and advocate for opportunities for CVAG's member agencies to secure funding that assists in building affordable housing and increasing housing opportunities for low-, moderate-, and workforce housing.
- Monitor and support programs and funding for CVAG's CV Housing First program and regional solutions to addressing homelessness.

Public Safety

- Identify, monitor and support legislation that provides funding for operations, maintenance, and updates to early earthquake warning systems.
- Identify funding opportunities for member jurisdictions to mitigate and reduce the incidents of green waste fires.

- Monitor legislation and administrative actions related to race, diversity and inclusion policies as it pertains to law enforcement.
- Monitor and support funding opportunities that will assist in the reduction of the spread of COVID-19 and other public health and safety concerns, to assist public entities in their response.



ITEM 8A

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Contract for the Regional PM10 Street Sweeping Program

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Authorize the Executive Director to execute a services contract with CleanStreet for regional street sweeping services through 2025, with an option for two, one-year extensions, for a not-to-exceed annual amount of \$763,573.96

Energy & Environmental Resources Committee: Concur (Meeting of November 10th)

Background: In recent meetings, CVAG's Energy and Environmental Resources Committee has been provided updates on work underway to ensure the regional street sweeping program is working to its maximum effectiveness. In September, CVAG staff received the Committee's feedback on the preliminary findings of an efficiency and effectiveness study. With this staff report, CVAG staff is recommending a regional PM10 street sweeping services agreement that implements the findings.

The Regional PM10 Street Sweeping program is an air quality program focused on addressing PM10 (particulate matter less than 10 microns) by removing sand and entrained dust from regional streets in the Coachella Valley. Because the Coachella Valley is in non-attainment for PM10, the program is part of the Coachella Valley's State Implementation Plan (SIP) and is a best available control measure. The goal of the program is to improve air quality and public health and safety. By decreasing fugitive PM10 emissions attributed to entrained roadway dust and sand that is pulverized by vehicles and then suspended into the air, Coachella Valley residents and visitors can enjoy cleaner and healthier air. As a result, decreasing the chances of people experiencing respiratory issues or illnesses.

The program is responsible for sweeping 896 curb miles of regional arterials in the Coachella Valley. Of those, 822 miles are regular streets and 73 miles are special impact streets. The roads that comprise said mileage are swept on a bi-weekly basis. However, the special impact streets may be swept more often based on need, particularly during the windy season which is mid-February through mid-May. The sweeping services will also include sweeping of Highway 111 in Palm Springs, which covers the costs of that specific segment through a reimbursement agreement with Caltrans. The proposed services also include the completed segment of CV Link between Vista Chino in Palm Springs and Ramon Road in Cathedral City.

On August 29, 2022, CVAG began soliciting qualifications-based proposals for street sweeping services. The proposal submission period closed on September 30, 2022 and CVAG received two proposals: one from CleanStreet and another from M&M, Inc. A selection committee comprised of staffs from the Cities of Indio, Coachella, La Quinta, Palm Desert and Rancho Mirage was established to review and score bids based on qualifications. The selection committee unanimously recommended CleanStreet be awarded the new street sweeping service agreement. CleanStreet has over 25 years of serving the Coachella Valley and already provides services for local streets for eight of the nine cities in the Coachella

Valley. The regional program will complement their work and build on their relationships they have established with local city staff. The Gardena-based company leases an operations facility in Thousand Palms, providing them with a local base of operations. As part of their proposal, Clean Street will provide four street sweeper operators and a project coordinator. Their equipment also adheres to South Coast Air Quality Management District (SCAQMD) Rule 1186, which guides the procurement of street sweepers, and they are familiar with special impact streets and post clean-up given they have past experience with CVAG's program.

RFP was qualifications based, and therefore, the cost proposal was opened only for the contractor the selection committee selected based on best ability to perform the work. As detailed in the fiscal analysis, the new proposal by CleanStreet will increase the program by 18 percent, which the contractors note is largely due to increases of fuel costs and disposal fees to be the main cost drivers.

If awarded a contract, CleanStreet will begin work January 1, 2023. The extension of an existing contract with M&M to December 31, 2022, allowed them to continue to operate the program until completion of the program's efficiency and effectiveness study, and pertinent findings were included in the new RFP for street sweeping FY 2023.

As noted in the September update, the study was part of a grant agreement with SCAQMD and designed to identify any areas that make the program more impactful for the Coachella Valley. Although the study found the program to be effective in reducing fugitive PM10 emissions, it recommends that roads in the cities of Palm Springs, Rancho Mirage and Indio be included in the program. These additions, which will be included in the new service agreement, include Sunrise Way and East Mesquite Avenue in Palm Springs; Da Vall Drive and Los Alamos Road in Rancho Mirage; and Avenue 50 and Madison Street in Indio. The additions to the program were determined using significant average daily traffic counts (ADT) for intersection and road stretches, both within and adjacent to the Coachella Valley blowsand area. The blowsand area generally stretches along Interstate 10 from the pass area downwind into the Coachella Valley. ECORP, which conducted the efficiency and effectiveness study, used wind data and meteorological data in combination with the traffic data to identify roads and intersections to be included in the program. Additionally, they analyzed monthly data to identify periods of concern, which are periods of high winds and high PM10 concentrations.

Per the study, the new contract with CleanStreet will also include two new requirements. First, street sweepers under the new agreement will be required to be equipped with GPS tracking devices. This requirement will enhance the operation and management of the program. Specifically, it will allow for CVAG to track the service the provided and compare that work with service maps and routes to ensure the work is being completed as scheduled. It will also serve to coordinate with local cities and to verify whether sweeping occurred in each respective jurisdiction. Secondly, as recommended in the study, the new agreement will also include a requirement that street sweepers weigh the sand and dust collected before it is disposed. This requirement will help strengthen the data collection for the program and can help to substantiate its effectiveness.

During the study process, CVAG staff and ECORP coordinated with SCAQMD staff to provide updates on the methodology, data collection and pre-liminary findings, to ensure adherence to SCAQMD's grant requirements. CVAG staff have also consulted with Dr. Emily Nelson, who is an air quality subject matter expert has been instrumental in these efforts. The study has concluded and is attached for the Committee's review. It was submitted to SCAQMD staff and, based on discussions with their staff, there are minor, technical adjustments that will be made before it is final. The technical adjustments to the study will not affect its findings and recommendations regarding the program. Instead, the final edits are to clarify language in the report. ECORP is making these final edits per SCAQMD staff recommendations and the study will be resubmitted for final approval.

Fiscal Analysis: The Regional PM 10 Street Sweeping Program is funded through various funding sources including Col-Mac (Desert View) funds apportioned to the program by Riverside County, AB 2766 Vehicle Subvention funds received from all nine cities and through the aforementioned grant funds from the SCAQMD.

The CleanStreet proposal will increase the total cost of the program by \$123,443.20 or 18 percent. Specifically, the per-unit cost of regular street sweeping will increase by 24 percent, from \$25.77 to \$32.06 per mile. The special impact street rate increase is 11 percent, from \$37.91 to \$42 per mile. Combined, the annual program cost based on the recommended contractor is anticipated to increase by 18 percent, from \$640,130.76 to \$763,573.96. This total cost increase includes the addition of new streets into the program as well as post clean-up services for special impact streets, which was not provided under the expiring contract.

Additionally, the proposal includes a new service to sweep a completed segment of CV Link at a per unit rate of \$51.50 per mile for 2.3 miles in 2023, which totals \$6,159.40. The mileage will then increase over time as the CV Link is built and additional miles are completed. CVAG has been using an Adopt a Link program to cover operational costs like these.

The SCAQMD provided CVAG a \$1.15 million grant to help operate the program at \$220,000 per year for five years beginning in FY 2021-22. In addition to operational support for the program, the grant also included funds to complete the efficiency and effectiveness study. Once the study is approved, CVAG can begin to drawdown funds for years two through five of the grant, which totals \$880,000 or \$220,000 per year.

Attachments:

1. Strategic Street Sweeping Study
2. Services Agreement with CleanStreet

Strategic Street Sweeping Study

Coachella Valley Association of Government

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Prepared by:



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September 2022

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1.0 EXECUTIVE SUMMARY

Within the Coachella Valley, there is a natural sand migration process referred to as “Blowsand”. During periods of heavy winds, fine grained particles are transported and deposited downwind and onto the roadways, also referred to as “sediment deposits”. The accumulation of sand on the roadway poses a serious safety concern as commuters are forced to drive through or around the sediment deposits.

This study was commissioned by the Coachella Valley Association of Governments (CVAG) to assess overall effectiveness of the Regional Street Sweeping Program on ambient particulate matter less than 10 microns in diameter (PM10) concentrations and to identify any areas for improvement. PM10 originating from paved roads constitutes a large portion of ambient PM10. Thus, removing material from streets is necessary, especially in highly trafficked areas to keep ambient PM10 concentrations in attainment with health based federal and state standards. This study uses the previous street sweeping study conducted by CVAG in 1993 as a template for analysis methodology and identification of the “blowsand zone”. Traffic information as provided by CVAG has been utilized with current regional sweeping routes to review and update areas of concern. In addition to the operational data, ambient PM10 monitoring data has been reviewed and both show a positive benefit as a result of the Regional Street Sweeping Program.

The threshold of 10,000 average daily trips (ADT) in and around the blowsand area was utilized to identify areas of concern regarding PM10 emissions within the Coachella valley. Since the original CVAG street sweeping study in 1993 there have been many changes in traffic patterns in the Coachella Valley as shown in multiple figures throughout this report. However, the original 10,000 ADT still appears to capture all of the areas influencing high PM10 emissions. Reductions observed in monitored PM10 data collected since the establishment of the CVAG Regional Street Sweeping Program show that this Program, along with others, is working to keep ambient PM10 at healthy levels throughout the Coachella Valley.

The costing analysis conducted for this study showed that a hybrid approach of city/government and contracted equipment and labor resulted in the best pricing. The monitoring data and sweeping level of service analyses conducted in this report both showed that the current Regional Street Sweeping Program helps maintain healthy levels of PM10 throughout the Coachella Valley region. Increased traffic in certain areas let this study to identify four areas of concern that are currently not covered by the Regional Street Sweeping Program. These areas have been identified in the report and it is recommended that they are added to the regional street sweeping routes.

South Coast Air Quality Management District (SCAQMD) regulation 1186 is used by multiple regulator organizations and regional authorities as the guidelines for PM10-efficient street sweepers. Thus, for the purposes of this report a PM10 efficient sweeper is identified as the type certified under this regulation. Diesel sweepers were identified as being used for sweeping operations by some of the cities and occasionally for the Program. This study recommends that this diesel sweeping equipment be replaced with natural gas sweepers as soon as possible. Regenerative air sweepers with a mechanical brush have been identified as most effective sweeper for control of PM10 and are used for the Regional Street Sweeping Program. There are a few cities that use vacuum and mechanical brush sweepers; it is recommended that these are replaced by regenerative air sweepers if they are not certified under SCAQMD Regulation 1186.

2.0 INTRODUCTION

As previously described, ECORP has been commissioned by CVAG to conduct a study on the effectiveness of the current Regional Street Sweeping Program. The statements in this document are those of the contractor (ECORP) and do not necessarily reflect those of CVAG or SCAQMD. The CVAG Regional Street Sweeping Program has been operating since the early 1990's and has been funded primarily by Assembly Bill (AB) 2766 funds administered by the SCAQMD. The original Strategic Street Sweeping Study (1993) was utilized to identify areas of concern and to create the regional street sweeping routes. This updated study utilizes current routes; traffic data; ambient air quality; street sweeping costing data gathered from the SCAQMD and CVAG Cities; and other sources to evaluate the current Program and make recommendations to regional sweeping operations and routes.

The U.S. Environmental Protection Agency (EPA) approved the Coachella Valley's latest State Implementation Plan (SIP) which addressed the now revoked annual and current 24-hour federal PM₁₀ standards of 50 and 150 $\mu\text{g}/\text{m}^3$, respectively. The SIP is an update to the previous SIP required for the Coachella Valley since nonattainment was shown to be attributed primarily to locally generated fugitive dust, and not transport from the South Coast Air Basin. Since the original nonattainment determination, the EPA addressed the uncontrollable natural events in the region leading to high ambient PM₁₀ concentrations.

In both the original SIP and its update, control methods were proposed to be implemented through a combination of SCAQMD and local government actions, including local ordinances to minimize "man-made" dust emissions. The focus of the SIP is the control of dust emissions caused by the interaction of "man" and the environment, not control of the uninhabited desert. As of 2007, the Coachella Valley have met the revoked federal annual standard. In addition, it has been determined by the EPA and SCAQMD that the 24-hour federal standard of 150 $\mu\text{g}/\text{m}^3$ has only been exceeded during uncontrollable events. However, the EPA has not redesignated the area to attainment as they are currently further investigating PM₁₀ concentrations in Mecca and surrounding areas (SCAQMD, 2018).

3.0 PROFILE OF CITY STREET SWEEPING SERVICES

This chapter presents a profile of city, county and regional street sweeping services and traffic information in the Coachella Valley by each City and County. The information presented in this section was obtained during a survey conducted by CVAG and completed by each of the cities. For the purposes of this report, a "good" level of service is defined as the sweeping of areas of concern every other week and the sweeping of other streets at least once every month. It should be noted that the consideration of what constitutes a "good" level of service is a current topic in need of further review (Calvilloe, 2015). It is noted that many cities sweep areas with sand accumulation more frequently, and this has been shown to reduce PM10 concentrations. The daily PM10 concentrations presented in this report show that there are not prolonged periods of elevated PM10 in the Coachella Valley, indicating that overall, Cities are doing an acceptable job at removing sand after events.

In the original 1993 report, 10,000 ADT was used to determine an area of concern covered in the Regional Street Sweeping Program. This definition has been reviewed and determined not to need updating per current information from other similar areas, academic studies, and recent emission reduction plans. As shown in the Figures below, the traffic counts are displayed as dots colorized depending on the ADT at the segment. The legend identifying the ADT colors at road segments monitored by CVAG can be found in the upper right of each Figure. Any roadway segments in or around the blowsand zone that had increases in traffic since the 1993 study resulting in the roadway segment becoming an area of concern was identified and proposed to be added to the updated routes. Each of the following Figures presents streets swept in the Regional Program in blue, high impact areas in red and new proposed streets to the Regional Program in yellow.

The data presented in the following sections is also available in Table form as Appendix A of this document.

3.1 INDIAN WELLS

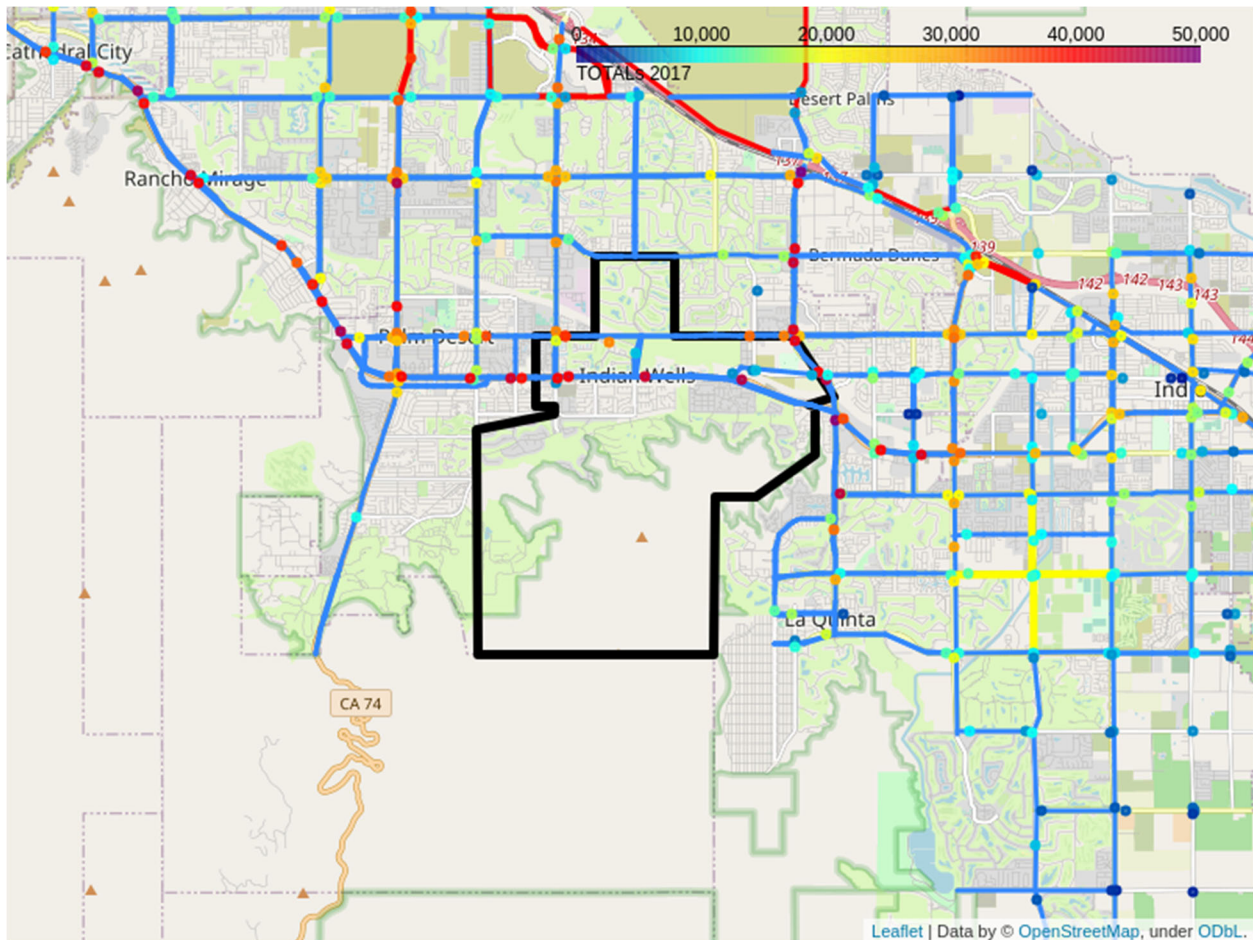


Figure 1. City of Indian Wells Area Map

Streets Inventory. The City of Indian Wells reported 31 curb miles of streets, consisting of 15 Arterial and 16 residential curb miles. There are no special impact streets in Indian Wells and there are no proposed additions to the Regional Sweeping route in Indian Wells.

Street Sweeping Levels of Service. Indian Wells has a good level of street sweeping service. All streets are swept weekly, including residential and arterial. Highway 111 is swept once a week. All sweeping is conducted by contracted labor and equipment. Sweeping is conducted utilizing natural-gas powered regenerative-air sweepers.

Cost of Street Sweeping. The City reported an annual cost of \$44,100 with an additional \$6,449 AB-2766 funds utilized for the Regional Street Sweeping Program.

Location Where Sweeper Refuse is Dumped/Stored. Sweeping service takes ownership of and disposes of all material outside city limits in approved landfill.

3.2 RANCHO MIRAGE

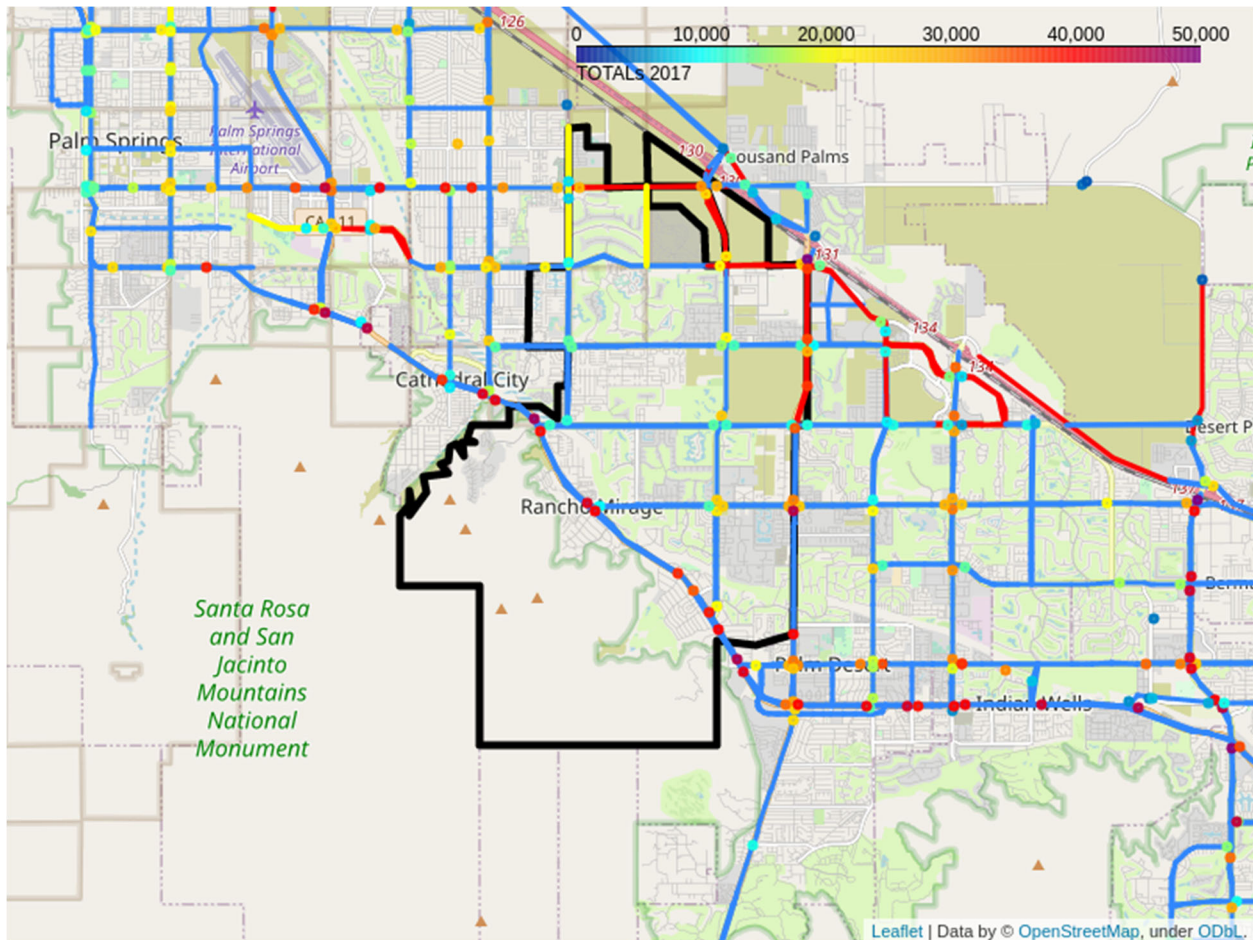


Figure 2. Rancho Mirage Area Map

Street Inventory. The City of Rancho Mirage has 163 curb miles of public roads. These streets are broken down into 100 miles of arterial streets, 75 miles of residential streets, and 16 miles of highway. There are large sections of special impact streets in Rancho Mirage and two proposed updates to the regional sweeping route.

Street Sweeping Levels of Service. The level of service in Rancho Mirage is good in terms of frequency, but it is recommended that the City phase out the usage of non-1186 certified sweepers as soon as possible. All streets are swept once every two weeks. Rancho Mirage utilizes City equipment and labor and Contractor equipment and labor to conduct sweeping. Rancho Mirage and contracted sweepers utilize regenerative-air with mechanical brush; mechanical brush; mechanical brush with vacuum assist fired by diesel and natural gas.

Cost of Street Sweeping. Rancho Mirage reported an annual cost of \$108,355 with an additional cost of \$17,409 for the Regional Street Sweeping Program.

Location Where Sweeper Refuse is Dumped/Stored The contractor sweepers dump their refuse at a landfill of their choice.

3.3 PALM DESERT

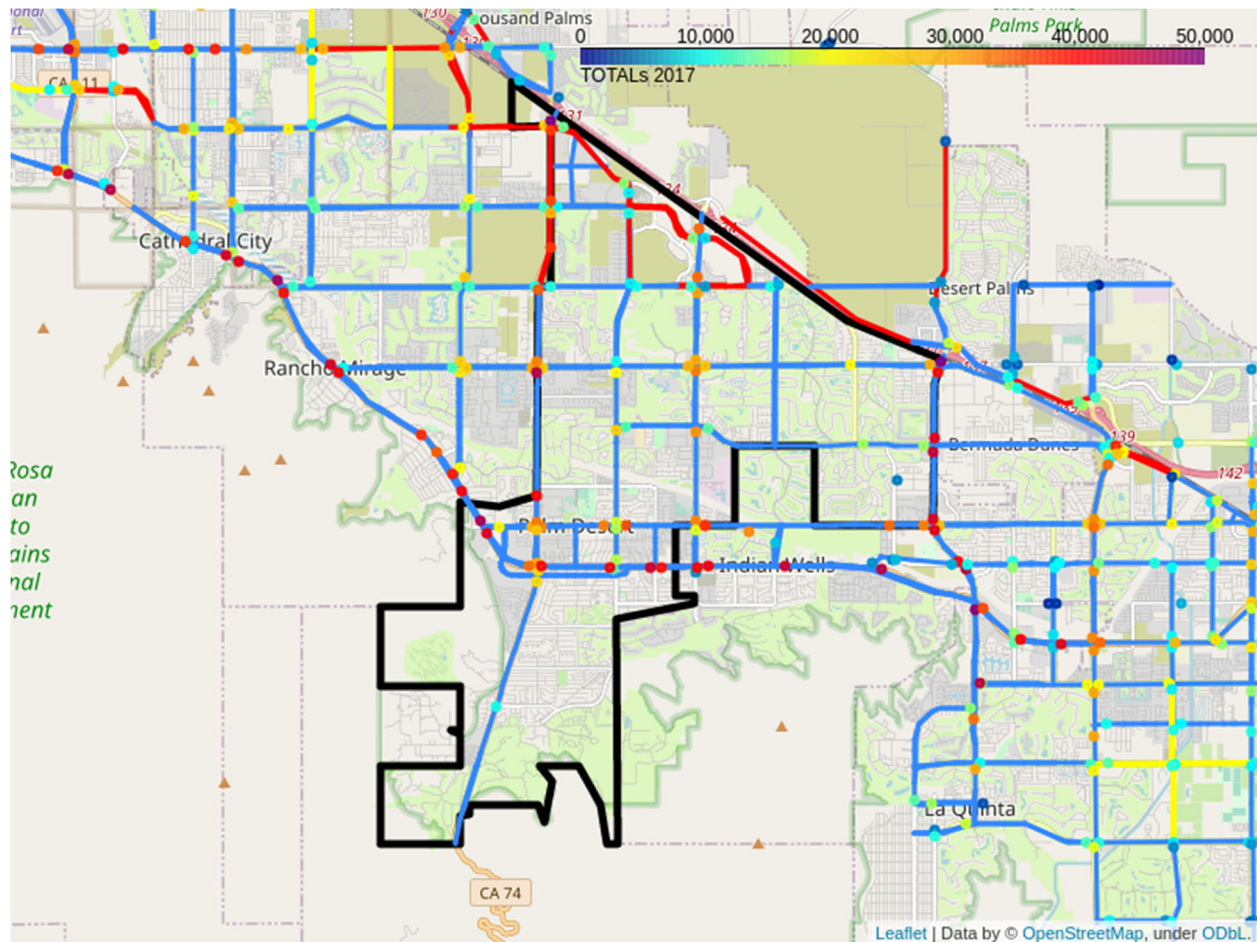


Figure 3. Palm Desert Area Map

Street Inventory. The City of Palm Desert has approximately 623 curb miles of public roads. Of these miles, approximately 370 are arterial, 250 are residential and include three miles of highway. Palm Desert has multiple road segments labeled as 'special impact' as identified above.

Street Sweeping Levels of Service. Palm Desert has a good level of street sweeping. All public streets are swept every other week utilizing compressed natural gas (CNG) regenerative air with mechanical brush sweeper provided and operated by a contractor.

Cost of Street Sweeping. It was estimated that the City of Palm Desert spends between \$150,000 to \$250,000 annually sweeping its streets. An additional \$50,725 are spent through the Regional Street Sweeping Program.

Location Where Sweeper Refuse is Dumped/Stored. In 1993 it was reported that sweepers dump their refuse at the yard on Eclectic Street in Palm Desert. A roll off bin is also used as a transfer dump station at Portola Avenue and Haystack Road.

3.4 DESERT HOT SPRINGS

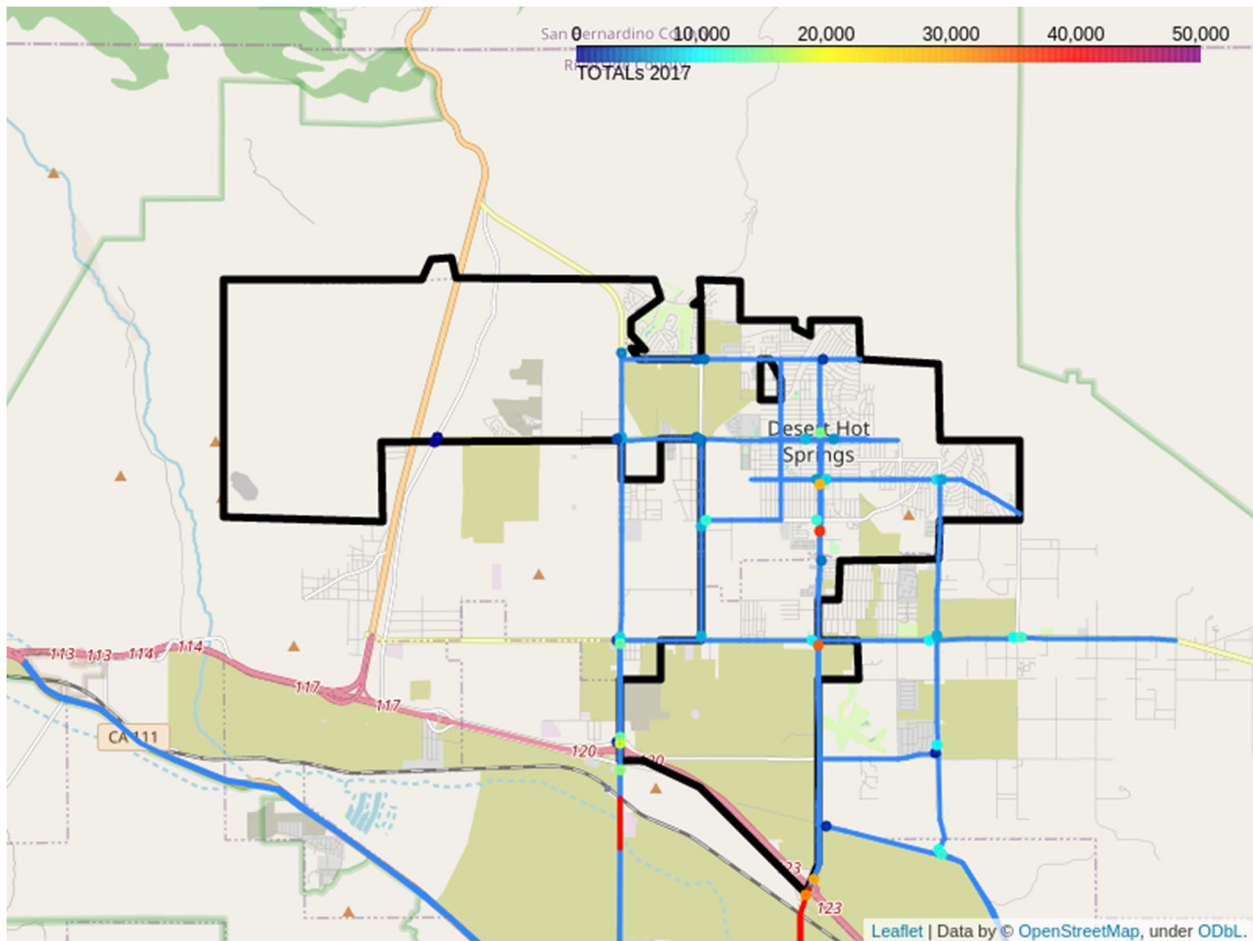


Figure 4. Desert Hot Spring Area Map

Street Inventory. The City of Desert Hot Springs has less than 100 curb miles of streets. There are not any State Highways in Desert Hot Springs.

Street Sweeping Levels of Service. The City of Desert Hot Springs has a good level of service with the Regional Street Sweeping Program; however, it is recommended that the City utilize Rule 1186 as soon as feasible. The City sweeps the streets once a month utilizing a contractor and the streets are swept twice a month for the Regional Street Sweeping Program. The contractor uses a diesel-powered mechanical brush vacuum assist sweeper.

Cost of Street Sweeping. Annual street sweeping cost in the City are estimated to be between are \$75,656 with an additional \$27,611 AB-2766 reported for FY 2019-20.

Location Where Sweeper Refuse is Dumped/Stored The sweeper refuse is stored at the corporation yard. This material is used as fill elsewhere.

3.5 INDIO

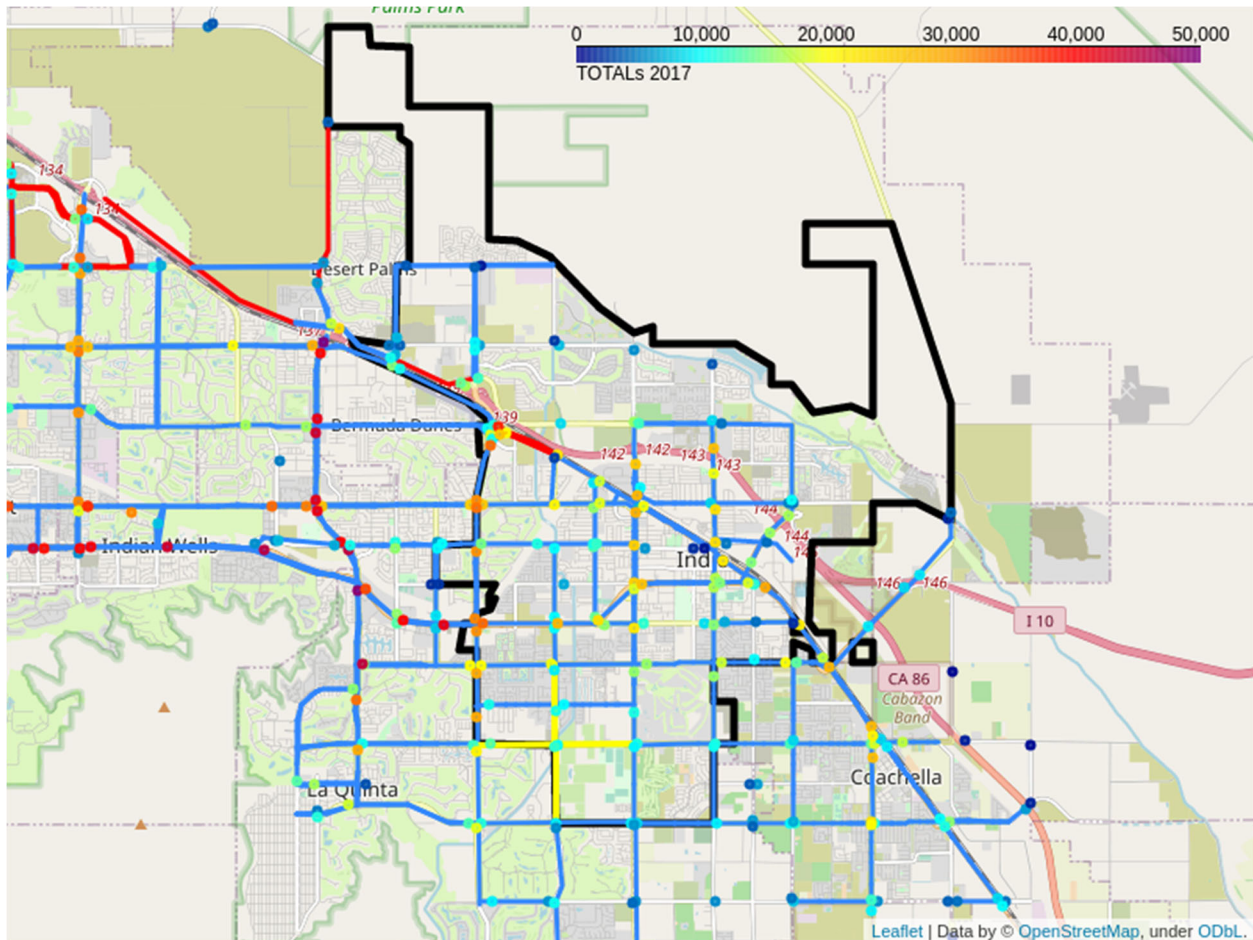


Figure 5. Indio Area Map

Streets Inventory. The City of Indio has 400 curb miles of streets, with 300 curb miles of residential streets and 100 miles of arterial streets.

Street Sweeping Level of Service. The City of Indio has a good level of street sweeping service. Indio residential streets are swept once every four weeks, while commercial are swept every week. In addition, Indio sweeps areas of sand accumulation more frequently when necessary. The City of Indio uses City equipment and labor and CNG regenerative air with mechanical brush to sweep streets in their service territory.

Cost of Street Sweeping. The cost of street sweeping for the City of Indio is approximately \$250,000 per year with an additional \$84,723 spent for the Regional Street Sweeping Program.

Location Where Sweeper Refuse is Dumped/Stored. Sweeper refuse is placed in two ten yard roll off bins. On Mondays, Wednesday, and Friday Burtec hauls off full roll off.

3.6 CATHEDRAL CITY

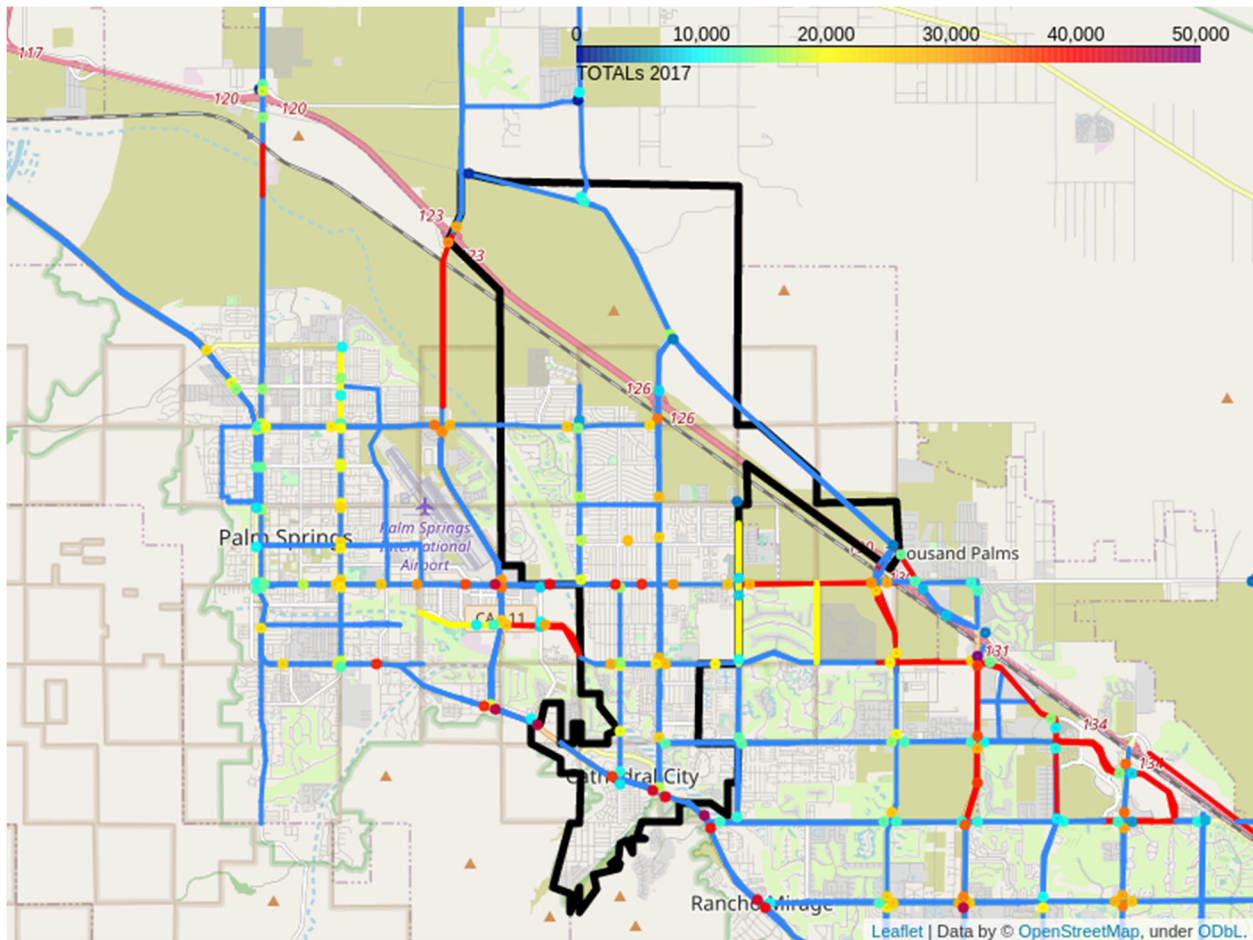


Figure 6. Cathedral City Area Map

Street Inventory. Cathedral City has 290 curb miles of roadways. In the previous 1993 study, Cathedral City estimated around 75 percent residential, 23 percent arterial and 2 percent highway, translating to 217 residential miles, 64 arterial miles and 3 highway miles for the updated curb mile total provided for this report.

Street Sweeping Levels of Service. The level of service for street sweeping is good in Cathedral City; however, the type(s) and fuel of sweepers used was not reported. Residential streets are swept monthly and arterials in an area of concern are swept every other week.

Cost of Street Sweeping. The cost of sweeping to the City is \$113,356 and the AB 2766 funds spent for the Regional Street Sweeping Program are \$51,933.

Location Where Sweepers Refuse is Dumped/Stored. The City representative reported that the contractor handles the disposal.

3.7 COACHELLA

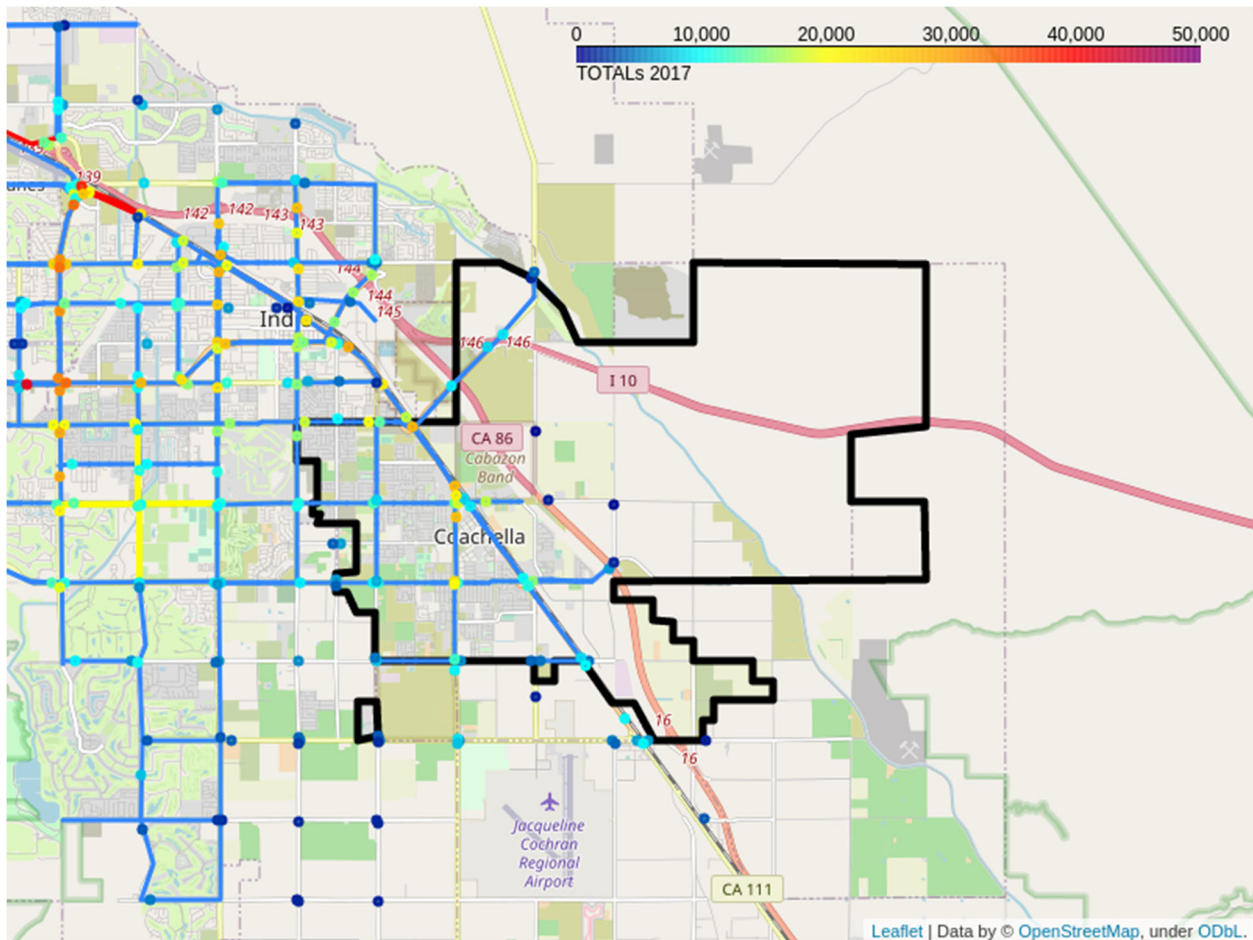


Figure 7. Coachella Area Map

Street Inventory. The City of Coachella has an estimated 356 curb miles of street with around 80 percent residential and the rest split between arterial and highway.

Street Sweeping Levels of Service. The level of street sweeping service in Coachella is good; however, any equipment that is not certified under SCAQMD Rule 1186 is recommended to be replaced with certified equipment as soon as possible. All streets in Coachella are swept twice a month using contractor equipment and labor.

Cost of Street Sweeping. The current annual cost of street sweeping including labor and maintenance is \$147,469 to the City and \$43,824 regional funds.

Location Where Sweepers Refuse is Dumped/Stored. Sweepers deposit their refuse at the Coachella landfill on Dillon Road.

3.8 PALM SPRINGS

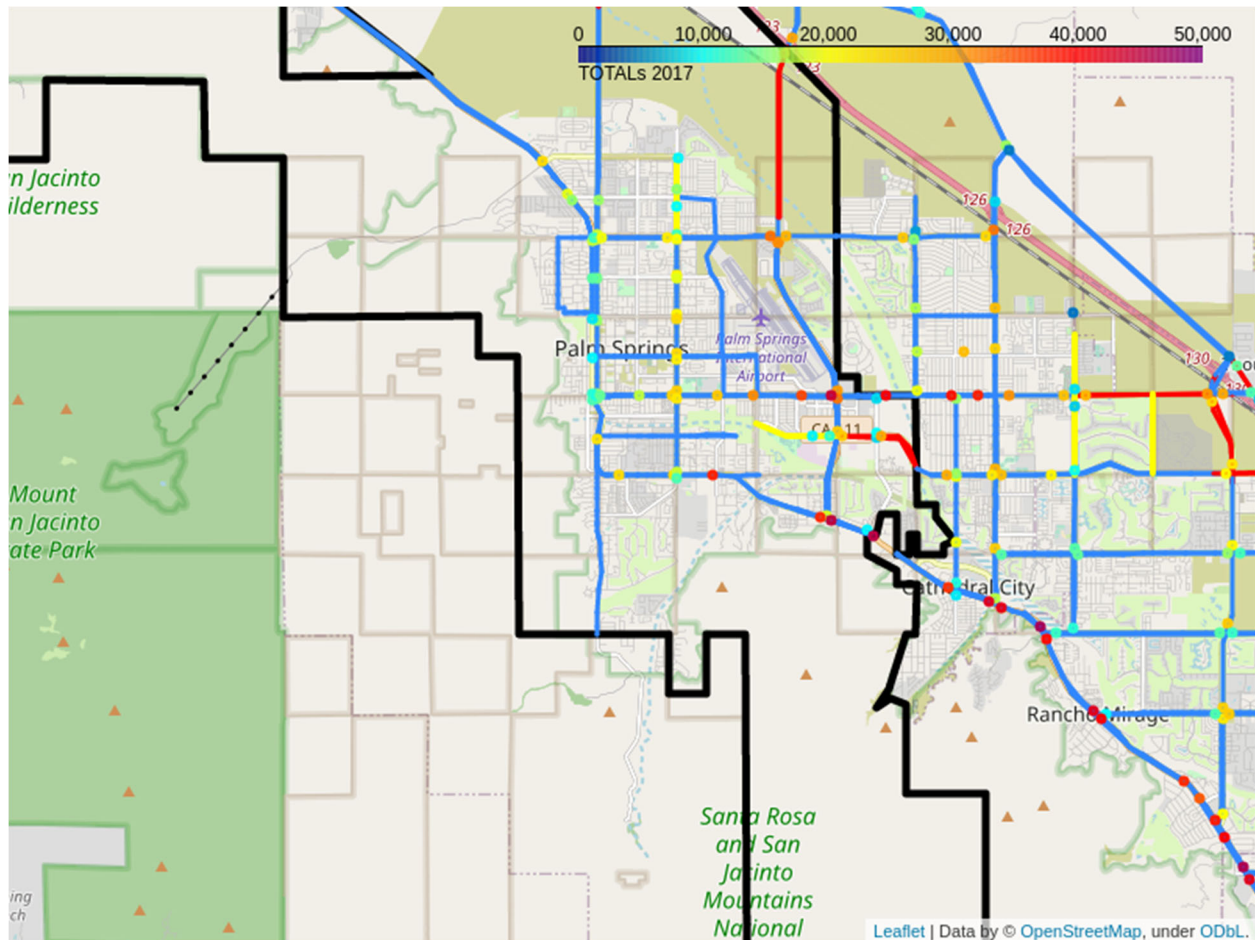


Figure 8. Palm Springs Area Map

Street Inventory. Palm Springs has 806 curb miles of roadways. Palm Springs reported 670 residential miles, 112 arterial miles, and 24 highway miles in the Palm Springs region for this report.

Street Sweeping Levels of Service. The level of sweeping in Palm Springs is good, however any sweepers not certified under SCAQMD Rule 1186 are recommended to be replaced as soon as possible. Residential streets are swept once a month and arterial streets are swept once a month to every other week. Street sweeping is conducted by a contractor using natural gas equipment in Palm Springs.

Cost of Street Sweeping. In the most recent fiscal year, the cost to the City for providing street sweeping services was approximately \$375,000. The latest AB-2766 regional funds reported for Palm Springs are \$46,083.

Location Where Sweeper Refuse is Dumped/Stored. Dumping is not tracked by the vendor in Palm Springs.

3.9 LA QUINTA

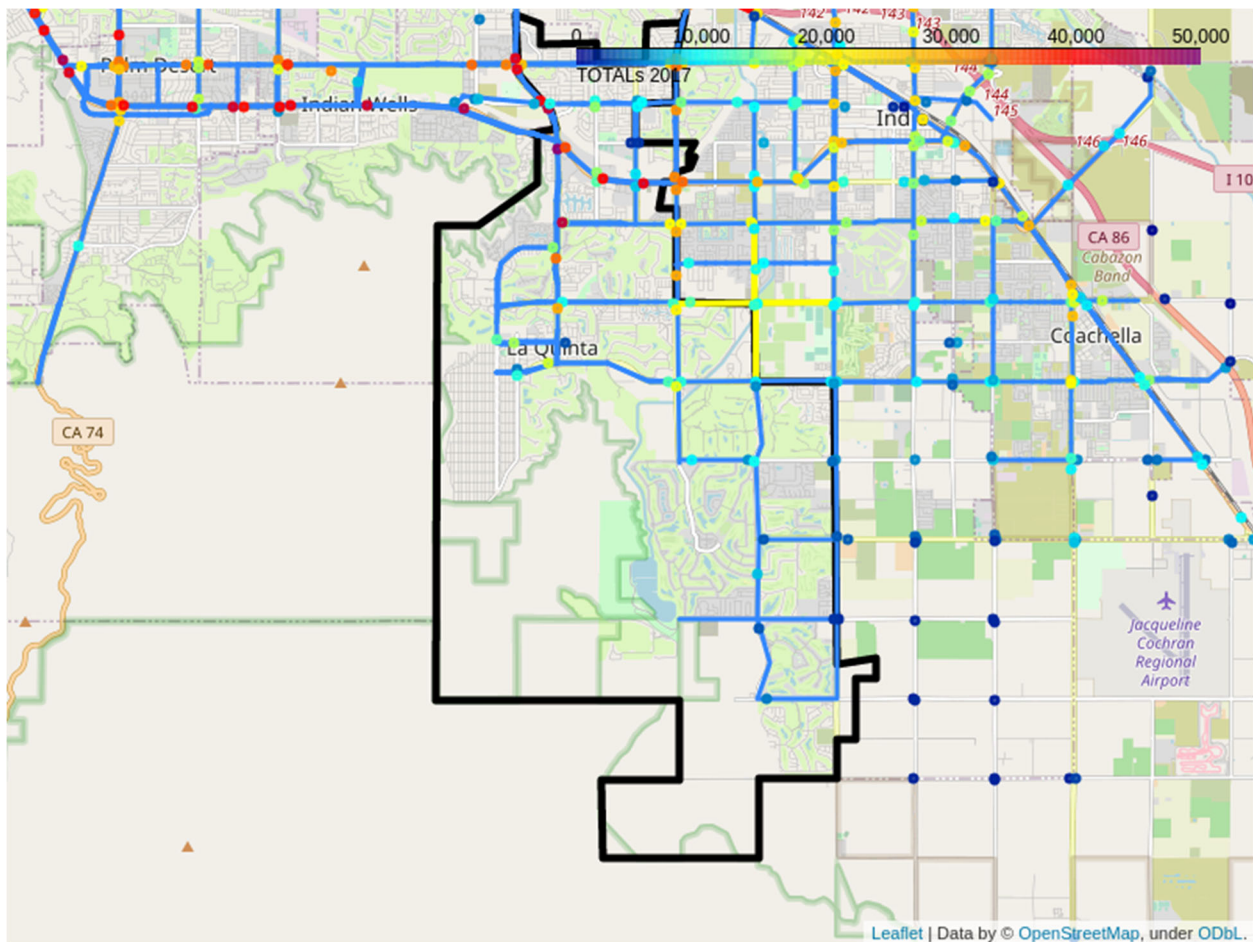


Figure 9. La Quinta Area Map

Street Inventory. La Quinta has 490 curb miles of roadways. The City reported 224 residential miles, 256 arterial miles, and 10 highway miles for this report.

Street Sweeping Levels of Service. The level of sweeping in La Quinta is good, however any sweepers not certified under SCAQMD Rule 1186 are recommended to be replaced as soon as possible. All streets in La Quinta are swept twice monthly. Street sweeping is conducted by another branch of government and contractor using natural gas equipment in La Quinta.

Cost of Street Sweeping. In the most recent fiscal year, the cost to the City of providing street sweeping services was approximately \$151,424. The latest AB-2766 regional funds reported for La Quinta are \$29,913.

Location Where Sweeper Refuse is Dumped/Stored. Sweepers utilize a site at the City corporation yard as a temporary dump site/transfer station. The material is ultimately hauled to the landfill.

3.10 COUNTY OF RIVERSIDE

A response from the County of Riverside was not available for this report. In the 1993 report it was reported that the County of Riverside does not sweep streets except in case of emergency or in response to rain or a blowsand event. It therefore provides a poor level of service. The following information was taken from the 1993 CVAG Street Sweeping Study.

Streets Inventory: The County of Riverside had 548 centerline miles of streets in the Coachella Valley: 213 in the Cathedral City Maintenance District and 335 in the Thermal Maintenance District (these represent the area from Whitewater down to the Desert Center). Of these 548 centerline miles, an estimated 100 have curb and gutter.

Cost of Street Sweeping: Since the street sweeping services are performed on a minimal basis, costs are also minimal. These costs are estimated at less than \$10,000 annually, including labor, services and supplies, and fuel/maintenance of the sweeper. The AB 2766 funds for the Riverside County section of the Regional Street Sweeping Program for Fiscal Year 2019 – 20 are \$51,278.

Location Where Sweeper Refuse is Dumped/Stored: In response to blowsand events, the material is typically bladed into the downwind shoulder. Sweeper material is rarely hauled to the dump.

4.0 PROFILE OF PRIVATE SWEEPING CONTRACTORS

ECORP and CVAG were able to gather recent equipment information from two street sweeping vendors in the region. The information available on vendor equipment is presented in the tables below. Data was gathered from the street sweeping company, M & M directly during this report. Data from the street sweeping company, Sweeping Corp of America (previously known as Clean Streets), is derived from the 2015-2016 regional sweeping contract cycle. M & M street sweeping currently holds the regional contract and many contracts with Cities throughout the Coachella Valley. Sweeping Corp of America was the last contractor to hold the regional contract prior to M & M and holds contracts with a few Cities in the Coachella Valley. Current sweeper data was not provided by any other vendors.

For annual waste disposed of M & M reported that the amount of tonnage is 1,935.70 for cities utilizing the material dumping vendor, Desert Recycling. Dumping quantities at the City of La Quinta, City of Rancho Mirage, Veolia Palm Springs facilities could not be identified, nor could quantities of sand from unincorporated County sections or sand picked up by each city themselves be identified as no record of such data exists. Discussions with M & M identified the issue of transporting sand long distances after wind events. This subject is discussed further later in this report. Table 4-1 presents the current equipment information provided by M & M.

Table 4-1. M & M Equipment Information

Unit	Model	Model Year	Fuel
Primary Sweepers			
# 128	Freightliner M2-112/Model Tymco 600	2016	CNG
# 129	Freightliner M2-112/Model Tymco 600	2017	CNG
As Needed for Arterial Streets			
# 125	Freightliner FC-80/Model Tymco 600	2007	CNG
# 138	Sterling SC8000/Model Elgin crosswind	2007	Not Provided
# 139	Autocar ACMD 42/Model Elgin Crosswind	2017	Not Provided

Table 4-2 presents the assumed current equipment information for Sweeping Corp of America, which was provided for the completion of the 2015-2016 regional sweeping contract. Sweeping Corp of America has not provided updated information at this time.

Table 4-2. Sweeping Corp of America Equipment Information

Sweeper	Model	Model Year	Fuel
Primary Sweepers			
T-714	Tymco 600	2009	CNG
T-715	Tymco 600	2009	CNG
T-719	Tymco 600	2009	CNG
T-721	Tymco 600	2009	CNG

5.0 REGION-WIDE COST BENEFIT ANALYSIS

The Cost Benefit Analysis was conducted using the collected data on pricing, frequency and estimated curb miles per year and three costing scenarios were calculated for the cost to the Cities. The cost per mile for these scenarios was then combined with costing for the Regional Street Sweeping Program of \$21.60 per curb mile for regular streets and \$26.50 for special impact streets. The Highway miles are swept under different contracts and were not included in this analysis. Table 5-1 presents the input data collected for the costing scenarios.

Table 5-1. Curb Mile Cost Calculations Input Data

City	Total Cost To City	Approximate Curb Miles		Frequency (per Month)	
		Arterial	Residential	Arterial	Residential
Palm Springs	\$ 375,000.00	112	670	1	1
Desert Hot Springs	\$ 75,656.63	100	100	1	1
Cathedral City	\$ 113,375.76	70	150	1	1
Rancho Mirage	\$ 108,355.51	100	75	2	2
Palm Desert	\$ 175,000.00	370	250	2	2
Indian Wells	\$ 44,100.00	15	16	4	4
La Quinta	\$ 151,424.00	256	224	2	2
Indio	\$ 250,000.00	100	300	1	1
Coachella	\$ 147,469.44	100	300	2	2

Three scenarios were developed to account for arterial streets swept under the Regional Street Sweeping Program. Scenario assumes that no arterial streets are swept by the subject city, scenario two assumes that 50 percent of the arterial roads are swept by the subject city and scenario 3 assumes that all the arterial roads are swept by the subject city. The formulas for each scenario are listed below.

- **Scenario 1:** Cost/Mile = Total Cost to City / (Residential Miles * Residential Frequency * 12 months)
- **Scenario 2:** Cost/Mile = Total Cost to City / ((Residential Miles * Residential Frequency + Arterial Miles * Arterial Frequency * 50%) * 12 months)
- **Scenario 3:** Cost/Mile = Total Cost to City / ((Residential Miles * Residential Frequency + Arterial Miles * Arterial Frequency) * 12 months)

Table 5-2 presents the results of the calculated curb mile costing scenarios. Using the formula for Scenario 1, the only city that has a better cost per mile rate than the Regional Street Sweeping Program is Coachella. Using Scenario 2 assumptions, Coachella Valley, Palm Desert, and La Quinta (3 out of 9) have a better rate than the Regional Program. Using the least conservative for regional comparison Scenario 3, the same three cities report better rates.

Table 5-2. Calculated Curb Mile Cost

City	Total Cost To City	Calculated Cost per Curb Mile		
		Scenario 1	Scenario 2	Scenario 3
Palm Springs	\$ 375,000.00	\$ 46.64	\$ 43.04	\$ 39.96
Desert Hot Springs	\$ 75,656.63	\$ 63.05	\$ 42.03	\$ 31.52
Cathedral City	\$ 113,375.76	\$ 62.99	\$ 51.07	\$ 42.95
Rancho Mirage	\$ 108,355.51	\$ 60.20	\$ 36.12	\$ 25.80
Palm Desert	\$ 175,000.00	\$ 29.17	\$ 16.76	\$ 11.76
Indian Wells	\$ 44,100.00	\$ 57.42	\$ 39.10	\$ 29.64
La Quinta	\$ 151,424.00	\$ 28.17	\$ 17.92	\$ 13.14
Indio	\$ 250,000.00	\$ 69.44	\$ 59.52	\$ 52.08
Coachella	\$ 147,469.44	\$ 20.48	\$ 17.56	\$ 15.36

It should be noted that this analysis does not take into account the type of equipment being used or the level of service. Indio only uses City equipment, while La Quinta and Rancho Mirage both utilize a combination of government labor and equipment and contractor labor and equipment. All of the other cities utilize contracted labor and equipment for their sweeping. Thus, from the results presented in Table 5-2 a hybrid approach of government and contracted sweeping results in the best cost per mile.

6.0 MONITORING DATA REVIEW

A monitoring data review was conducted for this study using the Federally Reference Method (FRM) data from the SCAQMD-operated Indio and Palm Springs monitoring sites. These two sites have the longest record of monitored PM10 data in the area. This data set includes monitoring data from before the inception of the Regional Street Sweeping Program. This PM10 data was compared to the Annual and 24-hour California Ambient Air Quality Standards (CAAQS) and the 24-hour National Ambient Air Quality Standards (NAAQS) to assess the PM10 levels in the area and the effectiveness of the Regional Program.

Figure 10 presents the annual average of daily samples from the two sites. The dashed blue line signifies the start of the Regional Street Sweeping Program in 1993 and the dashed yellow line represents the annual CAAQS. It should be noted that data during exceptional wind events is removed for federal compliance determination. The data in Figure 10 is presented as it is stored in the EPA Air Quality System (AQS) which includes these events when monitored data is available.

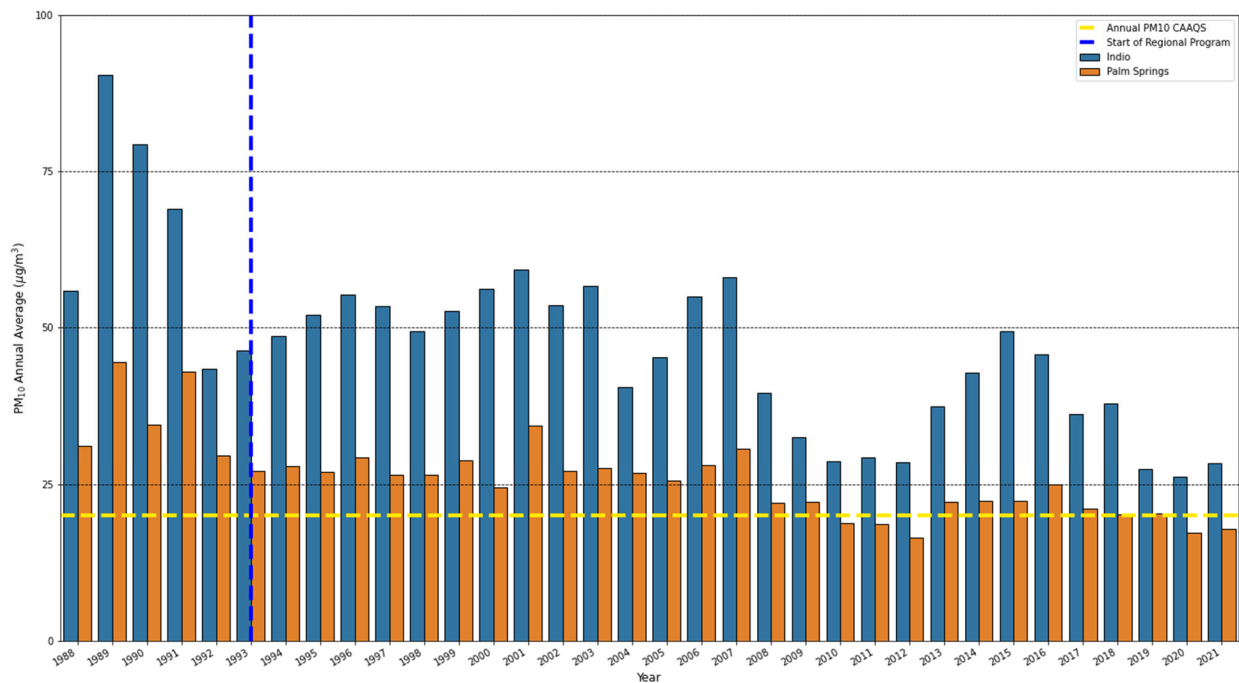


Figure 10. Annual Average PM10 Concentrations in Coachella Valley

A clear downward trend can be viewed in Figure 10 at both stations, with more variation at the Indio station. Since the beginning of the Regional Street Sweeping Program there have not been any years with annual average concentrations over $60 \mu\text{g}/\text{m}^3$ at the Indio Site, and none over $45 \mu\text{g}/\text{m}^3$ at the Palm Springs monitoring site. During the past three years, Palm Springs has been below the more stringent state standard.

Figure 11 presents the annual distribution of the daily PM10 measurements from FRM sensors included in this review, as discussed above. This data is presented in the form of a box plot. A box plot (or box-and-whisker plot) shows the distribution of quantitative data in a way that facilitates comparisons between

variables or across levels of a categorical variable. The box shows the quartiles of the dataset while the whiskers extend to show the rest of the distribution, except for points that are determined to be “outliers” using a method that is a function of the inter-quartile range (Waskom, 2021).

As with Figure 10, the blue line represents the beginning of the Regional Street Sweeping Program, and the yellow line represents the more stringent state standard. However, in Figure 11 the state standard is a 24-hour standard. There is also a 24-hour federal standard (red line). Maximum 24-hour concentrations over $200 \mu\text{g}/\text{m}^3$ were labeled as $200 \mu\text{g}/\text{m}^3$ for the purposes of this visualization. The sample schedules vary.

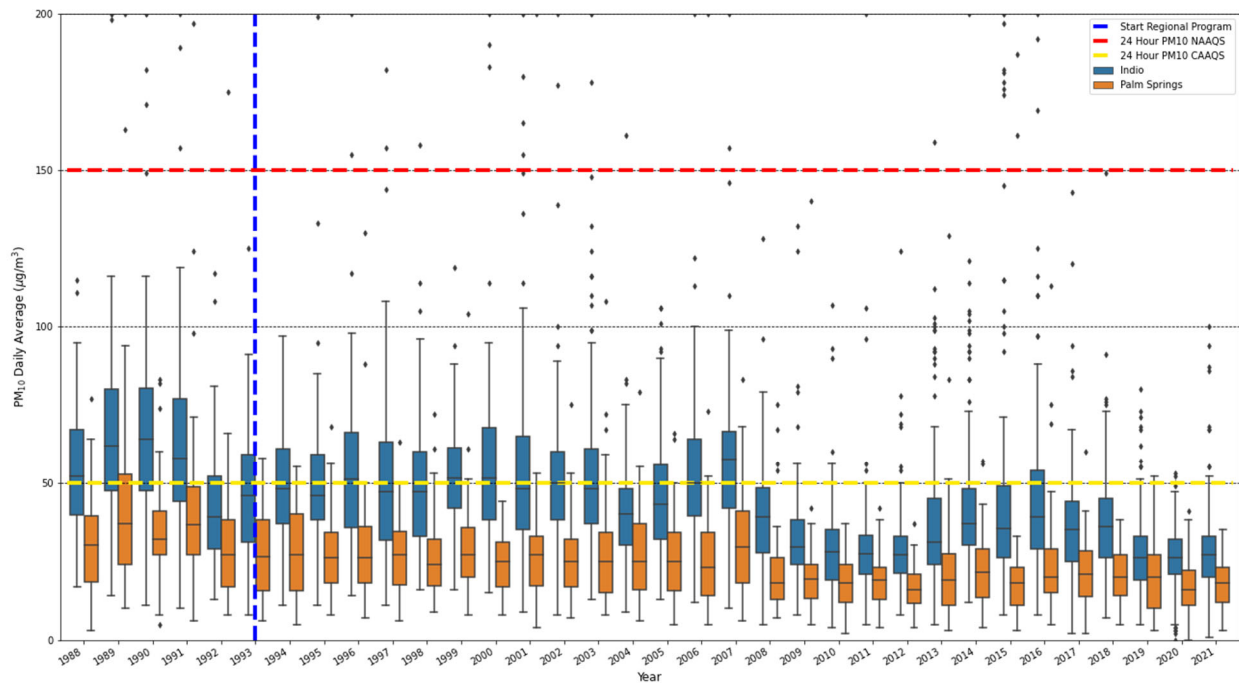


Figure 11. Annual Distribution of Daily PM10 Concentrations in the Coachella Valley

The data presented in Figure 11 show the transition of air in the region, with most days over the state standard and many over the federal standard in the early 1990s, to minimal exceedances of the state standard and none of the federal over the past four years. Most days are in attainment with the more stringent state standard at both sites starting in 2007. As with Figure 10, data during days with exceptional high winds, which are considered natural events, are removed from consideration and are not addressed in the SIP.

Figures 12 and 13 present timeseries graphs to view seasonal variations of the data and spikes caused by wind events. Figure 12 shows the daily measurements during 1991, while Figure 13 shows the daily concentrations during 2021. Data is collected on the EPA 6-day sample schedule, with the exception of Indio during 2021, where it is collected more frequently. Wind events during both years are viewed in the graphs as the spikes with concentrations over the state and sometimes federal standards. In the 1991 graph there are multiple spikes lasting for longer periods of time, thus the effects of the dust events are seen in the ambient PM10 concentrations long up to weeks after the event. In the 2021 graph, the spikes

seen at the Indio site last for at most a three-day period. This shows the City and regional sweeping and other programs are effectively maintaining the air quality in the region.

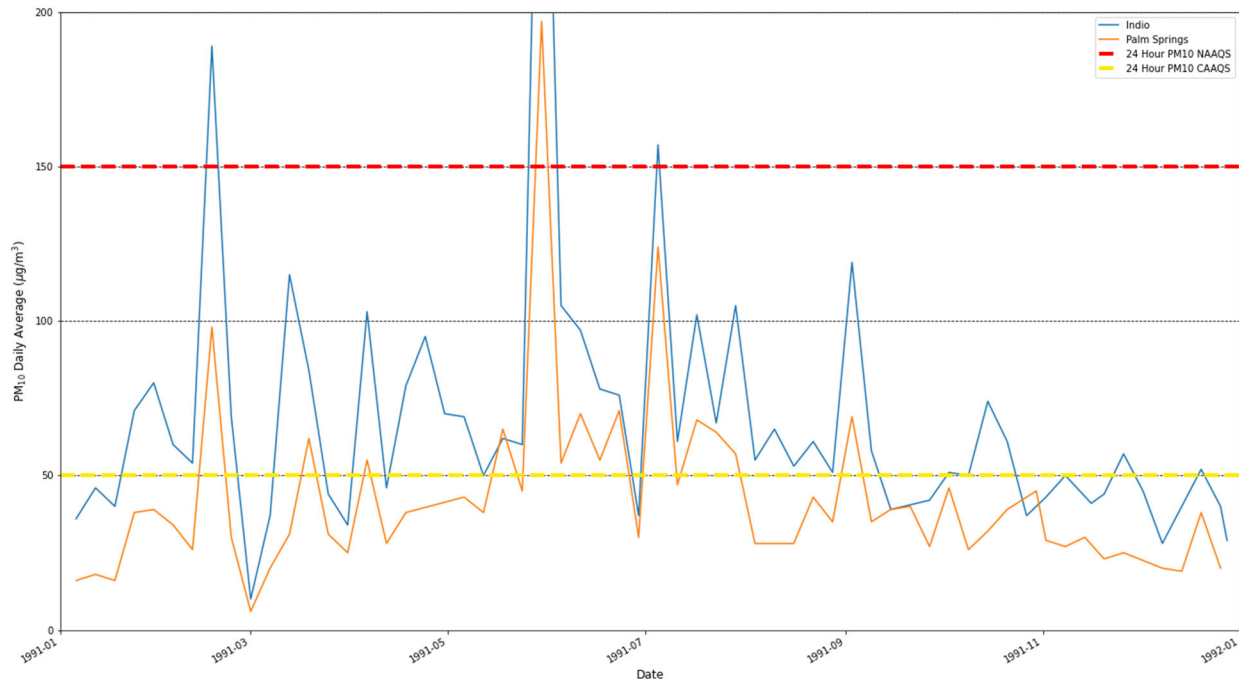


Figure 12. 1991 Daily PM10 Concentrations in the Coachella Valley

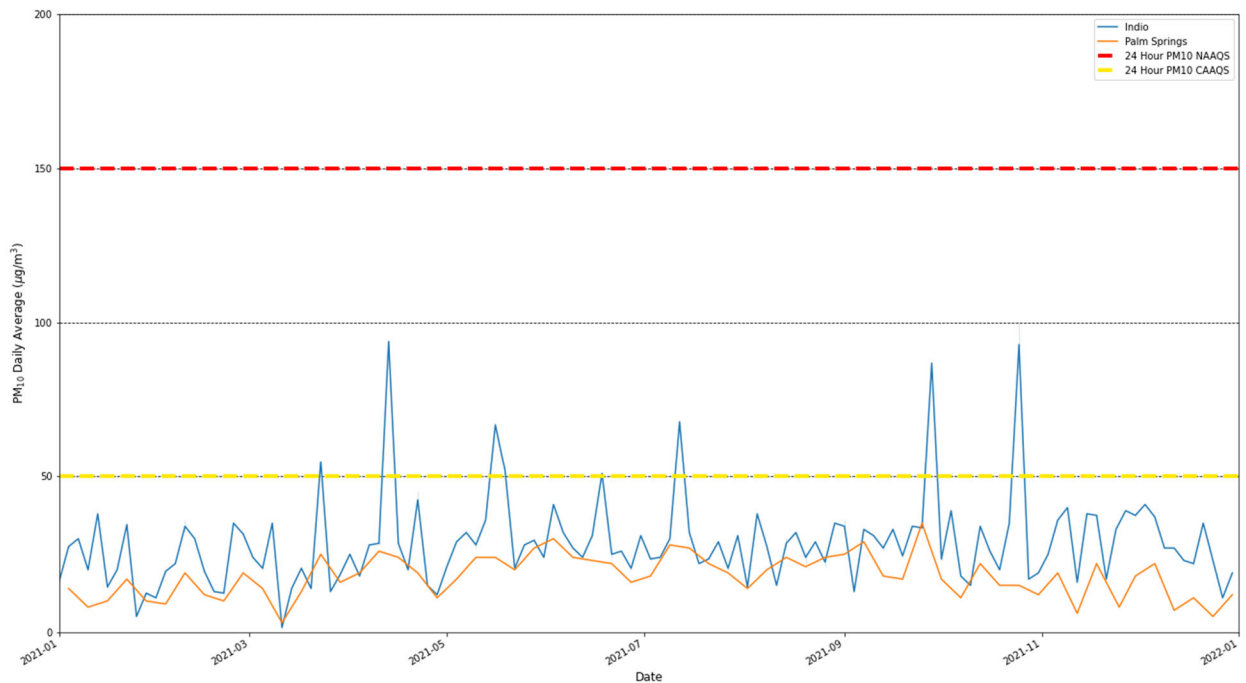


Figure 13. 2021 Daily PM10 Concentrations in the Coachella Valley

Traffic counts have changed since the original 1993 report by increasing in most areas. The increase in traffic has not appeared to negatively affect the PM10 concentrations in the area. The increase in Traffic Data relative to the blowsand area is shown in Figure 14. Figure 14 presents the rate of change in ADT over the past seven years with the blowsand areas displayed in a blue box.

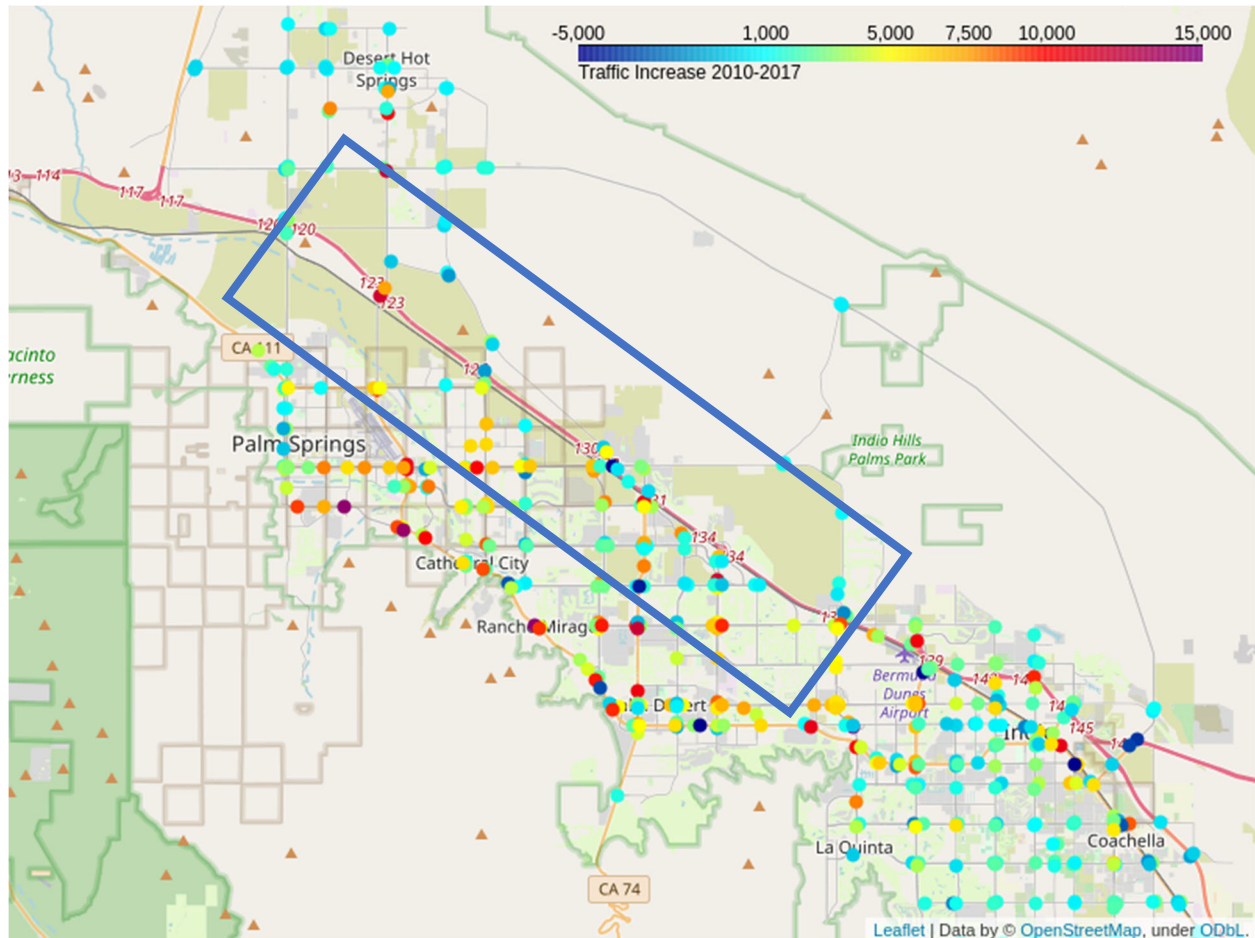


Figure 14. Traffic Increases Relative to Blowsand Area

Traffic Counts have seen the largest increases along Highway 111. In addition, traffic has increased significantly in other areas of Palm Springs through Palm Desert. Much of Indio, La Quinta and Coachella has seen steady traffic numbers over the period of review. When combined with the monitoring data, it is clear that the increase in traffic in and around the blowsand area since the original 1993 street sweeping study has not resulted in increased PM10 emissions.

7.0 SURVEY OF STREET SWEEPING PROGRAMS

This section provides a review of street sweeping practices in other areas with windblown dust issues which can result in unhealthy PM₁₀ concentrations. Many of these areas were in federal nonattainment at the time of the original 1993 Street Sweeping Report and have since been moved to attainment and now are Federal PM₁₀ Maintenance Areas. Figure 14 presents the status of the federal PM₁₀ attainment throughout the United States. The largest nonattainment areas are in California with the only other area out of attainment in Arizona. The following section provides a review of available information on street sweeping in some of these areas.

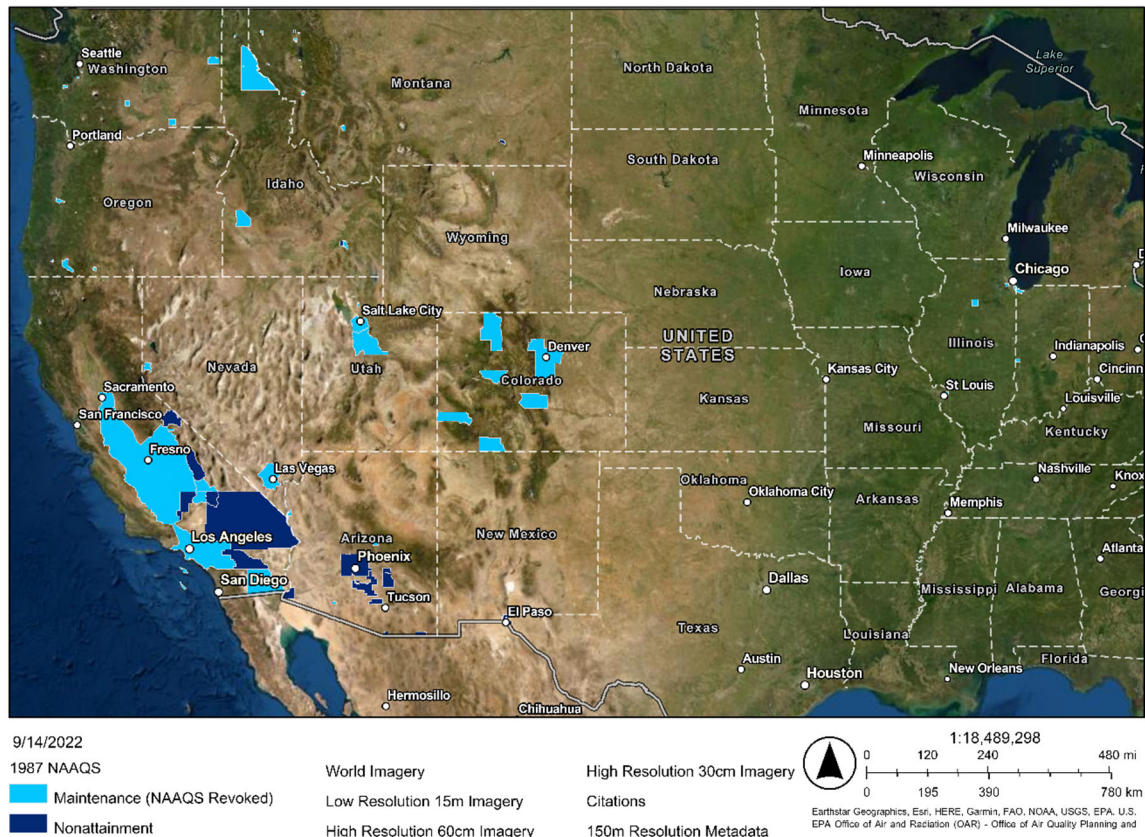


Figure 15. Federal PM₁₀ Nonattainment and Maintenance Areas

7.1 San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) defines a PM₁₀-Efficient Street Sweeper as one that complies with SCAQMD Rule 2286 and is operated within the manufacturer's specifications. Effective since June 1, 2005, Rule 8061 – Pave and Unpaved Roads requires that government agencies purchase only PM₁₀-efficient street sweepers going forward. As of June 1, 2008, agencies contracting routine street sweeping services must utilize at least one PM₁₀-efficient sweeper. In 2004, Rule 8061 was introduced and prohibited the construction of an unpaved road unless that road is to be used less than six months' time over three years.

7.2 Great Basin California and Nevada

The Great Basin has multiple areas with dust control issues. These areas include Owens Valley, Mono Basin, Coso and Mammoth Lakes all with their respective SIPs. The Town of Mammoth Lakes has implemented a street sweeping/vacuuming program which reduces the entrainment of small particles into the air. These measures have been included in GBUAPCD Rule 431 which requires that all purchases of sweeper equipment must be efficient street sweepers that are certified under Rule 1186 of the SCAQMD. Owens Valley has focused more on controlling dust from Owens Lake utilizing Best Available Control Measures including Brine, Gravel, and Shallow Floods (National Academies of Sciences, 2020).

7.3 Clark County Nevada

Sweepers cycle through each respective central valley route approximately once a month. Each sweeper picks up six to eight cubic yards of debris on a regular daily route. That amounts to capturing approximately 20,000 cubic yards of debris a year. As the seasons change from fall to winter, the average volume generally increases four-fold due to foliage droppings into curbs and gutters (Clark County, 2021). The City of Las Vegas sweeps its streets at least every other week with many streets being swept weekly and one area where streets are swept daily (Las Vegas, 2018)

7.4 Washoe County Nevada

Washoe County is in the northwest corner of Nevada and like the Coachella Valley is surrounded by mountain ranges. Approximately 1,555 pounds per day of PM10 emissions were reduced in Truckee Meadows in 2011 because of the Street Sanding and Sweeping Program. Additional benefits are realized in the Truckee Meadows because the Street Sanding and Sweeping Programs are applicable to additional geographic areas of Washoe County. To ensure an effective Street Sanding and Sweeping Program, the local air district holds working group meetings twice a year. As part of the enforcement and compliance component of the program, each jurisdiction is required to submit its sanding and sweeping report on an annual basis (July to June), which includes such information as date of each storm event, amount of sand and salt or brine applied to roadways, as well as the sand pick-up date after each storm event.

7.5 Maricopa County Arizona

In 2019, the Maricopa Association of Governments (MAG) implemented a program to facilitate grants to street sweeping entities so they may obtain a certified sweeper. MAG utilized SCAQMD's 1186 regulation to identify certified sweepers. The Fiscal Year 2018-2022 MAG Transportation Improvement Program identifies \$1,536,506 in MAG funding to purchase PM10 Certified Street Sweepers. Local agencies have multiple options to obtain funding and procure a sweeper through the program. MAG is focusing on cleaner sweepers as many programs in the area have variable frequencies. With increase frequencies the regulators are focusing on cleaner burning equipment. It is especially important to utilize PM10-efficient sweepers in residential areas with a high sweeping frequency.

8.0 CONCLUSIONS AND RECOMENDATIONS

Since the induction of the Regional Street Sweeping Program in the early 1990s, there has been a good level of street sweeping service throughout the Coachella Valley. All streets reviewed in this study are swept at least once per month and all areas of concern, other than the four areas listed below, are swept every other week. Utilizing the monitoring data and attainment discussions provided in SCAQMD documentation, the area reviewed has generally healthy air in terms of the PM10 State and Federal Standards. Issues to the south of CVAG's area of influence, such as Mecca and areas surrounding the Salton Sea, were not reviewed in this study but are a concern (SCAQMD, 2018). The Regional Street Sweeping Program has been one of many effective measures to limit PM10 emissions and keep ambient PM10 concentrations at healthy levels in the Coachella Valley. The cost per mile for the Regional Program is competitive with the costs of city programs, as calculated in the two scenarios detailed in Section 5 of this report.

Four areas of improvement were identified during the study process. These areas are:

- Sunrise Way and East Mesquite Avenue in Palm Springs;
- DaVall Drive and Los Alamos Road in Rancho Mirage;
- Avenue 50 in Indio; and
- Madison Street in Indio.

These streets have been added to the routes in the latest Regional Street Sweeping Program and are presented below as the yellow lines in Figures 16 through 19. It is recommended that all sweeping be performed with SCAQMD 1186 certified equipment. In addition, it is recommended that wherever feasible, alternative sand be used to transport sand gathered from sweepers to the final dumping location. It is further recommended that the sweeping vendors track the quantity of sand dumped for each city and the Regional Program. This will enable regulators to better quantify emissions in the area and classify any pollution events. Coordination between city and regional stakeholders to ensure efficient sand transport during the future programs could also result in reduced PM10 emissions.

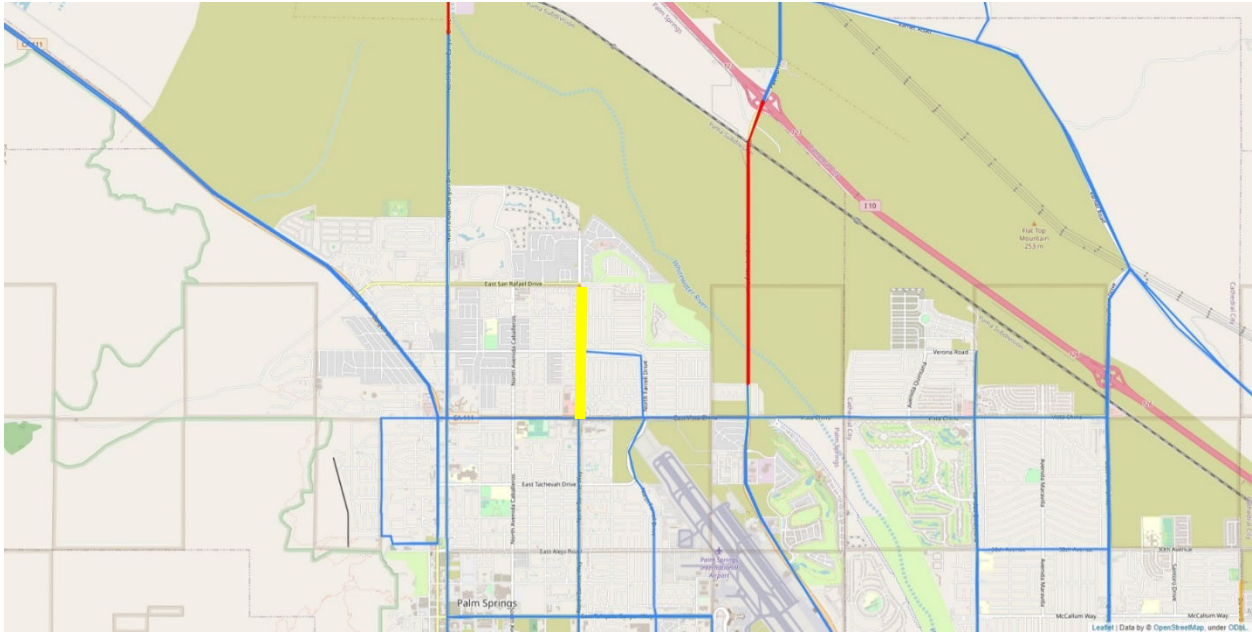


Figure 16. Sunrise Way Route Update

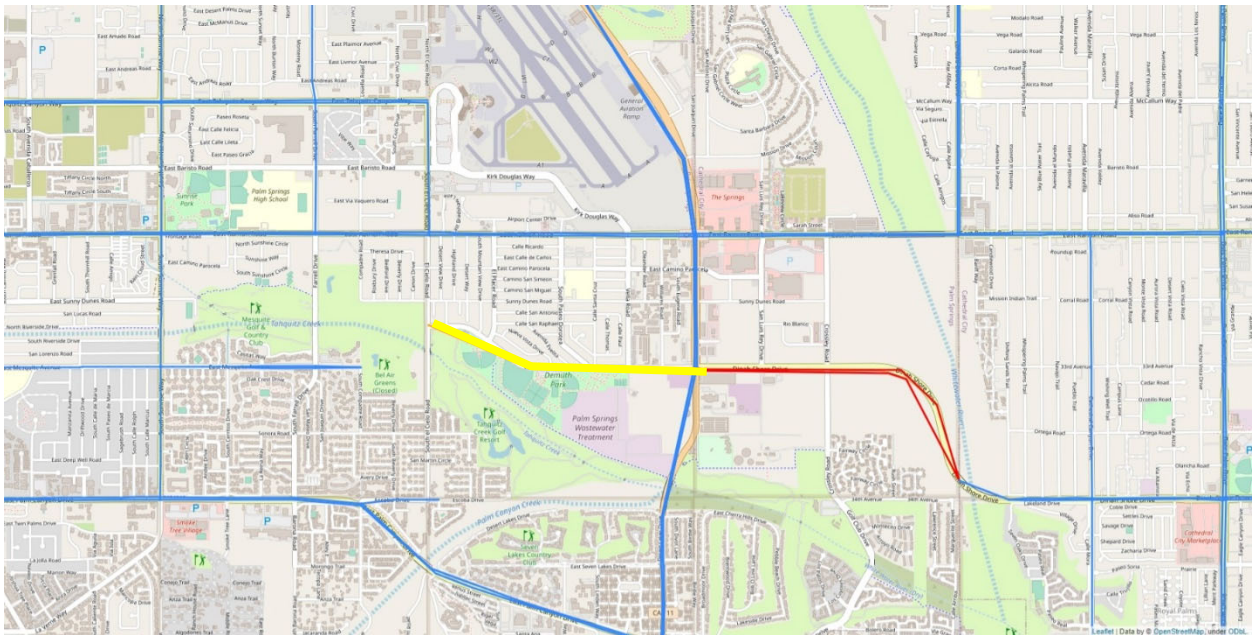


Figure 17. East Mesquite Avenue Route Addition

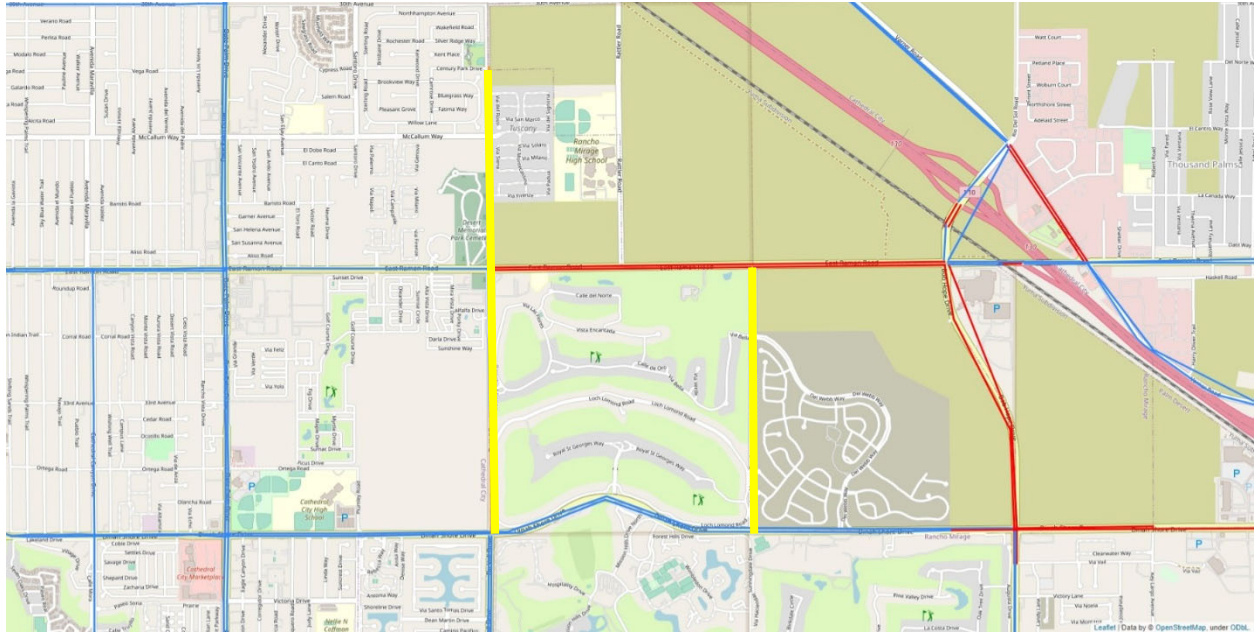


Figure 18. Rancho Mirage Route Addition

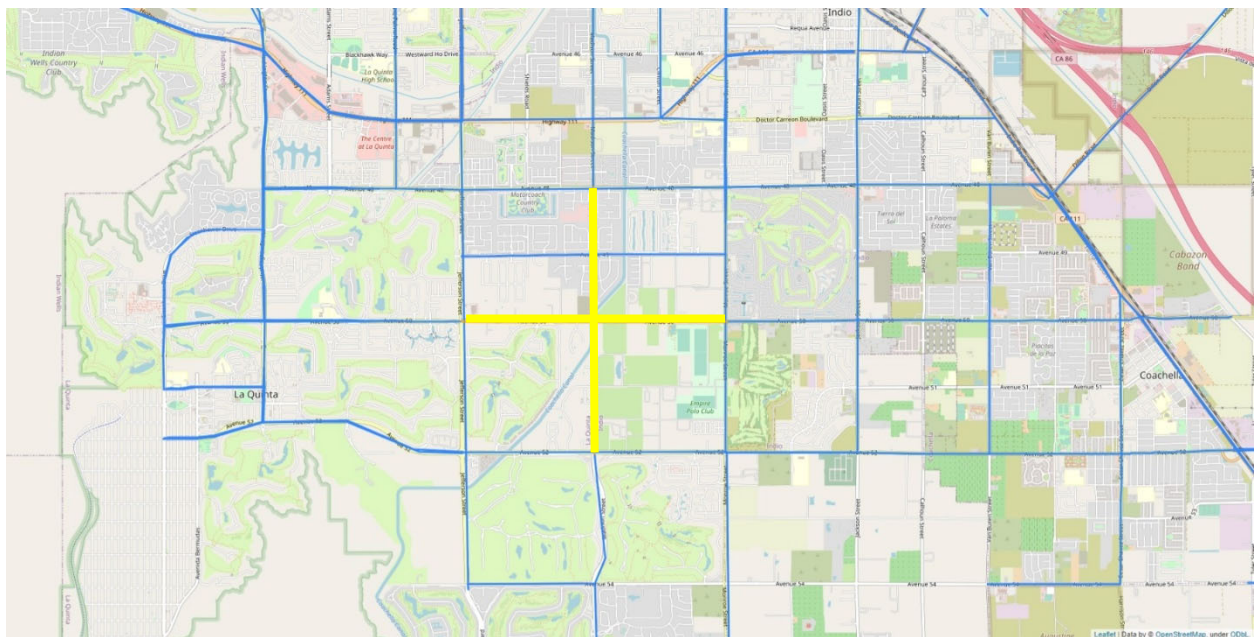


Figure 19. Avenue 50 Route Addition

9.0 REFERENCES

Calvillo, Steven J.; Williams, E. Spencer; and Brooks Bryan W. (2015) Street Dust: Implications for Stormwater and Air Quality, and Environmental Management Through Street Sweeping, Reviews of Environmental Contamination and Toxicology 233.

SCAQMD (2018) High Wind Fugitive Dust Mitigation Plan for the South Coast Air Basin and the Coachella Valley Portions of the Salton Sea Air Basin

National Academies of Sciences, Engineering, and Medicine. 2020. Effectiveness and Impacts of Dust Control Measures for Owens Lake. Washington, DC: The National Academies Press.
<https://doi.org/10.17226/25658>

Clark County (2022) Street Sweeping Information; Clark County, NV (clarkcountynv.gov)
https://www.valleyair.org/busind/comply/PM10/Street_Sweepers.htm

Waskom, M. L., (2021). seaborn: statistical data visualization. Journal of Open Source Software, 6(60), 3021, <https://doi.org/10.21105/joss.03021>

Las Vegas, NV (2018) <https://files.lasvegasnevada.gov/map/Street-Sweeping-Schedule.pdf>

SERVICES CONTRACT

between

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG)
and
CLEANSTREET

THIS AGREEMENT is made and effective as of 5th day of December, 2022 between the Coachella Valley Association of Governments ("CVAG") and CleanStreet ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM

This Agreement shall commence on **January 1, 2023** and shall remain and continue in effect until tasks described herein are completed, but in no event later than **December 31, 2025** unless sooner terminated or extended pursuant to the provisions of this Agreement. CVAG shall have the unilateral option, at its sole discretion, to renew this Agreement and negotiate a revised price, if any, for no more than two (2) additional one-year terms. If the parties are unable to reach an agreement, CVAG, at its sole discretion, will not move forward with the renewal option and shall re-bid the work.

2. SERVICES

Consultant shall perform **Regional PM10 Street Sweeping** services consistent with the provisions of the Request for Bids/Proposals for the proposed **Coachella Valley PM10 Street Sweeping Program**, released on September 2, 2022, (the "IFB/RFP,") and any modification thereto adopted in writing by the parties and identified herein as an exhibit to this Agreement, upon issuance by CVAG of written authority to proceed (a "Notice to Proceed") as to either (a) a portion of the work if separate and independent tasks are contemplated or (b) all work if it constitutes a single project.

At CVAG's sole discretion, the Routing and Sweeping Schedule may be amended to increase or reduce the scope of services. Such increase may require up to fifty percent (50 %) additional lane miles of sweeping services (above the number of the lane miles of "regular sweeping" and/or "special impact streets cleaning" as defined in this contract) be provided by the Contractor without change in the unit price to be paid to the Contractor. A reduction in sweeping services up to twenty-five percent (25 %) of the lane miles (of "regular sweeping" and/or "special impact streets cleaning") in this contract may be made without change in the unit price to be paid to the Contractor.

Except as amended by the exhibits hereto, Consultant is bound by the contents of the RFP and Consultant's response thereto. In the event of conflict, the requirements of this Agreement, including any exhibits, then the Request for Proposals, shall take precedence over those contained in Consultant's response.

The following exhibit(s) are attached and incorporated herein by reference:

Exhibit A: Scope of Work

Exhibit B: Price Formula (Consultants Proposal/Bid)

3. PRICE FORMULA

CVAG agrees to pay Consultant at the rates set forth in Exhibit B, the Price Formula, and by reference incorporated herein. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$763,573.96 without a written amendment.

4. PERFORMANCE

Consultant shall at all times faithfully, competently and to the best of its ability, experience, and talent, perform all tasks required hereunder. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

Consultant shall submit informal progress reports to CVAG's Project Manager by telephone, e-mail or in person, on a weekly basis, in a form acceptable to CVAG, describing the state of work performed. The purpose of the reports is to allow CVAG to determine if the contract objectives and activities are being completed in accordance with the agreed upon schedule, and to afford occasions for airing difficulties or special problems encountered.

The Consultant's Project Manager shall meet with the CVAG Project Manager as needed.

5. PAYMENT

(a) If independent and separate Work Orders are contemplated, CVAG shall pay Consultant upon satisfactory completion of each Work Order; and, unless Consultant provides a performance bond, progress payments will not be made on individual or a collection of Work Orders. If all the work constitutes a single project, Consultant shall submit invoices for work completed on a periodic basis, no more frequently than monthly.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth in a duly issued Work Order.

(c) Consultant shall submit invoices for services performed in accordance with the payment rates and terms set forth in Exhibit B. The invoice shall be in a form approved by CVAG.

(d) A formal report of tasks performed and tasks in process, in a form acceptable to CVAG, shall be attached to each invoice.

(e) All invoices shall be consistent with current progress reports as well as the budget and work schedule set out in the RFP and, if modified or supplemented thereby, the exhibits to this Agreement.

(f) Upon approval by CVAG's Project Manager, payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If CVAG disputes any of Consultant's invoiced fees it shall give written notice to Consultant within thirty (30) days of receipt of the invoice.

6. INSPECTION OF WORK

Consultant shall permit CVAG the opportunity to review and inspect the project activities at all reasonable times during the performance period of this Agreement including review and inspection on a daily basis.

7. SCOPE OF WORK CHANGES

The scope of work shall be subject to change by additions, deletions or revisions by CVAG. Consultant shall be advised of any such changes by written notice. Consultant shall promptly perform and strictly comply with each such notice. If Consultant believes that performance of any change would justify modification of the Agreement price or time for performance, Consultant shall comply with the provisions for dispute resolution set out hereinbelow.

8. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) CVAG may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon Consultant seven (7) days prior written notice. Upon tender of said notice, Consultant shall immediately cease all work under this Agreement, unless further work is authorized by CVAG. If CVAG suspends or terminates a portion of this Agreement, such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, CVAG shall pay Consultant only for work that has been accepted by CVAG. Work in process will not be paid unless CVAG agrees in writing to accept the partial work, in which case, prorated fees may be authorized. Upon termination of the Agreement pursuant to this Section, Consultant will submit a final invoice to CVAG. Payment of the final invoice shall be subject to approval by the CVAG Project Manager as set out above.

9. DEFAULT OF CONSULTANT

(a) Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, CVAG shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to Consultant. Provided, however, if such failure by Consultant to make progress in the performance of work hereunder arises out of causes beyond Consultant's control, and without fault or negligence of Consultant, it shall not be considered a default.

(b) As an alternative to notice of immediate termination, the CVAG Executive Director or his/her delegate may cause to be served upon Consultant a written notice of the default. Consultant shall then have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that Consultant fails to cure its default within such period of time, CVAG shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

10. OWNERSHIP OF DOCUMENTS

(a) Consultant shall maintain complete and accurate records with respect to work performed, costs, expenses, receipts, and other such information that relates to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of CVAG or its designees at reasonable times to such books and records; shall give CVAG the right to examine and audit said books and records; shall permit CVAG to make transcripts therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Unless the RFP or exhibits hereto expressly provide otherwise, upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of CVAG and may be used, reused, or otherwise disposed of by CVAG without the permission of Consultant. With respect to computer files, Consultant shall make available to CVAG, at Consultant's office and upon reasonable written request by CVAG, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

11. INDEMNIFICATION FOR PROFESSIONAL LIABILITY

To the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless CVAG, its members and any and all of their officials, employees and agents from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs, which arise out of, pertain to, or relate to Consultant's alleged act(s) or failure(s) to act.

12. INSURANCE

(a) Throughout the term of this Agreement, Consultant shall procure and maintain the following: (1) Commercial General Liability insurance in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate for bodily injury, personal injury and property damage; (2) Professional Liability/Errors and Omissions insurance in an amount not less than \$1,000,000.00 per claim and in the aggregate; (3) Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in an amount not less than \$1,000,000 per accident combined single limit, at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); (4) Workers' compensation in compliance with applicable statutory requirements and Employer's Liability Coverage in an amount not less than \$1,000,000 per accident or disease, Consultant shall submit to Agency, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of Agency, its officers, agents, employees and volunteers.

(b) Consultant shall include CVAG, its member agencies and any other interested and related party designated by CVAG, as additional insureds on the commercial general liability policy and the automobile liability policy for liabilities caused by Consultant in its performance of services under this Agreement and shall provide CVAG with a certificate and endorsement verifying such coverage. In the event said insurance coverage expires at any time or times during the term of this Agreement, Consultant agrees to provide at least five (5) days notice prior to said expiration date and, prior to said expiration date, a new certificate of insurance and endorsements evidencing insurance coverage as required herein for no less than the remainder of the term of the Agreement, or for a total period of not less than one (1) year. New certificates of insurance are subject to the approval of CVAG. In the event Consultant fails to keep in effect at all times insurance coverage as required herein, CVAG may, in addition to any other remedies it may have, terminate this Agreement.

(c) Consultant's insurance coverage shall be primary insurance as respects CVAG, its member agencies, and any other interested and related party designated by CVAG as additional insureds. Any insurance or self-insurance maintained by said additional insureds shall be in excess of Consultant's insurance and shall not contribute with it and, to the extent obtainable, such coverage shall be payable notwithstanding any act of negligence of CVAG, its members, or any other additional insured, that might otherwise result in forfeiture of coverage. Any failure to comply with reporting or other provisions of the policies, including breach of warranties, shall not affect coverage

provided to said additional insureds. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by any party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CVAG.

(d) Said insurance policy or policies shall be issued by a responsible insurance company with a minimum A. M. Best Rating of "A-" Financial Category "X", and authorized and admitted to do business in, and regulated by, the State of California.

(e) Evidence of all insurance coverage shall be provided to CVAG prior to issuance of the Notice to Proceed. Consultant acknowledges and agrees that such insurance is in addition to Consultant's obligation to fully indemnify and hold CVAG, its members and any other additional insureds free and harmless from and against any and all claims arising out of an injury or damage to property or persons caused by the acts or omissions of Consultant.

13. INDEPENDENT CONTRACTOR

(a) Consultant is and shall at all times remain as to CVAG a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither CVAG, its members, nor any of their officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of CVAG or its members. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against CVAG or its members, or bind CVAG or its members in any manner except as expressly authorized by CVAG.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, CVAG shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder. CVAG shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

14. LEGAL RESPONSIBILITIES

Consultant shall keep itself informed of State, Federal and local laws and regulations which in any manner affect those employed by it or in any way affect the performance of its services pursuant to this Agreement. Consultant shall at all times observe and comply with all such laws and regulations. CVAG, its members, and their officers and employees, shall

not be liable at law or in equity for any liability occasioned by failure of Consultant to comply with this Section.

Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, national origin, or any other unlawful basis.

15. UNDUE INFLUENCE

Consultant declares and warrants that no undue influence or pressure was or will be used against or in concert with any officer or employee of CVAG in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of CVAG will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling CVAG to any and all remedies at law or in equity.

16. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of CVAG, nor its designees or agents, and no public official who exercises authority over or responsibilities with respect to the subject of this Agreement during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the services performed under this Agreement.

17. RELEASE OF INFORMATION/CONFLICTS OF INTEREST

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without CVAG's prior written authorization. Consultant, its officers, employees, agents, or sub-consultants, shall not without written authorization from the CVAG Task Manager or unless requested by the CVAG Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property of CVAG. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives CVAG notice of such court order or subpoena.

(b) Consultant shall promptly notify CVAG should Consultant, its officers, employees, agents, or sub-consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed thereunder or with respect to any project or property of CVAG or its members. CVAG retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with CVAG and to provide the opportunity to review any response to discovery requests provided by Consultant. However, CVAG's right to review any such response does not imply or mean the right by CVAG to control, direct, or rewrite said response.

(c) Consultant covenants that neither it nor any officer or principal of Consultant's firm has any interest in, or shall acquire any interest, directly or indirectly, which will conflict in any manner or degree with the performance of services hereunder. Consultant further covenants that in the performance of this Agreement, no person having such interest shall be employed by Consultant as an officer, employee, agent, or subcontractor.

18. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To CVAG: Tom Kirk, Executive Director
Coachella Valley Association of Governments
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

To Consultant: Rick Anderson, Director of Bus. Development
CleanStreet
1937 West 169th Street
Gardena, CA 90247

19. ASSIGNMENT/PERSONNEL

Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of CVAG.

Because of the personal nature of the services to be rendered pursuant to this Agreement, there shall be no change in Consultant's Project Manager or members of the project team without prior written approval by CVAG.

20. MANAGEMENT

CVAG's Executive Director shall represent CVAG in all matters pertaining to the administration of this Agreement, review and approval of all services submitted by Consultant.

During the term of this Agreement, Consultant shall provide sufficient executive and administrative personnel as shall be necessary and required to perform its duties and obligations under the terms hereof.

21. SUBCONTRACTS

Unless expressly permitted in the RFP or the exhibits hereto, Consultant shall obtain the prior written approval of CVAG before subcontracting any services related to

this Agreement. CVAG reserves the right to contract directly with any necessary subcontractors in the unlikely event it becomes necessary.

22. LICENSES

At all times during the term of this Agreement, Consultant shall have in full force and effect all licenses required of it by law for the performance of the services described in this Agreement.

23. GOVERNING LAW

CVAG and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the Riverside County Superior Court, Desert Branch.

Any dispute arising under this Agreement shall first be decided by the CVAG Executive Director or designee. Consultant shall give CVAG written notice within seven (7) days after any event which Consultant believes may give rise to a claim for an increase in compensation or a change in the performance schedule. Within fourteen (14) days thereafter, Consultant shall supply CVAG with a statement supporting the claim. CVAG shall not be liable for and Consultant hereby waives any claim or potential claim which Consultant knew or should have known about and which was not reported in accordance with the provisions of this paragraph. Consultant agrees to continue performance of the services during the time any claim is pending. No claim shall be allowed if asserted after final payment.

24. FINAL PAYMENT CERTIFICATION AND RELEASE

CVAG shall not be obligated to make final payment to Consultant until Consultant has fully performed under this Agreement and has provided CVAG written assurances that Consultant has paid in full all outstanding obligations incurred as a result of Consultant's performance hereunder. All obligations owing by CVAG to Consultant shall be deemed satisfied upon Consultant's acceptance of the final payment. Thereafter, no property of CVAG shall be subject to any unsatisfied lien or claim arising out of this Agreement.

25. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

26. FORCE MAJEURE

Neither party hereto shall be liable to the other for its failure to perform under this Agreement when such failure is caused by strikes, accidents, acts of God, fire, war, flood,

governmental restrictions, or any other cause beyond the control of the party charged with performance; provided that the party so unable to perform shall promptly advise the other party of the extent of its inability to perform. Any suspension of performance by reason of this paragraph shall be limited to the period during which such cause of failure exists.

27. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

By: _____
Tom Kirk, Executive Director

CLEANSTREET

By: _____
Rick Anderson, Director of Business Development

EXHIBIT "A"

SCOPE OF WORK

See following pages for CleanStreet's proposed Project Understanding and Approach and Sweeper Route and Frequency Schedule.

PROJECT UNDERSTANDING AND APPROACH



CleanStreet is the premiere street sweeping contractor in California. With over 50 years of experience in routing and street sweeping, CleanStreet has demonstrated that it can deliver the highest quality of street sweeping available.

With over 25 years of experience in the Coachella Valley, CleanStreet has demonstrated its knowledge of the dynamics in the Valley. We currently provide sweeping services to the Cities of Palm Springs, Cathedral City, Rancho Mirage, Palm Springs, Indian Wells, Coachella, Desert Hot Springs, and La Quinta.

Our strong and long term relationship with the member jurisdictions to resolve street sweeping issues and post event clean-up minimizes CVAG's involvement in the day to day operation of the program. This cuts down on the supervision and time spent by CVAG to administer the program and minimize the cost to CVAG to perform quality checks.

Removal of sand, dirt, and gravel accumulations along curbs is intended to remove these larger materials before they can be blown into traveled lanes by wind or passing vehicles. Sweeping of traveled lanes is intended to remove these materials so that they do not become degraded to PM10 or smaller, and subsequently sent airborne, by the impact of passing vehicles' tires.

This program is part of a Federally-approved PM10 reduction plan, and constitutes a commitment to South Coast Air Quality Management District (SCAQMD) and grant-issuing agencies. Its successful implementation is therefore of critical public health and safety, environmental, funding, and legal consequence.

Our Approach to the project will be as follows:

Facilities

We currently lease a facility in Thousand Palms. This location serves as our maintenance yard and storage of equipment.

Staff

The project will be staffed as follows:

- Four (4) street sweeper operators
- Project coordinator

Maintenance

The operators will fill out an equipment report daily, noting any problems or concerns with their equipment.

PROJECT UNDERSTANDING AND APPROACH



All necessary repairs will be completed before the next shift or a backup machine will be utilized.

Major repairs such as transmissions or engine replacement will be performed at our main facilities in Gardena. Preventative maintenance, which includes changing of all oils and filters, brake checks, and a complete inspection of equipment, will be performed at our Thousand Palms facility.

All machines being used will be cleaned daily to promote an excellent image. Our location in Thousand Palms will be used as a staging area for the sweeping operation.

The work involved shall include mechanical and/or manual sweeping of all curbed flowlines, including all cross-gutters, bus bays, turn lanes, street pavement, and center median island curbs. The streets to be swept consist of designated regional arterial roads located within the Coachella Valley as identified in the Routing and "Regular Sweeping" Schedule.

Since we sweep residential areas for almost the entire jurisdiction in the Coachella Valley, we have excellent working relations and have made some arrangements to store some equipment closer to the actual work sites.

Dump Sites

We will utilize dump sites that are located in the areas that we are working. Our PB loader operator will collect from those sites and transport the debris to Z-Best Recycling. We have made arrangements with Z-Best Recycling and have secured pricing that is superior to their other clients. Since all of the debris is recycled, all of the member jurisdictions can require AB 939 recycling credits.

Complaints

Any complaints or deficiency will be re-swept the same day at no charge, for whatever reason. Any complaints can be forwarded to our main office on a toll free number where it will be dispatched and taken care of.

Over the past few years, CleanStreet has developed excellent personal relationships with all of the member jurisdictions and receive few, if any, complaints.

Routing

CleanStreet has over 45 years of expertise in routing and has over the past few years refined CVAG routing and schedule to its current level. We have examined each route to ensure that it is the most practical and efficient not only for CleanStreet, but the member jurisdictions. CleanStreet is always open to proposed changes by CVAG or any jurisdiction member. The current street sweeping schedule will be adhered to.

PROJECT UNDERSTANDING AND APPROACH



Equipment

Our method of operation emphasizes the use of new, late model sweeping equipment. We own and operate over 100 street sweepers.

CleanStreet equips its trucks with a Global Positioning Satellite (GPS) system. All of the real-time data is monitored by CleanStreet's dispatchers. This permits CleanStreet to monitor the driver's speed, time and location. This information can be monitored in real time by CVAG or a member jurisdiction.

All equipment used in the performance of this contract will be compliant with SCAQMD Rules 1186 and 1186.1.

CleanStreet operates the largest private fleet of alternative fueled street sweepers in California. All of our mechanics are "Tymco" factory trained.

In addition to Tymco 600's, CleanStreet is the only company that operates and maintains a fleet of mechanical broom sweepers. It currently uses broom machines to clean blow sand, which does not meet criteria of post event, but is beyond the capability of the Tymco 600. These conditions have become frequent since the program sweeps every other week sweeping.

Wind Impact Street Cleaning Approach

The following is our approach to sweeping streets in the Wind Impact Zone of the Coachella Valley.

There are two major variables that make taking on this responsibility very difficult:

1. Wind frequency and speed.
2. Sand fencing installation and maintenance.

CleanStreet shall remove sand, gravel, and dirt accumulations, and subsequently sweep, curbed flow lines, cross-gutters, bus bays, turn lanes, street pavement, and median island curbs on streets designated as "Special Impact Streets" as shown on the Special Impact Streets Routing and Cleaning Schedule (Attachment 2).

We will utilize a back hoe to scrape the heavy sand the day before our scheduled day of sweeping. The sand will be loaded into a dump truck.

Then the streets will be swept with an Elgin Broom Bear street sweeper the following night.

PROJECT UNDERSTANDING AND APPROACH



The cost of this service would be as stated on the cost sheet.

CleanStreet will work with the U.S. Fish and Wildlife Service and the Center for Natural Lands Management on a procedure to drop off clean (filtered) sand at the Coachella Valley Fringe-Toed Lizard Preserve.

With our knowledge of post event clean-up, each impacted street was assigned a curb mile rate. We were able to assign the rate due to our experience with the extent of sand accumulation during a wind event and the subsequent accumulation over a 2 week period. We then averaged those curb mile rates to arrive at our curb mile rate for the entire impacted area.

We would also be willing to work on an hourly basis. The following rates would apply.

- Elgin Broom Bear - \$120.00 per hour
- Back Hoe - \$90.00 per hour
- Dump Truck - \$90.00 per hour

PROPOSED SWEEPER ROUTE AND FREQUENCY SCHEDULE



CleanStreet has been perfecting the routes and frequency schedules for over twelve (12) years. We feel we have a logical and efficient route system in place which works for all of the member jurisdictions. We will continue with the current routes and schedules while always being open to any suggestions to improve the current operation. They have been designed to give the street sweeper operators ample time in varying conditions to complete their routes timely and with the quality of work CleanStreet expects of their drivers. We have back-up equipment and drivers available to complete routes under any conditions.



(800) 225-7316 x108
1937 W. 169th Street
Gardena, CA 90247

PROPOSED SWEEPER ROUTE AND FREQUENCY SCHEDULE



CV Link- Alternate Bid:

CVAG is also including an alternate bid for street sweeping on CV Link, which is a 40 plus-mile bicycle, pedestrian, and low-speed (up to 25 mph) electric vehicle pathway that is being built largely along the Whitewater River, and it extends from Palm Springs to Coachella. CVAG is requesting a separate bid for sweeping service on a completed segments of CV link, which is 2.3 miles from Ramon Road to Vista Chino. Additionally, CVAG requests bids to include segments which will be completed in the next three to five years. By 2024, CVAG anticipates having an additional 13.2 miles completed, and in 2025 an additional 3.7 miles completed.

This work will be performed with a smaller street sweeping unit, a CNG powered Tymco 435. The smaller unit will sweep a path in both directions., covering the entire surface of the C.V Link. Areas with heavy will be either cleaned by hand or with a CNG mechanical broom machine. This service will be performed 1 x per week.

The contractor shall remove sand, gravel and dirt accumulations on the CV Link as shown on CV Link map (Attachment 3) on a weekly basis.

The Contractor shall also attend four (4) quarterly meetings with CVAG staff and its Street Sweeping Task Force. At these meetings the contractor will present an update on the program and provide any findings or recommendations based on their work to date, or to answer questions from CVAG or its members agencies regarding implementation of the program. The Street Sweeping Task Force is comprised of street sweeping lead staffs from CVAG's member agencies, which may include public works directors or their designated appointees.

Exhibit “B”

PRICE FORMULA

See following page for CleanStreet’s cost proposal.

DRAFT

CVAG Regional PM10 Street Sweeping Program

COST PROPOSAL SHEET

The following is a summary of costs to provide the services outlined in the Request for Proposals (RFP) for mechanical Street Sweeping Services for a one-year period and will be used as the basis for negotiating a Street Sweeping Service Agreement:

Item Description	Unit	Estimated Quantity	Unit Cost	Extended Cost
Regular Street Sweeping	Linear Curb Miles	21,576	\$ <u>32.06</u>	\$ <u>691,726.56</u>
Special Impact Streets	Linear Curb Miles	1,564	\$ <u>42.00</u>	\$ <u>65,688.00</u>
CV Link	Linear miles	2.3 (in 2023)	\$ <u>51.50</u>	\$ <u>6,159.40</u>
		15.5 (in 2024)		
		19.2 (in 2025)		

Attached herein is a detailed cost breakdown / methodology which supports the proposed unit cost per linear curb mile swept.

R. Anderson

Prime Contractor

9/29/2022

Date Signed

ITEM 8B

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Next Steps for the Arts and Music Line

Contact: Jonathan Hoy, Director of Transportation (jhoy@cvag.org)

Recommendation: Authorize the Chair and/or Executive Director to:

1. Take the necessary steps accept \$36.483 million in Active Transportation Program Funding, conditional on approval by the California Transportation Commission; and
2. Execute Amendment No. 2 to the agreement with Albert A. Webb Associates for a not to exceed amount of \$1,060,000, including 10 percent contingency; and authorize the Executive Director and/or Legal Counsel to make clarifying changes/revisions before execution; and
3. Execute amendments to existing reimbursement agreements with the Cities of Coachella, Indio and La Quinta to adjust the local share of pre-construction services

Transportation Committee: Concurs (Meeting of November 7)

Background: On October 20, 2022, California Transportation Commission (CTC) staff announced the recommended projects for Cycle 6 of the Active Transportation Program (ATP), a highly competitive pot of funding for bike and pedestrian projects. CVAG was recommended to receive \$36.483 million for the Arts & Music Line, a 15-mile project that largely extends along Avenue 48 in the Cities of La Quinta, Indio and Coachella. The project provides safe routes to local schools and embraces the use of bold color schemes, innovative lighting and artwork to create not only a safe and inviting route but also a destination in and of itself. It includes two connections to CV Link – the valleywide multi-modal pathway now under construction – and a connection to the polo grounds, which is home to the world-renowned Coachella and Stagecoach art and music festivals.

The project is one of 67 projects in the statewide component that are eyed to receive \$853.52 million from the 2023 Active Transportation Program. The grant awards are recommendations by CTC staff. The projects, along with recommendations for the small urban and rural projects, will be presented to the California Transportation Commission for approval when they meet in Riverside on December 7-8, 2022. The Arts and Music Line is, by far, the largest project being recommended out of Riverside County. CTC staff has also recommended \$300,000 for a mobility plan in the unincorporated community of Desert Edge and nearly \$8.2 million for three different projects in the City of Jurupa Valley.

Projects are scored on a 100-point scale; projects that don't get funded in the statewide round are then considered for funding in the Metropolitan Planning Organization (MPO) round, where there are fewer dollars to spread out across the state. For the Coachella Valley, that allocation process includes additional scoring based on the Riverside County Transportation Commission (RCTC)

adopted selection criteria. RCTC's deadline to submit the ATP award list to the Southern California Association of Governments for the MPO share is January 30, 2023. On November 21, 2022, RCTC released their draft Riverside County ATP Cycle 6 MPO award list. If these recommendations are approved, the City of Desert Hot Springs will be receiving \$17.397 million for two projects located along Hacienda Ave and Palm Drive, with the latter project benefitting from CVAG's Bike and Pedestrian Safety Program that is designed to get projects shovel-ready. The awards to Desert Hot Springs also represent more than 39 percent of the available MPO funding for Riverside County, and when combined with the Arts and Music Line, will bring a total of \$53.88 million in ATP funding to the Coachella Valley.

Based on the CVAG's Arts and Music Line proposed scope of work, the project is expected to start construction in early 2025. In anticipation of this construction funding, CVAG staff is recommending an amendment to the existing contract with Albert A Webb Associates contract to incorporate the required National Environmental Policy Act (NEPA) review process, and the design changes proposed in the Cycle 6 application.

CVAG's contract with Webb was first authorized as part of the Bicycle and Pedestrian Safety Program, which provides funding for getting regional ATP projects "shelf ready" for future grant opportunities. In September 2019, CVAG's Executive Committee approved staff's recommendation that CVAG hire Webb Associates to complete preliminary engineering, environmental analysis, and final design work for on the Arts and Music Line, as well as regional design guidelines for bike and pedestrian projects valley-wide. In September 2021, the CVAG Executive Committee authorized a no-cost extension to extend Webb's contract through December 2022.

CVAG previously submitted applications for the Arts & Music Line in both Cycle 4 and Cycle 5 of the state's Active Transportation Program, with Webb Associates assisting in Cycle 5. In both cycles, the project was short of the cut-off for the statewide round and was left in the position of having to turn down partial funding in as much as \$7.7 million in the Metropolitan Planning Organization (MPO) round because it would have put too much strain on the local and regional resources to accept that award and fill the funding gap.

In preparing for Cycle 6, CVAG staff used the remaining contingency in Webb Associates' contract to modify the proposed project to secure the greatest possible points on the application. The proposed project will construct approximately 9 miles of protected bicycle facilities (Class 1 and 4) along Avenue 48, Van Buren Street, and Dillon Road; more than six miles of Class 2 and 3 school spurs that directly connect the project to 11 disadvantaged schools; provides significant separation and protection for people walking along the project corridors; includes bicycle signals, raised and/or recessed bike/pedestrian crossings, and bicycle signal indicators; and services more than 19 existing affordable housing communities in the area.

In addition to these capital improvements, the project will implement a bike to school program. This program consists of a bike/walk train program, encouraging students to walk or bike together to school; a walking/biking route map – accessible by paper or smartphone, via a QR code; and a bicycle rodeo program that promotes an outdoor skills course where students can practice bicycle safety.

The original contract with Webb Associates only included the analysis needed to address California Environmental Quality Act (CEQA). However, the pot of funding that CVAG has been recommended to receive includes federal dollars, which triggers the need for additional NEPA-level work.

Given CVAG's committee schedule for the remainder of 2022, CVAG staff is recommending a contract approval in anticipation of the CTC's vote in December 2022. CVAG staff is also recommending the Executive Director be authorized to take any steps necessary to accept the funding.

Fiscal Analysis: The original contract for Webb Associates was for a not-to-exceed amount of \$2,731,897. Amendment No. 1 provided no additional costs but extended the date. Amendment No. 2 will further extend the contract term until December 31, 2024. It also increases the contract amount by an additional \$1,060,000. Funding is being split on the 75 percent/25 percent funding formula that is standard for regional projects.

Because the Arts and Music Line's local share spans more than one jurisdiction, the approved reimbursement agreements split the 25 percent local share based on the length of the project in each jurisdiction. Consequently, the local share has been split with the City of La Quinta covering 25%, City of Indio covering 67% and the City of Coachella covering the remaining 8%. CVAG staff has revised the agency reimbursement agreements to account for the additional \$1,060,000. The adjusted local share totals for pre-construction services are as follows:

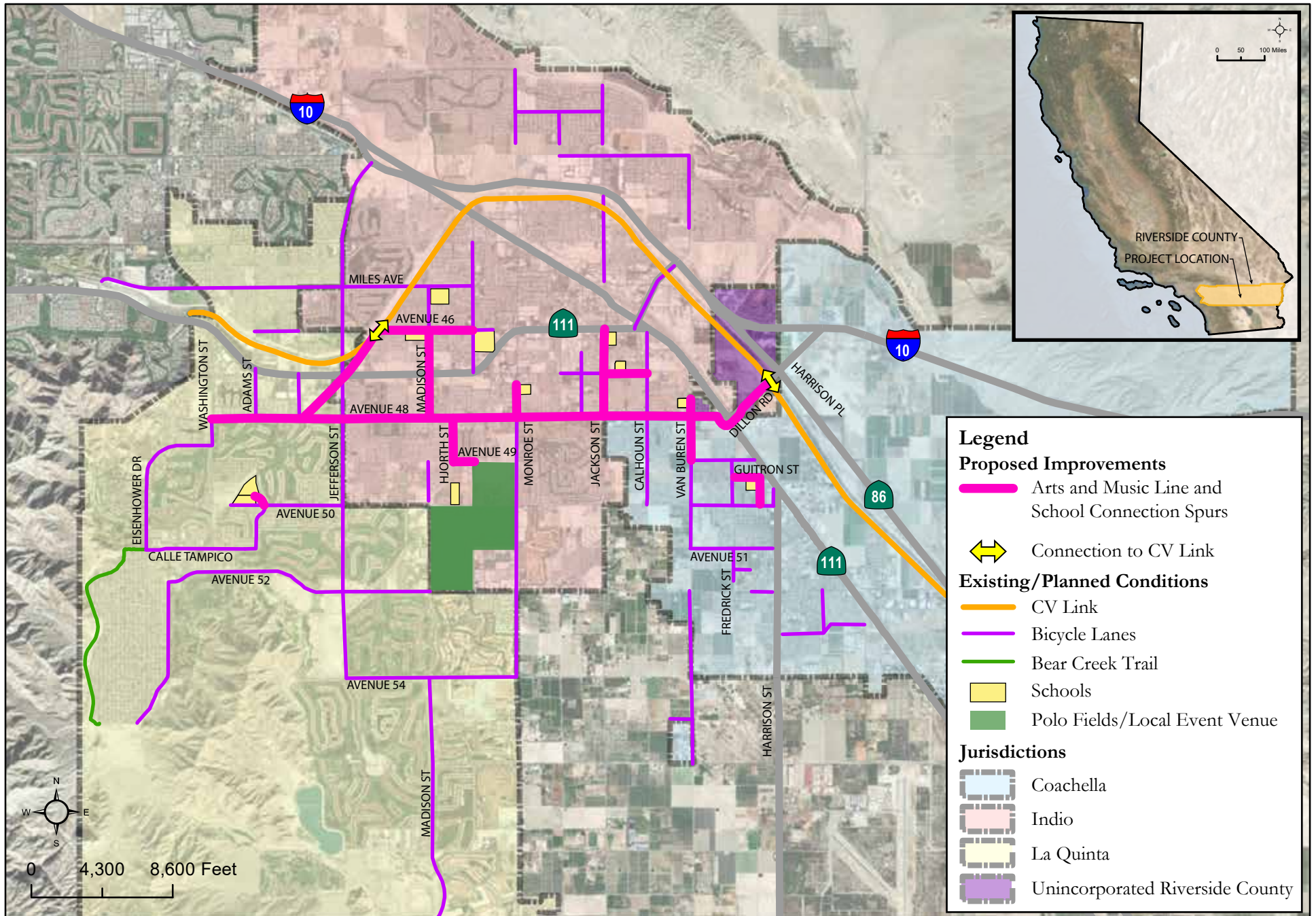
<u>La Quinta</u>	<u>Indio</u>	<u>Coachella</u>	<u>Total Local Share (25%)</u>
\$236,993	\$635,143	\$75,838	\$947,974
25%	67%	8%	100%

Looking ahead, CVAG staff will continue to look for additional funding opportunities for the construction costs. Staff will also work with its member jurisdictions to address cost-sharing of the local share of the construction phase, allowing them to budget for future fiscal years. However, those cost sharing agreements will likely move forward closer to the start of construction and/or an awarding of a contract.

Finally, staff would like to note the return on investment of the Bicycle and Pedestrian Safety Program and CVAG Committees' support of using local and regional funding to position projects for future grant opportunities. During Cycle 5 of the state's ATP, the City of Cathedral City's regional connector project scored the highest at the MPO level for Riverside County and construction was fully funded at \$4.4 million. This Cycle of ATP adds to the success, not just with the Arts and Music Line but also the recommended investment along Palm Drive. If the City of Desert Hot Springs receives the combined \$17.397 million for the two projects, the City will secure more than 39 percent of the available MPO funding for Riverside County. When combined with the Arts and Music Line, it will bring a total of \$53.88 million in ATP funding to the Coachella Valley.

Attachments:

1. Project Location Map
2. Albert A. Webb Associates – Art & Music Line Amendment No. 2
3. City of Coachella – Arts & Music Line Amendment No. 1
4. City of Indio – Arts & Music Line Amendment No. 1
5. City of La Quinta – Arts & Music Line Amendment No. 2



AMENDMENT NUMBER TWO
to the
ALBERT A. WEBB ASSOCIATES
PROFESSIONAL ENGINEERING AND ENVIRONMENTAL SERVICES AGREEMENT
for the
COACHELLA VALLEY ART AND MUSIC LINE

This **AMENDMENT NUMBER TWO** is made and entered into this 5th day of December 2022, by and between the **Coachella Valley Association of Governments**, a California joint powers agency (**CVAG**), and **Albert A. Webb Associates (Consultant)**, and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain the same as stated in the original Agreement dated November 18, 2019, for the Coachella Valley Art and Music Line project.

1. This Amendment Number Two extends the term of the contract to December 31, 2024.
2. This Amendment Number Two authorizes the additional scope of services in accordance with the attached Albert A. Webb Associates letter dated November 17, 2022 for the not-to-exceed amount of \$1,060,000.00. The total amount payable shall not exceed \$3,791,897.00.

Original Contract	November 18, 2019	\$2,731,897.00
Amendment Number One	September 27, 2021	No Cost
Amendment Number Two	December 5, 2022	<u>\$1,060,000.00</u>
Total Contract not-to-exceed		\$3,791,897.00

IN WITNESS WHEREOF, the parties hereto have caused this **Amendment Number Two** to be executed by their duly authorized representatives on this date:

**COACHELLA VALLEY ASSOCIATION
OF GOVERNMENTS**

ALBERT A. WEBB ASSOCIATES

By: _____
Tom Kirk, CVAG Executive Director

By: _____
Dilesh Sheth, Senior V.P.

Date: _____

Date: _____

Attachment A-1

**Albert A. Webb Associates – Art & Music Line Amendment No. 2
Additional Scope of Services and Compensation**

Please refer to the following Albert A. Webb Associates letter dated November 17, 2022.

EXHIBIT A - SCOPE OF SERVICES

Task 1 – Additional Field Survey

WEBB will perform additional field survey for the final design of the project. Field survey information will also include surface ground surface culture, all features within and around the project area, and existing roadway profile and pavement limits. WEBB will perform detailed surveying work including the tie-out of any and all existing survey centerlines and property corner monuments that could be disturbed and affected by the proposed work.

Task 2 – NEPA Compliance

Task 2.1 – Preliminary Environmental Study (PES) Form

WEBB will begin the environmental process by preparing PES Form.

Preliminary Environmental Study (PES) Form - Prepare and submit a PES Form for the ATP project components and all required attachments including pictures, maps, FEMA Zones, ISA Checklist, VIA Checklist, and Air Quality Checklist to Caltrans for review and comment, using the standard form available on the SER website and following the procedures outlined in Chapter 6 of the Local Assistance Procedures Manual (LAPM). One round of revisions is included for CVAG and Caltrans comments. WEBB will electronically submit the PES Form and attachments and follow up with Caltrans. WEBB will coordinate with Caltrans to prepare the Categorical Exclusion (CE) and the Environmental Commitments Records (ECR) to obtain NEPA approval.

Deliverables:

- One (1) completed PES Form

The project's contract assumed that the project was only subject to CEQA. CVAG has asked the WEBB team to prepare the NEPA documentation now that Caltrans funding is involved and NEPA applies.

Task 2.2 – Technical Studies

Upon approval of the PES, WEBB anticipates Caltrans will require additional technical studies. If necessary, WEBB will prepare:

Task 2.2. A - Natural Environment Study – Minimal Impacts (NES-MI)

WEBB will team with WSP for biological resource evaluations required for NEPA.

WSP senior biologists will prepare a Natural Environmental Study-Minimal Impacts (NES-MI). This report will be based on the findings of the MSHCP Consistency Analysis reconnaissance-level surveys but written to comply with all Caltrans report guidelines and will be taken through the standard Caltrans review process. A field survey will also be conducted using methodologies appropriate for the detection of special-status species (if any) identified during the literature review. Depending on the timing (season) of the field survey, certain species (such as sensitive annual plant species) may be undetectable. However, habitat suitability will be assessed for all special-status species potentially occurring on the site. If habitat is present on-site, focused surveys for species identified during the literature review process maybe required and are not considered part of this amendment.

Copies of the NES will be provided to Caltrans' assigned project manager for review and approval. Based on one set of review comments, a final report will be prepared and submitted electronically.

Deliverables:

- One (1) completed NES-MI report

Task 2.2.B - Jurisdictional Delineation

The project site will be evaluated for jurisdictional resources. Jurisdictional waters of the U.S. and wetlands are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. Jurisdictional waters of the State are regulated by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act and Porter Cologne Act. Jurisdictional streambeds and associated riparian habitat are regulated by the California Department of Fish and Wildlife (CDFW) under Section 1602 of the State Fish and Game Code.

As part of the jurisdictional delineation, a WSP wetland specialist will: 1) review background information including, but not limited to topographic maps, aerial photos, soils surveys, and engineering plans; 2) conduct an on-site evaluation of the site using the methods described in the 1987 USACE Wetlands Manual and the 2008 Arid West Supplement; and 3) produce a Jurisdictional Delineation Report that defines methods and results of the field assessment. Boundaries of jurisdictional areas and proposed impact areas will be overlaid onto aerial photographs for identification and quantification.

An electronic copy of the draft report will be provided to CVAG for review. Following one round of review comments, any necessary changes will be incorporated into a final electronic report.

Deliverables:

- One (1) completed Jurisdictional Delineation report

Task 2.2.C - Regulatory Permitting

WSP permitting specialists will prepare permit applications for the project. Permit applications will be prepared for the following agencies:

- US Army Corps of Engineers: A Nationwide Permit Pre-Construction Notification (PCN) Form will be prepared. This scope assumes the project will qualify under an existing Nationwide Permit (NWP). If the project does not qualify under an existing NWP, an Individual Permit (IP) would be required. Procurement of an IP includes assessments of alternatives and public comment and, therefore, would exceed the cost provided herein and is not included in this scope.
- Regional Water Quality Control Board: An application for 401 Water Quality Certification will be prepared.
- California Department of Fish and Game: An application for a Streambed Alteration Agreement will be prepared.
- Draft copies of the permits will be provided to CVAG for review and approval, submit applications, and follow up with agencies on a monthly basis to ensure proper permit processing. Permit fees are not included in this scope. Completion of this task does not include issuance of permits by regulatory agencies.

Deliverables:

- One (1) completed set of permit Applications

Task 2.2.D - Focused Burrowing Owl Surveys

Focused burrowing owl surveys are required where suitable habitat is present. Where applicable, focused burrowing owl surveys will be conducted, as described below. Focused burrow surveys and four breeding season focused burrowing owl surveys will need to be performed between March 1 and August 31 (during the breeding season). Focused Burrowing Owl Surveys will consist of visits to the project area on four separate days. This scope of work includes surveys on an estimated 20-acres of suitable habitat. If additional habitat is identified within the project site, additional costs may be required.

Results of the surveys, including the methodology transect width, duration, conditions, and findings, will be incorporated into an MSHCP compliant burrowing owl report. Following one round of review comments, any necessary changes will be incorporated into a final electronic report. Appropriate maps showing burrow locations will be included. If burrowing owls are present, a relocation program and preconstruction surveys may be necessary; this scope does not include costs for any type of relocation program or preconstruction survey. If needed, a cost proposal will be prepared at that time.

Deliverables:

- One (1) completed Burrowing Owl report

Task 2.2.E – Historic Property Survey Report

WEBB will team up with Applied Earthworks (Æ) who will prepare the Historic Property Survey Report (HPSR), which includes an Area of Potential Effect (APE) Map that depicts the area impacted by the project, including staging, construction access areas, and any utility and property relocation work. The map will be plotted on an aerial photograph generated by GIS at a scale of 1"=200', with a bar scale. The map will depict the locations of any cultural resources identified in the APE.

The HPSR will summarize consultations and decisions pursuant to Section 106. It will document delineation of the APE, completion of the identification phase, completion of National Register of Historic Places eligibility, evaluation of the resources within the project APE, and, if relevant, a finding of no historic properties affected or no adverse effect with standard conditions. The HPSR will be used to request SHPO's concurrence on determinations of eligibility or ineligibility for properties within the project area of the APE to be evaluated.

Specifically, Æ will prepare the necessary cultural resources assessments to satisfy the requirements of the Caltrans' Programmatic Agreement (PA) with the California State Historic Preservation Officer regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, which include:

- Utilizing Caltrans' Area of Potential Effects (APE) for the project that considers all direct and indirect impacts to significant cultural resources.
- Completing a records search with the Eastern Information Center (EIC). We assume the EIC records search fee will not exceed \$1,000.00. The EIC office is closed and will remain closed indefinitely. However, they are accepting and processing requests via email, albeit at a much-slower pace. The current turnaround time for the EIC literature and records search is

approximately 4-6 weeks. Because of the limited staffing situation, this turnaround time may lengthen as a result of circumstances beyond Æ's control.

- Contacting the NAHC for Sacred Lands Files. The NAHC is experiencing delays in response time. The current turnaround time for the NAHC search is 6-8 weeks. Æ also will assist Caltrans in contacting Tribes/individuals identified by the NAHC with local Traditional Use Areas that may have information regarding Native American cultural resources within the project vicinity. Contact will be initiated by letter and followed by email or telephone. Æ will conduct two 30-day follow-ups on behalf of Caltrans.
- In November 2020, Æ performed a field visit and pedestrian field reconnaissance survey of the Project area for the CEQA process. Therefore, for Caltrans and Section 106 compliance, Æ will only conduct a pedestrian spot-check survey of the portions of the Project where known resources were observed during the CEQA survey. For the cultural resource spot-check survey, Æ is not responsible for landowner permissions and access to the Project area. For the purposes of this price estimate, we assume no subsurface testing and no cultural resources requiring documentation or evaluation are present in the Project area.

The portions of the Project along Avenue 48 east of Van Buren and Dillon Road traverse the Cabazon Indian Reservation and the Twenty-Nine Palms Reservation. If right-of-way (ROW) acquisition is required for the Project, extending the Project beyond the existing road ROW, Æ will need to obtain authorization from the U.S. Bureau of Indian Affairs (BIA) to conduct surveys on tribal lands. If the Cabazon and Twenty-Nine Palms tribes wish to accompany Æ during the survey on tribal lands, Æ assumes they will contract directly with the CVAG. This price estimate excludes time to consult with BIA or obtain authorization from the Tribes and BIA to survey because no ROW acquisition is anticipated.

- Assumes no archaeological resources requiring documentation or evaluation will be identified in the APE. Æ assumes all built-environment resources within the project area have either been determined ineligible for the NRHP with SHPO concurrence, are outside of the vertical APE, or are exempt from evaluation under the Caltrans PA. Therefore, for the purposes of this proposal, we assume only a single page site record updates to the existing California Department of Parks and Recreation (DPR) forms for the six built-environment resources. If additional cultural resources are encountered during Æ's fieldwork, then a contract amendment will be necessary and Project costs will increase in accordance with the size and complexity of each resource.
- Prepare an APE Map, an Archaeological Survey Report (ASR), and a Historic Properties Survey Report (HPSR) to the standards outlined in the Caltrans Standard Environmental Reference (SER) Volume 2, Cultural Resources. Based on our assumptions above regarding built-environment eligibility, Æ assumes a Historic Resources Evaluation Report (HRER) will not be required for the project. Æ assumes two rounds of comments will need to be addressed following review of each submittal to Caltrans. Æ's draft and revised reports will be submitted electronically in MS Word format for ease of review; the final report will be submitted electronically as a PDF file. Our price estimate assumes no hard copies of the draft and revised draft reports, and no more than a total of two (2) hard copies of the final report will be required – one each for Caltrans and the EIC.

Deliverables:

- One (1) completed HPSR package

Task 2.2.F: Location Hydraulic Study and Summary Floodplain Encroachment Report

WEBB will prepare a Location Hydraulic Study that is consistent with 23 CFR 650 Subpart A, Section 650.111 (b)(c)(d). This analysis will determine if the project would result in minimal or significant encroachment on the base floodplain and if the project is consistent with the existing watershed and floodplain management programs. The study will include but not be limited to the following:

- National Flood Insurance Program (NFIP) maps of information developed by the highway agency.
- Evaluation and discussion of the practicability of alternatives to and longitudinal encroachments.
- Discussion of commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and support floodplain development
 - The risks associated with implementation of the action
 - The impacts on natural and beneficial flood-plain values
 - The support of probably incompatible flood-plain development
 - The measures to minimize flood-plain impacts associated with the action
 - The measures to restore and preserve the natural and beneficial floodplain values impacted by the action.
- Summary Floodplain Encroachment Report

WEBB will incorporate revisions from one round of comments from the CVAG prior to finalization and submittal to Caltrans for approval.

Based on recent experience, WEBB believes the preparation of a Water Quality Assessment Report (WQAR) may be required by Caltrans as part of the NEPA process. Therefore, WEBB has included preparation of a WQAR utilizing the current template from Caltrans. The WQAR includes a discussion of the proposed project, the general environmental setting of the project area, and the regulatory framework with respect to water quality. It also provides data on surface water and groundwater resources within the project area and their water quality health, describes water quality impairments and beneficial uses, identifies potential water quality impacts/benefits associated with the proposed project, and recommends avoidance and/or minimization measures for potentially adverse impacts. Information from the Location Hydraulic Study will also be included in the WQAR, as applicable. Revisions to one round of CVAG comments will be incorporated before finalizing the WQAR and submitting to Caltrans for approval.

Deliverables:

- One (1) completed Location Hydraulic Study Form
- One (1) Summary Floodplain Encroachment Form
- One (1) WQAR

Task 2.2.G: Traffic Impact Study

WEBB will update the Traffic Impact Analysis and prepare a NEPA compliance document as the previously studied intersections. The scope of services is as follows:

- Coordinate with the Cities of La Quinta, Indio, Palm Desert, and Caltrans to obtain the latest signal timing plans.

- Review and update with Existing Conditions analysis to reflect the latest signal timings.
- Coordinate with the project team to determine the Proposed Project features and Proposed Project Opening Year.
- Update the Opening Year Without and With Project Conditions analysis.
- Update the Proposed Project Traffic Operations Study.
- Revise the Study based on comments from the project's team. Two rounds of revision are assumed as a part of this effort.
- Prepare a draft NEPA compliance traffic operation study ("NEPA Study").
- Revise the NEPA Study based on comments from the project's team and review agencies. Two rounds of revision are assumed as a part of this effort.
- Attend up to four (4) meetings with the project's team.

Deliverables:

- One (1) draft, one (1) revised, and one (1) final Traffic Operations Study.
- One (1) draft, one (1) revised, and one (1) final NEPA Study.

Task 3 – Additional Geotechnical Work

Our services are anticipated to include additional drilling of geotechnical borings, laboratory testing, and providing a geotechnical report with geotechnical recommendations for design and construction of the walls.

Task 4 – Artist Assistance

The project art scope has changed so additional assistance from the artist is needed to determine the location of art work.

Task 5 – Drainage

WEBB will additional effort for drainage analysis and prepare report for the La Quinta Evacuation Channel and Dillon Road. WEBB will coordinate with CVWD, City of Indio, and the City of Coachella for review and approval.

Task 6 – Street Design

The project plans include curb and barrier along the route. Because of fire department requirements and budget changes, the barrier width is adjusted. WEBB will provide additional effort to revise street improvement plans.

Task 7 – Intersection

WEBB will revised intersection improvements to include protected corners, bend out, and other innovative treatments to enhance safety and comfort.

Task 8 – CVWD

WEBB will provide additional design and coordination services for the two-way community connector between Avenue 48 and Coachella Valley Storm channel where the CV Link is proposed. WEBB will schedule meeting with the CVWD.

Task 9 – Street Light

WEBB will provide additional street light design services for the project.

Task 10 – Structural Design

WEBB will provide additional structural design services for walls under Highway 111 and Jefferson Street bridges.

Task 11 – Legal and Plats

WEBB will prepare 15 legal and plats for additional R/W.

Task 12 – Right of Way Acquisition

WEBB's subconsultant will provide appraisal, property owner coordination, and title investigation services.

Task 13 – Outreach

WEBB will provide public outreach services. The goal of these meetings is to identify the community values, priorities, and concerns throughout the project corridors. WEBB will provide coordination with CVAG, City of Indio, City of La Quinta, City of Coachella, Sunline, and Caltrans.

Task 14 – Project Management and Meetings

WEBB will schedule, chair, and prepare meeting agendas and minutes for all meetings. The agendas will be submitted to the Agency for review two working days before the meeting. The minutes will be distributed to all attendees, everyone who was invited, and the Agency's Project Manager within five working days after the meeting. The minutes shall include, but not be limited to a list of attendees with phone numbers and email, synopsis of discussion items, any pertinent information, action items, and follow-up to action items.

Additional Services

Any services not specifically described in the above scope, as well as any changes in the scope the Client requests, will be considered Additional Services and will be performed at our then-current hourly rates. Before commencing the Additional Services, the Consultant shall obtain prior written approval from the Client. Additional services we can provide include, but are not limited to, the following:

- Attendance at additional meetings beyond those identified in the Scope of Services.
- Providing any other services not expressly included in this Agreement or not customarily furnished by generally accepted practices in the industry.

EXHIBIT B - COMPENSATION FOR ADDITIONAL SCOPE OF SERVICES

Services described in our Scope of Work (Exhibit "A") shall be provided on a time and material basis not to exceed **\$1,060,000**.

Compensation Breakdown

Additional Field Survey	\$	30,000.00
NEPA	\$	170,000.00
Additional Geotechnical Work	\$	20,000.00
Artist Assistance	\$	50,000.00
Drainage	\$	40,000.00
Street Design	\$	100,000.00
Intersection	\$	60,000.00
CVWD	\$	100,000.00
Street Light	\$	30,000.00
Structural Design	\$	80,000.00
Legal and Plats	\$	60,000.00
Right of Way Acquisition	\$	150,000.00
Outreach	\$	50,000.00
Project Management and Meetings	\$	120,000.00
	\$	1,060,000.00

**AMENDMENT NUMBER ONE
TO THE
REIMBURSEMENT AGREEMENT BY AND BETWEEN
CVAG AND THE CITY OF COACHELLA
FOR THE
ATP – ARTS AND MUSIC LINE**

This **AMENDMENT NUMBER ONE** is made and entered into this 5th day of December 2022, by and between the **Coachella Valley Association of Governments**, a California joint powers agency (CVAG), the **City of Coachella** (Agency) and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain in the same as stated in the original agreement dated September 30, 2019 for the ATP – Arts and Music Line Project

1. This Amendment Number One extends the term of the contract to December 31, 2024.
2. This Amendment Number One authorizes the additional scope of services in accordance with the attached Albert A. Webb Associates letter dated November 17, 2022 for the not-to-exceed amount of \$1,060,000. The total amount payable shall not exceed \$3,791,897.
3. This Amendment Number One increases CVAG's Regional Share to \$2,843,923, and the Local Share to \$947,974.
4. This Amendment Number One authorizes CVAG to amend the cost-sharing agreements between CVAG and the Cities of La Quinta, Indio and Coachella for design costs related to the ATP - Arts and Music Line, by adding \$1,060,000 to the total costs for a revised total of \$3,791,897 which represents an additional \$795,000 totaling \$2,843,923 for the 75 percent CVAG share and an additional \$265,000 totaling \$947,974 for the 25 percent local share.

			<u>Regional Share</u>	<u>Local Share</u>
Original Contract	September 30, 2019	\$2,731,897	\$2,048,923	\$682,974
Amendment Number One	December 5, 2022	<u>\$1,060,000</u>	\$2,843,923	\$947,974
Total Contract not-to-exceed		\$3,791,897		

Based on the revised additional \$265,000 to the local share, the revised 25 percent local share which totals \$947,974 per this amendment will be split between the cities of La Quinta, Coachella and Indio as follows:

<u>La Quinta</u>	<u>Indio</u>	<u>Coachella</u>	<u>Total Local Share (25%)</u>
\$236,993	\$635,143	\$75,838	\$947,974
25%	67%	8%	100%

The parties hereto have caused this **Amendment Number One** to be executed by their duly authorized representatives on the above-reference date.

ATTEST

CITY OF COACHELLA

By: _____
Andrea Carranza, City Clerk

By: _____
Gabriel Martin, City Manager

APPROVED AS TO FORM

By: _____
Carlos Campos, City Attorney

ATTEST

**COACHELLA ASSOCIATION OF
GOVERNMENTS**

By: _____
Tom Kirk, CVAG Executive Director

By: _____
Steven Hernandez, CVAG Chair

Attachment A-1

**Albert A. Webb Associates – Art & Music Line Amendment No. 2
Additional Scope of Services and Compensation**

Please refer to the following Albert A. Webb Associates letter dated November 17, 2022.



Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office
41870 Kalmia Street #160
Murrieta, CA 92562
T: 951.686.1070

November 17, 2022

Mr. Jonathan Hoy
Director of Transportation
Coachella Valley Association of Governments
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

RE: CVAG's Arts & Music Line Contract Amendment

Dear Jonathan:

Albert A. Webb Associates (WEBB) is requesting budget amendment for Arts & Music Line to provide additional professional services related to additional engineering and preparation of the environmental documentation pursuant to the National Environmental Policy Act (NEPA) (the "Proposed Project") for the Coachella Valley Association of Governments (CVAG) Art & Music Line.

The Scope of Services is described in Exhibit A and the Compensation for Additional Work is described in Exhibit B.

We look forward to continuing to work with CVAG on this project.

Sincerely,

Albert A. Webb Associates

A handwritten signature in blue ink that reads "Dilesh Sheth".

Dilesh Sheth, PE, TE
Senior Vice President



EXHIBIT A - SCOPE OF SERVICES

Task 1 – Additional Field Survey

WEBB will perform additional field survey for the final design of the project. Field survey information will also include surface ground surface culture, all features within and around the project area, and existing roadway profile and pavement limits. WEBB will perform detailed surveying work including the tie-out of any and all existing survey centerlines and property corner monuments that could be disturbed and affected by the proposed work.

Task 2 – NEPA Compliance

Task 2.1 – Preliminary Environmental Study (PES) Form

WEBB will begin the environmental process by preparing PES Form.

Preliminary Environmental Study (PES) Form - Prepare and submit a PES Form for the ATP project components and all required attachments including pictures, maps, FEMA Zones, ISA Checklist, VIA Checklist, and Air Quality Checklist to Caltrans for review and comment, using the standard form available on the SER website and following the procedures outlined in Chapter 6 of the Local Assistance Procedures Manual (LAPM). One round of revisions is included for CVAG and Caltrans comments. WEBB will electronically submit the PES Form and attachments and follow up with Caltrans. WEBB will coordinate with Caltrans to prepare the Categorical Exclusion (CE) and the Environmental Commitments Records (ECR) to obtain NEPA approval.

Deliverables:

- One (1) completed PES Form

The project's contract assumed that the project was only subject to CEQA. CVAG has asked the WEBB team to prepare the NEPA documentation now that Caltrans funding is involved and NEPA applies.

Task 2.2 – Technical Studies

Upon approval of the PES, WEBB anticipates Caltrans will require additional technical studies. If necessary, WEBB will prepare:

Task 2.2. A - Natural Environment Study – Minimal Impacts (NES-MI)

WEBB will team with WSP for biological resource evaluations required for NEPA.

WSP senior biologists will prepare a Natural Environmental Study-Minimal Impacts (NES-MI). This report will be based on the findings of the MSHCP Consistency Analysis reconnaissance-level surveys but written to comply with all Caltrans report guidelines and will be taken through the standard Caltrans review process. A field survey will also be conducted using methodologies appropriate for the detection of special-status species (if any) identified during the literature review. Depending on the timing (season) of the field survey, certain species (such as sensitive annual plant species) may be undetectable. However, habitat suitability will be assessed for all special-status species potentially occurring on the site. If habitat is present on-site, focused surveys for species identified during the literature review process maybe required and are not considered part of this amendment.

Copies of the NES will be provided to Caltrans' assigned project manager for review and approval. Based on one set of review comments, a final report will be prepared and submitted electronically.

Deliverables:

- One (1) completed NES-MI report

Task 2.2.B - Jurisdictional Delineation

The project site will be evaluated for jurisdictional resources. Jurisdictional waters of the U.S. and wetlands are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. Jurisdictional waters of the State are regulated by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act and Porter Cologne Act. Jurisdictional streambeds and associated riparian habitat are regulated by the California Department of Fish and Wildlife (CDFW) under Section 1602 of the State Fish and Game Code.

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An electronic copy of the draft report will be provided to CVAG for review. Following one round of review comments, any necessary changes will be incorporated into a final electronic report.

Deliverables:

- One (1) completed Jurisdictional Delineation report

Task 2.2.C - Regulatory Permitting

WSP permitting specialists will prepare permit applications for the project. Permit applications will be prepared for the following agencies:

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- Draft copies of the permits will be provided to CVAG for review and approval, submit applications, and follow up with agencies on a monthly basis to ensure proper permit processing. Permit fees are not included in this scope. Completion of this task does not include issuance of permits by regulatory agencies.

Deliverables:

- One (1) completed set of permit Applications

Task 2.2.D - Focused Burrowing Owl Surveys

Focused burrowing owl surveys are required where suitable habitat is present. Where applicable, focused burrowing owl surveys will be conducted, as described below. Focused burrow surveys and four breeding season focused burrowing owl surveys will need to be performed between March 1 and August 31 (during the breeding season). Focused Burrowing Owl Surveys will consist of visits to the project area on four separate days. This scope of work includes surveys on an estimated 20-acres of suitable habitat. If additional habitat is identified within the project site, additional costs may be required.

Results of the surveys, including the methodology transect width, duration, conditions, and findings, will be incorporated into an MSHCP compliant burrowing owl report. Following one round of review comments, any necessary changes will be incorporated into a final electronic report. Appropriate maps showing burrow locations will be included. If burrowing owls are present, a relocation program and preconstruction surveys may be necessary; this scope does not include costs for any type of relocation program or preconstruction survey. If needed, a cost proposal will be prepared at that time.

Deliverables:

- One (1) completed Burrowing Owl report

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WEBB will team up with Applied Earthworks (Æ) who will prepare the Historic Property Survey Report (HPSR), which includes an Area of Potential Effect (APE) Map that depicts the area impacted by the project, including staging, construction access areas, and any utility and property relocation work. The map will be plotted on an aerial photograph generated by GIS at a scale of 1"=200', with a bar scale. The map will depict the locations of any cultural resources identified in the APE.

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Deliverables:

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Deliverables:

- One (1) completed Location Hydraulic Study Form
- One (1) Summary Floodplain Encroachment Form
- One (1) WQAR

Task 2.2.G: Traffic Impact Study

WEBB will update the Traffic Impact Analysis and prepare a NEPA compliance document as the previously studied intersections. The scope of services is as follows:

- Coordinate with the Cities of La Quinta, Indio, Palm Desert, and Caltrans to obtain the latest signal timing plans.

- Review and update with Existing Conditions analysis to reflect the latest signal timings.
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- Update the Opening Year Without and With Project Conditions analysis.
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- Revise the Study based on comments from the project's team. Two rounds of revision are assumed as a part of this effort.
- Prepare a draft NEPA compliance traffic operation study ("NEPA Study").
- Revise the NEPA Study based on comments from the project's team and review agencies. Two rounds of revision are assumed as a part of this effort.
- Attend up to four (4) meetings with the project's team.

Deliverables:

- One (1) draft, one (1) revised, and one (1) final Traffic Operations Study.
- One (1) draft, one (1) revised, and one (1) final NEPA Study.

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Our services are anticipated to include additional drilling of geotechnical borings, laboratory testing, and providing a geotechnical report with geotechnical recommendations for design and construction of the walls.

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WEBB will prepare 15 legal and plats for additional R/W.

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WEBB will schedule, chair, and prepare meeting agendas and minutes for all meetings. The agendas will be submitted to the Agency for review two working days before the meeting. The minutes will be distributed to all attendees, everyone who was invited, and the Agency's Project Manager within five working days after the meeting. The minutes shall include, but not be limited to a list of attendees with phone numbers and email, synopsis of discussion items, any pertinent information, action items, and follow-up to action items.

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Any services not specifically described in the above scope, as well as any changes in the scope the Client requests, will be considered Additional Services and will be performed at our then-current hourly rates. Before commencing the Additional Services, the Consultant shall obtain prior written approval from the Client. Additional services we can provide include, but are not limited to, the following:

- Attendance at additional meetings beyond those identified in the Scope of Services.
- Providing any other services not expressly included in this Agreement or not customarily furnished by generally accepted practices in the industry.

EXHIBIT B - COMPENSATION FOR ADDITIONAL SCOPE OF SERVICES

Services described in our Scope of Work (Exhibit "A") shall be provided on a time and material basis not to exceed **\$1,060,000.**

Compensation Breakdown

Additional Field Survey	\$	30,000.00
NEPA	\$	170,000.00
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Artist Assistance	\$	50,000.00
Drainage	\$	40,000.00
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Legal and Plats	\$	60,000.00
Right of Way Acquisition	\$	150,000.00
Outreach	\$	50,000.00
Project Management and Meetings	\$	120,000.00
	\$	1,060,000.00

**AMENDMENT NUMBER ONE
TO THE
REIMBURSEMENT AGREEMENT BY AND BETWEEN
CVAG AND THE CITY OF INDIO
FOR THE
ATP – ARTS AND MUSIC LINE**

This **AMENDMENT NUMBER ONE** is made and entered into this 5th day of December 2022, by and between the **Coachella Valley Association of Governments**, a California joint powers agency (CVAG), the **City of Indio** (Agency) and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain in the same as stated in the original agreement dated September 30, 2019 for the ATP – Arts and Music Line Project

1. This Amendment Number One extends the term of the contract to December 31, 2024.
2. This Amendment Number One authorizes the additional scope of services in accordance with the attached Albert A. Webb Associates letter dated November 17, 2022 for the not-to-exceed amount of \$1,060,000. The total amount payable shall not exceed \$3,791,897.
3. This Amendment Number One increases CVAG's Regional Share to \$2,843,923, and the Local Share to \$947,974.
4. This Amendment Number One authorizes CVAG to amend the cost-sharing agreements between CVAG and the Cities of La Quinta, Indio and Coachella for design costs related to the ATP - Arts and Music Line, by adding \$1,060,000 to the total costs for a revised total of \$3,791,897 which represents an additional \$795,000 totaling \$2,843,923 for the 75 percent CVAG share and an additional \$265,000 totaling \$947,974 for the 25 percent local share.

			<u>Regional Share</u>	<u>Local Share</u>
Original Contract	September 30, 2019	\$2,731,897	\$2,048,923	\$682,974
Amendment Number One	December 5, 2022	<u>\$1,060,000</u>	\$2,843,923	\$947,974
Total Contract not-to-exceed		\$3,791,897		

Based on the revised additional \$265,000 to the local share, the revised 25 percent local share which totals \$947,974 per this amendment will be split between the cities of La Quinta, Coachella and Indio as follows:

<u>La Quinta</u>	<u>Indio</u>	<u>Coachella</u>	<u>Total Local Share (25%)</u>
\$236,993	\$635,143	\$75,838	\$947,974
25%	67%	8%	100%

The parties hereto have caused this **Amendment Number One** to be executed by their duly authorized representatives on the above-reference date.

ATTEST

CITY OF INDIO

By: _____
Sabdi Sanchez, City Clerk Administrator

By: _____
Bryan Montgomery, City Manager

APPROVED AS TO FORM

By: _____
Roxanne M. Diaz, City Attorney

ATTEST

**COACHELLA ASSOCIATION OF
GOVERNMENTS**

By: _____
Tom Kirk, CVAG Executive Director

By: _____
Steven Hernandez, CVAG Chair

Attachment A-1

**Albert A. Webb Associates – Art & Music Line Amendment No. 2
Additional Scope of Services and Compensation**

Please refer to the following Albert A. Webb Associates letter dated November 17, 2022.



Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office
41870 Kalmia Street #160
Murrieta, CA 92562
T: 951.686.1070

November 17, 2022

Mr. Jonathan Hoy
Director of Transportation
Coachella Valley Association of Governments
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

RE: CVAG's Arts & Music Line Contract Amendment

Dear Jonathan:

Albert A. Webb Associates (WEBB) is requesting budget amendment for Arts & Music Line to provide additional professional services related to additional engineering and preparation of the environmental documentation pursuant to the National Environmental Policy Act (NEPA) (the "Proposed Project") for the Coachella Valley Association of Governments (CVAG) Art & Music Line.

The Scope of Services is described in Exhibit A and the Compensation for Additional Work is described in Exhibit B.

We look forward to continuing to work with CVAG on this project.

Sincerely,

Albert A. Webb Associates

A handwritten signature in blue ink that reads "Dilesh Sheth".

Dilesh Sheth, PE, TE
Senior Vice President



EXHIBIT A - SCOPE OF SERVICES

Task 1 – Additional Field Survey

WEBB will perform additional field survey for the final design of the project. Field survey information will also include surface ground surface culture, all features within and around the project area, and existing roadway profile and pavement limits. WEBB will perform detailed surveying work including the tie-out of any and all existing survey centerlines and property corner monuments that could be disturbed and affected by the proposed work.

Task 2 – NEPA Compliance

Task 2.1 – Preliminary Environmental Study (PES) Form

WEBB will begin the environmental process by preparing PES Form.

Preliminary Environmental Study (PES) Form - Prepare and submit a PES Form for the ATP project components and all required attachments including pictures, maps, FEMA Zones, ISA Checklist, VIA Checklist, and Air Quality Checklist to Caltrans for review and comment, using the standard form available on the SER website and following the procedures outlined in Chapter 6 of the Local Assistance Procedures Manual (LAPM). One round of revisions is included for CVAG and Caltrans comments. WEBB will electronically submit the PES Form and attachments and follow up with Caltrans. WEBB will coordinate with Caltrans to prepare the Categorical Exclusion (CE) and the Environmental Commitments Records (ECR) to obtain NEPA approval.

Deliverables:

- One (1) completed PES Form

The project's contract assumed that the project was only subject to CEQA. CVAG has asked the WEBB team to prepare the NEPA documentation now that Caltrans funding is involved and NEPA applies.

Task 2.2 – Technical Studies

Upon approval of the PES, WEBB anticipates Caltrans will require additional technical studies. If necessary, WEBB will prepare:

Task 2.2. A - Natural Environment Study – Minimal Impacts (NES-MI)

WEBB will team with WSP for biological resource evaluations required for NEPA.

WSP senior biologists will prepare a Natural Environmental Study-Minimal Impacts (NES-MI). This report will be based on the findings of the MSHCP Consistency Analysis reconnaissance-level surveys but written to comply with all Caltrans report guidelines and will be taken through the standard Caltrans review process. A field survey will also be conducted using methodologies appropriate for the detection of special-status species (if any) identified during the literature review. Depending on the timing (season) of the field survey, certain species (such as sensitive annual plant species) may be undetectable. However, habitat suitability will be assessed for all special-status species potentially occurring on the site. If habitat is present on-site, focused surveys for species identified during the literature review process maybe required and are not considered part of this amendment.

Copies of the NES will be provided to Caltrans' assigned project manager for review and approval. Based on one set of review comments, a final report will be prepared and submitted electronically.

Deliverables:

- One (1) completed NES-MI report

Task 2.2.B - Jurisdictional Delineation

The project site will be evaluated for jurisdictional resources. Jurisdictional waters of the U.S. and wetlands are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. Jurisdictional waters of the State are regulated by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act and Porter Cologne Act. Jurisdictional streambeds and associated riparian habitat are regulated by the California Department of Fish and Wildlife (CDFW) under Section 1602 of the State Fish and Game Code.

As part of the jurisdictional delineation, a WSP wetland specialist will: 1) review background information including, but not limited to topographic maps, aerial photos, soils surveys, and engineering plans; 2) conduct an on-site evaluation of the site using the methods described in the 1987 USACE Wetlands Manual and the 2008 Arid West Supplement; and 3) produce a Jurisdictional Delineation Report that defines methods and results of the field assessment. Boundaries of jurisdictional areas and proposed impact areas will be overlaid onto aerial photographs for identification and quantification.

An electronic copy of the draft report will be provided to CVAG for review. Following one round of review comments, any necessary changes will be incorporated into a final electronic report.

Deliverables:

- One (1) completed Jurisdictional Delineation report

Task 2.2.C - Regulatory Permitting

WSP permitting specialists will prepare permit applications for the project. Permit applications will be prepared for the following agencies:

- US Army Corps of Engineers: A Nationwide Permit Pre-Construction Notification (PCN) Form will be prepared. This scope assumes the project will qualify under an existing Nationwide Permit (NWP). If the project does not qualify under an existing NWP, an Individual Permit (IP) would be required. Procurement of an IP includes assessments of alternatives and public comment and, therefore, would exceed the cost provided herein and is not included in this scope.
- Regional Water Quality Control Board: An application for 401 Water Quality Certification will be prepared.
- California Department of Fish and Game: An application for a Streambed Alteration Agreement will be prepared.
- Draft copies of the permits will be provided to CVAG for review and approval, submit applications, and follow up with agencies on a monthly basis to ensure proper permit processing. Permit fees are not included in this scope. Completion of this task does not include issuance of permits by regulatory agencies.

Deliverables:

- One (1) completed set of permit Applications

Task 2.2.D - Focused Burrowing Owl Surveys

Focused burrowing owl surveys are required where suitable habitat is present. Where applicable, focused burrowing owl surveys will be conducted, as described below. Focused burrow surveys and four breeding season focused burrowing owl surveys will need to be performed between March 1 and August 31 (during the breeding season). Focused Burrowing Owl Surveys will consist of visits to the project area on four separate days. This scope of work includes surveys on an estimated 20-acres of suitable habitat. If additional habitat is identified within the project site, additional costs may be required.

Results of the surveys, including the methodology transect width, duration, conditions, and findings, will be incorporated into an MSHCP compliant burrowing owl report. Following one round of review comments, any necessary changes will be incorporated into a final electronic report. Appropriate maps showing burrow locations will be included. If burrowing owls are present, a relocation program and preconstruction surveys may be necessary; this scope does not include costs for any type of relocation program or preconstruction survey. If needed, a cost proposal will be prepared at that time.

Deliverables:

- One (1) completed Burrowing Owl report

Task 2.2.E – Historic Property Survey Report

WEBB will team up with Applied Earthworks (Æ) who will prepare the Historic Property Survey Report (HPSR), which includes an Area of Potential Effect (APE) Map that depicts the area impacted by the project, including staging, construction access areas, and any utility and property relocation work. The map will be plotted on an aerial photograph generated by GIS at a scale of 1"=200', with a bar scale. The map will depict the locations of any cultural resources identified in the APE.

The HPSR will summarize consultations and decisions pursuant to Section 106. It will document delineation of the APE, completion of the identification phase, completion of National Register of Historic Places eligibility, evaluation of the resources within the project APE, and, if relevant, a finding of no historic properties affected or no adverse effect with standard conditions. The HPSR will be used to request SHPO's concurrence on determinations of eligibility or ineligibility for properties within the project area of the APE to be evaluated.

Specifically, Æ will prepare the necessary cultural resources assessments to satisfy the requirements of the Caltrans' Programmatic Agreement (PA) with the California State Historic Preservation Officer regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, which include:

- Utilizing Caltrans' Area of Potential Effects (APE) for the project that considers all direct and indirect impacts to significant cultural resources.
- Completing a records search with the Eastern Information Center (EIC). We assume the EIC records search fee will not exceed \$1,000.00. The EIC office is closed and will remain closed indefinitely. However, they are accepting and processing requests via email, albeit at a much-slower pace. The current turnaround time for the EIC literature and records search is

approximately 4-6 weeks. Because of the limited staffing situation, this turnaround time may lengthen as a result of circumstances beyond Æ's control.

- Contacting the NAHC for Sacred Lands Files. The NAHC is experiencing delays in response time. The current turnaround time for the NAHC search is 6-8 weeks. Æ also will assist Caltrans in contacting Tribes/individuals identified by the NAHC with local Traditional Use Areas that may have information regarding Native American cultural resources within the project vicinity. Contact will be initiated by letter and followed by email or telephone. Æ will conduct two 30-day follow-ups on behalf of Caltrans.
- In November 2020, Æ performed a field visit and pedestrian field reconnaissance survey of the Project area for the CEQA process. Therefore, for Caltrans and Section 106 compliance, Æ will only conduct a pedestrian spot-check survey of the portions of the Project where known resources were observed during the CEQA survey. For the cultural resource spot-check survey, Æ is not responsible for landowner permissions and access to the Project area. For the purposes of this price estimate, we assume no subsurface testing and no cultural resources requiring documentation or evaluation are present in the Project area.

The portions of the Project along Avenue 48 east of Van Buren and Dillon Road traverse the Cabazon Indian Reservation and the Twenty-Nine Palms Reservation. If right-of-way (ROW) acquisition is required for the Project, extending the Project beyond the existing road ROW, Æ will need to obtain authorization from the U.S. Bureau of Indian Affairs (BIA) to conduct surveys on tribal lands. If the Cabazon and Twenty-Nine Palms tribes wish to accompany Æ during the survey on tribal lands, Æ assumes they will contract directly with the CVAG. This price estimate excludes time to consult with BIA or obtain authorization from the Tribes and BIA to survey because no ROW acquisition is anticipated.

- Assumes no archaeological resources requiring documentation or evaluation will be identified in the APE. Æ assumes all built-environment resources within the project area have either been determined ineligible for the NRHP with SHPO concurrence, are outside of the vertical APE, or are exempt from evaluation under the Caltrans PA. Therefore, for the purposes of this proposal, we assume only a single page site record updates to the existing California Department of Parks and Recreation (DPR) forms for the six built-environment resources. If additional cultural resources are encountered during Æ's fieldwork, then a contract amendment will be necessary and Project costs will increase in accordance with the size and complexity of each resource.
- Prepare an APE Map, an Archaeological Survey Report (ASR), and a Historic Properties Survey Report (HPSR) to the standards outlined in the Caltrans Standard Environmental Reference (SER) Volume 2, Cultural Resources. Based on our assumptions above regarding built-environment eligibility, Æ assumes a Historic Resources Evaluation Report (HRER) will not be required for the project. Æ assumes two rounds of comments will need to be addressed following review of each submittal to Caltrans. Æ's draft and revised reports will be submitted electronically in MS Word format for ease of review; the final report will be submitted electronically as a PDF file. Our price estimate assumes no hard copies of the draft and revised draft reports, and no more than a total of two (2) hard copies of the final report will be required – one each for Caltrans and the EIC.

Deliverables:

- One (1) completed HPSR package

Task 2.2.F: Location Hydraulic Study and Summary Floodplain Encroachment Report

WEBB will prepare a Location Hydraulic Study that is consistent with 23 CFR 650 Subpart A, Section 650.111 (b)(c)(d). This analysis will determine if the project would result in minimal or significant encroachment on the base floodplain and if the project is consistent with the existing watershed and floodplain management programs. The study will include but not be limited to the following:

- National Flood Insurance Program (NFIP) maps of information developed by the highway agency.
- Evaluation and discussion of the practicability of alternatives to and longitudinal encroachments.
- Discussion of commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and support floodplain development
 - The risks associated with implementation of the action
 - The impacts on natural and beneficial flood-plain values
 - The support of probably incompatible flood-plain development
 - The measures to minimize flood-plain impacts associated with the action
 - The measures to restore and preserve the natural and beneficial floodplain values impacted by the action.
- Summary Floodplain Encroachment Report

WEBB will incorporate revisions from one round of comments from the CVAG prior to finalization and submittal to Caltrans for approval.

Based on recent experience, WEBB believes the preparation of a Water Quality Assessment Report (WQAR) may be required by Caltrans as part of the NEPA process. Therefore, WEBB has included preparation of a WQAR utilizing the current template from Caltrans. The WQAR includes a discussion of the proposed project, the general environmental setting of the project area, and the regulatory framework with respect to water quality. It also provides data on surface water and groundwater resources within the project area and their water quality health, describes water quality impairments and beneficial uses, identifies potential water quality impacts/benefits associated with the proposed project, and recommends avoidance and/or minimization measures for potentially adverse impacts. Information from the Location Hydraulic Study will also be included in the WQAR, as applicable. Revisions to one round of CVAG comments will be incorporated before finalizing the WQAR and submitting to Caltrans for approval.

Deliverables:

- One (1) completed Location Hydraulic Study Form
- One (1) Summary Floodplain Encroachment Form
- One (1) WQAR

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WEBB will update the Traffic Impact Analysis and prepare a NEPA compliance document as the previously studied intersections. The scope of services is as follows:

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Right of Way Acquisition	\$	150,000.00
Outreach	\$	50,000.00
Project Management and Meetings	\$	120,000.00
	\$	1,060,000.00

**AMENDMENT NUMBER TWO
TO THE
REIMBURSEMENT AGREEMENT BY AND BETWEEN
CVAG AND THE CITY OF LA QUINTA
FOR THE
ATP – ARTS AND MUSIC LINE**

This **AMENDMENT NUMBER TWO** is made and entered into this 5th day of December 2022, by and between the **Coachella Valley Association of Governments**, a California joint powers agency (CVAG), the **City of La Quinta** (Agency) and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain in the same as stated in the original agreement dated March 18, 2020 for the ATP – Arts and Music Line Project

1. This Amendment Number Two extends the term of the contract to December 31, 2024.
2. This Amendment Number Two authorizes the additional scope of services in accordance with the attached Albert A. Webb Associates letter dated November 17, 2022 for the not-to-exceed amount of \$1,060,000. The total amount payable shall not exceed \$3,791,897.
3. This Amendment Number Two increases CVAG's Regional Share to \$2,843,923, and the Local Share to \$947,974.
4. This Amendment Number Two authorizes CVAG to amend the cost-sharing agreements between CVAG and the Cities of La Quinta, Indio and Coachella for design costs related to the ATP - Arts and Music Line, by adding \$1,060,000 to the total costs for a revised total of \$3,791,897 which represents an additional \$795,000 totaling \$2,843,923 for the 75 percent CVAG share and an additional \$265,000 totaling \$947,974 for the 25 percent local share.

			Regional Share	Local Share
Original Contract	March 18, 2020	\$2,731,897	\$2,048,923	\$682,974
Amendment Number One	February 28, 2022	No Cost	\$2,048,923	\$682,974
Amendment Number Two	December 5, 2022	<u>\$1,060,000</u>	\$2,843,923	\$947,974
Total Contract not-to-exceed		\$3,791,897		

Based on the revised additional \$265,000 to the local share, the revised 25 percent local share which totals \$947,974 per this amendment will be split between the cities of La Quinta, Coachella and Indio as follows:

<u>La Quinta</u>	<u>Indio</u>	<u>Coachella</u>	Total Local Share (25%)
\$236,993	\$635,143	\$75,838	\$947,974
25%	67%	8%	100%

The parties hereto have caused this **Amendment Number Two** to be executed by their duly authorized representatives on the above-reference date.

ATTEST

CITY OF LA QUINTA

By: _____
Jon McMillen, City Manager

By: _____
Linda Evans, Mayor

ATTEST

**COACHELLA ASSOCIATION OF
GOVERNMENTS**

By: _____
Tom Kirk, CVAG Executive Director

By: _____
Steven Hernandez, CVAG Chair

Attachment A-1

**Albert A. Webb Associates – Art & Music Line Amendment No. 2
Additional Scope of Services and Compensation**

Please refer to the following Albert A. Webb Associates letter dated November 17, 2022.



Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office
41870 Kalmia Street #160
Murrieta, CA 92562
T: 951.686.1070

November 17, 2022

Mr. Jonathan Hoy
Director of Transportation
Coachella Valley Association of Governments
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

RE: CVAG's Arts & Music Line Contract Amendment

Dear Jonathan:

Albert A. Webb Associates (WEBB) is requesting budget amendment for Arts & Music Line to provide additional professional services related to additional engineering and preparation of the environmental documentation pursuant to the National Environmental Policy Act (NEPA) (the "Proposed Project") for the Coachella Valley Association of Governments (CVAG) Art & Music Line.

The Scope of Services is described in Exhibit A and the Compensation for Additional Work is described in Exhibit B.

We look forward to continuing to work with CVAG on this project.

Sincerely,

Albert A. Webb Associates


Dilesh Sheth, PE, TE
Senior Vice President



EXHIBIT A - SCOPE OF SERVICES

Task 1 – Additional Field Survey

WEBB will perform additional field survey for the final design of the project. Field survey information will also include surface ground surface culture, all features within and around the project area, and existing roadway profile and pavement limits. WEBB will perform detailed surveying work including the tie-out of any and all existing survey centerlines and property corner monuments that could be disturbed and affected by the proposed work.

Task 2 – NEPA Compliance

Task 2.1 – Preliminary Environmental Study (PES) Form

WEBB will begin the environmental process by preparing PES Form.

Preliminary Environmental Study (PES) Form - Prepare and submit a PES Form for the ATP project components and all required attachments including pictures, maps, FEMA Zones, ISA Checklist, VIA Checklist, and Air Quality Checklist to Caltrans for review and comment, using the standard form available on the SER website and following the procedures outlined in Chapter 6 of the Local Assistance Procedures Manual (LAPM). One round of revisions is included for CVAG and Caltrans comments. WEBB will electronically submit the PES Form and attachments and follow up with Caltrans. WEBB will coordinate with Caltrans to prepare the Categorical Exclusion (CE) and the Environmental Commitments Records (ECR) to obtain NEPA approval.

Deliverables:

- One (1) completed PES Form

The project's contract assumed that the project was only subject to CEQA. CVAG has asked the WEBB team to prepare the NEPA documentation now that Caltrans funding is involved and NEPA applies.

Task 2.2 – Technical Studies

Upon approval of the PES, WEBB anticipates Caltrans will require additional technical studies. If necessary, WEBB will prepare:

Task 2.2. A - Natural Environment Study – Minimal Impacts (NES-MI)

WEBB will team with WSP for biological resource evaluations required for NEPA.

WSP senior biologists will prepare a Natural Environmental Study-Minimal Impacts (NES-MI). This report will be based on the findings of the MSHCP Consistency Analysis reconnaissance-level surveys but written to comply with all Caltrans report guidelines and will be taken through the standard Caltrans review process. A field survey will also be conducted using methodologies appropriate for the detection of special-status species (if any) identified during the literature review. Depending on the timing (season) of the field survey, certain species (such as sensitive annual plant species) may be undetectable. However, habitat suitability will be assessed for all special-status species potentially occurring on the site. If habitat is present on-site, focused surveys for species identified during the literature review process maybe required and are not considered part of this amendment.

Copies of the NES will be provided to Caltrans' assigned project manager for review and approval. Based on one set of review comments, a final report will be prepared and submitted electronically.

Deliverables:

- One (1) completed NES-MI report

Task 2.2.B - Jurisdictional Delineation

The project site will be evaluated for jurisdictional resources. Jurisdictional waters of the U.S. and wetlands are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. Jurisdictional waters of the State are regulated by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act and Porter Cologne Act. Jurisdictional streambeds and associated riparian habitat are regulated by the California Department of Fish and Wildlife (CDFW) under Section 1602 of the State Fish and Game Code.

As part of the jurisdictional delineation, a WSP wetland specialist will: 1) review background information including, but not limited to topographic maps, aerial photos, soils surveys, and engineering plans; 2) conduct an on-site evaluation of the site using the methods described in the 1987 USACE Wetlands Manual and the 2008 Arid West Supplement; and 3) produce a Jurisdictional Delineation Report that defines methods and results of the field assessment. Boundaries of jurisdictional areas and proposed impact areas will be overlaid onto aerial photographs for identification and quantification.

An electronic copy of the draft report will be provided to CVAG for review. Following one round of review comments, any necessary changes will be incorporated into a final electronic report.

Deliverables:

- One (1) completed Jurisdictional Delineation report

Task 2.2.C - Regulatory Permitting

WSP permitting specialists will prepare permit applications for the project. Permit applications will be prepared for the following agencies:

- US Army Corps of Engineers: A Nationwide Permit Pre-Construction Notification (PCN) Form will be prepared. This scope assumes the project will qualify under an existing Nationwide Permit (NWP). If the project does not qualify under an existing NWP, an Individual Permit (IP) would be required. Procurement of an IP includes assessments of alternatives and public comment and, therefore, would exceed the cost provided herein and is not included in this scope.
- Regional Water Quality Control Board: An application for 401 Water Quality Certification will be prepared.
- California Department of Fish and Game: An application for a Streambed Alteration Agreement will be prepared.
- Draft copies of the permits will be provided to CVAG for review and approval, submit applications, and follow up with agencies on a monthly basis to ensure proper permit processing. Permit fees are not included in this scope. Completion of this task does not include issuance of permits by regulatory agencies.

Deliverables:

- One (1) completed set of permit Applications

Task 2.2.D - Focused Burrowing Owl Surveys

Focused burrowing owl surveys are required where suitable habitat is present. Where applicable, focused burrowing owl surveys will be conducted, as described below. Focused burrow surveys and four breeding season focused burrowing owl surveys will need to be performed between March 1 and August 31 (during the breeding season). Focused Burrowing Owl Surveys will consist of visits to the project area on four separate days. This scope of work includes surveys on an estimated 20-acres of suitable habitat. If additional habitat is identified within the project site, additional costs may be required.

Results of the surveys, including the methodology transect width, duration, conditions, and findings, will be incorporated into an MSHCP compliant burrowing owl report. Following one round of review comments, any necessary changes will be incorporated into a final electronic report. Appropriate maps showing burrow locations will be included. If burrowing owls are present, a relocation program and preconstruction surveys may be necessary; this scope does not include costs for any type of relocation program or preconstruction survey. If needed, a cost proposal will be prepared at that time.

Deliverables:

- One (1) completed Burrowing Owl report

Task 2.2.E – Historic Property Survey Report

WEBB will team up with Applied Earthworks (Æ) who will prepare the Historic Property Survey Report (HPSR), which includes an Area of Potential Effect (APE) Map that depicts the area impacted by the project, including staging, construction access areas, and any utility and property relocation work. The map will be plotted on an aerial photograph generated by GIS at a scale of 1"=200', with a bar scale. The map will depict the locations of any cultural resources identified in the APE.

The HPSR will summarize consultations and decisions pursuant to Section 106. It will document delineation of the APE, completion of the identification phase, completion of National Register of Historic Places eligibility, evaluation of the resources within the project APE, and, if relevant, a finding of no historic properties affected or no adverse effect with standard conditions. The HPSR will be used to request SHPO's concurrence on determinations of eligibility or ineligibility for properties within the project area of the APE to be evaluated.

Specifically, Æ will prepare the necessary cultural resources assessments to satisfy the requirements of the Caltrans' Programmatic Agreement (PA) with the California State Historic Preservation Officer regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800, which include:

- Utilizing Caltrans' Area of Potential Effects (APE) for the project that considers all direct and indirect impacts to significant cultural resources.
- Completing a records search with the Eastern Information Center (EIC). We assume the EIC records search fee will not exceed \$1,000.00. The EIC office is closed and will remain closed indefinitely. However, they are accepting and processing requests via email, albeit at a much-slower pace. The current turnaround time for the EIC literature and records search is

approximately 4-6 weeks. Because of the limited staffing situation, this turnaround time may lengthen as a result of circumstances beyond Æ's control.

- Contacting the NAHC for Sacred Lands Files. The NAHC is experiencing delays in response time. The current turnaround time for the NAHC search is 6-8 weeks. Æ also will assist Caltrans in contacting Tribes/individuals identified by the NAHC with local Traditional Use Areas that may have information regarding Native American cultural resources within the project vicinity. Contact will be initiated by letter and followed by email or telephone. Æ will conduct two 30-day follow-ups on behalf of Caltrans.
- In November 2020, Æ performed a field visit and pedestrian field reconnaissance survey of the Project area for the CEQA process. Therefore, for Caltrans and Section 106 compliance, Æ will only conduct a pedestrian spot-check survey of the portions of the Project where known resources were observed during the CEQA survey. For the cultural resource spot-check survey, Æ is not responsible for landowner permissions and access to the Project area. For the purposes of this price estimate, we assume no subsurface testing and no cultural resources requiring documentation or evaluation are present in the Project area.

The portions of the Project along Avenue 48 east of Van Buren and Dillon Road traverse the Cabazon Indian Reservation and the Twenty-Nine Palms Reservation. If right-of-way (ROW) acquisition is required for the Project, extending the Project beyond the existing road ROW, Æ will need to obtain authorization from the U.S. Bureau of Indian Affairs (BIA) to conduct surveys on tribal lands. If the Cabazon and Twenty-Nine Palms tribes wish to accompany Æ during the survey on tribal lands, Æ assumes they will contract directly with the CVAG. This price estimate excludes time to consult with BIA or obtain authorization from the Tribes and BIA to survey because no ROW acquisition is anticipated.

- Assumes no archaeological resources requiring documentation or evaluation will be identified in the APE. Æ assumes all built-environment resources within the project area have either been determined ineligible for the NRHP with SHPO concurrence, are outside of the vertical APE, or are exempt from evaluation under the Caltrans PA. Therefore, for the purposes of this proposal, we assume only a single page site record updates to the existing California Department of Parks and Recreation (DPR) forms for the six built-environment resources. If additional cultural resources are encountered during Æ's fieldwork, then a contract amendment will be necessary and Project costs will increase in accordance with the size and complexity of each resource.
- Prepare an APE Map, an Archaeological Survey Report (ASR), and a Historic Properties Survey Report (HPSR) to the standards outlined in the Caltrans Standard Environmental Reference (SER) Volume 2, Cultural Resources. Based on our assumptions above regarding built-environment eligibility, Æ assumes a Historic Resources Evaluation Report (HRER) will not be required for the project. Æ assumes two rounds of comments will need to be addressed following review of each submittal to Caltrans. Æ's draft and revised reports will be submitted electronically in MS Word format for ease of review; the final report will be submitted electronically as a PDF file. Our price estimate assumes no hard copies of the draft and revised draft reports, and no more than a total of two (2) hard copies of the final report will be required – one each for Caltrans and the EIC.

Deliverables:

- One (1) completed HPSR package

Task 2.2.F: Location Hydraulic Study and Summary Floodplain Encroachment Report

WEBB will prepare a Location Hydraulic Study that is consistent with 23 CFR 650 Subpart A, Section 650.111 (b)(c)(d). This analysis will determine if the project would result in minimal or significant encroachment on the base floodplain and if the project is consistent with the existing watershed and floodplain management programs. The study will include but not be limited to the following:

- National Flood Insurance Program (NFIP) maps of information developed by the highway agency.
- Evaluation and discussion of the practicability of alternatives to and longitudinal encroachments.
- Discussion of commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and support floodplain development
 - The risks associated with implementation of the action
 - The impacts on natural and beneficial flood-plain values
 - The support of probably incompatible flood-plain development
 - The measures to minimize flood-plain impacts associated with the action
 - The measures to restore and preserve the natural and beneficial floodplain values impacted by the action.
- Summary Floodplain Encroachment Report

WEBB will incorporate revisions from one round of comments from the CVAG prior to finalization and submittal to Caltrans for approval.

Based on recent experience, WEBB believes the preparation of a Water Quality Assessment Report (WQAR) may be required by Caltrans as part of the NEPA process. Therefore, WEBB has included preparation of a WQAR utilizing the current template from Caltrans. The WQAR includes a discussion of the proposed project, the general environmental setting of the project area, and the regulatory framework with respect to water quality. It also provides data on surface water and groundwater resources within the project area and their water quality health, describes water quality impairments and beneficial uses, identifies potential water quality impacts/benefits associated with the proposed project, and recommends avoidance and/or minimization measures for potentially adverse impacts. Information from the Location Hydraulic Study will also be included in the WQAR, as applicable. Revisions to one round of CVAG comments will be incorporated before finalizing the WQAR and submitting to Caltrans for approval.

Deliverables:

- One (1) completed Location Hydraulic Study Form
- One (1) Summary Floodplain Encroachment Form
- One (1) WQAR

Task 2.2.G: Traffic Impact Study

WEBB will update the Traffic Impact Analysis and prepare a NEPA compliance document as the previously studied intersections. The scope of services is as follows:

- Coordinate with the Cities of La Quinta, Indio, Palm Desert, and Caltrans to obtain the latest signal timing plans.

- Review and update with Existing Conditions analysis to reflect the latest signal timings.
- Coordinate with the project team to determine the Proposed Project features and Proposed Project Opening Year.
- Update the Opening Year Without and With Project Conditions analysis.
- Update the Proposed Project Traffic Operations Study.
- Revise the Study based on comments from the project's team. Two rounds of revision are assumed as a part of this effort.
- Prepare a draft NEPA compliance traffic operation study ("NEPA Study").
- Revise the NEPA Study based on comments from the project's team and review agencies. Two rounds of revision are assumed as a part of this effort.
- Attend up to four (4) meetings with the project's team.

Deliverables:

- One (1) draft, one (1) revised, and one (1) final Traffic Operations Study.
- One (1) draft, one (1) revised, and one (1) final NEPA Study.

Task 3 – Additional Geotechnical Work

Our services are anticipated to include additional drilling of geotechnical borings, laboratory testing, and providing a geotechnical report with geotechnical recommendations for design and construction of the walls.

Task 4 – Artist Assistance

The project art scope has changed so additional assistance from the artist is needed to determine the location of art work.

Task 5 – Drainage

WEBB will additional effort for drainage analysis and prepare report for the La Quinta Evacuation Channel and Dillon Road. WEBB will coordinate with CVWD, City of Indio, and the City of Coachella for review and approval.

Task 6 – Street Design

The project plans include curb and barrier along the route. Because of fire department requirements and budget changes, the barrier width is adjusted. WEBB will provide additional effort to revise street improvement plans.

Task 7 – Intersection

WEBB will revised intersection improvements to include protected corners, bend out, and other innovative treatments to enhance safety and comfort.

Task 8 – CVWD

WEBB will provide additional design and coordination services for the two-way community connector between Avenue 48 and Coachella Valley Storm channel where the CV Link is proposed. WEBB will schedule meeting with the CVWD.

Task 9 – Street Light

WEBB will provide additional street light design services for the project.

Task 10 – Structural Design

WEBB will provide additional structural design services for walls under Highway 111 and Jefferson Street bridges.

Task 11 – Legal and Plats

WEBB will prepare 15 legal and plats for additional R/W.

Task 12 – Right of Way Acquisition

WEBB's subconsultant will provide appraisal, property owner coordination, and title investigation services.

Task 13 – Outreach

WEBB will provide public outreach services. The goal of these meetings is to identify the community values, priorities, and concerns throughout the project corridors. WEBB will provide coordination with CVAG, City of Indio, City of La Quinta, City of Coachella, Sunline, and Caltrans.

Task 14 – Project Management and Meetings

WEBB will schedule, chair, and prepare meeting agendas and minutes for all meetings. The agendas will be submitted to the Agency for review two working days before the meeting. The minutes will be distributed to all attendees, everyone who was invited, and the Agency's Project Manager within five working days after the meeting. The minutes shall include, but not be limited to a list of attendees with phone numbers and email, synopsis of discussion items, any pertinent information, action items, and follow-up to action items.

Additional Services

Any services not specifically described in the above scope, as well as any changes in the scope the Client requests, will be considered Additional Services and will be performed at our then-current hourly rates. Before commencing the Additional Services, the Consultant shall obtain prior written approval from the Client. Additional services we can provide include, but are not limited to, the following:

- Attendance at additional meetings beyond those identified in the Scope of Services.
- Providing any other services not expressly included in this Agreement or not customarily furnished by generally accepted practices in the industry.

EXHIBIT B - COMPENSATION FOR ADDITIONAL SCOPE OF SERVICES

Services described in our Scope of Work (Exhibit "A") shall be provided on a time and material basis not to exceed **\$1,060,000.**

Compensation Breakdown

Additional Field Survey	\$	30,000.00
NEPA	\$	170,000.00
Additional Geotechnical Work	\$	20,000.00
Artist Assistance	\$	50,000.00
Drainage	\$	40,000.00
Street Design	\$	100,000.00
Intersection	\$	60,000.00
CVWD	\$	100,000.00
Street Light	\$	30,000.00
Structural Design	\$	80,000.00
Legal and Plats	\$	60,000.00
Right of Way Acquisition	\$	150,000.00
Outreach	\$	50,000.00
Project Management and Meetings	\$	120,000.00
	\$	1,060,000.00

ITEM 8C

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Formula Funding Distribution with Riverside County Transportation Commission

Contact: Jonathan Hoy, Director of Transportation (jhoy@cvag.org)

Recommendation: Authorize the Executive Director to negotiate a Memorandum of Understanding (MOU) between Riverside County Transportation Commission (RCTC) and the Coachella Valley Association of Governments (CVAG) to outline certain formula funding distributions between RCTC and CVAG as follows:

Measure A

- 1) Distribute Measure A funds as directed in the Measure A Ordinance and Expenditure Plan approved by Riverside County voters in 2002;

Local Transportation Fund Planning

- 2) Distribute Local Transportation Fund (LTF) Planning funds to CVAG following the RCTC-adopted distribution formula;

State Transportation Improvement Program

- 3) Distribute State Transportation Improvement Program (STIP) funds consistent with the 1998 Memorandum of Understanding (MOU) with Western Riverside Council of Governments (WRCOG) and CVAG;
- 4) Revise STIP Planning, Programming, and Monitoring (PPM) distribution to CVAG from a set dollar amount to the Coachella Valley percentage share of taxable sales applied to annual STIP PPM allocation amounts following the procedures contained herein;

Local Partnership Program Formula

- 5) Distribute Local Partnership Program (LPP) Formula funds to CVAG for the eastern county share of taxable sales; and
- 6) Coordinate with CVAG leading up to each LPP Formula cycle to communicate the eastern county LPP Formula share balance and determine if there is an eligible eastern county project on which to program the funds

Transportation Committee: Concurs (Meeting of November 7)

Background: CVAG and the Riverside County Transportation Commission have had a longstanding and productive partnership to improve the regional arterial network. As detailed below, the partnership has included a number of agreements. However, not all funding sources have been formalized. CVAG and RCTC staffs have coordinated to address that moving forward in order to formalize an updated memorandum of understanding between agencies.

Measure A

In 1988, Riverside County voters approved a half-cent sales tax measure dedicated to transportation improvements in Riverside County. On June 26, 1989, RCTC and CVAG entered into an agreement detailing that CVAG is responsible for administering the Transportation Uniform Mitigation Fee (TUMF) Program and that CVAG will advise RCTC with respect to various policies and procedures, including: Measure A maintenance of effort requirements, disbursements of Measure A funds, priorities and funding for highway programming, and regional arterial transportation programming. On December 12, 1990, the agreement was amended to specify that CVAG determines how Measure A funds in the Coachella Valley are allocated.

In 2002, Riverside County voters approved the extension of Measure A for 30 years from 2009 to 2039. The 2002 Measure A Ordinance included an Expenditure Plan and Transportation Improvement Plan specifying how Measure A funding is to be distributed in the Coachella Valley:

- 1) Highways and Regional Arterials: 50% for state highways and regional road improvements (priorities as determined by CVAG's Transportation Project Prioritization Study);
- 2) Local Streets and Roads: 35% returned to cities and the county (distributed 50% on proportionate dwelling units and 50% on Measure A revenues generated in each jurisdiction) – managed by RCTC; and
- 3) Specialized and Public Transit: 15% to improve and expand public transit and specialized transportation services – managed by RCTC.

The Measure A Ordinance and Expenditure Plan requires that RCTC return funds to each geographic area proportionate to the funds generated in each area (share of taxable sales).

Local Transportation Fund (LTF) Planning

The LTF established in state law by the Transportation Development Act (TDA) is funded through a quarter of one cent of the state's 7.25 percent sales tax (based on point of sale and returned to source). LTF funds are used to fund transportation planning, operations, and capital projects. LTF funding is distributed by the California Department of Tax and Fee Administration to counties on a pro rata basis, pursuant to Section 99233.2 of the TDA, providing up to 3 percent of annual revenues to fund transportation planning and programming efforts. RCTC, as the regional transportation planning agency, is legally responsible for apportioning the LTF funds. The TDA requires one half of these LTF funds be allocated for planning activities/studies specifically within the Western Riverside County and the Coachella Valley areas as determined by RCTC. It also requires that planning be done in conformance with the Regional Transportation Plan (RTP). The Western Riverside Council of Governments (WRCOG) and CVAG, in conjunction with SCAG, are responsible for subregional planning efforts that implement and are in conformance with the RTP/Sustainable Communities Strategy.

Other LTF allocations, such as those for transit and rail operations and capital projects, are approved by RCTC toward the end of each fiscal year. Bicycle and pedestrian facilities are also funded by LTF and are part of the biennial SB 821 Call for Projects which is open to all cities and the county.

The distribution formula for LTF Planning funds, as most recently confirmed by RCTC in October 2014, is as follows:

Planning Agency	Percentage
RCTC	15
WRCOG	55
CVAG	30
Total	100

At the time, the percentages were set as a way to address the fact that CVAG, not RCTC, does the planning for regional arterial projects in the Coachella Valley through its Transportation Project Prioritization Study (TPPS).

State Transportation Improvement Program (STIP)

In June 1998 – after the passage of Senate Bill (SB) 45 in 1997, which created the STIP – RCTC, WRCOG, and CVAG entered into an MOU for distributing STIP funds. The intention is for STIP funds to be distributed consistent with how Measure A funds are distributed throughout the county, with the apportionment shares being updated every two years to remain current. The MOU has RCTC distribute STIP funds based on the most recent fiscal year taxable sales by geographic area used for Measure A allocations. In eastern Riverside County, STIP funding decisions are made by CVAG.

RCTC policy also allows up to 2% of available STIP programming to be designated for PPM. PPM activities include, but are not limited to, development of Project Study Reports, preparation of planning studies, and work to deliver STIP-funded projects. Because STIP programming varies in every two-year STIP cycle, PPM amounts are not constant. To provide some consistency budgeting revenues and expenditures related to STIP PPM, several years ago RCTC and CVAG staff agreed upon a set PPM amount of approximately \$49,000 that CVAG received annually to cover staff time.

Local Partnership Program (LPP) Formula

In April 2017, the California State Legislature passed and Governor Jerry Brown signed into law SB 1, increasing funding for transportation in California by approximately \$5 billion annually. Included in SB 1 is a new funding program, LPP, funded at \$200 million annually. LPP is designed to reward and incentivize local and regional agencies to go to voters for approval of fees and taxes for which the revenues are dedicated solely to transportation.

The California Transportation Commission (CTC), which has implementing authority for the LPP, has adopted guidelines for administration of LPP funds. Most recently, the CTC adopted guidelines for the LPP in August 2022 whereby \$20 million is set-aside each year for incentives to newly eligible agencies. The remaining \$180 million annually is distributed to eligible agencies 60% via formula while the remaining 40% is made available competitively. LPP Formula funds must be matched with at least 50% matching funds.

In the current formula funding cycle, covering fiscal years (FY) 2024 through 2025, Riverside County is receiving \$7,044,000 annually by formula. This amount may change over the course of

the cycle, particularly if the \$20 million of incentive funds are not needed (resulting in an increase) and/or if more eligible agencies are added to the distribution (resulting in a decrease).

LPP Formula funds can be utilized by preparing a formal nomination package as outlined in the CTC adopted guidelines for the LPP. The current guidelines dictate that nomination packages include a cover letter, fact sheet, project description, background, purpose, and need, project scope, status, and benefits, maps, performance metrics including benefit cost assessment, cost estimate and sources disclosure, delivery plan and risk analysis, electronic project programming request form, and state highway system project assessment form (if applicable). Once the LPP Formula funds have been programmed by the CTC, RCTC must submit an allocation request through Caltrans Local Assistance two months prior to when RCTC needs the funds to be available for expenditure.

RCTC's eligibility to receive LPP Formula funds is a direct result of Riverside County voters in 2002 approving the continuation of Measure A sales tax. Because this half-cent tax is collected throughout the entirety of Riverside County, LPP Formula funds received in Riverside County should be utilized in both the western and eastern areas of the county.

Proposed Distribution of Funding

Based on discussions between agencies, CVAG and RCTC staff have reached a consensus on a breakdown of funding sources to ensure equitable share for the Coachella Valley. The following details how each would be addressed in an MOU.

Measure A

RCTC will continue to distribute Measure A funds as directed in the Measure A Ordinance and Expenditure Plan approved by Riverside County voters in 2002.

LTF Planning

RCTC will continue to distribute LTF Planning funds to CVAG following RCTC-adopted distribution formula.

STIP

RCTC will continue to distribute STIP funds consistent with the 1998 MOU with WRCOG and CVAG.

However, as CVAG's responsibilities for project development, regional coordination, and project delivery continue to expand, staff believes the STIP PPM distribution should be revised. Commission and CVAG staff discussed CVAG's anticipated upcoming PPM activities and are recommending the methodology for distributing STIP PPM be revised from the fixed amount used previously to a collaborative annual process. Commission staff are responsible for preparing department budgets in February every year. It is proposed that every February, Commission Planning and Programming staff communicate to CVAG staff the amount of STIP PPM RCTC will request allocation from the CTC in the upcoming fiscal year. CVAG staff will determine how much

STIP PPM it anticipates the agency will need depending on CVAG activities planned in the upcoming fiscal year. If an amount less than the Coachella Valley's percentage share of taxable sales is requested, the balance will be tracked and carried forward to the next fiscal year. In the event CVAG is carrying a balance and there is no STIP PPM to allocate in any given fiscal year, the balance will be carried forward until the STIP is positive again and there are PPM funds to set aside.

Staff recommends RCTC revise STIP PPM distribution to CVAG from a set dollar amount to the Coachella Valley percentage share of taxable sales applied to annual STIP PPM allocation amounts following the aforementioned procedures.

LPP Formula

Following the precedent set by the 1998 MOU, staff is recommending RCTC distribute LPP Formula funds to CVAG and the Palo Verde Valley based on the share of taxable sales in eastern county in the fiscal year for which LPP Formula funds are made available.

Table 1 illustrates the funding received/anticipated to be programmed by RCTC from the inception of LPP through the current cycle ending in FY 2023.

Table 1. LPP Formula funding received by RCTC FY 2018 - 2023

Fiscal Year	Riverside County
	Formula Share
2017/2018	\$6,810,000
2018/2019	6,810,000
2019/2020	7,042,000
2020/2021	6,495,000
2021/2022	6,856,000
2022/2023	6,495,000
TOTAL	\$40,508,000

The administrative burden of preparing LPP Formula nominations and submitting programming and allocation requests is extensive. These are just the requirements for programming and allocating the funds. The LPP guidelines provide further requirements for how long agencies have to spend the funds, depending on the project phase the funds are being utilized on, invoicing, and close-out.

Table 2 illustrates how LPP Formula funds would be distributed based on share of taxable sales in Riverside County.

Table 2. LPP Formula funding distribution in Riverside County by share of taxable sales

Fiscal Year	Riverside County Formula Share	% of Western County Taxable Sales	Western County LPP Formula \$	% of Eastern County Taxable Sales	Eastern County LPP Formula \$
2017/2018	\$6,810,000	77.30%	\$5,263,898	21.12%	\$1,506,070
2018/2019	6,810,000	77.62%	5,286,211	21.84%	1,487,615
2019/2020	7,042,000	78.00%	5,492,577	21.49%	1,513,319
2020/2021	6,495,000	78.12%	5,355,689	21.45%	1,470,508
2021/2022	6,856,000	78.14%	5,075,391	21.42%	1,391,170
2022/2023	6,495,000	80.03%	5,197,949	19.49%	1,265,876
2023/2024*	7,044,000	TBD	5,637,313	TBD	1,372,876
2024/2025*	7,044,000	TBD	5,637,313	TBD	1,372,876
2025/2026**	7,044,000	TBD	5,637,313	TBD	1,372,876
2026/2027**	7,044,000	TBD	5,637,313	TBD	1,372,876
TOTAL	\$68,684,000	TBD	\$54,220,968	TBD	\$14,126,060

**Formula share amounts are estimates and will be finalized once taxable sales share percentages are available following each fiscal year. **Formula share amounts are estimates based on the current formula share and will be updated by the CTC prior to adoption of the next cycle.*

To date, RCTC has programmed the entire share of Riverside County's LPP Formula funds on projects in western county, as seen in Table 3.

Table 3. Riverside County LPP Formula programming through FY 2022/23

Project	LPP Formula Programmed
71/91 Interchange	\$2,000,000
Pachappa Underpass	4,272,000
Temescal Canyon Rd Widening	7,300,000
I-215/Placentia Avenue Interchange	21,250,000
Mid County Pkwy Construction Contract 3	5,686,000
TOTAL	\$40,508,000

With the administrative burden of programming, allocating, and requesting reimbursement of LPP Formula funds in mind, staff is recommending that leading up to each LPP Formula cycle, RCTC and CVAG staff coordinate on how to program the funds in the upcoming cycle. It is of note that LPP Formula shares in the CTC's program cannot roll over or be combined outside of a cycle. As such, if CVAG proposes to program LPP Formula funds on a project, CVAG (or other designated lead agency) will submit its draft project nomination for the upcoming cycle to RCTC no less than three months before the upcoming cycle begins. RCTC will review the draft project nomination prior to consenting to CVAG (or other designated lead agency) submitting the nomination directly to the CTC for programming. In each LPP Formula programming cycle, CVAG (or other designated lead agency) must demonstrate the intention to allocate the programmed

LPP Formula funds by December of the first programming year. This is intended to ensure RCTC has sufficient time to reprogram the funds if CVAG cannot so as to avoid any loss of funding to Riverside County. If LPP Formula funds must be reprogrammed to avoid loss of funding, the CVAG share originally programmed will be tracked for potential programming in the next LPP Formula cycle.

Ultimately, Commission staff will coordinate with CVAG staff leading up to each LPP Formula cycle to communicate the eastern county LPP Formula share balance and determine if there is an eligible eastern county project on which to program the funds.

Next Steps:

If approved by the Executive Committee, CVAG staff will work with RCTC staff to prepare an amended MOU that outlines the formula funding distributions discussed herein.

Fiscal Analysis: As noted above, the proposed MOU would ensure equitable share of various funding sources to the Coachella Valley.

ITEM 8D

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Next Steps for the Interstate 10/ Monroe Street Interchange Project

Contact: Jonathan Hoy, Director of Transportation (jhoy@cvag.org)

Recommendation: Authorize CVAG regional transportation funding in the amount of \$30,847,500 for the Interstate 10/ Monroe Street Interchange Project in order to unlock additional funding sources and direct the Executive Director to work with the Riverside County Transportation Commission (RCTC) to allocate additional Local Partnership Program (LPP) formula funds and Surface Transportation Block Grant (STBG) funding for the project

Transportation Committee: Concurs (Meeting of November 7)

Background: CVAG has long been a partner on the Interstate 10/ Monroe Street interchange project since 2007. The project is currently tied in ranking as the region's number one project in the Transportation Project Prioritization Study (TPPS), scoring 15 points. As this project continues to advance toward construction, CVAG staff has been working to secure regional funding for construction of the project.

The interchange was initially funded through the \$10 million Interchange Preparation Fund, which the Executive Committee created in 2007 to support the concept of preparing interchanges for project readiness. The fund had a set of adopted policies, which specify that CVAG pays 100 percent of the costs of the Project Study Report (PSR). This fund was used to prepare the PSR for the project.

On September 26, 2016, the Executive Committee authorized an additional \$1.35 million in funding to cover the Project Approval and Environmental Document (PA&ED) phase of the project; and on December 7, 2020, the Executive Committee authorized \$4,323,900 for the PS&E Phase. Most recently, on November 1, 2021, the Executive Committee added an additional \$4,929,000 of regional funds for the Right of Way phase, allowing the City to expedite construction readiness. The total estimated construction cost is approximately \$89 million.

As the Transportation and Executive Committees have previously discussed as part of CVAG's recent cashflow analysis, construction costs continue to escalate and major state and federal revenue sources are being directed away from capacity enhancing projects. If the Coachella Valley is unable to secure outside funding, then CVAG and its member agencies will have to fund these improvements themselves.

The current cost-sharing policy for regional transportation projects is that, after outside funding sources are factored into the costs – including state and federal resources – then the remaining

costs are split 75 percent by CVAG and 25 percent by local jurisdictions. In addition to the I-10/Monroe Street Interchange, there are a number of large and significant projects on the horizon that require significant funding. As demonstrated on the following funding table, the future interchanges and bridge projects have a combined price tag of nearly \$670 million.

Recently Completed Interchange Projects				Future Interchange/Bridge Projects			
Description	Total	CVAG(Local)	Federal/State	Description	Total	CVAG(Local)	Federal/State
Bob Hope/I-10	\$52,000,000	\$1,495,000	\$50,505,000	Monroe/1-10	\$89,000,000	\$89,000,000	\$7,550,000
Indian Canyon/1-10	\$35,000,000	\$9,000,000	\$26,000,000	Jackson/I-10	\$105,000,000	\$105,000,000	\$0
Palm Dr/Gene Autry/1-10	\$35,000,000	\$6,400,000	\$28,600,000	Portola/1-10	\$110,000,000	\$108,725,000	\$1,275,000
Date Palm/I-10	\$31,400,000	\$4,300,000	\$27,100,000	Avenue 50/SR86	\$40,000,000	\$39,200,000	\$800,000
Jefferson St/I-10	\$71,300,000	\$23,300,000	\$48,000,000	Avenue 50/110	\$50,000,000	\$48,000,000	\$2,000,000
Monterey/1-10	\$10,300,000	\$7,735,097	\$2,564,903	Dillon/SR86	\$65,000,000	\$65,000,000	\$0
Total:	\$235,000,000	\$52,230,097	\$182,769,903	Dillon 1-10	\$65,000,000	\$65,000,000	\$0
				DaVall/1-10	\$145,000,000	\$145,000,000	\$0
				Total:	\$669,000,000	\$664,925,000	\$11,625,000

Based on the current schedule, the I-10/Monroe Street Interchange project will be ready for construction in early 2025. To account for the anticipated construction, CVAG staff has been working closely with Riverside County Transportation Commission (RCTC) staff to identify potential federal, state and regional funding opportunities. As part of these discussions, staff has identified both state and federal funding that could be programmed on this project: Local Partnership Program (LPP) formula funds and Surface Transportation Block Grant (STBG) funds.

Local Partnership Program - Formula

In April 2017, the California State Legislature passed, and Gov. Jerry Brown signed into law Senate Bill 1, increasing funding for transportation in California by approximately \$5 billion annually. Included in SB 1 is a new funding program, LPP, funded at \$200 million annually. LPP is designed to reward and incentivize local and regional agencies to go to voters for approval of fees and taxes for which the revenues are dedicated solely to transportation.

The California Transportation Commission (CTC), which has implementing authority for the LPP, has adopted guidelines for administration of LPP funds. Most recently, the CTC adopted guidelines for the LPP in August 2022 whereby \$20 million is set-aside each year for incentives to newly eligible agencies. The remaining \$180 million annually is distributed to eligible agencies 60% via formula while the remaining 40% is made available competitively. LPP Formula funds must be matched with at least 50% matching funds.

In the current formula funding cycle, covering fiscal years (FY) 2024 through 2025, Riverside County is receiving \$7,044,000 annually by formula. This amount may change over the course of the cycle if the \$20 million of incentive funds are not needed (resulting in an increase) and/or if more eligible agencies are added to the distribution (resulting in a decrease).

The following table illustrates how LPP Formula funds would be distributed based on share of taxable sales in Riverside County.

LPP Formula funding distribution in Riverside County by share of taxable sales

Fiscal Year	Riverside County Formula Share	% of Western County Taxable Sales	Western County LPP Formula \$	% of Eastern County Taxable Sales	Eastern County LPP Formula \$
2017/2018	\$6,810,000	77.30%	\$5,263,898	21.12%	\$1,506,070
2018/2019	6,810,000	77.62%	5,286,211	21.84%	1,487,615
2019/2020	7,042,000	78.00%	5,492,577	21.49%	1,513,319
2020/2021	6,495,000	78.12%	5,355,689	21.45%	1,470,508
2021/2022	6,856,000	78.14%	5,075,391	21.42%	1,391,170
2022/2023	6,495,000	80.03%	5,197,949	19.49%	1,265,876
2023/2024	7,044,000	TBD	5,637,313	TBD	1,372,876
2024/2025	7,044,000	TBD	5,637,313	TBD	1,372,876
2025/2026	7,044,000	TBD	5,637,313	TBD	1,372,876
2026/2027	7,044,000	TBD	5,637,313	TBD	1,372,876
TOTAL	\$68,684,000	TBD	\$54,220,967	TBD	\$14,126,062

To date, RCTC has programmed the entire share of Riverside County's LPP Formula funds on projects in western county. As CVAG and RCTC staffs have been coordinating on a memorandum of understanding, it was identified that, in order to address this in the future, the next two-year cycle FY25/26 to FY26/27 of LPP formula funds of approximately \$14 million could be completely allocated toward the I-10/Monroe Interchange project.

Surface Transportation Block Grant

STBG funds are provided to states by the federal government for transportation projects as authorized in the federal transportation authorization bill, currently the Fixing America's Surface Transportation (FAST) Act. STBG funds are flexible in their use on a variety of transportation projects. Funding is suballocated in California by population after several set-asides at the state level. Riverside County historically has received approximately six percent of available STBG funds for its population share.

The Southern California Association of Governments (SCAG) recently confirmed the FY2021/22 Riverside County share to be \$34.157 million. Using 19.2% population share to calculate CVAG's share of these funds, results in an annual funding estimate of \$6.558 million. Considering the most recent congressional funding authorization will extend the next four years, FY2022/23 to 2025/26, a total of \$26.232 million would be available for the CVAG. With this item, CVAG staff is recommending CVAG advocate to program these funds toward the I-10/Monroe Interchange project.

Fiscal Analysis: To date, CVAG has programmed State Transportation Improvement Program (STIP) funding in an amount of \$7.55 million to the project. The additional \$14 million of LPP and 26.232 million of STBG funding will bring the total state and federal funding to approximately \$47.87 million. However, RCTC staff has indicated that – in order to secure these funds – the project must demonstrate that it can be fully funded in order to ensure the project's timeliness and readiness for construction. CVAG staff is recommending regional transportation funds be allocated to the project in order to cover 75 percent of the remaining costs.

This approach will fully fund the I-10/Monroe Street Interchange for construction as shown in the following table:

I-10/Monroe Street Interchange-Funding Estimate		
Funding Source	Amount	Notes
STIP	\$ 7,550,000	2022 STIP
STBG	\$ 26,232,000	FY22/23 to FY25/26
LPP	\$ 14,088,000	FY17/18 to FY26/27
LOCAL	\$ 10,282,500	41,130,000*.25
CVAG-Regional	\$ 30,847,500	41,130,000*.75
Total:	\$ 89,000,000	

There are sufficient regional transportation funds to cover this project cost. CVAG staff has also coordinated with the City of Indio, which has construction funds identified in its future budgets. If approved, CVAG staff will work to amend any reimbursement agreements and bring them back to the Transportation and Executive Committees.

ITEM 8E

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Reimbursement Agreement for Jefferson Street Widening (Avenue 38 to Sun City Boulevard)

Contact: Eric V. Cowle, Transportation Engineer (ecowle@cvag.org)

Recommendation: Approve the Reimbursement Agreement with the City of Indio for the Jefferson Street Widening Project (Avenue 38 - Sun City Boulevard), providing a not-to-exceed amount of \$225,000 in regional funding for the Preliminary Design and Environmental Studies (PS&E) Phase

Transportation Committee: Concurs (Meeting of November 7)

Background: The City of Indio is requesting regional funding to improve Jefferson Street between Avenue 38 and Sun City Boulevard. The project includes widening the existing two-lane and four-lane roadway to the ultimate General Plan four- and six-lane configurations.

Three components of the proposed Jefferson Street project are included in CVAG's most recent 2016 Transportation Project Prioritization Study (TPPS): Jefferson Street from Avenue 38 to Avenue 39, which is ranked 227th; Jefferson Street from Avenue 40 to 0.27 miles South of Avenue 39, which is ranked 3rd; and Jefferson Street from Sun City Boulevard to Avenue 38, which is included in the unranked, Regional Active Transportation Program (ATP) for bicycle facilities.

The section from Avenue 40 to Avenue 39 ranks 3rd in the 2016 TPPS, placing it well within the top 10 percent of TPPS projects. This section scored maximum points for safety and nearly as high for level of service (LOS), a measure of congestion. A portion of Jefferson Street between Avenue 40 and Avenue 39 has already been widened to its ultimate street configuration to accommodate Shadow Hills High School campus traffic.

The City of Indio conducted a traffic study for the proposed project and determined that by including the lower-ranked segment of Jefferson Street from Avenue 39 to Avenue 38, and extending the project to Sun City Boulevard just south of Avenue 40, the proposed project would bring the entire corridor up to an acceptable level of service and bring all of Jefferson Street north of Interstate 10 to its ultimate General Plan condition.

It is typical to look at the TPPS not only in terms of individual segment ranking, but corridor, sub-corridor or "buildable project" combined segment scores and ranking. The stretch of Jefferson Street from Avenue 38 to Sun City Boulevard would show a weighted average of a top ten percent

project. The proposed project also includes bicycle and pedestrian facilities that are consistent with CVAG policy and included in the Regional ATP and ATP Design Guidelines.

CVAG staff is recommending CVAG support the City's request to fund the total preliminary design and environmental study (PS&E) phase of the proposed project.

Fiscal Analysis: The City of Indio estimates that the PS&E phase will cost \$300,000. CVAG's 75 percent regional share of the cost would be for a not-to-exceed amount of \$225,000, and the 25 percent local share is \$75,000. There are sufficient regional transportation funds to cover this phase of the project.

Attachments:

City of Indio request letter

Draft Reimbursement Agreement

Tuesday, August 9, 2022

Jonathan Hoy
Director of Transportation
Coachella Valley Association of Governments
73710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

Subject: City of Indio – Jefferson Street Widening – Project Programming Request

Dear Mr. Hoy,

The City of Indio respectfully requests funding from Measure A and the Transportation Uniform Mitigation Fee (TUMF) Programs to cover 75% of the project costs to improve Jefferson Street between Avenue 38 and Sun City Boulevard, as prescribed by the Regional Arterial Program Guidelines. Currently, the Jefferson Street consists of one lane in each direction along this corridor except for the section between Avenue 39 and approximately 900ft south of Avenue 39; and south of Avenue 40. The City of Indio proposes to improve this roadway to the ultimate condition with two lanes in each direction north of Avenue 40 and three lanes in each direction south of Avenue 40 and include the appropriate bicycle and pedestrian facility in accordance with the Regional Active Transportation Plan and City General Plan. A map outlining the area of the proposed improvements is included in Attachment 1.

This segment is included in the most current Transportation Project Prioritization Study under two different projects:

- Jefferson Street widening between Avenue 40 and Avenue 39 is currently the 3rd ranked project.
- Jefferson Street widening between Avenue 38 and Avenue 39 is currently the 227 ranked project.
- In addition, the City of Indio proposes to extend the improvements along the west side of Jefferson Street between Avenue 40 and Sun City Boulevard to complete this street segment in the program.

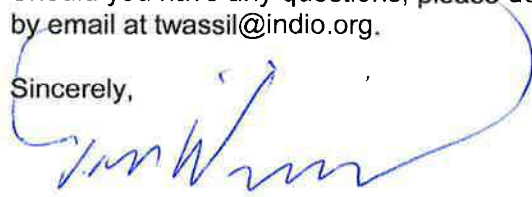
According to the results of a focused traffic study, provided in Attachment 2, the roadway segments along Jefferson Avenue are anticipated to operate at an unacceptable Level of Service (LOS) E based on the daily traffic volumes. In addition, without lane modifications, three of the four intersections in this segment are expected to operate at unacceptable LOS E or F during the AM peak hour.

By expanding the roadway to serve as a four-lane facility between Avenue 38 and Avenue 40 and a six-lane facility south of Avenue 40, the segments and intersections along this portion of Jefferson Boulevard would operate at acceptable LOS on a daily basis and during the AM and PM peak hours.

The preliminary design and environmental studies are expected to cost \$300,000, of which the City requests CVAG fund 75% up to \$225,000. The City of Indio is committed to funding the City's cost of 25% of the project, \$75,000. Once refined right-of-way impacts and construction costs have been established, the City will request an amendment to include these costs.

The City of Indio appreciates your consideration to program 75% of the total design costs up to \$225,000 for this project into the Regional Arterial Program with Measure A and TUMF funding. Should you have any questions, please do not hesitate to contact me by phone at (760) 391-4018 or by email at twassil@indio.org.

Sincerely,



Timothy T. Wassil, PE
Public Works Director
City of Indio

Attachments:

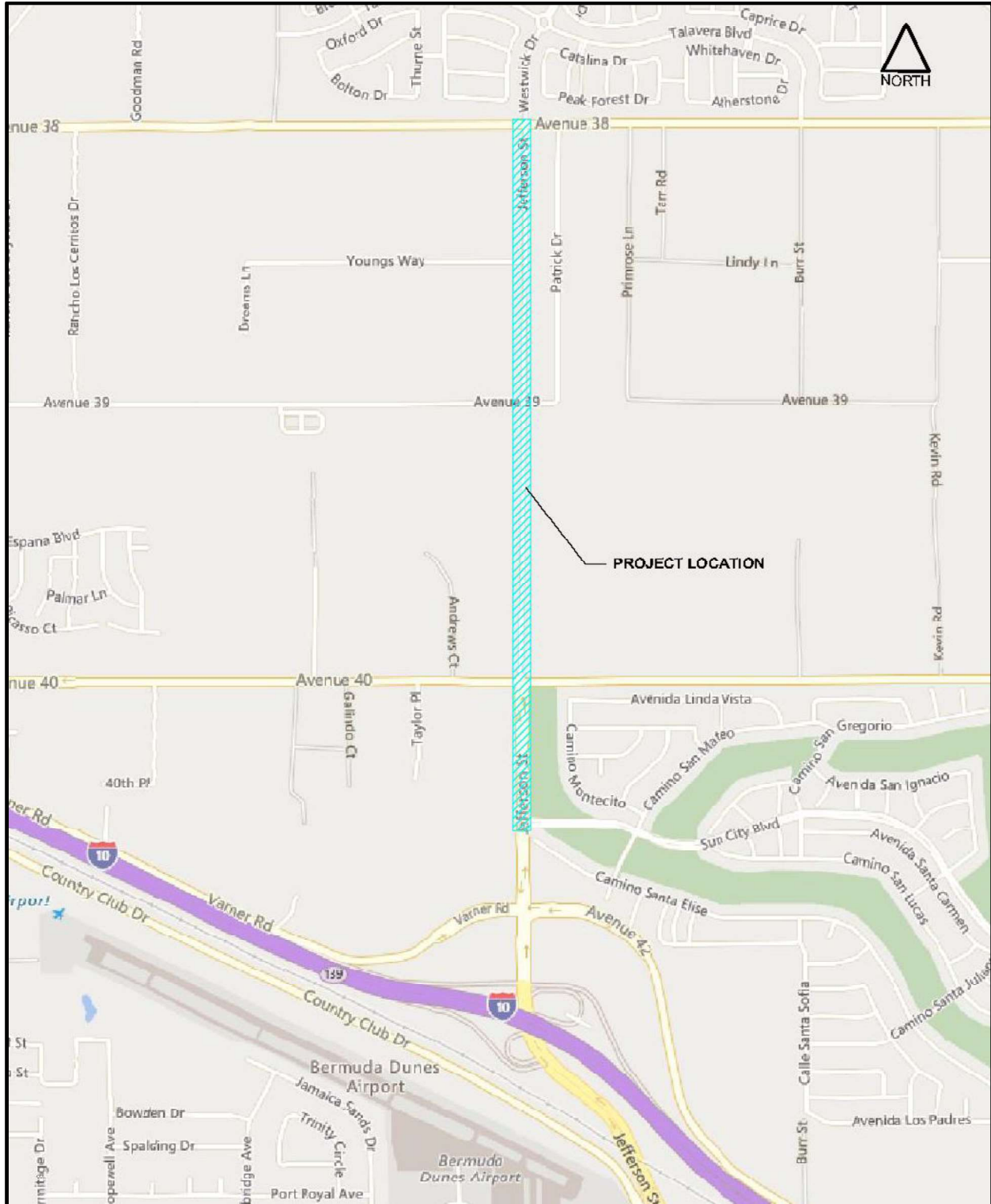
1. Project Location Map
2. Focused Traffic Study

CC:

1. Juan Raya, PE, City Engineer, City of Indio
2. Joshua Nickerson, NAI Consulting, Inc.



FIGURE 1 – PROJECT LOCATION MAP



**AGENCY REIMBURSEMENT AGREEMENT
BY AND BETWEEN CVAG AND THE CITY OF INDIO**

**PRELIMINARY DESIGN AND ENVIRONMENTAL STUDIES (PS&E)
JEFFERSON STREET WIDENING FROM AVENUE 38 TO SUN CITY BOULEVARD**

THIS AGREEMENT is made and entered into this 5TH day of December, 2022, by and between the **City of Indio ("Agency")**, and the **Coachella Valley Association of Governments**, a California joint powers agency, ("**CVAG**"), and is made with reference to the following background facts and circumstances:

RECITALS

The "Coachella Valley Area Transportation Study", a valley-wide study prepared under the auspices of CVAG, has identified various transportation and highway projects and corridors throughout the Coachella Valley to be of regional importance. This project is included in the 2016 Transportation Project Prioritization Study (TPPS) document; and,

Approval of a highway financing measure by the voters of Riverside County in November of 1988, as well as the approval of an extension of Measure A by the voters in November of 2002, has created a source of funds with which to construct such projects; and,

CVAG by agreement with its member agencies and with the Riverside County Transportation Commission ("RCTC"), has been designated as the agency through which such funds are to be conveyed and disbursed for the purpose of completing said regional transportation projects; and,

CVAG Executive Committee, on July 31, 2006, approved the implementation of the amended Transportation Uniform Mitigation Fee "TUMF" Fee Ordinance to increase the collected TUMF Fee, effective January 1, 2007; and,

Under CVAG's policy of funding eligible projects with member jurisdictions, effective January 1, 2007, the responsible jurisdiction(s) will be responsible for paying Twenty-five Percent (25%) of the Project costs (the Local Share), as well as any ineligible project costs, and CVAG will be responsible for Seventy-five Percent (75%) of eligible Project costs (the Regional Share). Historically, the CVAG Regional Share has been paid as a reimbursement to the Jurisdiction, as invoices are submitted and approved.

Agency desires to proceed with the preliminary design and environmental studies (PS&E) phase for the **Jefferson Street widening from Avenue 38 to Sun City Boulevard Project**. **The estimated cost of the Project PS&E is \$300,000. CVAG's share of the Project cost is not-to-exceed \$225,000**, being the maximum approved Regional Share of the Project costs.

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the parties do agree as follows:

1. The program embodied in this agreement for the reimbursement of funds by CVAG shall apply only to those regional arterial projects that have heretofore been identified in CVAG's Transportation Project Prioritization Study or specifically authorized by CVAG's Executive Committee. The Project was specifically approved by CVAG's Executive Committee as consistent with the TPPS on 05 December 2022, and is therefore eligible.
2. The Project is generally described as and consists of the following: **preliminary design and environmental studies (PS&E) for Jefferson Street between Avenue 38 and Sun City Boulevard**. These services will hereinafter be referred to as the "Project".
3. The scope of work of the Project is more particularly described in **Exhibit "A"**, entitled "Scope of Services " attached hereto and made a part hereof. The cost estimate for the Project is more particularly described in **Exhibit "B"** - "Estimate of Cost", attached hereto and made a part hereof. The cost estimates include a calculation intended to allow Agency to recover an amount representing the time of its employed staff in working on the Project as well as amount Agency shall pay to outside contractors in connection with the Project. CVAG's cost share for the project will be as shown on Exhibit "B" unless amended pursuant to the provisions of Paragraph 6.

This Agreement shall establish a Time Trigger, which will require that the start of the *Final Design Phase* of the Project must begin by 05 December 2024.

4. It is the agreement between CVAG and Agency that of the total estimated cost of the project will be approximately \$300,000, CVAG' Regional Share will equal \$225,000, and the Local share shall be \$75,000, as well as equal one-hundred percent (100%) of all costs not eligible for reimbursement by CVAG. This Agreement shall establish that CVAG may decline or delay regional funds should it be determined that such action is necessary to maintain a minimum balance of regional funds.
5. Agency agrees to seek reimbursement of only those costs which are eligible for reimbursement by CVAG, as outlined in the CVAG Policies and Procedures Manual for the Regional Arterial Program, as most recently amended.
6. Agency shall be responsible for initial payment of all covered costs as they are incurred. Following payment of such costs, Agency shall submit invoices to CVAG

requesting reimbursement of seventy-five percent of those eligible costs associated with the Project. Each invoice shall be accompanied by detailed contractor invoices, or other demands for payment addressed to Agency, and documents evidencing Agency's payment of the invoices or demands for payment. Agency shall also submit a Project Completion Report, in a form acceptable to CVAG, with each statement. Agency shall submit invoices not more often than monthly and not less often than quarterly.

6.1 Upon receipt of an invoice from Agency, CVAG may request additional documentation or explanation of the Project costs. Undisputed reimbursement amounts shall be paid by CVAG to Agency within thirty (30) days.

6.2 If a post-payment audit or review indicates that CVAG has provided reimbursement to Agency in an amount in excess of One-Hundred Percent of eligible costs, or has provided reimbursement of ineligible Project costs, Agency shall reimburse CVAG for the excess or ineligible payments within thirty (30) days of notification by CVAG.

7. Prior to any final payment to Agency by CVAG, a final report shall be submitted to CVAG by Agency containing a record of all payments made for said Project and the source of funds of all such payments, together with a record of all change orders, cost over-runs, and other expenses incurred. Final payment will thereafter be paid by CVAG in accordance with its rules, regulations and policies concerning project cost determination and expense eligibility.
8. The format used for all bids solicited by Agency for the Project shall require itemization sufficient to allow quantities of each bid item to be easily discernible.
9. The parties agree that should unforeseen circumstances arise which result in new work not covered in Exhibit "A," an increase of any costs over those shown in Exhibit "B," or other changes in the Scope of Work are proposed, CVAG will in good faith consider an amendment to this Agreement to provide for further appropriate reimbursement if the proposed amendment is in accordance with the policies, procedures, and cost determination/expense eligibility criteria adopted by CVAG. Non-substantive changes may be made to this agreement subject to CVAG's General Counsel's approval.
10. Agency shall maintain an accounting of all funds received from CVAG pursuant to this Agreement in accordance with generally accepted accounting principles. Agency agrees to keep all Project contracts and records for a period of not less than three years from the date a notice of completion is filed by the Agency on such Project; or, if the Project is not one as to which a notice of completion would normally be recorded, for three years from the date of completion. Agency shall

permit CVAG, at any reasonable time, upon reasonable notice, to inspect any records maintained in connection with the Project. CVAG shall have no duty to make any such inspection and shall not incur any liability or obligation by reason of making or not making any such inspection.

11. The occurrence of any one or more of the following events shall, at CVAG's option, constitute an event of default and Agency shall provide CVAG with immediate notice thereof.

11.1 Any warranty, representation, statement, report or certificate made or delivered to CVAG by Agency or any of Agency's officers, employees or agents now or hereafter which is incorrect, false, untrue or misleading in any material respect;

11.2 Agency shall fail to pay, perform or comply with, or otherwise shall breach, any obligation, warranty, term or condition in this Agreement or any amendment to this Agreement, or any agreement delivered in connection with the Project; or,

11.3 There shall occur any of the following: dissolution, termination of existence or insolvency of Agency; the commencement of any proceeding under any bankruptcy or insolvency law by or against Agency; entry of a court order which enjoins, restrains or in any way prevents Agency from paying sums owed to creditors.

12. No waiver of any Event of Default or breach by one party hereunder shall be implied from any omission by the other party to take action on account of such default, and no express waiver shall affect any default other than the default specified in the waiver and the waiver shall be operative only for the time and to the extent therein stated. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The consent or approval by one party to or of any act by the other party shall not be deemed to waive or render unnecessary the consent or approval to or of any subsequent or similar act.

13. This Agreement is made and entered into for the sole protection and benefit of CVAG and Agency and no third person shall have any right of action under this Agreement.

14. It is the intent of the Agency and CVAG that the Project be represented as being funded by Measure "A"/TUMF funds. All public notices, news releases, and documents shall indicate that the Project is being cooperatively developed by the Agency, RCTC, and CVAG using Measure "A"/TUMF funds. Prior to initiation of on-site construction, Agency agrees to provide at least one "Project Sign" to be

placed in a safe and visible location near the site of construction so that all travelers passing the location have the opportunity to observe who the agencies are that are providing funds for the construction of the Project.

15. This Agreement is for funding purposes only and nothing herein shall be construed so as to constitute CVAG as a party to the construction or in ownership or a partner or joint venturer with Agency as to the Project. The Agency shall assume the defense of, indemnify and hold harmless CVAG, its member agencies, and their respective officers, directors, agents, employees, servants, attorneys, and volunteers, and each and every one of them, from and against all actions, damages, claims, losses and expenses of every type and description to which they may be subjected or put by reason of or resulting from the actions or inactions of the Agency related to the Project or taken in the performance of this Agreement or any agreement entered into by Agency with reference to the Project. CVAG shall assume the defense of, indemnify and hold harmless the Agency, its officers, directors, agents, employees, servants, attorneys, and volunteers, and each of them, from and against all actions, damages, claims, losses, and expenses of every type and description to which they may be subjected or put by reason of or resulting from the actions of CVAG taken in the performance of this Agreement.
16. Agency agrees to include in its contract specifications and bid documents a requirement that all prime contractors shall name CVAG and its member agencies as "also insured" on all liability insurance coverage required by Agency on each contract. Agency will provide a copy of the Insurance Certificate to CVAG, depicting CVAG and its member agencies as "also insureds," within 30 days of signing a contract with the prime contractor.
17. Any dispute concerning a question of fact arising under this Agreement that is not disposed of by voluntary negotiations between the parties shall first be decided by the CVAG Executive Director or designee, who may consider any written or verbal evidence submitted by Agency. This decision shall be issued in writing. However, no action in accordance with this Section shall in any way limit either party's rights and remedies through actions in a court of law with appropriate jurisdiction. Neither the pendency of dispute nor its consideration by CVAG will excuse Agency from full and timely performance in accordance with the terms of this Agreement.
18. Any agency receiving federal funds must have an approved Disadvantaged Business Enterprise program. All recipients of Federal Highway Administration (FHWA) funds must carry out the provisions of Part 26, Title 49 of the Code of Federal Regulations (CFR) which established the Federal Department of Transportation's policy supporting the fullest possible participation of firms owned and controlled by minorities and women in the Department of Transportation programs. Except to the extent that such or other contrary federal regulations may apply, Agency covenants that, by and for itself and all persons claiming under or

through it, there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the performance of this Agreement.

19. Agency warrants that all aspects of the Project shall be undertaken in compliance with all applicable local, state and federal rules, regulations and laws. Agency will execute and deliver to CVAG such further documents and do other acts and things as CVAG may reasonably request in order to comply fully with all applicable requirements and to effect fully the purposes of this Agreement.
20. This Agreement may not be assigned without the express written consent of CVAG first being obtained.
21. Agency, its successors in interest and assigns shall be bound by all the provisions contained in this Agreement.
22. No officer or employee of CVAG shall be personally liable to Agency, or any successor in interest, in the event of any default or breach by CVAG or for any amount with may become due to Agency or to its successor, or for breach of any obligation of the terms of this Agreement.
23. Notwithstanding any other provision herein, CVAG shall not be liable for payment or reimbursement of any sums for which CVAG has not first obtained the necessary and appropriate funding from TUMF and/or Measure "A" monies.
24. No officer or employee of CVAG shall have any personal interest, direct or indirect, in this Agreement; nor shall any such officer or employee participate in any decision relating to this Agreement which effects his or her personal interest or the interest of any corporation, partnership or association in which she or he is, directly or indirectly, interested, in violation of any state, federal or local law.
25. Agency warrants that the funds received by CVAG pursuant to this Agreement shall only be used in a manner consistent with CVAG's reimbursement policy and all applicable regulations and laws. Any provision required to be included in this type of agreement by federal or state law shall be deemed to be incorporated into this Agreement.
26. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing, such as Federal Express or UPS); sent by telecopier or facsimile machine capable of confirming transmission and receipt; or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to **City of Indio:**

Bryan Montgomery
City Manager
City of Indio
100 Civic Center Mall
Indio, CA 92201
Telephone: (760) 391-4000

If to **CVAG:**

CVAG
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260
Telephone: (760) 346-1127

Notices sent in accordance with this paragraph shall be deemed delivered upon the next business day following the: (i) date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); (ii) the date of actual receipt (if personally delivered by other means); (iii) date of transmission (if sent by telecopier or facsimile machine); or (iv) the date of delivery as indicated on the return receipt if sent by certified or registered mail, return receipt requested. Notice of change of address shall be given by written notice in the manner detailed in this paragraph.

27. This Agreement and the exhibits herein contain the entire agreement between the parties, and is intended by the parties to completely state the agreement in full. Any agreement or representation respecting the matter dealt with herein or the duties of any party in relation thereto, not expressly set forth in this Agreement, is null and void.
28. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
29. In the event either party hereto brings an action or proceeding for a declaration of the rights of the parties, for injunctive relief, for an alleged breach or default, or any other action arising out of this Agreement, or the transactions contemplated

hereby, the prevailing party in any such action shall be entitled to an award of reasonable attorneys' fees and costs incurred in such action or proceeding, in addition to any other damages or relief awarded, regardless of whether such action proceeds to final judgment.

30. Time is of the essence in this Agreement, and each and every provision hereof in which time is an element.
31. This Agreement and all documents provided for herein shall be governed by and construed in accordance with the laws of the State of California. Any litigation arising from this Agreement shall be adjudicated in the courts of Riverside County, Desert Judicial District, State of California.
32. Agency warrants that the execution, delivery and performance of this Agreement and any and all related documents are duly authorized and do not require the further consent or approval of any body, board or commission or other authority.
33. This Agreement may be executed in one or more counterparts and when a counterpart shall have been signed by each party hereto, each shall be deemed an original, but all of which constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized representatives on this date:

ATTEST:

CITY OF INDIO

By: _____
Bryan Montgomery, City Manager

By: _____
Waymond Fermon, Mayor

ATTEST:

CVAG

By: _____
Tom Kirk, Executive Director

By: _____
Steven Hernandez, Chair

EXHIBIT "A"

SCOPE OF SERVICES

**AGENCY REIMBURSEMENT AGREEMENT
BY AND BETWEEN CVAG AND THE CITY OF INDIO**

**PRELIMINARY DESIGN AND ENVIRONMENTAL STUDIES (PS&E)
JEFFERSON STREET WIDENING FROM AVENUE 38 TO SUN CITY BOULEVARD**

The Scope of Services for this Project includes the preliminary design and environmental studies (PS&E) phase for the corridor spanning from Avenue 38 to Sun City Boulevard.

The proposed scope of work for this Project includes design improvements for Jefferson Street to the ultimate condition, ranging from two to four lanes each direction, sidewalks and bike lanes on each side. The intersection traffic signals will be constructed to be consistent with the Regional Traffic Signal Synchronization Master Plan and incorporate best practices consistent with the Regional ATP Design Guidelines.

EXHIBIT "B"

**AGENCY REIMBURSEMENT AGREEMENT
BY AND BETWEEN CVAG AND THE CITY OF INDIO**

**PRELIMINARY DESIGN AND ENVIRONMENTAL STUDIES (PS&E)
JEFFERSON STREET WIDENING FROM AVENUE 38 TO SUN CITY BOULEVARD**

The total estimated cost of the Project's Preliminary Design and Environmental Studies (PS&E) phase is \$300,000.

In accordance with CVAG policy, CVAG agrees to pay 75% of the qualified costs, in this case the estimated as not-to-exceed \$225,000. The Local Share shall be \$75,000 as 25% of the project cost, as well as equal one-hundred percent (100%) of all costs not eligible for reimbursement by CVAG.

The City of Indio as Lead Agency agrees to invoice CVAG for 75% of the eligible project cost.

ITEM 8F

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Construction Contract for CV Sync – Phase II

Contact: Eric V. Cowle, Transportation Engineer (ecowle@cvag.org)

Recommendation: Authorize the Executive Director to:

1. Execute a construction contract with Crosstown Electrical & Data, Inc., for a not-to-exceed amount \$86,704,608.80 for Phase II of CV Sync, and authorize the Executive Director and/or Legal Counsel to make clarifying changes to the contract before execution; and
2. Work with the Riverside County Transportation Commission to allocate additional federal Congestion Management and Air Quality (CMAQ) funds to Phase II of the regional Traffic Signal Synchronization Project (CV Sync)

Transportation Committee: Concurs (Meeting of November 7)

Background: For years, CVAG has planned for the regional synchronization of traffic signals, the modernization and standardization of hardware and software, and preparation for future intelligent transportation system infrastructure (ITS) in the Coachella Valley. In February 2018, the Executive Committee approved the Master Plan for CV Sync. Through the preparation of that Master Plan, CVAG identified the top three primary corridors – Highway 111, Washington Street and Ramon Road as Phase I. The first phase of construction is nearly complete, with the remaining work focused on completing the software integration phase.

Phase II of CV Sync will continue the major improvement to the transportation infrastructure that will provide more efficient travel times for commuters across the valley and help reduce emissions for better air quality. CVAG has taken a number of actions in order to make progress on this project, including expanding it to 21 corridors across the Coachella Valley, with the exception of the City of Rancho Mirage which is not participating in CV Sync. With this item, CVAG staff is recommending awarding a construction contract that will get Phase II under construction with a Notice to Proceed by the end of this year, resulting in a seamless transition between phases, continued safety improvements and an economic boost to the Coachella Valley.

CV Sync is not a typical, asphalt-and-concrete public works construction project. Instead, it involves highly technical hardware and software systems connected into a world-class, regional network. CVAG's project also lays the foundation for a future smart region. As a result, several key underlying technologies and backbones are being implemented. This requires multiple disciplines and unique skillsets/certifications. There is added complexity as the work zone is often alongside, on or around roadways which must continue to operate safely and facilitate traffic flow. The project blends the skills of civil engineers, traffic engineers, technology specialists, electrical specialists and more. Often overlapping inspections will be required with a

unique focus from different disciplines. Together, these skills will be required to oversee, manage, inspect, and complete this technology project.

CVAG's Executive Committee, at its June 27, 2022 meeting, approved a contract amendment with TKE Engineering, Inc (TKE) to provide construction management services for the CV Sync Phase II project. Caltrans issued their formal approval to begin the Phase II construction phase on July 22, 2022.

On three sperate days in August 2022, CVAG published a Notice to Bidders for construction of Phase II of CV Sync, including instructions to prospective bidders. The public bid opening date was set for 3 p.m. September 28. The notice was also published on CVAG's website. A mandatory pre-bid meeting was held virtually via Zoom videoconference on August 23, 2022, to explain the project and answer any questions. Six prime contractors were represented in the 27-person meeting. The bid package included:

- BASE BID of Phase II corridors
- ALTERNATE BID ITEM – A1- Portola improvements
- ALTERNATE BID ITEM – A2 – Avenue 44 improvements
- ALTERNATE BID ITEM – A3 – Avenue 50 improvements
- ALTERNATE BID ITEM – B – additional communications on Highway 111
- ALTERNATE BID ITEM – C- additional communications on Washington Street/ Ramon Road
- ALTERNATE BID ITEM – E – miscellaneous signal hardware

Only one bid was received by the September 28 deadline. CVAG staff publicly opened it and read aloud the base bid amount– reflecting the work on Phase II:

Contractor	Base Bid
Crosstown Electrical Data, Inc.	\$86,704,608.80

The six additive alternatives shown above were included in the bid package to allow for the possibility of accelerated progress on the Master Plan, should funding be secured. At this time, CVAG staff is only recommending a contract be awarded for the base bid. CVAG staff is not recommending award of these additive bid alternatives. The six bid alternatives will remain valid for the balance of the contract term. These items may be brought forward to CVAG's committees in the future for consideration when funding is identified.

Alternative Bid Items B and C relate to optional fiber installation. CVAG is working with the California Department of Technology (CDT) to identify the exact route and delivery approach for the state's broadband middle mile installation traversing the Coachella Valley. Once these issues have been resolved, and we determine that there is a clear benefit to executing one of these alternative bid items, CVAG staff will return to the Executive Committee with a recommendation for approval, and the additional work will be added to the contractor's scope. A robust review of the bid proposal was conducted by CVAG staff, the project's design engineer, Advantec, and the project's Construction Manager, TKE. In accordance with state and federal requirements, CVAG established a Disadvantaged Business Enterprise (DBE) goal of 15% for this contract. As part of CVAG's bid analysis, CVAG determined that that the apparent low bidder, Crosstown Electrical Data, Inc. (Crosstown), did meet this goal.

Crosstown has 23 years of experience in the industry. They were previously awarded a contract as low bidder for CV Sync Phase I and have performed well on the extremely complex and unique technology project. Crosstown's contractor license is active and in good standing and is deemed a responsible bidder.

As the prime contractor for Phase I of CV Sync, Crosstown, together with CVAG and the consulting team, have benefitted from a substantial learning curve. In dealing with sub-contractors, diverse vendors, numerous stakeholders including all of the region's jurisdictions and the complex nature of synthesizing the underground construction, traffic hardware and software, and the integration and commissioning of these Intelligent Transportation System elements, Crosstown is well positioned to limit change orders, resolve supply-chain issues and deliver the project on schedule.

On a specialized project of this magnitude, receiving only one bid can be problematic. Anecdotally, the Phase I equipment vendors reported to CVAG staff that they had provided quotes to as many as four prospective bidders. One of the prospective prime contractors actually showed up to the bid opening, even though his firm did not end up submitting a bid.

TKE submitted an extensive bid analysis (attached) that examines the potential reasons for only receiving one bid. Other potential bidders were interviewed after the bid was opened. The reasons for the paucity of bids boiled down to:

- Specialized nature of the technology project;
- Project size that exceeds \$50 million;
- Significant fiber optic projects underway or anticipated nationally;
- Duration of the project, which will last more than two years;
- Uncertainty continued supply chain disruptions; and
- Economic and inflationary uncertainties

While Crosstown's bid for Phase I of CV Sync actually came in below the engineer's estimate, their Phase II bid was 30% higher than the engineer's estimate for Phase II, reflecting actual and anticipated cost increases since May of this year when the estimate was prepared. For example, the conduit that is required to house the fiber optic backbone of the entire project has experienced nearly a 50 percent increase in cost since the Phase I project with similar increases anticipated into the next several years. TKE's analysis provides additional details of the contract cost. The increases over the engineer's estimate can be summarized by rapidly increasing demand for technology-based materials tied to all levels of government trying to modernize their transportation infrastructure, and limited supply of these materials as manufacturers are hamstrung by manufacturing capacity and plagued by supply chain disruptions.

After reviewing the bid documents, contractor status, references, and other bid item analyses, TKE, Advantec and CVAG staff all recommend awarding the construction contract to Crosstown Electrical Data Inc., as they are the lowest responsive bidder. While there was only one bid received, there is a significant risk of cost escalation if the project is re-advertised. Timing is also critical with respect to this phased technology project. CVAG published the "Notice of Intent to Award" the construction contract to Crosstown online on October 31, 2022.

With approval of this contract, CVAG anticipates Phase II construction starting in January 2023 and being completed in the spring of 2025. As Crosstown is the prime contractor for Phase I, the transition into Phase II will be seamless with no interruption in work.

Having implemented regional signal synchronization and ITS technology into the region's top 21 arterial corridors, Phase III of CVAG's ITS Master plan calls for deploying new state-of-the-art traffic controllers to all of the remaining signalized intersections in the Coachella Valley. Phase III of the overall project is not yet funded.

Fiscal Analysis: The bid from Crosstown Electrical Data Inc. was the only bid received by the deadline. CVAG staff is recommending award of only the base bid at this time, with the total not-to-exceed amount to \$86,704,608.80:

Description	Amount
Base	\$86,704,608.80
Total Obligation:	\$86,704,608.80

CVAG staff and TKE believe the bid amount is reasonable and is consistent with inflationary costs that are being experienced with similar transportation projects recently.

CVAG has secured \$30.866 million in federal Congestion and Air quality (CMAQ) and State Transportation Improvement Program (STIP) funding for the construction of the Phase II improvements. In addition, CVAG has been working with the Riverside County Transportation Commission (RCTC) to identify additional funding. According to RCTC estimates, there is additional CMAQ funds for the Coachella Valley for fiscal years 22/23, 23/24, 24/25 and 25/26. The amount available to be programmed from these additional funds is \$21,308,265. The CMAQ funds can only be utilized on projects that demonstrate they can reduce congestion and improve air quality. The projects also need to meet federal funding requirements. CV Sync project meets these criteria. CVAG staff is recommending the Transportation and Executive Committee direct staff to allocate these additional CMAQ funds to Phase II. If additional CMAQ funding is not programmed, then CVAG would have to use regional funding, such as measure A, to fill the gap.

To date, CVAG staff has not sought local funding for the project as its cost has been largely covered by outside funding sources. The allocation of future CMAQ funding continues that The balance of \$27,775,740.80 of the project costs will be provided by regional Measure A funds, reflecting the leveraging of 68% external funding for this significant and transformative project for the region.

Funding Source	Amount	Percent
CMAQ - Federal	\$30,886,000.00	35.6%
STIP - Federal	\$ 6,734,603.00	7.8%
CMAQ - Additional	\$21,308,265.00	24.6%
CVAG – Local Share	\$27,775,740.80	32.0%
Total	\$86,704,608.80	100%

CVAG staff will continue to seek additional outside funding to leverage into CV Sync Phase II, overall future phases and unfunded bid alternatives. With the implementation of the first two phases of CV Sync, the entire region will benefit from efficiencies of scale, and from the modernization and standardization of hardware and software. Managing these assets through

the Regional Traffic Management Center will result in significant cost savings. As CV Sync transitions from construction to operations and maintenance over the next several years, staff will evaluate additional avenues for the region's jurisdictions to contribute additional funds.

Attachments:

1. Bid Tabulation Summary
2. TKE Recommendation Bid Analysis
3. Phase II Construction Location Exhibit
4. [Contract with Crosstown Electrical & Data, Inc.](#)

Notice of Intent to Award

October 31, 2022

Notice is hereby given that the Coachella Valley Association of Governments (CVAG) intends to award a contract to the following bidder:

Crosstown Electrical & Data, Inc.

The proposed award is the result of the CVAG's Notice to Bidders listed below:

CVAG Regional Traffic Signal Synchronization Project (CV Sync) - Phase II
Federal Aid Project No. CML-6164 (024)
Project No. CV-2022-TSS-01

This notice constitutes compliance with the project specifications and contract documents. Any protests concerning this proposed award must be filed with and received by the Coachella Valley Association of Governments by 5:00 P.M. on **November 5, 2022**.

Coachella Valley Association of Governments
Eric Cowle, Transportation Engineer
73-710 Fred Waring Drive, Suite 200,
Palm Desert, CA 92260,
telephone (760) 346-1127,
electronic mail: ecowle@cvag.org

Attachments:

- Bid Summary

Coachella Valley Association of Governments
Bid Register

Project Name: CVAG Regional Traffic Signal Synchronization Project (TSSP) - Phase 2
Federal Aid Project No. CML-6164 (024)
Project No. CV-2022-TSS-01

Bid Opening Date: September 28, 2022

Time: 3:00 p.m.

Bid No.	Company Name	Received Time	Received By	Comments	Amount
1	Crosstown Electric & Data	2:48 PM	Justin Schlaefli		\$88,424,411.60
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Number of Bids Filed by Opening Time: 1

Bids Opened By: Eric Cowle

Title: Transportation Engineer



T K E E N G I N E E R I N G , I N C .

October 21, 2022

Eric Cowle
Transportation Engineer
Coachella Valley Association of Governments

Subject: CV Sync Phase II- Bid Analysis

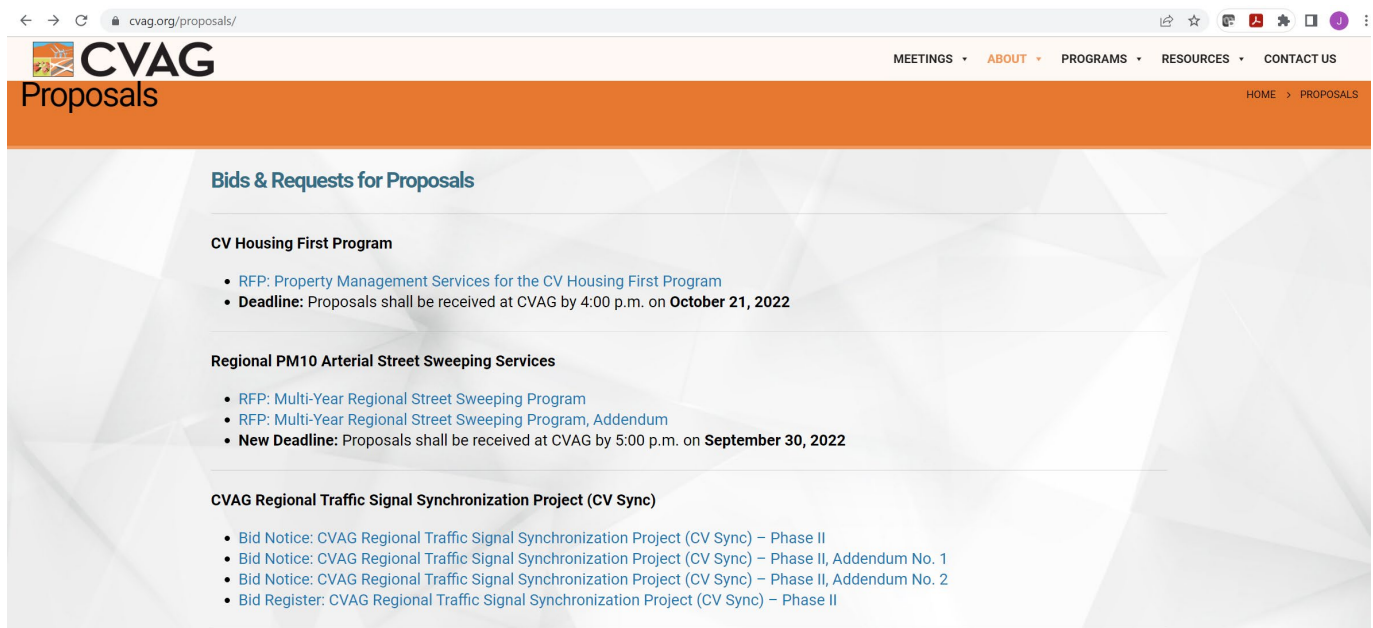
Dear Mr. Cowle,

I have reviewed the bid received from Crosstown Electrical & Data for the CV Sync Phase II project (CML-6164(024)). Below is my discussion of the bid analysis conducted and my recommendation for potential award.

Bid Process:

The Coachella Valley Association of Governments (CVAG) received authorization for construction (E-76) on July 22, 2022 from the Caltrans, Division of Planning, Local Assistance. Upon receipt of authorization, a Bid Request was prepared including Plans and Specifications, Notice to Bidders and Bid advertisement consistent with the Local Assistance Procedures Manual (LAPM). The Plans and Specifications were reviewed for adequacy and contract language was amended to include all required Federal contract provisions including the FHWA-1273 as an attachment. In addition, a Local Agency Advertising Checklist was reviewed and filled out (Exhibit 15-C) and a PS&E checklist (Exhibit 12-D) was reviewed and filled out. Federal prevailing wage rates were downloaded and attached to the bid package.

Upon confirmation that bid documents conformed to the requirements of the LAPM as well as Federal requirements, a bid notice was prepared. The bid notice was uploaded to the CVAG website at the following web address: <https://cvag.org/proposals/> A screen capture of the website is provided below for documentation:



The bid notice was posted on 8/5/22 to the CVAG website with bid documents uploaded to PlaintiffRoom as noted in the bid notice by Monday 8/8/22. In addition, an advertisement was placed in the Desert Sun newspaper. A mandatory pre-bid meeting was held on 8/23/22 via virtual meeting. This meeting was

recorded and is available for the record if needed. The meeting was well attended by prime contractors, vendors and potential subcontractors. The list of attendees is shown below.

Jonathan Hoy	CVAG	jhoy@cvag.org	7602381540	
James Varnes	MSL Electric, Inc.	james@mslelectric.co	(714) 693-4837	Sub-Contractor
Dave Heermance		Crosstown Electrical &	(626) 813-6693	Prime-Contractor
Zachary Hoiting	Western Systems	zhoiting@westernsyst	5033495970	Sub-Contractor
Donald Wang	Western Systems, Inc.	dwang@westernsyste	6264505612	
Rusty Moore	Ferreira Coastal Const	RMoore@FerreiraCon	714-928-7573	Prime-Contractor
Mathew Garcia	MSI TEC	mathewg@msitec.con	949-303-5001	
Venkatesh Jadhav	Yunex Traffic	venkatesh.jadhav@yu	512-517-5872	Prime-Contractor
Jennifer Harvey	NexTech Systems	jharvey@nextechsyste	9259897310	Sub-Contractor
Stephany Bravo	DBX, Inc.	dbxinc@hotmail.com	951-296-9909	Prime-Contractor
Taylor Darby	Comet Electric	taylordarby@cometel	818-262-9205	Prime-Contractor
Bryan Vinson	IndustrialENET	bryan.vinson@industr	9513315815	Sub-Contractor
Tammy Berg	Western Systems	tberg@westernsystem	4254381133	
Steven Teal	Yunex LLC	steven.teal@yunextra	714-497-5043	Prime-Contractor
Marc Porter	Econolite Systems, Inc	mporter@econolite.co	310-418-1663	Sub-Contractor
David Garcia	Elecnor Belco Electric,	davidanthony.garcia@	909-993-5470	Prime-Contractor
Doug McWhorter	Elecnor Belco Electric,	dmcwhorter@elecnor	9514966702	Prime-Contractor
Kenneth	Gustat	Kgustat@westernsyste	7607590963	
Tim Seaman	DBX Inc	charlesdbx@hotmail.c	951-296-9909	Prime-Contractor
Reza Hosseini	Irvine Global Consultin	brhossini@irvinegc.co	949 228-8840	Sub-Contractor
Rodney Mathis	Yunex Traffic	rodney.mathis@yunex	714-397-7608	Prime-Contractor
Maria Perez	Crosstown Electrical &	maria@crosstowndata	626-813-6693	Prime-Contractor
Richard Schmidt	Yunex Traffic	rich.schmidt@yunextr	314-791-6343	Prime-Contractor
Todd Kreter	Iteris	tkreter@iteris.com	949-270-9611	Sub-Contractor
Bryan Elenes	ADVANTEC	belenes@advantec-us	949-861-4999	Prime-Contractor
Robert Paquette	Yunex LLC	robert.paquette@yun	951-784-6600	Prime-Contractor

- On September 8, 2022, an addendum including an addendum to the technical specifications related to alternative bid items, revised plans, a copy of the attendee list for the pre-bid meeting, the powerpoint for the pre-bid meeting and a one week extension to the bid deadline were listed and incorporated into the bid documents via the addendum. On September 19, 2022, an addendum which included the response to questions and updated Federal Prevailing Wage Rates was listed and incorporated into the bid documents. Both addendums were posted to the CVAG website and were included posted with the bid documents for download at the PlanitPlanRoom website.

On September 28, 2022, bids were received at the CVAG offices. Only one bid was received as recorded in the bid register attached. Bid opening procedures followed LAPM requirements including the following:

- As bids are received, they must be logged in and stamped with the time and date.
- The bids must be retained in a secure place until the designated time and place for public opening.
- All bids received in accordance with the terms of the advertisement must be publicly opened and announced either item by item or by total amount.
- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud must be publicly announced at the bid opening.
- Negotiation with contractors, during the period following the opening of bids and before the award of the contract must not be permitted.

A bid opening checklist was utilized to ensure conformance to required procedures. An initial review of the bid received showed that it was complete and no irregularities were immediately noted. Present for the bid opening were CVAG personnel and representatives of the contractor submitting a bid as well as one vendor and one additional contractor. The bid received was then analyzed as discussed below.

Bid Competition:

According to FHWA recommendations, the following factors should be considered in performing a preliminary assessment as to whether competition was adequate:

- number of bids,
- difference between low bid and engineer's estimate,
- difference between low bid and other bidders,
- spread or variation of all bids,
- type of project and the anticipated competition for this type of work,
- time of year,
- bidding opportunities for similar work with other nearby agencies or jurisdictions (e.g. resurfacing work),
- bidding opportunities with neighboring agencies that may result in temporary material shortages (e.g. large steel fabrication contracts);
- relative availability of subcontractors and specialty subcontractors for the project, and
- potential DBE or good faith effort issues with apparent low bid and other bidders as appropriate.

The quality of competition was evaluated based on the factors above. Several of these factors are explicitly discussed in the bid analysis below. However, with only one bid received, several of the factors do not apply. For example, the difference between the low bid and other bidders and the spread or variation of all bids could not be evaluated. The difference between the low bid and engineer's estimate as well as type of project and competition is discussed below.

As discussed above, there was good attendance at the pre-bid meeting considering the specialized nature of the work and small pool of potential prime contractors with the certifications, experience and capacity to complete a project over \$50 million. It is further noted that there is significant competition with respect to the specialized communications portion of the project due to the number of middle-mile broadband contracts out for bid. In soliciting feedback from some of the potential prime contractors, competition from other projects was specifically noted multiple times. The availability of specialty subcontractors (particularly DBE subcontractors) also limited the pool of bidders. The bid received did exceed the DBE participation goal.

Bid Analysis:

Per the LAPM, a bid analysis is required for projects on the National Highway System (NHS). The bid analysis is the process performed to justify the award or rejection of the bids and should assure that good competition and the lowest possible cost were received. A proper bid analysis better ensures that funds are being used in the most effective manner. A bid analysis also assists the agency in preparing accurate engineering estimates on future projects.

The bid analysis process is an examination of the unit bid prices for reasonable conformance with the engineer's estimated prices. Beyond the comparison of prices, other factors that a bid analysis may consider include:

- Number of bids
- Distribution or range of the bids
- Identity and geographic location of the bidders
- Urgency of the project

- Unbalancing of bids
- Current market conditions and workloads
- Potential for savings if the project is re-advertised
- Comparison of bid prices with similar projects in the letting
- Justification for significant bid price differences
- Other factors as warranted

Each of these factors is discussed below.

Number of Bids:

Only a single bid was received. CML-6164 (024) is phase two of a three phase project. During Phase 1, only three bids were received. Feedback received since the award of Phase 1 indicated that due to the specialized nature of the work, competition was more limited than would be expected of a more typical roadway construction project. The work for phase 2 is similar to phase 1 with specialized work requiring certifications and specialization in Intelligent Transportation Systems (system integration), fiber optic communications (Corning certification) and traffic signal modification (C-10 license and applicable work zone safety and other certifications). This combination of specialties leads to a relatively limited pool of bidders. A review of the Corning certified network of providers (required certification for this project) shows 33 contractors within 200 miles of the project site:

Network of Preferred Installers (NAFTA) Directory

[Change Region or Program](#)

Location (Enter address, state or postal code)
palm desert, ca

Within

100

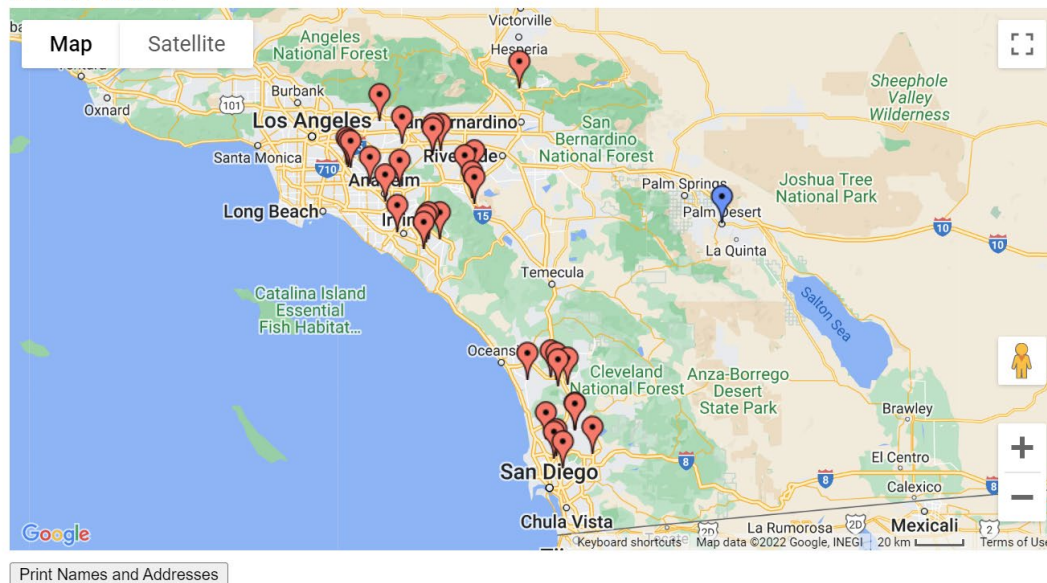
Miles

Search

Local Partners

Name	Distance	Address	Phone
ITI Cabling	58.5 mi	1200 S. Escondido Blvd., Escondido, California 92025	(858) 240-6670
Berg Electric Corp.	59.6 mi	955 Borra Pl., Escondido, California 92029-1020	(760) 746-1003
Baker Electric	60.3 mi	1298 Pacific Oaks Place, Escondido, California 92029	
Tel Tech Plus, Inc. dba TTP-US	60.5 mi	393 Enterprise Street, San Marcos, California 92078	(760) 510-1323
Apple Valley Communications	63.4 mi	21845 US Highway 18, Apple Valley, California 92307-3968	(760) 247-2668
Intellinet Incorporated	64.9 mi	9106 Pulsar Court - Unit H, Corona, California 92880-6967	(951) 277-7669
TechNet Partners, Inc.	65.4 mi	6116 Innovation Way, Carlsbad, California 92009	

Results 1-33 of 33



Importantly, there are no contractors with the required certification within 50 miles of the project site. In addition, the size of the project (greater than \$50 million) greatly limited the number of available bidders. Potential prime contractors who attended the pre-bid meeting were contacted for feedback. They noted

the combination of specialties, size of the job, significant amount of other similar work (particularly fiber), unique requirements of the job, duration of the work, recent supply chain disruptions and inflation concerns led to a feeling that they could not provide a competitive price. This factored into a decision by several prime contractors not to bid and led to a single bid being received.

Distribution or Range of Bids:

As discussed above, there was only a single bid received. As a result, there was no analysis of bid distribution or range of bids. However, the bid was reviewed in light of other projects out for bid and other factors as discussed further below.

Identity and Geographic Distribution of Bidders:

The Prime contractor is headquartered in Irwindale which is approximately 110 miles from CVAG's offices. However, the Prime, Crosstown Electrical & Data, has a yard and an office in Coachella Valley which were established for Phase 1 of the project. They have established a local presence and understand local conditions. Through Phase 1 of the project, they have established relationships and contact with all 11 agencies as well as major stakeholder groups in Coachella Valley. Other potential bidders likewise do business in Coachella Valley including Belco, DBX and Yunex.

Subcontractors likewise have offices in Southern California including Fallbrook, Anaheim, Jurupa Valley and Rancho Cucamonga. It is noteworthy that one subcontractor, Ferreira Construction, was listed as attending the pre-bid meeting as a prime contractor and ultimately teamed up with Crosstown Electrical & Data as a subcontractor.

Urgency of the Project

Project Urgency is relative. However, Phase 1 of the CV Sync project is expected to be completed in Q1, 2023. Should Phase 2 of the CV Sync project be awarded prior to the end of 2022, a notice to proceed could be issued and work would proceed into Phase 2 of the project without interruption. This allows the Construction Management, design engineer and contractor to remain mobilized and deliver the project on-time pursuant to the current schedule. Delaying the project risks some of the funding sources identified. Additionally, the traffic signal and fiber communications industries are seeing significant increases in prices and limited supply availability. In particular, certain materials needed for this project were in short supply and were long-lead items in Phase 1 of the project. This is expected to continue and, in some cases, worsen through the near-term such that delaying the project could create significant risks. In-particular, fiber optic cable was identified as a long-lead item in Phase 1 with limited supply. Phase 2 of the project (subject to this bid) contains significantly more fiber than Phase 1. Of particular concern is the supply of fiber optic cable and certified technicians due to the enormous increase in fiber optic projects currently out for bid and anticipated to bid in the near future. A search of a bid database for California showed 44 solicitations for bids by public agencies in the last 90 days. Additionally, the recently passed infrastructure bill contained \$65 billion for broadband (fiber). Finally, the State of California provided over \$3 billion in funding for middle-mile fiber with projects recently out for bid and beginning construction. Reports of Fiber Optic Cable shortages are widespread in 2022 (<https://arstechnica.com/information-technology/2022/07/global-shortage-of-fiber-optic-cable-threatens-digital-growth/>). Additionally, reports of up to 70% increase in fiber costs have been noted compared to 2021 in some regions: "Europe, India, and China are among the regions most affected by the crunch, with prices for fiber rising by up to 70 percent from record lows in March 2021, from \$3.70 to \$6.30 per fiber km, according to Cru Group, a market intelligence firm". These shortages and price increases as well as anticipated additional competition could increase considerations regarding the urgency of the project necessary to secure materials.

Perhaps the most significant consideration with respect to urgency of the project is the future Phase 3 of the project. As discussed, CV Sync was designed as a three phase project. Phase 1 is anticipated to complete integration/testing/commissioning in Q1 2023. There is a window for Phase 2 completion in 2023/2024. The communications and infrastructure for Phase 3, which is anticipated in 2025 is dependent on the completion of Phase 2. This is a critical consideration that Phase 3 cannot commence or be completed until Phase 2 is completed. In particular, the signal communications network to support signal operations and CV2X connected vehicle communications are dependent on the timely completion of Phase 2 and the sequencing of the work. This impacts timing and efficiency of vehicles, greenhouse gas

emissions, safety and operations of roadways throughout Coachella Valley. As a result of the funding constraints, phased nature of the project and gaps in critical infrastructure, timing of the project is a significant consideration.

Unbalancing of Bids:

Unbalanced bids are one of the factors to review in a bid analysis. The two types of unbalanced bids are as follows:

- A mathematically unbalanced bid is a bid that contains lump sum or unit bid items that do not reasonably reflect the actual costs (plus reasonable profit, overhead costs, and other indirect costs) to construct the item, and
- A materially unbalanced bid is a bid that generates reasonable doubt that award to that bidder would result in the lowest ultimate cost to the government.

To detect mathematical unbalancing, the unit bid items should be evaluated for reasonable conformance with the engineer's estimate and compared with the other bids received. There are no definitive parameters (e.g., an amount or percent of variance from the engineer's estimate) that constitute an unbalanced bid. The degree of unbalancing of a bid may depend on the reason for the unbalancing. Mathematically unbalanced bids, although not desirable, may be acceptable.

The determination of mathematically unbalanced bids may be aided by the use of one of the several computer software packages now available. However, the final decision should not preclude the use of engineering judgment. Care must also be exercised to ensure that unit bids for mobilization do not mask unbalancing. Also, token bids (i.e., bids with large variations from the engineer's estimate) should be considered as mathematically unbalanced bids and further evaluation and other appropriate steps should be taken to protect the public interest.

There may be situations where the quantity of an item could vary due to inaccuracies in the estimating, errors in the plans, changes in site conditions or design, etc. In such situations, the bids should be further evaluated to determine if the low bidder will ultimately yield the lowest cost. If unbalancing creates reasonable doubt that award would result in the lowest ultimate cost, the bid is materially unbalanced and should be rejected or other steps should be taken to protect the public interest.

The bid was examined for unbalancing. One apparent bid error was noticed which is likely the result of a decimal misplacement. This resulted in a bid price which was nearly 1,000% higher than the estimate (bid item 52). The contractor will be consulted to determine whether this was indeed a decimal error which should be corrected prior to award.

The bid is attached to this analysis with a comparison to the engineer's estimate. The bid was 53.16% higher than the engineer's estimate and 33.18% higher than the engineer's estimate plus contingency. Correcting for the apparent decimal error results in a bid which was 50.18% higher than the engineer's estimate.

The attached bid analysis spreadsheet identifies percentage over and under the engineer's estimate. This is useful in examining the bid for unbalancing. FHWA uses an example process for determining unbalanced bids as follows: "An example of a process for determining materially unbalanced is the State of Wisconsin DOT's (WisDOT), which utilizes a bid analysis procedure. Using WisDOT's process, an STA would examine significant items that are mathematically unbalanced (as identified by a certain percentage over or under the engineer's estimated unit price for that item). If it appears that a quantity error may have caused a contractor to unbalance, the STA would examine all significant bid items for quantity errors. If quantity errors are found, the STA would examine the impact on the bidder ranking if corrected quantities had been used. A change in the ranking is an indicator of a materially unbalanced bid. See the following link for additional details: <http://wisconsin.gov/rdwy/cmm/cm-02-10.pdf#cm2-10.2.1>."

The WisDOT process was followed to examine the bid received. This process is outlined below:

3. An item will be considered significantly unbalanced if the difference between the low bidder's unit price and the estimate, expressed as a percent of the estimate, is greater than +50% or is less than -75%.

4. The unbalanced bid analysis must consist of the following steps:

4.1 The estimated unit price for items identified as being significantly unbalanced will be reviewed for correctness. Corrections will be made as needed and the low bidder's unit price will be reevaluated to determine if the item remains significantly unbalanced (see item #3).

4.2 Quantities for items found to be significant to the contract will be checked and verified. Quantities will be determined based upon the bidding documents and the construction methodologies depicted in the plan. These quantities will be used only for the purpose of performing the Unbalanced Bid Analysis.

4.3 Corrected quantities for items known to be in error (see item #3) plus corrected quantities for items significant to the contract will then be multiplied times the unit price bid for each contractor and a gross sum for the contract for each bidder will be calculated.

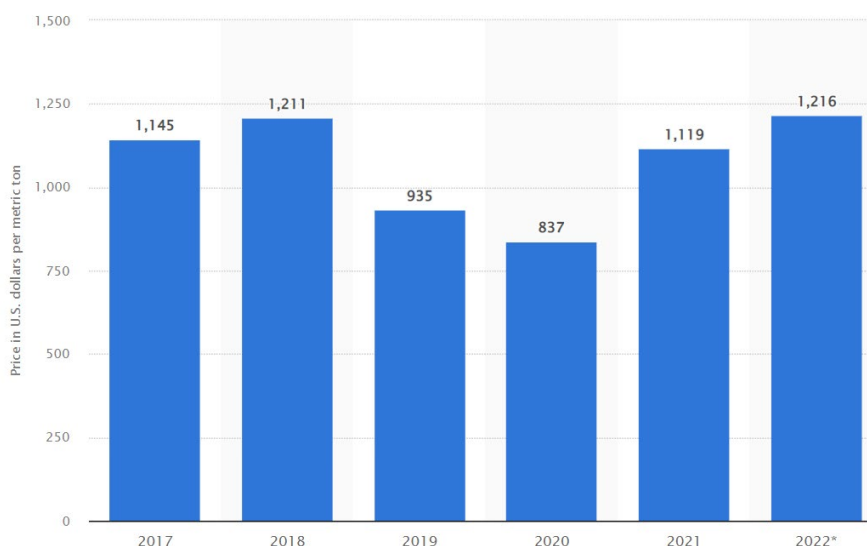
4.4 A comparison of the calculated gross sum totals will be made. If the calculated gross sum for the contract low bid is found to be higher than the calculated gross sum of another bidder, the low contract bid proposal is materially unbalanced. If the calculated gross sum of the contract low bid proposal is found to be less than the calculated gross sum of all other bidders, that bid is not materially unbalanced.

4.5 The comparison procedure explained in 4.4 above will be repeated as necessary using the next low contract bid proposal until a contract bid that is not materially unbalanced is found.

As discussed above, one apparent decimal error was found and corrected as shown on the bid analysis spreadsheet. This resulted in a reduction in bid total of \$1,719,802.80. However, as only one bid was received, this did not impact the bid analysis as discussed below.

Following the procedure outlined in the WisDOT process, the bid was found not to be materially unbalanced due to the receipt of only one bid. According to section 4.4 of the process, if the calculated gross sum of the contract low bid proposal is found to be less than the calculated gross sum of all other bidders, that bid is not materially unbalanced. That is the case with this bid.

The analysis did outline areas of significant unbalancing in multiple bid items. These significantly unbalanced bid items were discussed with the design engineer who prepared the engineer's estimate. It was found that multiple factors impacted the bid received and caused significant differentials in the cost estimate received. For example, Bid Item 7, which includes 3" HDPE conduit came in almost double the engineer's estimate. This accounts for at least \$13,143,423 of the differential from the engineer's estimate which is 42.82% of the total amount by which the bid exceeded the engineer's estimate. From Phase 1, we received warnings from the prime contractor that the cost and availability of materials was increasing rapidly. Research into materials prices for HDPE show the following:



Materials prices alone for HDPE shows a 45.3% increase in the past two years with additional significant escalation in cost anticipated. In addition, gasoline and transport/delivery prices have significantly

increased in the recent past. As a result, prices which were the basis for the engineer's estimate were based on a recent low in materials costs and are compounded by a rebound in demand, rising prices, limited availability and more recent inflationary effects.

No inaccuracies in the quantities of the engineer's estimate were found and no further corrections to the bid on the basis of inaccuracy were included in the bid analysis. Additional discussion of price differences from the engineer's estimate is included below.

Current Market Conditions and Workloads:

As discussed above, several key materials inherent in the bid are experiencing rapid price increases and increasing shortages. In addition, market conditions and workloads have a significant impact on the bid price leading to large variances from the engineer's estimate. Each of these differences was examined. Collectively, it was found that market conditions and workloads are a significant factor impacting the bid.

The current market is experiencing rapid inflation for the cost of labor and materials. The Construction Cost Index for California is tracked by the Department of General Services. The index is shown below:

California Construction Cost Index 2021-2025

Month	2025	2024	2023	2022	2021
January				8151	7090
February				8293	7102
March				8736	7130
April				8903	7150
May				9001	7712
June				8925	7746
July				9110	7892
August				8729	8122
September				8604	7900
October				8712	8080
November					8141
December					8072
Annual % *					13.4%

**Annual Percentage is calculated from December to December.*

According to the index, construction costs increased 13.4% in 2021. Between September and October 2022, the cost index showed an increase of 10.28%. This compares with 2020 and 2019 of 2.8% and 3.6% increases respectively. Reports of inflation are widespread and a contractor must project future

inflation that will impact costs throughout a long duration project such as CV Sync Phase 2. Similar increases in prices are shown in statistics from the U.S. Bureau of Labor Statistics with increases in key components of the project. An example is concrete and cement prices which have increased 17.7% since June 2021.



In addition, items such as pull boxes and electrical components for traffic signals are in short supply and have experienced rapidly increasing prices as infrastructure spending increases.

It was previously noted that there is significant competition currently in the Fiber Optic/Communications market with multiple large projects out to bid or anticipated in the near future with widespread investment in middle-mile Broadband spending as much as \$6.5 billion and beginning in Southern California. The Middle-mile Broadband project recently started construction.



Also as mentioned previously, there are a limited number of contractors in Southern California with the experience and bonding capacity to complete a project with the specialized knowledge and requirements of CV Sync Phase 2. Feedback received from potential prime contractors who attended the pre-bid meeting reinforced this fact. As mentioned, there wasn't a single contractor with a headquarters presence

within 50 miles of the Coachella Valley meeting the project requirements. These facts increased the bid price significantly.

Potential for Savings if the Project is Re-advertised:

Due to the limited pool of available labor and the rapidly increasing costs of materials and labor as well as the competition discussed previously, it is unlikely that there will be significant savings if the project is re-advertised. Recent increases in gas prices (see below) increase the likelihood that re-advertising the project would lead to higher costs. Inflation continues to be high such that as the project is delayed, costs continue to increase. Diesel prices in Riverside County have increased 5.1% in the past month and may increase further leading to greater risk and uncertainty for contractors. In addition, as infrastructure funding continues and competition increases with the allocation of over \$65 billion in fiber optic/broadband work, it is probable that bids would increase if re-advertised. Finally, as a phased project, costs for later phases are likely to increase as well with delays and cost increases anticipated over the next year as inflation continues.

	Regular	Mid	Premium	Diesel
Current Avg.	\$5.731	\$5.998	\$6.110	\$6.503
Yesterday Avg.	\$5.785	\$6.057	\$6.173	\$6.540
Week Ago Avg.	\$6.095	\$6.352	\$6.465	\$6.685
Month Ago Avg.	\$5.399	\$5.580	\$5.728	\$6.185
Year Ago Avg.	\$4.447	\$4.635	\$4.760	\$4.568

Comparison of Bid Prices with Similar Projects in the Letting:

Due to the highly specialized nature of this Intelligent Transportation Systems project, it is difficult to find directly comparable bid items. However, an attempt was made to compare to other projects through looking at price indexes for similar materials and work. In addition, outreach to the industry has shown rapidly increasing prices and limited availability across the board for communications and traffic signal work. As a result, it has been reported that multiple recent projects have significantly exceeded the engineer's estimate and/or have been re-advertised. A conversation with representatives of the Middle-Mile Fiber Initiative indicated that bids are coming in over engineer's estimates as well. It is noted that there are 10 active solicitations for Middle-Mile Fiber as of the date of this analysis.

Justification of Significant Bid Price Differences:

Overall justification for significant bid price differences has been previously discussed. To summarize, the limited labor pool, significant inflation, supply chain disruptions and competition from other projects with overlapping skill requirements has led to significant increases in bid prices over the engineer's estimate. These differences are highlighted in the attached bid analysis spreadsheet and have been discussed with the design engineer in order to determine whether price increases are reasonable. As identified in the bid analysis, one bid item had an apparent error. When corrected, the base bid price exceeds the engineer's estimate by 30.59%. Based on the range of price increases for materials and various cost indexes (10-18%) and projecting costs out another 9 months with anticipated additional inflation, it would be expected that the bid price would be at least 25% higher than the engineer's estimate. As noted previously, bid item 7, which is the largest single bid item, came in almost double the engineer's estimate. This accounts for 42.82% of the overall deviation from the engineer's estimate. This was partially explained by a 45.3% increase in prices in the past two years significantly exceeding inflation. The additional increases in labor costs, inflation and risk of price volatility over the relatively long-term of the contract as well as significant

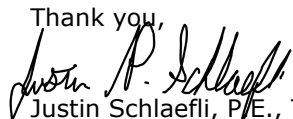
competition for resources and labor in a relatively limited market led to the significant differentials noted. While the majority of bid prices exceeded the engineer's estimate, there were several notable instances of bid prices coming in below the engineer's estimate. However, this is largely accounted for the method of work the contractor may employ. For example, bid item number 63 is a remove and salvage of existing video detection system camera equipment. If the contractor completes this work simultaneous with the installation of the replacement work, the costs to the contractor can be significantly reduced and savings realized. This likely explains the few bid items which were significantly below the engineer's estimate.

Other Factors As Warranted:

In addition to the factors listed above, consideration should be given to the phased approach of this project. With Phase 1 nearing completion, there is a significant learning curve for the contractor and vendors in understanding the project, stakeholders and nature of the existing infrastructure. This project spans eleven jurisdictions and requires careful sequencing and coordination. The prime contractor for Phase 1 was the single bidder for Phase 2. This contractor already has a working relationship with the vendors and has knowledge of the systems which will require integration, upgrade or expansion in Phase 2. This is not an inconsiderable factor in considering the ability to work with the large number of stakeholders involved in this project. Lessons learned from Phase 1 could be applied in Phase 2 in order to limit change orders and project delays. In addition, lead times in mobilizing for the project should be significantly reduced. This could lead to an unquantifiable savings in the future.

Recommendation:

Based on this analysis, it is recommended that the contract be awarded to Crosstown Electrical & Data and that a Public Interest Finding be prepared supporting the award of this contract on the basis of likely cost escalations if re-advertised as well as due to the critical nature of the timing with respect to a phased project.

Thank you,

Justin Schlaefli, P/E., TE

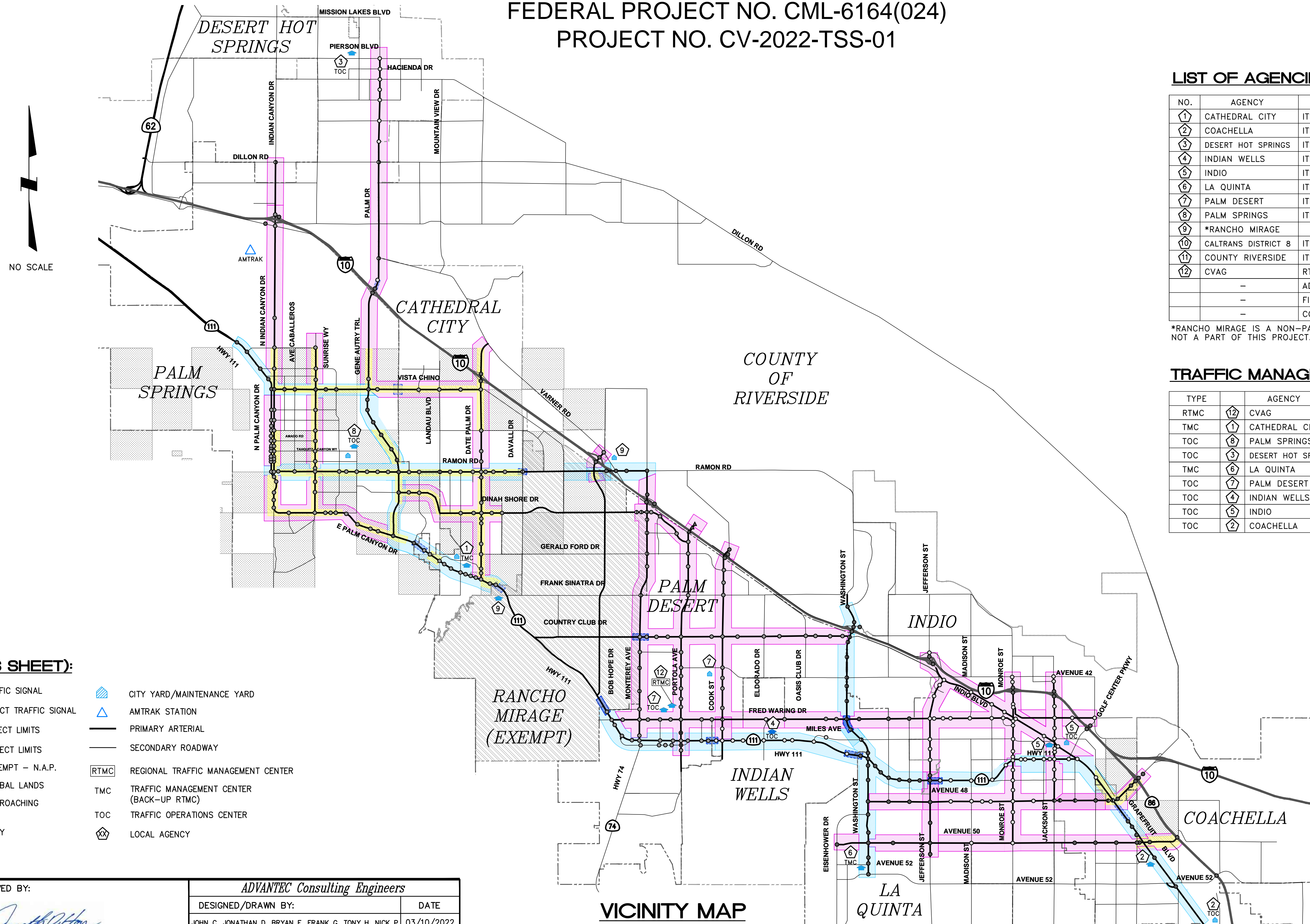
Resident Engineer

TKE Engineering, Inc.

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

INSTALLATION OF INTELLIGENT TRANSPORTATION SYSTEMS FOR REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION (TSS) PROJECT - PHASE II

FEDERAL PROJECT NO. CML-6164(024)
PROJECT NO. CV-2022-TSS-01



LIST OF AGENCIES:

NO.	AGENCY	DESCRIPTION	SHEET No.
1	CATHEDRAL CITY	ITS IMPROVEMENT PLAN	CC-001
2	COACHELLA	ITS IMPROVEMENT PLAN	CO-001
3	DESERT HOT SPRINGS	ITS IMPROVEMENT PLAN	DHS-001
4	INDIAN WELLS	ITS IMPROVEMENT PLAN	IW-001
5	INDIO	ITS IMPROVEMENT PLAN	IN-001
6	LA QUINTA	ITS IMPROVEMENT PLAN	LQ-001
7	PALM DESERT	ITS IMPROVEMENT PLAN	PD-001
8	PALM SPRINGS	ITS IMPROVEMENT PLAN	PS-001
9	*RANCHO MIRAGE	EXEMPT - N.A.P.	
10	CALTRANS DISTRICT 8	ITS IMPROVEMENT PLAN	CT-001
11	COUNTY RIVERSIDE	ITS IMPROVEMENT PLAN	RIV-001
12	CVAG	RTMC	CV-001
	-	ADDITIONAL COMMUNICATIONS	AC-001
	-	FIBER OPTIC ASSIGNMENTS	FO-001
	-	CONSTRUCTION DETAILS	DET-001



*RANCHO MIRAGE IS A NON-PARTICIPATING AGENCY UNDER THIS CONTRACT.
NOT A PART OF THIS PROJECT.





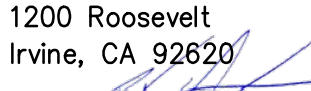
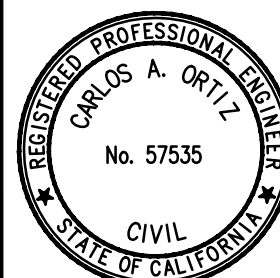
TRAFFIC MANAGEMENT CENTERS:

TYPE	AGENCY	LOCATION
RTMC	CVAG	73710 FRED WARING DR
TMC	CATHEDRAL CITY	68-700 AVE. LA LO GUERRERO
TOC	PALM SPRINGS	3200 E. TAHQUITZ CYN WAY
TOC	DESERT HOT SPRINGS	65-950 PIERSON BLVD
TMC	LA QUINTA	78495 CALLE TAMPICO
TOC	PALM DESERT	73510 FRED WARING DR
TOC	INDIAN WELLS	44950 ELDERADO DR
TOC	INDIO	45222 TOWNE STREET
TOC	COACHELLA	53-462 ENTERPRISE WAY

LEGEND (THIS SHEET):

- PROJECT TRAFFIC SIGNAL
- FUTURE PROJECT TRAFFIC SIGNAL
- PHASE I PROJECT LIMITS
- PHASE II PROJECT LIMITS
- PHASE I&II EXEMPT - N.A.P.
- SOVEREIGN TRIBAL LANDS
- CORRIDOR ENCROACHING TRIBAL LANDS
- CITY BOUNDARY
- CITY HALL
- CITY YARD/MAINTENANCE YARD
- AMTRAK STATION
- PRIMARY ARTERIAL
- SECONDARY ROADWAY
- RTMC REGIONAL TRAFFIC MANAGEMENT CENTER
- TMC TRAFFIC MANAGEMENT CENTER (BACK-UP RTMC)
- TOC TRAFFIC OPERATIONS CENTER
- LOCAL AGENCY


 KEEPING THE COACHELLA VALLEY MOVING	APPROVED BY:	ADVANTEC Consulting Engineers	
	 JONATHAN HOY DIRECTOR OF TRANSPORTATION	DESIGNED/DRAWN BY:	DATE
		JOHN C, JONATHAN D, BRYAN E, FRANK G, TONY H, NICK P	03/10/2022
		APPROVED BY:	DATE
		JOHN A. DORADO, RCE No. 74405	03/10/2022

 Know what's below. Call before you dig.	 COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS 73-710 Fred Waring Drive Suite 200 Palm Desert, CA 92260  ERIC COWLE TRANSPORTATION PROGRAM MANAGER	 ADVANTEC Consulting Engineers Traffic + ITS + Communications + Civil + Electrical Tel: (949) 861-4999 Fax: (949) 502-5522 www.advantec-usa.com  CARLOS A. ORTIZ RCE No. 57535 DATE 03/10/2022	

REV.	DESCRIPTION	BY:	APP'VD:
REVISIONS			

ITEM 9a**2022/2023 EXECUTIVE COMMITTEE ATTENDANCE ROSTER**

CVAG JURISDICTION	JUL	AUG	SEP	OCT	NOV(Dec)	DEC	JAN	FEB	MAR	APR	MAY(JUN)	JUN
Blythe	-	-	✓	-		-	-		-			
Cathedral City	-	-	✓	-		-	-		-			
Coachella	-	-	✓	-		-	-		-			
Desert Hot Springs	-	-	✓	-		-	-		-			
Indian Wells	-	-	✓	-		-	-		-			
Indio	-	-	✓	-		-	-		-			
La Quinta	-	-	✓	-		-	-		-			
Palm Desert	-	-	✓	-		-	-		-			
Palm Springs	-	-	✓	-		-	-		-			
Rancho Mirage	-	-	✓	-		-	-		-			
Riverside County	-	-	✓	-		-	-		-			
Agua Caliente Band of Cahuilla Indians	-	-		-		-	-		-			
Cabazon Band of Mission Indians	-	-	✓	-		-	-		-			
Torres Martinez Desert Cahuilla Indians	-	-	✓	-		-	-		-			
Twenty-Nine Palms Band of Mission Indians	-	-		-		-	-		-			

Absent 
 No Meeting -
 Present ✓

ITEM 9b
COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

Regional Arterial Program - Project Status Report

11/23/2022



Project Description	Lead Agency	CVAG Funded						Status	
		PEng	ENV	PSE	ROW	CON	Through		
Interchanges									
Avenue 50 @ 86S	COA						Environmental	PA & ED underway.	
Avenue 50 @ I-10	COA						PSE	PS&E contract under way.	
Jackson @ I-10	COR						PSE	Final Env Doc approved by Caltrans. PSE underway by MBI. CVAG approved PS&E funds.	
Monroe @ I-10	COR						PSE	Final Env Doc approved by Caltrans. MBI 65% PSE submittal being reviewed. CVAG approved PSE and ROW funds.	
Jefferson @ I-10	COR						Construction	Completed	
Arterial Links									
Ave. 50 (Calhoun St. to Harrison St)	COA						Construction	PA/ED completed. PS&E under way.	
Ave. 48 (Van Buren St to Dillon Road widening)	COA						ROW	Final design and ROW underway. CVAG approved Construction funds.	
Date Palm Drive from I-10 to Varner	CC						PSE	Phase II is completed. The final design for Phase III in underway.	
North Indian Canyon Widening	COR						Construction	Completed. Closing out	
Avenue 50 (Jefferson St to Jackson St)	Indio						Environmental	City procuring consultant.	
Madison Street Widening (Highway 111 to Ave 48)	Indio						ROW	PS&E complete, City moving forwards with ROW.	
Jackson Street Widening (Ave 49 to Ave 52)	Indio						PS&E	Environmental filed on October 2021. PSE & ROW underway.	
Coachella Traffic Signal Conversion	COA						Construction	Completed	
Monterey Ave Corridor (Gerald Ford to Dinah Shore)	RM						Construction	Completed	
Ave. 48 (Jackson St. to Van Buren St.)	COA						Construction	Completed	
Bridges									
Avenue 66 Grade Separation over UPRR	COR						Construction	Awaiting final acceptance for maintenance by Caltrans.	
Avenue 44 Bridge over WWR	Indio						Construction	Enviro cleared. Plans are at 99%. Pending permits from CVWD and Caltrans to clear ROW.	
Avenue 50 Bridge over WWR	COA						PSE	PS&E underway. 35% plan set being reviewed.	
Cathedral Canyon Bridge	CC						Construction	Construction complete. Bridge grand opening celebrated October 6.	
Vista Chino Bridge over WWR	PS						PE	Project is in PE phase. Extensive negotiations with SCE for utility relocation.	
Dune Palms Bridge over WWR	LQ						Construction	City constructing project by advancing HBP funding. City awarded construction contract in Oct 2022.	
South Palm Canyon Bridge over Tahquitz Creek	PS						PSE	In final design. Plans submitted for review.	
East Palm Canyon Drive Bridge over Palm Canyon Wash	PS						PSE	In final design. Plans submitted for review.	
Indian Canyon (Garnet Incl. RR Crossing)	PS						Construction	Project is in bid process.	
Ramon Bridge Widening	PS						Construction	Continuing ROW and utility phase.	
Date Palm Bridge across WWR	CC						Construction	Completed	
Interchange Preparation Fund Projects									
Portola @ I-10	COR						ROW	PS&E completed. Caltrans agreed to shelve. Suspend until funding for ROW, utilities and construction is obtained.	
Golf Center Parkway @ I-10	Indio						PSR	PSR on hold.	
Da Vall Drive @ I-10	CC						PSR	PSR-PDS returned to Caltrans for their review.	
Dillon Road @ I-10, SR86, WWR	COA						PSR	PA&E underway.	
Regional Projects									
CV Sync - Phase 1	CVAG						Construction	Phase I Construction underway on Hwy 111, Ramon & Washington. Integration of Hardware/Software underway.	
CV Sync - Phase 2	CVAG						Construction	Construction bid to be considered by November CVAG Committees.	
Flooding and Blowsand - Phase 1	CVAG						PEng/ENV	CVAG approved Design, Engineering and Environmental funding and contract	

COR=County of Riverside; RM=Ramona; IW=Indian Wells; PD=Palm Desert; PS=Palm Springs; CC=Cathedral City; COA=Coachella LQ-La Quinta;
 PE = Preliminary Engineering; Env=Environmental; PSE=Plans, Specifications and Estimate; ROW=Right of Way; CON=Construction

ITEM 9c**COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS**

Bicycle & Pedestrian Safety Program - Project Status Report

11/23/2022



Bike & Pedestrian Safety Projects Project Description	Lead Agency	CVAG Funded			Status
		Design	CON	Through	
Palm Drive Signals and Lighting	DHS			Construction	Project completed.
Palm Canyon Intersection Pedestrian Enhancements	PS			Construction	Construction underway.
S. Palm Canyon, E. Palm Canyon Improvements	PS			Construction	Project completed.
Indian Canyon Intersection Pedestrian Enhancements	PS			Construction	Project completed.
Date Palm Sidewalk Gaps	CC			Construction	Project completed.
Calhoun Street Improvements	Indio			Construction	Project completed.
Vista Chino Signals	PS			Construction	Project completed.
Dinah Shore Mid-Block Crossing	CC			Construction	Project completed.
Palm Canyon Crosswalks	PS			Construction	Project completed.
Avenue 48 Bicycle Lanes	Indio			Construction	Project completed.

Project Description	Lead Agency	Grant			Status
		Design	App	CON	
CV Link	CVAG				Construction ongoing in multiple cities. Additional groundbreakings forthcoming.
ATP - Arts & Music Line	CVAG				Under design. CTC recommends ATP Cycle 6 funding, program adoption in Dec.
ATP - DHS CV Link Extension	DHS				Under design.
ATP - Cathedral City Downtown Connectors	CC				In ROW acquisition phase

COR-County of Riverside; RM-Rancho Mirage; IW-Indian Wells; PD-Palm Desert; PS-Palm Springs; CC-Cathedral City; COA-Coachella; LQ-La Quinta; DHS-Desert Hot Springs

ITEM 9d

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Status of I-10 Interchange Projects

Contact: Gustavo Gomez, Transportation Management Analyst (ggomez@cvag.org)

Recommendation: Information

Background: Attached is the status for Interstate 10 interchange projects as of October 2022:

Completed

- | | |
|---|--|
| 1) Indian Canyon @ I-10 (Mar '12) | 4) Monterey Avenue Ramp @ I-10 (Apr '15) |
| 2) Gene Autry/Palm Drive @ I-10 (Mar '12) | 5) Bob Hope/Ramon @ I-10 (Sep '11) |
| 3) Date Palm Drive @ I-10 (May '14) | 6) Jefferson Street @ I-10: |

Monroe @ I-10

Final environmental document approved by Caltrans. PS&E phase began April 2021 and is ongoing. ROW acquisition funding has been approved by CVAG for City of Indio. A separate item on the Committee's agenda seeks Surface Transportation Block Grant funding.

Jackson @ I-10

Environmental document was approved in September 2021. CVAG approved funding for PS&E. PS&E phase started in May 2022 and work is ongoing.

Avenue 50 @ I-10

PS&E contract underway.

Avenue 50 @ SR 86

PA&ED completed in May 2019. Funding agreement amendment for PS&E and ROW acquisition approved by Executive Committee in September 2020. PA&ED underway.

Dillon Road @ I-10 @ SR 86

PA&ED underway. Caltrans Approved Preliminary Environmental Study (PES) on July 13, 2020.

Portola @ I-10

County completed PS&E, and obtained Caltrans approval to shelve the project in April 2022. Per CVAG approval in June 2022, project being suspended.

Golf Center Parkway @ I-10

PSR on hold.

Da Vall Drive @ I-10

Intersection Control Evaluation submitted to Caltrans.

Fiscal Analysis: Funding for these projects has been budgeted through the project phase indicated and secured through various funding sources. There is no additional fiscal impact.

ITEM 9e

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: SB 535 and California Climate Investments - Tribal Designation

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Information

Background: The State of California has increasingly relied on mapping tools such as CalEnviroScreen to make determinations on what qualifies as a “disadvantaged community,” which in turn has an impact on how competitive projects are for various funding types. California’s climate investments funded through proceeds from the state’s Cap-and-Trade program are required to provide benefit to disadvantaged communities (most commonly called DACs) throughout the state. The climate investments are authorized by Assembly Bill 32, the California Global Warming Solutions Act of 2006, and Senate Bill 535 and Assembly Bill 1550 are among the ways that help identify and direct funding to DACs. However, it has been CVAG’s position that these maps don’t always reflect the socioeconomic diversity of the region. Since April 2015, the CVAG Executive Committee has authorized its chairman and the CVAG Executive Director to seek administrative or legislative changes in programs that make projects in the Coachella Valley more competitive, particularly as it pertains to the Affordable Housing and Sustainable Communities (AHSC) program.

The California Environmental Protection Agency has recently provided an update to one of those qualifications – SB 535 disadvantaged communities – and the result is that the disadvantaged communities criteria now includes lands under the control of federally recognized tribes. CVAG staff is monitoring the impact of this change, but anticipates it has the positive impact of increasing funding opportunities for Tribal Nations from the State’s climate investments portfolio. Given the number of local tribes and the land under their control in the Coachella Valley, the region should be in a better position to compete for climate investment dollars.

Specifically, SB 535 (statutes of 2012) requires that 25 percent of the cap-and-trade dollars go to projects that provide benefits to DACs, and that a minimum of 10 percent of said funds go to projects directly within DACs. It also states that DACs shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria. In 2016, AB 1550 increased the percentage of funds that must go to projects within DACs to 25 percent. Additionally, this bill required that an additional 5 percent of fund must go to projects in low-income communities anywhere in the state and that an additional 5 percent go to low-income communities withing half-mile of a DAC as designated by the California Environmental Protection Agency.

SB 535 does not define DACs but rather tells CalEPA how to identify them. To help identify DACs based on the criteria set forth in SB 535, the CalEPA and the Office of Environmental Health Hazard Assessment use the CalEnviroScreen tool. The CalEnviroScreen is a mapping tool that analyzes data on environmental, public health and socioeconomic conditions and helps to identify communities

disproportionately impacted by said criteria, which is in line with SB 535 DAC designation requirements. The CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. However, as it relates to the Coachella Valley, utilizing the CalEnviroScreen tool to determine climate investments has proven unfavorable largely because the majority of census tracts in the Coachella Valley do not fall within the top 25% highest scoring census tracts in the state most affected by various sources of pollution. Only eight census tracts in the CVAG region – located generally in the eastern Coachella Valley and Blythe – qualify in this top 25 percent. The result is that every other census tract either loses points or can't even qualify for large funding opportunities, making them. For that reason, programs that use the AB 1550 low-income designation have generally been more favorable to the Coachella Valley than those that solely rely on the SB 535 designation. CVAG has strongly advocated for increased use of AB 1550 and will continue to do so given the increased funding opportunities it provides.

During late 2021, the CalEPA, the Office of Environmental Health Hazard and Assessment and the California Air Resources Board held a couple of virtual workshops to receive input regarding SB 535 and CalEnviroScreen 4.0. The purpose of the workshops was to ensure the agencies gathered input to update the SB 535 designation to ensure communities that meet the criteria are captured in any new designation.

After workshops were conducted and public input was received, CalEPA released its SB 535 DAC designation update, which went into effect July 1, 2022. Communities qualifying as a DAC include the 25 percent highest scoring census tracts per CalEnviroScreen, including those from the CalEnviroScreen 3.0 version; areas with high amounts of pollution and low-population; and federally recognized tribes, which is the first time in the CalEnviroScreen and SB 535 updates that tribes are included as part of the DAC designation. The CalEPA has reported that data gaps related to Tribal nations has made it difficult to assess pollution burden and population characteristics in the CalEnviroScreen. As a result, Tribal nations have been effectively excluded from Cap-and-Trade related funding despite high levels of poverty, health and environmental burdens. Therefore, because Tribal lands have data gaps and face geographic, socioeconomic, public health and environmental hazards, CalEPA has determined that these factors warrant their DAC designation.

In addition, in order to fully capture all lands under the control of a federally recognized Tribe, CalEPA has established a process by which lands not reflected in the American Indian Areas Related National Geodatabase but under their control can be included in the DAC designation. A Tribe may establish that a particular area of land is under its control by submitting evidence that would provide a reasonable basis for CalEPA to make the determination. A Tribe interested in this process should contact the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations.

The California Air Resources Board is responsible for providing guidance to agencies administering California Climate Investment programs. Ultimately, the goal of the Climate Investment Programs is to reduce greenhouse gas emissions at least 40 percent below 1990 levels by 2030. The adopted FY 22-23 State Budget approved \$1.069 billion from the Greenhouse Gas Reduction Fund, which funds California's Climate Investment Programs. With the new adopted designation, Tribal nations are eligible to apply to 25 programs funded by cap-and-trade dollars (see full list here: <https://www.caclimateinvestments.ca.gov/funding-for-tribal-governments>). For example, some of the programs that may be of interest include the Affordable Housing and Sustainable Communities (AHSC), Technical Assistance, Training and Workforce Development, Transformative Climate Communities, and the Community Air Grants program to name a few. There are also other programs that are not funded by Cap-and-Trade dollars but that use the SB 535 designation, such as the Clean California Program that is administered by Caltrans and the Wildlife Corridor and Fish Passage Program, administered by the Wildlife Conservation Board.

CVAG staff and state lobbying team will monitor future efforts to modify the SB 535 designation and track funding programs that use SB 535 for determining eligibility. Also, it is important to note that although this new SB 535 designation is a positive change for the Tribes, this change does not help improve the competitiveness for the majority of Coachella Valley jurisdictions. As aforementioned, currently, only parts of the cities of Indio and Coachella are designated as a DAC under SB 535. To help improve the ability for the Coachella Valley as whole to compete for state dollars, the AB 1550 low-income designation is more favorable as that designation is income-based and, as a result, covers additional eligible areas of the Coachella Valley in comparison to SB 535.

Fiscal Analysis: There are no additional costs to CVAG for this report.

ITEM 9f

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Imperial Irrigation District's Growth and Economic Development Proposal

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Information

Background: The eastern Coachella Valley communities served by the Imperial Irrigation District have experienced significant growth as of recent years. The increased load growth and plans for future development has necessitated a discussion on how to meet increased electricity demands for the foreseeable future. Currently, the IID serves the eastern Coachella Valley electrical services via an agreement with the Coachella Valley Water District, the 1934 Compromise Agreement. Although said agreement expires in 2033, eastern Coachella Valley communities have actively engaged in discussions with IID to discuss financing options to address energy infrastructure needs to accommodate immediate and future load growth. The Coachella Valley Energy Commission, which was established to address governance and energy needs in Coachella Valley, established a Growth and Economic Development subcommittee to analyze solutions to address future growth. From these ongoing discussions, IID is considering implementing a system-wide infrastructure fee to facilitate growing demands on their system.

Identifying viable financing options to accommodate load growth has been at the forefront of the concerns for the cities of Indio, La Quinta, Coachella and the County of Riverside. Throughout this year, various approaches have been considered and preliminarily discussed. One of those options is a financing authority concept, which has been discussed among the city councils and was previously presented to the Energy & Environmental Resources Committee in June 2022. The Financing Authority concept allowed for a flexible approach in which each jurisdiction was able to set the fee at a level necessary to address their energy infrastructure needs. But some have expressed concerns that this funding mechanism would be complex to implement since cities would each have varying rates and energy needs, and energy distribution such as substations are not limited to serve only within a specific jurisdictional boundary.

Through discussions by IID's Growth and Economic Development Committee, the concept of creating a system-wide infrastructure fee based on the capital improvements project list was identified as a simpler and straightforward approach that better fit within the operational model of IID. The capital improvement projects list is based both on planned energy infrastructure improvements by IID as well as by private developers. The system-wide infrastructure fee was presented to IID's Growth and Economic Development subcommittee on November 4, 2022 and members requested input from CVAG's Energy and Environmental Resources Committee. Jamie Asbury, IID's Energy Department Manager, provided an overview at the Committee's November meeting and discuss the next steps that IID is considering in order to implement the idea.

Fiscal Analysis: There are no costs to CVAG to provide this report.

ITEM 9g

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Opportunities for Sustainable Urban Greening and Heat Mitigation Initiatives

Contact: Kenyon Potter, Director of Energy & Sustainability (kpotter@cvag.org)

Recommendation: Information

Background: Cities and communities in the Coachella Valley and throughout Southern California are experiencing more frequent, prolonged heat waves. The Desert Sun recently reported that climate change is expected to push average high temperatures in the Coachella Valley up by 8 to 14°F degrees by the end of this century based on forecasts from Cal-Adapt.¹ The upward trend is observed in both record high temperatures and more days of extreme heat. For example, Palm Springs averaged 135 extremely hot days (defined as >95°F) between the years of 1981 and 2000. By the end of the 21st century, the number of extremely hot days is projected to increase to 179 – nearly half the year.²

In the face of longer, hotter summers, there is an opportunity for coordination to enhance climate resilience, promote urban greening, and identify heat mitigation strategies. An overview of these opportunities was presented to the Energy and Environmental Resources Committee when it met on November 10. Based on Committee feedback and interest from member jurisdictions, CVAG staff in coming months will be coming forward with proposals to expand on existing urban greening initiatives, which includes a tree planting program and develop a suite of other priority heat mitigation strategies to be put into practice in the region.

CVAG staff have been participating in meetings, workshops, and conducting research on potential responses to extreme heat in order to identify how best to build community resilience across the Coachella Valley. Two examples are a recent symposium titled *Protecting Californians from Extreme Heat* and the *Lead with Trees* conference in Rancho Mirage.

One proven approach is the strategic use of shading to block direct sunlight, diminishing heat gain to buildings, sidewalks, parked vehicles, and people. Shading improves the energy efficiency of buildings and reduces heat exposure. CVAG staff will focus their efforts on those circumstances where trees and shade structures are effective for heat mitigation.

CVAG has already started assisting Coachella Valley communities develop climate action plans that include trees as a component of climate resilience. One example is the Eastern Coachella Valley's Action Plan for Climate Resilience. Funded by a Transformative Climate Communities (TCC) planning grant, this project was developed by CVAG in partnership with the City of Coachella. The

¹ Rode, E. (2022, September 28). This summer was the Coachella Valley's second hottest on record. *The Desert Sun*. <https://www.desertsun.com/story/news/2022/09/28/coachella-valley-temperatures-made-summer-second-hottest-record/10451853002/> (referencing the Cal-Adapt research results available at www.caladapt.org)

² Hopkins, F. et al. (2018). Inland Deserts Region Report. California's 4th Climate Change Assessment. https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-008_InlandDeserts_ADA.pdf

Energy and Environmental Resources Committee has also been engaged in exploring opportunities to promote urban greening and tree planting initiatives. In November 2021, a draft Urban Greening Guide, prepared by CVAG alongside CivicSpark fellow Tory Brewster, was presented to the Committee. The guide includes input from local experts on tree planting and maintenance and highlights the benefits of trees for cooling, reducing energy consumption, enhancing climate resilience, and promoting wellness. Support for urban greening initiatives is also included in CVAG's legislative platform.

Within the Coachella Valley, urban greening initiatives are already underway by CVAG member agencies. In March 2022, the Cities of La Quinta, Coachella, and Palm Springs held tree planting events in partnership with the AMPlify Urban Forest grant through CalFire. Other recent examples are Coachella's completion of an urban greening project along Grapefruit Boulevard, which included the planting of approximately 250 trees, as well as Cathedral City's 1,000 Tree Initiative.

American Forests, a non-profit conservation organization, recommends a shade canopy goal of 15% for desert areas, a target adjusted for population density to estimate a neighborhood goal. In the desert southwest, several organizations including nonprofits and municipalities are pursuing urban forest initiatives. The region can also learn from other communities that share the Coachella Valley's desert climate. For example, the City of Phoenix established a target of 25% canopy growth and is planting close to 5,000 trees per year in a concerted effort to meet this goal. Another example is the El Centro Community Services Foundation in partnership with the City of El Centro, who are leading the Imperial Valley Urban Forest (IVUF) program, with a stated goal to plant 3,000 trees in urban settings by 2023. This effort is funded by CalFire's Urban Forestry grant program. Staff is actively tracking funding opportunities through these programs.

Traditionally, urban tree counts have been based on tree inventories maintained by cities. However, such tree inventories generally undercount trees not in public spaces. To overcome this limitation, researchers at CalPoly San Luis Obispo recently employed a novel tree detection tool that uses artificial intelligence (AI) techniques to scan aerial images with the goal to improving tree inventories. Below is the count of urban trees detected by using this tool for Coachella and Palo Verde Valleys:

City or Community	Number of Detected Trees	City Area (sq. miles)	Trees (per sq mile)
Blythe	13,794	27.37	504
Cathedral City	58,727	22.75	2,851
Coachella	24,724	30.08	822
Desert Hot Springs	21,917	30.66	715
Indian Wells	44,577	14.59	3,055
Indio	101,665	33.23	3,059
La Quinta	122,742	35.68	3,440
Mecca	4,008	6.96	576
Palm Desert	127,083	27.02	4,703
Palm Springs	117,301	94.68	1,239
Rancho Mirage	85,265	25.74	3,312
Thermal	582	9.50	61
Thousand Palms	14,240	23.60	603

Staff has also identified a resource available online called California Urban Forestry Inventory created by CalPoly and funded in large part by CalFire which aggregates tree inventory information and shows the mix of trees in the Coachella Valley (see attachments).

One may wonder why there is such a focus on trees. In short, trees provide numerous community benefits. They provide shade from direct sunlight, lower surface temperatures of shaded asphalt

and concrete by as much as 60 °F and air temperatures by as much as 10 degrees in their immediate vicinity. They also help reduce the risk of heat-related illnesses and improve livability and mental wellness. Trees clean the air by capturing particulate matter on their leaves and bark, and by absorbing pollutants such as nitrogen oxides, ammonia, sulfur dioxide, and ozone. Trees also add beauty to their surroundings by injecting color and softening the harsh lines of city buildings. Finally, planting and maintaining trees requires workers, which is good for the economy.

However, not all trees are equal, with varying water requirements and potential to provide shade due to differing canopy size. The benefits of trees are enhanced when they are carefully selected to be drought tolerant, water efficient, and are properly maintained. As local and regional governments look for ways to cool urban heat islands and reduce carbon emissions, greater emphasis is being placed on trees that provide the most shade. While palms are the most prevalent tree in the Coachella Valley, they offer little shade or relief to an urban heat island and captures a very small amount of carbon. To further emphasize this point, Figures 1 and 2 show a comparison of the shading offered by a shade tree compared to a palm tree.

Fig. 1: Shaded Area (top view):

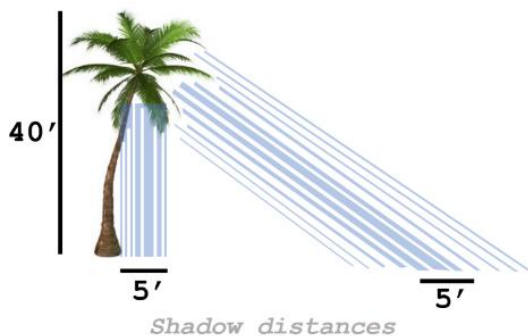


Palm Tree
up to 100 square feet

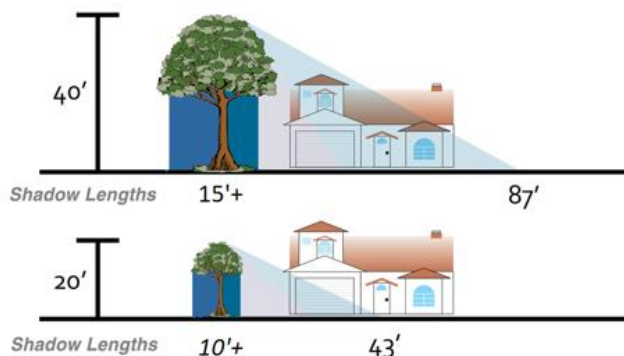


Shade Tree
300+ square feet

Fig. 2: Shaded Area (side view):



Palm tree



Shade Tree

One opportunity CVAG staff is exploring is to engage with local water agencies to expand on existing turf replacement programs to incentivize the planting of more trees. Because trees bestow additional benefits, these programs could encourage planting shade trees. Staff has initiated discussions with local water agencies on potential collaborative partnerships to provide free or low-cost shade trees.

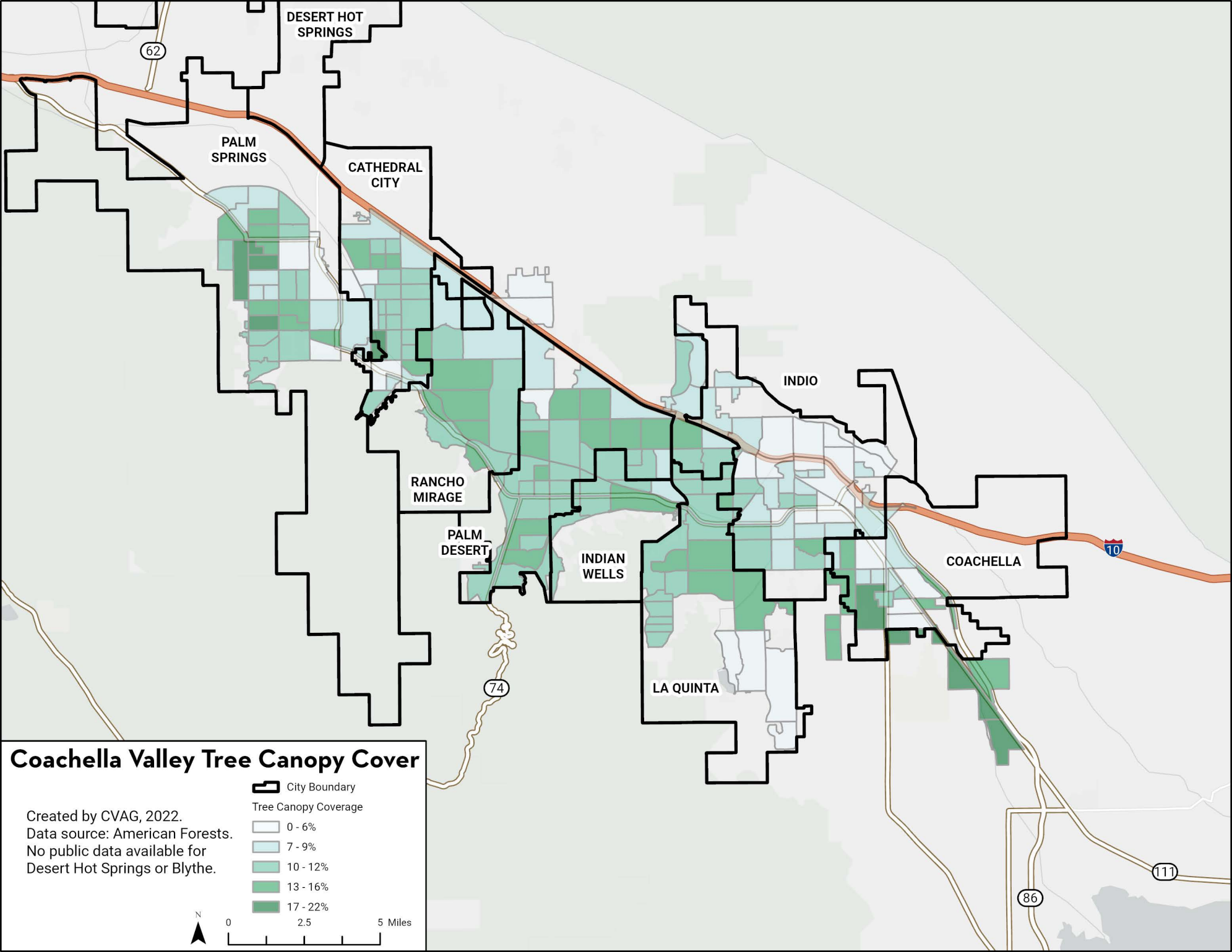
Staff will continue tracking funding opportunities, as well as coordinate planning efforts for such initiatives in the Coachella and Palo Verde Valleys. This will include working with member agencies

and other partners to determine their urban greening needs and establishing a realistic goal for a tree planting initiative to increase tree canopy coverage.

Fiscal Analysis: There is no cost to CVAG for this update. CVAG staff will pursue grant funding opportunities to cover costs of any such initiative not already covered by existing programs.


Attachments:

1. American Forests: Coachella Valley Tree Canopy Coverage
2. Comparison of Trees by Shade, Water Use and other Key Parameters









Coachella Valley Tree Canopy Cover

Created by CVAG, 2022.
Data source: American Forests.
No public data available for
Desert Hot Springs or Blythe.








 City Boundary

Tree Canopy Coverage

-  0 - 6%
-  7 - 9%
-  10 - 12%
-  13 - 16%
-  17 - 22%

 N

0 2.5 5 Miles

	Tree Species						
Parameter	Queen Palm (<i>Syagrus romanzoffiana</i>)	Mexican Fan Palm (<i>Washingtonia robusta</i>)	California Fan Palm (<i>Washingtonia filifera</i>)	Blue Palo Verde (<i>Parkinsonia florida</i>)	Jacaranda (<i>Jacaranda mimosifolia</i>)	Honey Mesquite (<i>Prosopis glandulosa</i> v. <i>torreyana</i>)	Desert Ironwood (<i>Olneya tesota</i>)
							
Water Consumption Per Tree (Avg GPD)	20	20	20	10 - 15	5-10	15-20	10 - 12
Shade from Tree Canopy (sq ft)	10- 25	20 - 60	40 - 100	160 - 280	150- 250	282 - 636	150 - 400
Average Shade from Tree Canopy (sq ft)	9	28	49	220	200	398	275
Ratio of Shade to Water Consumption	0.4	1.4	2.5	14.6	20.0	19.9	22.9
Plant Crown Cover	Open	Partially open	Partially open	Denser canopy with irrigation	Medium canopy	Medium canopy	Light to medium canopy
Lifespan (Yrs)	70-100	~100	80 - 250	<150	50-200	50 - 100	50 - 150
Lifetime Carbon Sequestration (Lbs CO2)		489	480	20000	7500	10000	7500
Maintenance	Difficult due to climbing	Yes	Yes	Low (once established)	Medium	Low	Low

ITEM 9h

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Update on Property Assessed Clean Energy (PACE) Program

Contact: Elizabeth Barnwell, Management Analyst (ebarnwell@cvag.org)

Recommendation: Information

Background: Property Assessed Clean Energy (PACE) programs provide financing to property owners to implement energy saving, renewable energy, water conservation, and seismic strengthening improvements to their homes and businesses, with little or no money out of pocket. Financing for these improvements is paid back through a lien placed on the property and collected through the annual tax bill.

CVAG staff provides a periodic update on the PACE program to the Executive and Energy & Environmental Resources Committees. The attached report details the PACE activity through October 2022.

The Energy & Environmental Resources Committee was informed in September that CVAG staff was notified that Ygrene Energy Fund (Ygrene) stopped accepting new residential PACE originations as of August 15, 2022. Ygrene also notified CVAG that it will continue to accept new commercial applications as well as service existing residential and commercial accounts. At that meeting, a Committee member asked about the potential ramifications of this decision. CVAG staff has recently learned from Ygrene that a different provider is stepping in to fill the gap. CVAG has since started coordinating with the provider, Home Run Financing (Home Run), which is an existing PACE provider doing business in Coachella Valley and is now replacing Ygrene for new residential accounts.

CVAG will continue to monitor and report on the status of the PACE residential and commercial PACE providers that operate in CVAG's member jurisdictions.

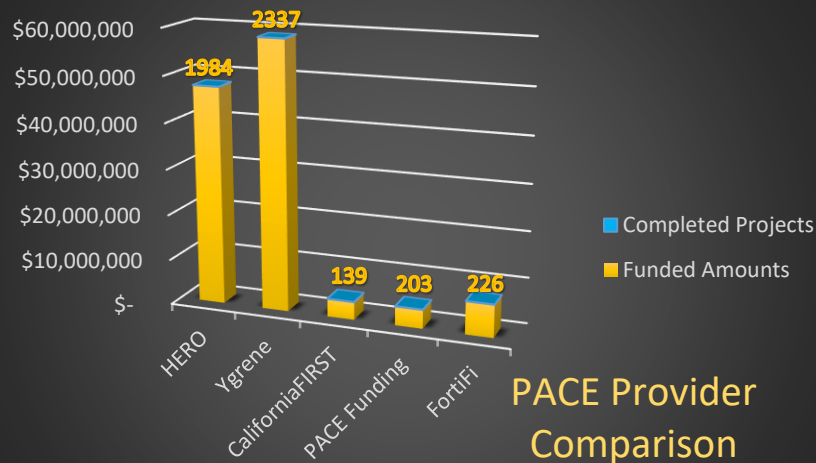
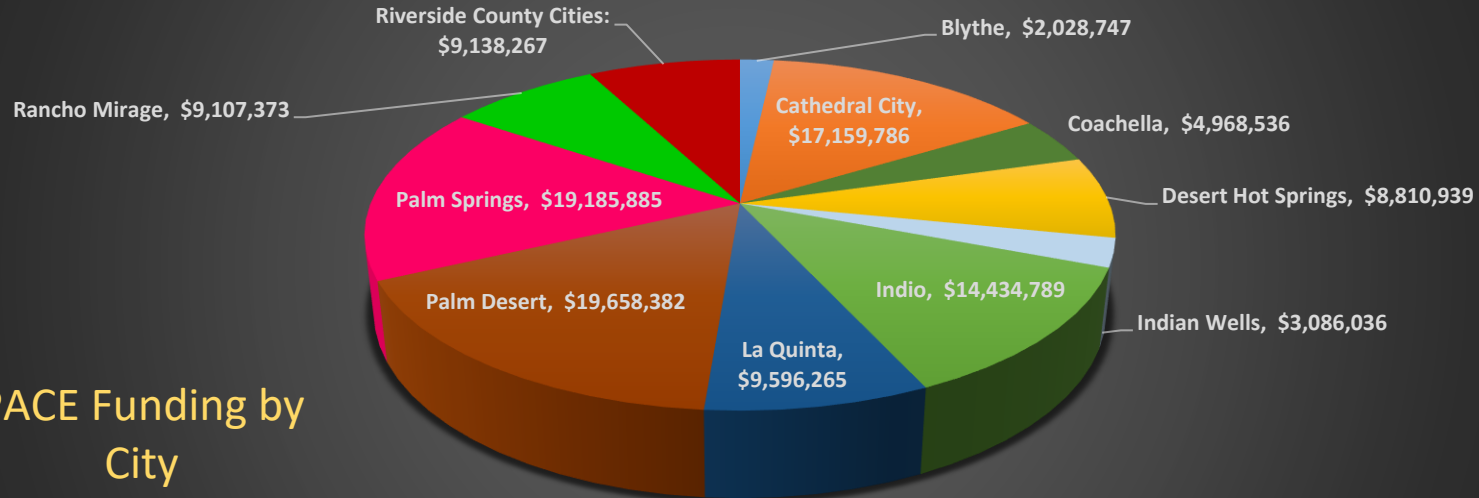
Fiscal Analysis: There is no cost associated with this update. CVAG's staff time spent on these programs is recovered by a participation fee collected from each provider.

Attachment:

PACE Report for Activities through October 2022

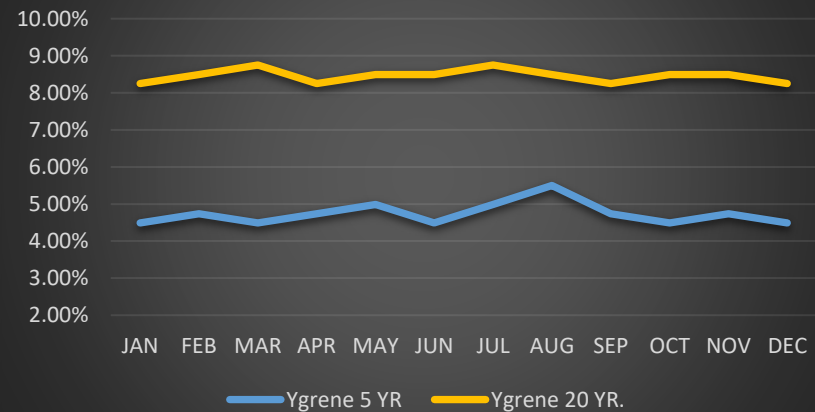
CVAG PACE REPORT

PACE Funding by City



PACE Provider Comparison

PACE Interest Rates



CARS REMOVED FROM ROAD: 41848

Other PACE providers have interest rate ranges from 5.99%-10.98%

JOBS CREATED: 1065

Updated for October 31, 2022

ITEM 9i

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Used Oil Recycling Program Event Schedule for 2023

Contact: Elizabeth Barnwell, Management Analyst (ebarnwell@cvag.org)

Recommendation: Information

Background: CVAG annually applies for funding from the California Department of Resources Recycling and Recovery (CalRecycle) for the Used Oil Recycling Program. The program is run in partnership with local auto parts stores and participating cities, allowing people to safely dispose of used oil and used oil filters. Motor oil poured onto the ground, into storm drains, or tossed into trash cans (even in a sealed container) can contaminate and pollute the soil, groundwater, streams, and rivers. It's also illegal. In exchange for recycling, the participants get a new filter for free. In June 2022, the CVAG Executive Committee adopted Resolution 2022-04, authorizing CVAG to act as lead applicant for funding from CalRecycle for the Used Oil Recycling Program; and authorized a contract with HF&H Consulting to continue the program through June 2023.

The recycling events are held at Auto Zone locations across the Coachella Valley and in the City of Blythe. Radio media spots and social media posts are used to promote these events. A drawing contest on the theme of oil recycling is held for kindergarten through fifth grade students, with the winning artist receiving a bicycle donated for the contest.

The following are the 2023 used oil recycling events, which were coordinated with member jurisdictions:

- February 25, 2023 – 73605 Highway 111 in Palm Desert
- March 25, 2023 – 812 E. Hobson Way in Blythe
- May 6, 2023 – 1717 E. Vista Chino Drive in Palm Springs
- May 13, 2023– 78792 Highway 111 in La Quinta
- May 20, 2023 – 50-700 Harrison Street in Coachella
- June 3, 2023 – 12660 Palm Drive in Desert Hot Springs
- June 10, 2023 – 32375 Date Palm Drive in Cathedral City

These events are also coordinated with the Southern California Mountains Foundation, with whom CVAG has a contract for its tire recycling program.

Fiscal Analysis: There is no cost associated with this update. Consulting costs for hosting events and CVAG's staff time spent on this program is covered through an annual grant awarded by CalRecycle.

Attachments: Poster Contest Flyer



CALLING ALL LITTLE ARTISTS!

Help the Coachella Valley Association of Governments **GET THE WORD OUT** on Used Oil Recycling!

CONTEST RULES

All entries are due no later than December 2, 2022.

For all questions, please contact Liz Barnwell by email at ebarnwell@cvag.org or call (760) 346-1127.

Note: Student submissions shall be treated as being free of restrictions and limitations on their use, reproduction, and publication.

Eligibility

- Artists in grades K-5.

Judging

- Drawings should relate to Used Oil Recycling and will be judged on originality, content, and creativity.
- Don't forget to fill in the Artist Information box below.**
- Drawings containing explicit, inappropriate, or violent subjects will automatically be disqualified.

Requirements

- Art must be submitted on template provided.
- Computer generated art will not be accepted.

Awards and Exhibits

The top three will be selected for prizes and displayed in local newspapers; one of the three will be featured as the design for the Coachella Valley Association of Governments' 2023 Used Oil & Filter Exchange Event promotion campaign.



DID YOU KNOW?

- Plants and flowers can't grow when there's oil in the dirt.
- Fish can't swim when there's oil in the water.
- Used motor oil can be cleaned, recycled, and used again and again!
- You can recycle your used oil and oil filters at a Certified Collection Center.



REGLAS DEL CONCURSO

La fecha límite para inscribirse al concurso es el 2de diciembre, 2022.

Si tiene preguntas, favor de comunicarse con Liz Barnwell al correo electrónico ebarnwell@cvag.org o llame al (760) 346-1127.

Aviso: La presentación del estudiante deberá estar libre de restricciones y limitaciones sobre su uso, reproducción y publicación.

Elegibilidad

- Artistas en grados K-5.

Selección del Ganador

- Los dibujos deberán relacionarse al reciclaje de aceite usado y serán juzgados por su originalidad, contenido y creatividad.
- No se le olvide llenar la información del artista en la caja indicada más abajo.
- Dibujos con contenido explícito, inapropiado o violento serán automáticamente descalificados.

Requisitos

- El arte deberá entregarse en el patrón (o plantilla) proveído.
- Arte generado por computadora no será aceptado.

Premios y Exposiciones

Tres serán seleccionados para recibir premios y serán mostrados en los periódicos locales; uno de los tres se presentará como el diseño para la campaña de promoción en el Evento de Intercambio de Aceite y Filtro Usado 2023 del Coachella Valley Association of Governments.

Return completed form by December 2, 2022. Please submit all drawings via mail to:
Liz Barnwell, 73710 Fred Waring Dr #200, Palm Desert, CA 92260 or scan and send via email to ebarnwell@cvag.org.

Por favor devuelva el formulario completado en 2 de diciembre. Por favor envíe todos los dibujos a través de un correo a:

Liz Barnwell, 73710 Fred Waring Dr #200, Palm Desert, CA 92260 o escanee y envíe por correo electrónico a ebarnwell@cvag.org.

Artist Information (La información sobre el artista)

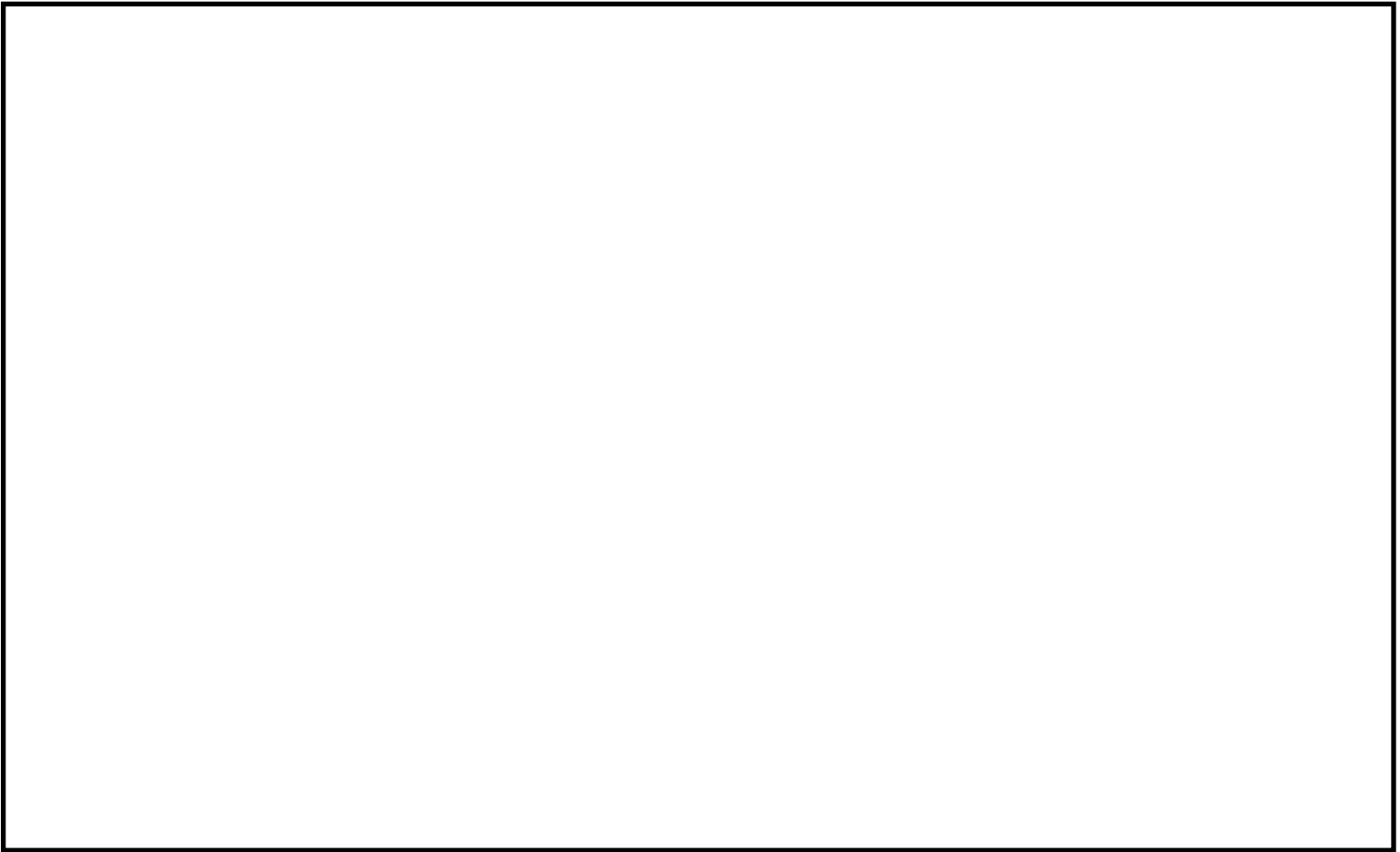
Name (Nombre): _____ Birthday (Fecha de Nacimiento): _____

Address (Dirección): _____

Zip Code (Código postal): _____ Phone Number (Número de Teléfono): _____

School (Escuela): _____ Teacher (Tu profesor): _____

USED OIL & OIL FILTER RECYCLING EVENT



Draw a picture **above** showing how recycling used oil and oil filters helps Planet Earth!

¡Dibuje una imagen que muestra cómo el reciclaje de aceite usado y filtros de aceite ayuda al planeta tierra!

2023 Upcoming Used Oil and Oil Filter Recycling Events (*Eventos Para Reciclar Filtros y Aceite*)

Bring in a used oil filter and used oil and receive a new one for free! Limit (2) filters per household.

¡Traiga un filtro de aceite usado y use aceite y reciba uno nuevo para libre! Límite (2) filtros por hogar.

2023 Event Dates and Locations (*Fechas y lugares de eventos*):

- ◆ Sat., February 25 AutoZone, 73605 Highway 111, Palm Desert, 9am to 12pm
- ◆ Sat., March 25: AutoZone, 812 East Hobson Way, Blythe, 9am to 12pm
- ◆ Sat., May 6: AutoZone, 1717 E Vista Chino Drive, Palm Springs, 9am to 12pm
- ◆ Sat., May 13: AutoZone, 78792 Highway 111, La Quinta, 9am to 12pm
- ◆ Sat., May 20: AutoZone, 50-700 Harrison Street, Coachella, 9am to 12pm
- ◆ Sat., June 3: AutoZone, 12660 Palm Drive, Desert Hot Springs, 9am to 12pm
- ◆ Sun., June 10: AutoZone, 32375 Date Palm Drive, Cathedral City, 9am to 12pm



Visit www.CVAG.org for full 2023 schedule and additional recycling events. (Visite www.CVAG.org para ver el calendario completo de 2023 y eventos de reciclaje adicionales.)

ITEM 9j

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Waste Tire Amnesty Cycle 5 (TA5) Final Report

Contact: Elizabeth Barnwell, Management Analyst (ebarnwell@cvag.org)

Recommendation: Information

Background: The Coachella Valley has a long history of cooperation and regional collaboration to address solid waste recycling and source reduction. Unfortunately, desert areas are extremely susceptible to illegal dumping. Illegal disposal of waste tires is a significant problem in some of our communities, with dump sites ranging from piles of tires to tires scattered on vacant lots in neighborhoods and in community open space areas. CVAG collaborates with member jurisdictions to mitigate illegal dumping, which includes reducing dumping by implementing a waste tire amnesty program.

Through a contract with the Southern California Mountains Foundation (SCMF), a series of Waste Tire Amnesty events are hosted in the City of Blythe and in cities across the Coachella Valley to collect waste tires and to promote education and outreach to the public about the proper disposal and recycling of waste tires. The Waste Tire Amnesty program has the following goals:

- To reduce the illegal dumping of waste tires by providing a safe, convenient, and legal means of disposal;
- To emphasize the benefits of collection and recycling of waste tires to clean up and beautify the community and promote an ethic of environmental responsibility;
- To encourage recycling and reuse of waste tires and promote sustainable use of resources;
- To reduce the volume of tires ending up in landfills; and
- To provide education and improve quality of life for residents of the Coachella Valley and City of Blythe.

The TA5 Progress Reports attached describe how the region was instrumental in preventing the illegal dumping of 648 waste tires, equating to 6.48 tons, through a total of 12 events held throughout the valley between March 2021 and December 2021.

Waste Tire Amnesty Cycle 6 (TA6) runs September 30, 2022 through October 31, 2023, which is covered through a \$50,000 grant to conduct TA6 events. The event schedule is still being finalized.

Fiscal Analysis: There is no cost associated with this update. CVAG's staff time spent on this program is recovered by a grant awarded through CalRecycle.

Attachments: Final Report for Waste Tire Amnesty Cycle 5 (TA5)

Local Government Waste Tire Amnesty Grant Program Payment Request Checklist and Final Report

This is a "dual-purpose" form:

- Checklist (page 1) – providing payment request guidance
- Final Report (page 2) – required for final payment request

Instructions: Upload completed form to the GMS "Reports Tab".

Final Payment Request Checklist

Date: 9/29/2022

Grantee Name: Coachella Valley Association of Governments

Grant Number TA: 5

Notice to Proceed date: 10/29/2019 (costs incurred prior to this date are ineligible)

Grant Payment Request (General Grant Forms - [CalRecycle 87](#))

- ☒ Box 6 check "Final."
- ☒ Box 7 is the total amount of expenditures being claimed.
- ☒ Box 14 contains e-signature (digital) of person authorized in Resolution or Letter of Designation.

Expenditure Itemization Summary (Tire Amnesty Grant Forms - [CalRecycle 755](#))

itemize all expenses since the last payment request.

- ☒ Contains sufficient detail to match each entry to an invoice.
- ☒ The form should reflect the same line-items on the 'Budget' form.

Supporting Documentation Use highlighting and/or notes to indicate applicable information on each document for clarity.

- ☐ Personnel Expenditure Summary, (General Grant Forms - [CalRecycle 165](#) or similar) if personnel hours claimed.
- ☒ Cost and Payment Documentation is needed for all expenditures; reference the "Procedures and Requirements resource document for details. Each line-item listed on the [CalRecycle 755](#) will require documentation showing the cost and "proof" that the item has been paid. (Invoices, Receipts or Copies of paid checks are common examples)
- ☐ Copies of all public education/advertising artwork (not previously submitted for approval) funded by the Grant.
- ☐ Waste Tire manifests, if applicable.

Reliable Contractor Form (General Grant Forms - [CalRecycle 168](#))

- ☐ Reliable Contractor Declaration – Ensure this form has been completed for all contractors and submitted in GMS – Reports tab.

Final Report

☒ Grantee agrees with the following disclaimer:

"The statements and conclusions of this report are those of the Grantee and not necessarily those of the Department of Resources Recycling and Recovery, its employees, or the State of California. The State makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text."

This form should reflect work since receipt of the Notice to Proceed to the end of the grant term.

Total number of tires or passenger tire equivalent" (PTE) collected during the grant term:

648

Provide information regarding the success of the grant program in reducing the number of illegally disposed waste tires.

6.48 tons of waste tires were collected as the result of 10 events held during the reporting period, meaning 648 waste tires were prevented from being illegally dumped in Coachella Valley.

Describe any findings or recommendations that you feel could improve the Tire Amnesty Program.


Signature (does not have to be signatory)

10-3-22
Date



Southern California Mountains Foundation (SCMF)

Waste Tire Recycling Program

In Partnership with the Coachella Valley Association of Governments

Progress Report Performance Period

1/15/2020 - 4/26/2021

Project Summary:

The Southern California Mountains Foundation (SCMF) in collaboration with the Coachella Valley Association of Governments (CVAG) will coordinate and execute Waste Tire Recycling Amnesty Events, market events throughout the Coachella Valley, provide program monitoring and tracking for all waste tire recycling events and provide meeting support as requested.

Accomplishment:

- Created and completed 2 Tire Amnesty Events where we invited the public to bring their tires for proper disposal (See flyers)
- Obtained commitment from 37 local tire shops to advertise our amnesty event
- Created 4 flyers both in english and spanish to distribute, 2 flyers per event .
- Visited 37 local tire shops to educate them about tire disposal and to educate them on how to encourage their customers to properly dispose of tires and attend our amnesty events
- Held 2 amnesty events in which we collected 61 tires in the first event and 43 in our second for a total of 104 tires recycled.
- Had a total of 15 participants in the amnesty events
- Prior to events contacted tire shops to remind them about our amnesty tire event
- Provided Spanish Speaking staff during the educational portion of the program and also during both tire pick up events.



Tire Event April 17th 2021



Tire Event March 27th, 2021

Promotional materials created & distributed:

COACHELLA VALLEY TIRE PROGRAM

TIRE AMNESTY EVENT

COME AND DROP OFF YOUR
USED TIRES FOR FREE!

*Saturday,
April 17th, 2021*

8:00am to 12:00pm

*Urban Conservation Corps
45630 Citrus Ave, Suite B
Indio, CA 92201*

For more information call: (760) 346-1127 or (760) 342-1502



A program of Coachella Valley Association of Governments. Funded by a grant from the California Department of Resources and Recovery (CalRecycle).

COACHELLA VALLEY TIRE PROGRAM
**EVENTO DE RECOLECCIÓN
DE LLANTAS**

**VENGAN Y DEJEN SUS
LLANTAS USADAS GRATIS!**

***Sábado
27 de Marzo, 2021***

8:00am - 12:00pm

***La Asamblea de Dios de
Indio
46923 Calhoun St
Indio, CA 92201***

Para más información llame: (760) 346-1127 o (760) 342-1502



Un programa de La Asociación de Gobiernos del Valle de Coachella. Fundado por Departamento de Reciclaje y Recuperación de Recursos de California.

JOIN US FOR OUR TIRE AMNESTY DAY EVENTS

CVAG, CalRecycle, and the Southern California Mountains Foundation will be bringing you 6-7 tire recycling events

Limitations:

- Tires must be removed from the rim.
- No semi-truck or semi-trailer tires accepted.
- No agricultural tractor or construction equipment tires accepted.
- No tires accepted from businesses or non-profit organizations.

COVID-19 Protocols will be in effect.

Masks will be required.

FOR MORE INFORMATION



Visit us at
<https://mountainsfoundation.org/programs/urban-conservation-corps/>

Call us at
CVAG (760) 346-1127 or SCMF (760) 342-1502



A program of Coachella Valley Association of Governments.
Funded by a grant from the California Department of Resources and Recovery (CalRecycle).

COACHELLA VALLEY TIRE PROGRAM

"MAKING A DIFFERENCE
ONE TIRE AT A TIME"

URBAN CONSERVATION CORPS OF
THE INLAND EMPIRE
45630 CITRUS AVE, SUITE B
INDIO, CA 92201

DID YOU KNOW?

1. Around 11% of old tires are thrown away in landfills
2. An estimated 250,000 used tires have been illegally dumped in California
3. Only 40% of tires were recycled in 2018.

ENVIRONMENTAL EFFECTS

What happens to the environment if you improperly dispose of used tires?

Leaching

Used tires contain heavy metals and chemicals that can leak into the environment as they disintegrate. The chemicals released tend to be cancerous

Water Pollution

The leaching of these chemicals can also contaminate our water sources

Fire Risk

When tires are discarded in areas with warmer temperatures, they become a fire risk. If they catch on fire, they will be difficult to deal with and extinguish

Pest Threat

Tires can become breeding grounds for mosquitos and other pests if water accumulates in them

These are public health and environmental concerns that should be taken seriously.

HELP COACHELLA VALLEY STAY CLEAN AND HEALTHY

If you properly dispose of and recycle your used tires, it can have many benefits

Proper Disposal of Tires

Make sure used tires are properly disposed of.

1. Use a waste tire hauler
2. Call your local solid waste transfer station and ask if they accept tires
3. Take your used tires to a tire collection event near you

What do recycled tires look like?

Once these tires are received, they will be recycled into

- Rubber mulch for gardens
- Flooring for playgrounds
- Rubberized pavements
- Barriers for collision reduction
- Retreaded to be used again





Southern California Mountains Foundation

In Partnership with the Coachella Valley Association of Governments

Waste Tire Recycling Program

**Progress Performance Period
04/27/21 – 12/26/21**

Project Summary:

The Southern California Mountains Foundation (SCMF) Urban Conservation Corps of the Inland Empire (UCCIE) in collaboration with the Coachella Valley Association of Governments (CVAG) will coordinate and execute Waste Tire Recycling Amnesty Events, market events throughout the Coachella Valley, provide program monitoring and tracking for all waste tire recycling events and provide meeting support as requested.

Waste Tire Recycling Program Accomplishments:

The UCCIE completed 10 Tire Amnesty Events during the reporting period. The events were held on: 6/5/21, 8/21/21, 8/28/21, 9/18/21, 10/16/21, 10/20/21, 11/13/21, 11/20/21, 12/11/21, and 12/18/22. Event flyers in English and Spanish were created and distributed to advertise the events, where we invited the public to bring their waste tires for proper disposal. We also contacted 26 local tire shops to educate staff on proper disposal of waste tires and how to encourage their customers to properly dispose of tires. These shops also agreed to advertise our tire amnesty events. During the reporting period UCCIE was able to collect and properly recycle 6.48 tons of tires.





COACHELLA VALLEY TIRE PROGRAM

TIRE AMNESTY EVENT

COME AND DROP OFF YOUR
USED TIRES FOR FREE!

**Saturday,
September 18th,
2021**

8:00am to 12:00pm

**Urban Conservation Corps
45630 Citrus Ave, Suite B
Indio, CA 92201**

For more information call: (760) 342-1502






A program of Coachella Valley Association of Governments. Funded by a grant from the California Department of Resources and Recovery (CalRecycle).

COACHELLA VALLEY TIRE PROGRAM

EVENTO DE RECOLECCIÓN DE LLANTAS

VENGAN Y DEJEN SUS
LLANTAS USADAS GRATIS!

**Sábado
18 de Septiembre,
2021**

8:00am - 12:00pm

**Urban Conservation Corps
45630 Citrus Ave, Suite B
Indio, CA 92201**

Para más información llame: (760) 342-1502






Un programa de La Asociación de Gobiernos del Valle de Coachella. Fundado por Departamento de Reciclaje y Recuperación de Recursos de California.

ITEM 9k

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Recent News Coverage of the Salton Sea

Contact: Erica Felci, Assistant Executive Director (efelci@cvag.org)

Recommendation: Information

Background: The Executive and Energy & Environmental Resources Committees regularly receive updates on the reduced water inflows to the Salton Sea and the associated public health and environmental impacts that have been a concern and priority for the Coachella Valley. As noted in previous reports, a major contributor to declining water levels at the sea is due to the Quantification Settlement Agreement (QSA), a water transfer agreement signed in 2003 between the United States, the State of California, Imperial Irrigation District, Coachella Valley Water District, Metropolitan Water District of Southern California and San Diego County Water Authority. The agreement was designed to secure reliable water supply for future generations of Californians.

Although the QSA has allowed for more efficient use of Colorado River water and has helped ensure the availability of this water supply, the environmental and public health issues have been challenging.

In recent months, significant news coverage has been devoted to providing updates on the Salton Sea. Attached are some of the news stories published by The Desert Sun to provide in-depth analysis and updates, including importation challenges, a pilot desalination project and discussion of "Lithium Valley."

Fiscal Analysis: There is no cost to CVAG for this update.

Attachments:

1. "Salton Sea Independent Review Panel recommends against importing water to shrinking lake," published September 29
2. "One company is eyeing the Salton Sea as the future 'water capital of the Western world,'" published October 2
3. "State panel debates 'Lithium Valley' boundaries, possible health risks of industry," published October 3

NEWS

Salton Sea Independent Review Panel recommends against importing water to shrinking lake



Erin Rode

Palm Springs Desert Sun

Published 10:04 p.m. PT Sept. 29, 2022 | Updated 6:22 a.m. PT Oct. 1, 2022

An independent review panel convened to evaluate water importation concepts for the shrinking Salton Sea is advising against water importation plans, instead recommending a combination of desalination and water from the Imperial Irrigation District.

The state-appointed Salton Sea Independent Review Panel was established in October 2021 to evaluate 18 water importation concepts submitted in response to two Requests for Information issued in 2018 and 2021. The panel was specifically tasked with taking a “long-term” perspective for resolving longstanding public health issues caused by receding shorelines at California’s largest lake.

Thirteen water importation concepts passed an initial screening, and three passed a “fatal flaw” review in July — all of which involved importing water from the Sea of Cortez, which lies between Baja California and mainland Mexico.

But in its fourth and final report issued Thursday, the panel ultimately did not recommend importing water from the Sea of Cortez to address long-term problems at the Salton Sea.

“The Sea of Cortez Import Concept was rejected by the Panel based on its high cost, environmental damage, minimal benefits to Mexico beyond construction and operations jobs, and potential that benefits would not be realized,” states the summary report, released late Thursday.

Instead, the panel recommends building a large desalination plant near the Salton Sea, then removing 200,000 acre-feet of salty water from the sea each year for desalination. After desalination, 100,000 acre-feet of pure water would be returned to the sea each year. The other 100,000 acre-feet would be the salty waste product that results from the desalination process.

To replace that lost 100,000 acre-feet, the panel recommends a program that would compensate Imperial Irrigation District farmers for fallowing their land, with the saved water flowing into the Salton Sea.

Several people criticized this recommendation during a public Zoom meeting held Friday night for the panel to discuss its findings. Critics questioned whether such a fallowing program was feasible, given the ongoing drought and the fact that federal officials say the seven states that rely on the Colorado River need to reduce their Colorado River water use by 2 million to 4 million acre-feet next year.

One acre-foot equals about 326,000 gallons, or enough water to serve one to two households per year.

“We will review the report, and discuss it with our board of directors and our general manager,” said Imperial Irrigation District spokesperson Antonio Ortega, who declined to provide further comment to The Desert Sun on Friday.

Imperial Irrigation District holds among the oldest and largest Colorado River water rights, and as of earlier this month was considering the idea of cutting back by 250,000 acre-feet per year through 2026, although negotiations are ongoing.

The seven-member independent Salton Sea panel is coordinated by UC Santa Cruz and chaired by Rominder Suri, a Temple University civil and environmental engineering professor who specializes in water, environment and technology.

The final summary report was released alongside a feasibility report that evaluated the technical, economic, and social and political challenges of importing water from the Sea of Cortez and of two additional approaches.

The summary report states that the panel “identified two additional approaches to importation” during its process, and subjected them to the same feasibility analysis. One of these two new approaches is the concept of desalination in conjunction with water from

the Imperial Irrigation District.

The panel ultimately arrived at three conclusions:

First, that there are "workable approaches" to minimizing the dust stemming from the exposed playa, or shoreline, beyond just flooding the basin with additional water.

Second, that managing salt through desalination will be a central component of long-term management of the sea, and that the region's existing rail system can be used to dispose of salt removed from the sea.

And third, that "it is not necessary to refill the Salton Sea to its mid/late 20th-century volume. A lower-volume sea can also achieve today's environmental, air quality, and economic goals for the region. This conclusion led the Panel to reframe the role of imported water."

The "Colorado River Voluntary Transfer Concept" now being recommended by the panel was one of the two late-stage submittals the panel analyzed. The concept is based on a voluntary fallowing program operated by IID from 2003 to 2017, and would involve offering Imperial County farmers the opportunity to forgo planting their fields in exchange for cash payments, producing "net additional imports" of 100,000 acre-feet per year, enough to offset the water lost from brine production at the desalination facility.

The panel also recommends "kick-starting" the Salton Sea's recovery with one-time flows of between 100,000 and 200,000 acre-feet of water per year to slow the sea's growing salinity levels.

Panel doesn't recommend Sea of Cortez water

The Sea of Cortez concept would also involve desalination. The primary components of that plan involve desalinating water at the Sea of Cortez, installing pipelines to transport that water to the Salton Sea, and also desalinating water at the Salton Sea to further reduce salinity.

After starting with 18 potential water importation concepts, the panel is ultimately recommending none of them. This drew criticism on Friday, with Kerry Morrison, founder and executive director of EcoMedia Compass, asking the panel, "Why did you make your own proposals instead of moving forward with recommendations on the three that passed your feasibility analysis?"

In response, Brent Haddad, the panel's principal investigator, emphasized that the panel came to the conclusion that "the focus should be on removing salt from the Salton Sea, and you don't have to refill the Salton Sea to its late 20th-century level to get the benefits that a lower-salt Salton Sea will give."

Lower salinity would make the sea more habitable for wildlife including fish and birds, potentially improving the tourist economy near the lake and reducing negative health effects from massive fish die-offs and other issues.

The Salton Sea sits below sea level, and its elevation is currently around -232 feet, according to the Salton Sea Authority. The panel estimates that the sea would have an elevation of -258 feet by 2078 under its recommended plan, compared with an elevation of -233 or -239 with water imported from the Sea of Cortez.

The panel says its recommended option would be cheaper and could be implemented much sooner than water importation from the Sea of Cortez. The panel estimates that the Colorado River Voluntary Transfer Concept would have an initial cost of \$17 million, compared to \$65 billion to \$78 billion for a Sea of Cortez import project. After these initial costs, the two Sea of Cortez importation scenarios the panel considered would cost anywhere between \$305 million to \$3.8 billion per year for operation and maintenance, while the Colorado River Voluntary Transfer Concept would have annual costs between \$22.7 million and \$2.5 billion.

"Achieving the benefits of Salton Sea restoration without refilling the sea to its 20th-century volume will avoid environmental damage and save California billions of dollars," Haddad said.

'A smaller sea and a larger playa'

The Salton Sea, which is roughly twice as salty as the ocean, covers about 325 square miles, almost twice the surface area of Lake Tahoe, but it is rapidly shrinking. Since 2003, the sea's elevation has dropped by about 10 feet and its surface area has shrunk by about 38 square miles, according to the Water Education Foundation, an education and outreach organization.

For more than a century, the Salton Sea was sustained by irrigation runoff from the Imperial and Coachella Valleys and local rivers. Over time, farm-to-city water transfers meant more water headed to San Diego County and the Coachella Valley — and less flowed into the Salton Sea.

The panel envisions a future Salton Sea not with more water, but with the same amount of water but less salt, in addition to dust suppression efforts along the playa.

“The Panel is optimistic that the future of the Salton Sea is bright. That future entails a smaller sea and a larger playa,” states the summary report.

It continues, “A smaller, restored Sea will reduce noxious odors, improve the look of the Sea, and provide recreation opportunities, allowing it to return to being a jewel in the Californian desert, and a place others will want to visit and live next to again.”

Next steps

"The panel has no authority over what will be done with its recommendations, that's up to the state," said Haddad, noting that with the conclusion of Friday's meeting, the panel was officially disbanded.

James Newcomb, who is leading the development of the state's long-range plan for the Salton Sea, said the panel's reports will be used as "one point of information" in developing the long-range plan, which is due at the end of this year.

Newcomb added that in developing the long-range plan, the state will consider the three concepts evaluated in the panel's feasibility report, which includes the Sea of Cortez water importation concept.

"Our evaluation is going to focus on a project's abilities to deliver better air quality, water quality, and habitat against their relative costs and risks, particularly as it relates to hydrology," said Newcomb.

Erin Rode covers the environment for the Desert Sun. Reach her at erin.rode@desertsun.com or on Twitter at @RodeErin.

NEWS

One company is eyeing the Salton Sea as the future 'water capital of the Western world'



Erin Rode

Palm Springs Desert Sun

Published 7:00 a.m. PT Oct. 2, 2022

Turn off Highway 111 just past Bombay Beach onto Hot Mineral Spa Road, pass Bashford's Hot Mineral Spa and turn left on a dirt road that runs parallel with the Coachella Canal, and you'll reach a large desert parcel. That swath of land represents the beginnings of Jon Becker's plans to turn the Salton Sea region into "the water capital of the Western world."

Becker is the CEO of Global Water Farms, a La Quinta-based company that purchased the 641-acre site with views of the Chocolate Mountains and the Salton Sea in 2020. Global Water Farms envisions building a pilot desalination project, using the company's proprietary thermal desalination technology to remove salt from the briny groundwater.

Global Water Farms says its modular desalination facilities would each require a 1.25- acre footprint, and would each produce at least 1 acre-foot of distilled water per day. One acre-foot of water, or 326,000 gallons, is enough to supply one to two California households for a year.

To reach Becker's goal of eventually producing 2 million acre-feet of water per year from the Salton Sea region — the minimum amount that the Bureau of Land Management has asked Western states to cut from their Colorado River water use — Global Water Farms ultimately says it wants to build up to 5,400 of its modular desalination units between the Riverside-Imperial County line and Niland.

Becker envisions desalinating the salty water that underlies the Imperial Valley after "100 years" of agricultural irrigation seeping down into the soil.

He also refers to the Salton Sea as the future "Salton Reservoir," aka a source of water to desalinate and sell to water districts. But that key part of the plan might be getting further out of reach — the Salton Sea Independent Review Panel on Thursday recommended against increasing the amount of water in the Salton Sea through Sea of Cortez importation.

Eighteen proposals on water importation were submitted as part of that panel's process — many of which included some form of desalination. Global Water Farms did not participate in that process.

And even if water importation from the Sea of Cortez or elsewhere boosted the water volume at the Salton Sea, Global Water Farms would require buy-in from the myriad stakeholders involved with managing the Salton Sea in order to take that water out — something Becker currently does not have.

ICYMI: Salton Sea Independent Review Panel recommends against importing water to shrinking lake

The pilot is still in the early stages — and needs a full staff review and approval from the Riverside County Planning Commission before commencing construction — and proposes using a more obscure method of desalination that is considered less commercially viable than the technology used at existing desalination plants in California.

Still, desalination generally is poised to play a larger role in the state's water resources in coming years. With climate change causing hotter and drier conditions that could reduce the state's water supply by up to 10% by the year 2040, officials are looking beyond water conservation and toward creating new sources of water with more urgency.

California eyeing more desalination

California's Water Supply Strategy, released in August, calls for making new water available and diversifying supply by desalinating ocean water and salty water in groundwater basins, along with other methods such as stormwater capture and increasing recycled water.

Specifically, the state aims to expand brackish groundwater desalination production by 28,000 acre-feet per year by 2030 and 84,000 acre-feet per year by 2040, while also helping to "guide location of seawater desalination projects where they are cost effective and environmentally appropriate."

There are currently 14 seawater desalination plants across the state, with a combined production capacity of approximately 89,000 acre-feet per year when at full capacity. Another 23 brackish groundwater desalination plants have a combined production capacity of 139,627 acre-feet per year.

Brackish groundwater desalination requires "significantly less energy" to treat than seawater, according to the state, and also faces fewer regulatory hurdles — proposals for desalination projects along the coast must be approved by the California Coastal Commission, in addition to other regulatory requirements.

That approval has proven difficult in some cases, such as the commission's recent unanimous denial of developer Poseidon Water's proposed \$1.4 billion plant in Huntington Beach, which Gov. Gavin Newsom had supported. The commission cited several factors as the reasons for their denial, including the high cost of producing the water and a lack of local demand for the water, as well as risks to marine life. The plant, which was first proposed over 20 years ago, would have taken in nearly 107 gallons of seawater and produced 50 million gallons of drinkable water each day.

By Jan. 1, 2024, the Newsom administration's water supply strategy directs the Department of Water Resources and the State Water Board to work with local agencies to "identify the brackish desalination projects that have the potential to be operational by 2030 and by no later than 2040," and the state also will consider providing grants to local agencies that plan and build desalination projects. The State Water Board will review groundwater basins that contain salts and other nutrients to determine the volume of water available for brackish groundwater desalination by 2024.

The state also will develop criteria for siting desalination facilities along the coast and considers ways to streamline permits for those projects.

Desal part of importation plans

Global Water Farms isn't the first company to float the idea of desalination at or near the Salton Sea. The idea has long been discussed as a way to address the critically high salt levels in the Salton Sea, or to remove salt from other water sources that could then flow into the sea to address its receding water level.

All three of the Salton Sea water importation concepts that passed a recent "fatal flaw" review by the Salton Sea Independent Review Panel involve desalination, either at the Sea of Cortez (where water would be imported from) or at the Salton Sea. Notably, all three plans propose using reverse osmosis, an established desalination technology that has been used for decades. The panel rejected several other projects that proposed using proprietary desalination technologies or other methods that "have not been demonstrated at scale or have not demonstrated scalability."

One of the proposals that moved forward came from Sephton Water Technology, which initially proposed a type of thermal desalination technology as part of its submission. Sephton installed two pilot units of this technology in 2004 that each could produce 5,000 gallons per day, and another 50,000 gallon per day demonstration facility is currently under construction, according to the Salton Sea Independent Review Panel's July fatal flaw report.

But the review panel ultimately determined that "it was unclear if this technology can be scaled up as proposed within the project timeframe," and found that Sephton's initial proposal didn't pass the fatal flaw criteria due to its reliance on emerging desalination technology. Sephton Water Technology then resubmitted its plans, substituting the emerging technology with reverse osmosis, which the panel approved.

In late September, the review panel made its final recommendations, which didn't include any of the three concepts that passed its fatal flaw review and involved importing water from the Sea of Cortez. Instead, the panel is recommending a large-scale desalination plant that would take 200,000 acre-feet of salty water from the sea each year, desalinate it, and return 100,000 acre-feet of pure

water to the sea. The remaining 100,000 of salty waste product would be sent to salt evaporation ponds. The panel proposes making up this lost 100,000 acre-feet with a program that would compensate Imperial Irrigation District farmers for fallowing their fields.

Becker and Global Water Farms also aren't proposing to use reverse osmosis, but its own technology, a "low-temperature thermal system" that uses heat to concentrate the brine into a syrup, while removing the resulting distilled water. The syrupy brine then goes into a "crystallizer" where it is precipitated into a dry salt. While this resulting salt waste product is typically one of the main challenges with desalination, Becker says they've also developed a technology to turn this salt into a cinder block alternative that could replace concrete cinder blocks, "converting the waste stream into a commodity."

"If they can do that, they'll get a Nobel Prize," joked Yoram Cohen, a desalination expert and professor of chemical and biomolecular engineering at UCLA, who was skeptical about this cinder block idea.

Yoram Cohen noted that dealing with this residual waste stream has long been the "Achilles heel" of desalination, and that the National Alliance of Water Innovation, a five-year, \$110 million research program supported by the U.S. Department of Energy, is focusing much of its research on this exact question. UCLA is one of the organization's partners.

"Dealing with the residual waste is their top priority. If there was a solution, I would have known about it," Yoram Cohen said.

Current desalination facilities in California rely on reverse osmosis, a technology that involves pushing water under high pressure through a semi-permeable membrane that separates salts and other solids from water molecules. Poseidon Water's seawater desalination plant in Carlsbad, opened in 2015 and considered the largest desalination plant in the United States, uses reverse osmosis, with the membrane acting "like a microscopic strainer that allows only water molecules to pass through."

Reverse osmosis is also used at groundwater desalination facilities in the state. In the Inland Empire, the Chino Basin Desalter Authority began operating its first desalter in Chino in 2000, and now operates two desalters that produce a combined approximately 31 million gallons per day of water to the cities of Chino, Norco, and Ontario, among others. The desalters also produce roughly 3.5 million gallons per day of brine, which is shipped across Orange County and discharged into the ocean via the Inland Empire Brine Line.

'We need to make our own water'

But unlike these existing desalination facilities that use reverse osmosis, Global Water Farms is pitching a thermal desalination system, which uses old-school evaporation — "like old Greek and Roman bathhouses," Global Water Farms Business Development Lead Dan Bliss said.

According to Global Water Farms, its proprietary technology for modular desalination units — which would also run on solar power — will result in a system that is less expensive and more easily scalable than traditional commercial-scale reverse osmosis plants, and solve the decades-long issue of desalination's residual waste stream. However, the pilot plant needs to be built first in order to demonstrate this technology.

"We've used all the available water one and a half times between all the states. So we need to finally get to the point of saying, 'We really need more water. And it's not raining anywhere. So we need to make our own, and do it in a way that we can scale ourselves into as we need it, and not plan facilities that take 20 years to go from the drawing board to operation,'" Becker said.

But Yoram Cohen, while noting he isn't familiar with the specific internal process that Global Water Farms plans to use, made opposite points regarding the pros and cons of thermal desalination. According to Yoram Cohen, reverse osmosis is typically used because it's proven to be more cost-effective, more efficient, and use a smaller footprint than other methods.

"I have not seen membrane distillation proven to be of commercial scale and widely deployed and the reason is simple. It has to compete, aside from the cost, and it has to compete with existing technologies that require a lot less in terms of operations," Yoram Cohen said. Membrane distillation is the process that is typically used for proposed thermal systems.

"None (of the desalination facilities in California) to my knowledge are using thermal, not that I know of. Thermal is sort of the technology of the last century," Yoram Cohen said.

The company that appears to have come the closest to bringing commercial-scale thermal desalination to California is WaterFX, which announced plans in 2015 to construct "California's first commercial solar desalination plant" in the Central Valley community

of Firebaugh. The “HydroRevolution” plant in the Panoche Water and Drainage District was announced as an expansion of a demonstration plant that WaterFX launched in 2013. When the project was announced, WaterFX said it would ultimately be able to produce up to 5,000 acre-feet of water per year, with the briny remainder used to produce “salts as useable solid co-products.”

HydroRevolution received a flurry of media coverage in 2015 about its status as the first commercial solar desalination plant, but the project never came to fruition.

“The results of the pilot were promising, but solar desalination needs several additional technological advancements to be commercial,” WaterFX founder and CEO Aaron Mandell told The Desert Sun in an email. Mandell also said that WaterFX was unable to secure a commitment to purchase the desalinated water, which was necessary to build the commercial plant.

Becker believes Global Water Farms has a system that would avoid these prior pitfalls - he says that WaterFX used a distillation system that requires “an awful lot of maintenance,” while Global Water Farms is using an “advanced condensation cycle.”

“Basically, we have figured out a way to step up nature’s own cycle and enhance it to the point where it turns out water at a much higher rate of speed,” he said.

Pilot would show if technology works

Of course, they still need to prove that their technology works via the pilot project.

The company is currently in the pre-application review process with Riverside County for the conditional-use permit to build and operate the pilot project. According to documents filed with the county, the demonstration pilot system would have a maximum daily output of one-quarter acre-foot of water, or about 81,500 gallons, and less than a ton of salt.

Global Water Farms expects the pilot phase to last no more than five years, and "once the pilot project facility has demonstrated its ability to produce distilled water and a Zero Liquid Discharge waste stream," then the company will develop a plan for additional water production on the site. This will require a separate application to the county as well as a review by the Coachella Valley Conservation Commission.

"Desalination is a proven technology, there's multiple desalination plants around the world and in California, what they're talking about seems to be a new technology so they have to prove it with the pilot demonstration project, and people would want to see what they're actually doing and can they actually produce this alternative product for the salts that they're claiming they can produce," said Michael Cohen, a senior researcher with the Pacific Institute who has spent decades focused on the Colorado River basin and the Salton Sea.

While most desalination facilities proposed as part of water importation plans for the Salton Sea envision using desalination to add water to the Salton Sea, Becker proposes eventually using desalination to remove water from the Salton Sea, desalinate it, and sell it. First, Becker says desalinating groundwater in the Imperial Valley could “bridge the gap” and “immediately offset” the Salton Sea’s receding water levels while the long-term importation plan is figured out. Then, eventually he sees the Salton Sea serving as a reservoir that stores salty water for desalination.

Of course, the state is currently working on its own long-term plan for the Salton Sea, which is due at the end of this year and will consider the independent review panel's recommendations. That review panel has its own proposal for removing water from the Salton Sea to desalt it, but to then return that pure water to the sea.

But Becker is also confident that there's plenty of groundwater in the region to desalt.

“We could make water here that could go to Los Angeles, they could have water made in this area that’s taken out of the Salton Sea, transmitted up to the Coachella canal and sent over to L.A. Further than that, cities like Phoenix, Tucson, Las Vegas, and St. George can benefit from water farms here, because with that water being sent to Southern California cities, they could trade their Colorado River rights over to people in those cities,” said Becker.

If the project does pan out, there's "certainly some benefit of the availability of additional water," Michael Cohen said, noting the current long-term drought and calls for cuts to Colorado River use. But Cohen guesses that the distilled water created by the project might not end up helping the Salton Sea.

"My guess is if you're producing high-quality water, somebody else is going to take it. So I suspect that if this technology proves out... If it actually works, then there will be a lot of people who would be very interested in taking that water. And maybe that water goes to help farmers or help cities or industries, and it's unlikely that that kind of high-quality water would ever make it to the Salton Sea," Michael Cohen said. "Once you start producing really high quality water, somebody else is going to step in, and say, 'Well, I've got some money, and I'd be happy to pay for that.'"

Salton Sea Authority Executive Director G. Patrick O'Dowd said the idea of desalination at the Salton Sea has been proposed in various iterations from different companies for years. He estimates that the Salton Sea Authority has probably heard from at least half a dozen different project sponsors related to desalination, each with their own proposal and technology.

According to O'Dowd, with any proposal, the Salton Sea Authority considers whether it's something that would benefit the Salton Sea, the region, and residents, in a responsible way that meets all of the necessary state and federal environmental and legal requirements. With the ongoing drought, O'Dowd said something like the Global Water Farms proposal could happen if the pilot was successful and the project met all of these requirements, but with caution.

"How we use the water at and around the Salton Sea on a sustainable basis going forward is going to be important. Taking some of the water that's available, and reusing it, could prove to be regionally beneficial, if not beneficial to water security in the West," O'Dowd said. "But are impacts associated with those decisions... And anything that reduces flows to the sea, increases exposure, increases risks to human health and safety, and has potential economic impact. So every decision has to be weighed against the other."

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NEWS

State panel debates 'Lithium Valley' boundaries, possible health risks of industry



Janet Wilson

Palm Springs Desert Sun

Published 12:56 p.m. PT Oct. 3, 2022 | Updated 12:10 p.m. PT Oct. 4, 2022

Better defining the boundaries of "Lithium Valley" and better understanding the potential risks of extraction and production of the critical mineral in Imperial County are key issues facing a panel that is preparing formal recommendations to California legislators about the nascent industry at the south end of the state.

Lithium is a critical component of electric vehicle batteries, charging stations, smartphones and more, and up to a third of current potential worldwide supply sits in a two-mile-deep natural reserve at the southern end of the Salton Sea.

More: Foreign investors, manufacturers eye Imperial County lithium production

The "blue ribbon" Lithium Valley Commission was created in 2020 via legislation authored by Assemblymember Eduardo Garcia, D-Coachella. An advisory arm of the California Energy Commission, it must "review, investigate, and analyze opportunities and benefits for lithium recovery and use" and produce a final report for the Legislature. It missed its Oct. 1 deadline, but as a volunteer advisory panel, it faces no sanctions, and is aiming to submit it by Dec. 1.

At the panel's most recent public meeting on Thursday, commissioners commented on a recently released 75-page draft of their report, which contains 44 recommendations.

Commission chair Silvia Paz and commissioner Luis Olmedo, executive director of Comité Civico del Valle, who represents low-income communities in the potential lithium extraction area, said many questions remain about the environmental and health impacts of separating lithium from scalding, gritty geothermal brine that is currently used by 11 power plants to create steam energy. Paz said while she is not an expert, those questions should be answered before widescale production begins.

"There's concerns around the environmental impacts," said Paz, who is executive director of Alianza Coachella Valley, a community advocacy group. "I'm not an expert who can say whether they are founded or unfounded, but the reality is that there has been a lack of information. ... It's not very well understood. So in terms of the report, I do think we need to capture that."

But Commissioner Jim Hanks, who is also president of the Imperial Irrigation District, responded sharply, saying: "The report assumes a relatively negative perspective regarding lithium recovery and the lithium industry and engages in much-unfounded speculation regarding environmental impacts."

He said the report wrongly assumes lithium production is dirty, dangerous and bad for public health, adding that "the repeated references to purported harm" aren't supported by evidence.

Hanks said while overall the draft report was balanced, "that language early in the report is troublesome and misleading."

Hanks said a recommendation that requiring assessments above and beyond already lengthy California Environmental Quality Act reviews would add "unnecessary expense and be a detriment to lithium development."

Dangerous or not?

The brine holding the lithium can contain a mixture of lead, hydrogen sulfide, arsenic and other contaminants. Developers have said because they plan to use a "closed loop" system of pumps and pipes that brings the brine to the surface, removes the lithium, and re-injects the other substances back underground, there is little to no risk of heavy metals or other toxics becoming airborne.

Proponents also note that this type of lithium extraction is far less destructive than hard rock mining, which often tears up natural landscapes and creates dust and smoke, or vast evaporation ponds that waste water.

One industry representative, Jonathan Weisgall, said clearly laying out what actual impacts might be was important, including health effects. But he said that in the draft report, there were multiple recommendations scattered throughout the document, and he recommended they be consolidated.

"It's perfectly fine to flag researching what the health effects are, but not five separate times," said Weisgall, vice president for legislative and regulatory affairs for Berkshire Hathaway Energy, which owns most of the geothermal plants at the Salton Sea and is testing methods for extracting lithium.

Weisgall also noted the federal Inflation Reduction Act contains valuable incentives for consumers and manufacturers who make and buy electric vehicles with minerals that are either domestically produced or made in a country recognized as a partner in trade agreements. He suggested relevant information from the legislation be included in the report.

Related: Industry says California seeks tax that would kill Salton Sea extraction

Where's Lithium Valley?

Paz raised hackles when she said her other takeaway from the draft was that "we still don't know the geographic boundaries of Lithium Valley. ... it's not clear whether the state is thinking about a larger area in which they are going to be growing the supply chain, for example, or if we're looking at only Imperial County. I think that's something that needs to be answered."

Paz, who is based in Coachella, in Riverside County, said if it wasn't already clear, perhaps the commission should make recommendations around what the boundaries should be.

The commission vice chair, Ryan Kelley — who is also an Imperial County supervisor — responded forcefully, saying while he was also concerned about a precise definition of Lithium Valley in the report, he'd said a year ago and would continue to argue that it is only in north Imperial County.

"The vast majority, I hope, of the development will occur in Imperial County, in an area of 80,000 acres that we're doing our level best to master plan," he said.

Olmedo, who heads Comité Civico del Valle, based in Brawley, agreed, saying: "We've highly debated this, but Lithium Valley is Imperial Valley."

Other commissioners noted that it was perhaps inevitable that there would be some overlap of lithium extraction and Salton Sea issues, given their close proximity and plans to develop exposed parts of the lakebed. Some also said that battery production or assembly could take place in Riverside County, in Mexico just across the border, or in other southwestern states.

Paz clarified that she did not advocate sharing portions of revenues allocated for Imperial County from a per-ton tax on lithium with jurisdictions elsewhere. The state legislature has approved that tax and explicitly allocated 80% to Imperial County.

"I am in no way asking that Imperial Valley ... share their revenue taxes with Coachella or anyone else," she said.

But she urged that communities ringing the dwindling water body work together, for other purposes, not tax revenue, but to gain clout as they compete with other, larger metropolitan areas like San Diego and Riverside.

Kelley joked afterward that "we weren't going to share anything with you anyway." He said while the idea of a southeast California development zone might be a good one, it should not be conflated with Lithium Valley, which has always focused on the underground resource and the development area at the north end of Imperial County.

"I wish Riverside County and the Coachella Valley all the success in development that they can make and muster, and the same for Yuma County, (Arizona), and same for the Mexicali Valley, but not at the expense of Imperial County," he said. Kelley said battery manufacturing or other supply chain production across the border in Mexico was not the same as domestic production.

"That is a serious issue for us as well," he said.

Olmedo and a resident of Westmoreland also noted that the draft wrongly included the town of Imperial as a community in the Salton Sea region, while excluding Westmoreland and Salton City, which sit far closer to the production zone.

The meeting was held at Westmoreland Union Elementary School. Westmoreland and other largely impoverished towns and communities in northern Imperial County are to split 30% of all per-ton tax revenues that come to the county. The remaining 70% is to be divided among the county and all other municipalities within its borders.

Paz asked Kelley and others to prepare their precise definitions of Lithium Valley for further discussion. Many commissioners also thanked California Energy Commission staff for their hard work in producing the 75-page draft, which crystallizes 21 separate meetings on a broad range of issues.

"A superb job," said Weisgall. "Kudos to the staff."

Members of the public also weighed in at the end of the meeting, including area tribal members who said the report, while good, paid lip service to them and to ancestral sites in the planned development areas. They also said they had not been consulted with properly as potential extraction moves forward, with several delayed and canceled meetings.

Kelley said he and other Imperial County officials who'd heard that feedback in August have now scheduled meetings with tribal representatives.

Public comment on the draft closes on Oct. 28. There is no direct online link to the report, but it can be found on the commission's docket at <https://bit.ly/3BFSEJT>. Click on the docket link and scroll down past several other notices to the blue link titled "Draft Report of the Blue Ribbon Commission on Lithium Extraction in California" and click on that. Information about the commission's next meeting, once it is scheduled, can also be found on the docket.

Janet Wilson is senior environment reporter for The Desert Sun, and co-authors USAToday's Climate Point newsletter. She can be reached at jwilson@gannett.com or @janetwilson66 on Twitter

ITEM 9I

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Update on Inland Regional Energy Network Agreements, Programs, and Governance

Contact: David Freedman, Program Manager (dfreedman@cvag.org)

Recommendation: Information

Background: As previously reported to the Energy & Environmental Resources Committee, CVAG has collaborated with Western Riverside Council of Governments (WRCOG) and San Bernardino Associated Governments (SANBAG) on creating a new joint Regional Energy Network for the Inland Empire, known as Inland Regional Energy Network or I-REN. The California Public Utilities Commission (CPUC) approved I-REN's application and business plan in November 2021. In recent months, the WRCOG Executive Committee and the SANBAG Board of Directors echoed the endorsement provided by CVAG and approved the draft I-REN Programs and Budgets Agreement (Programs Agreement), Memorandum of Agreement (MOA), and Governance & Operations Charter (Charter).

I-REN will be governed by a new Executive Committee, which will hold open and public meetings on a quarterly basis and consist of representatives from each member COG. CVAG has delegated its votes to the Energy & Environmental Resources Committee Chair, or, in the Chair's absence, to the Vice Chair and then to the Executive Director or his designee. The WRCOG Executive Committee approved the selection of Jurupa Valley Mayor Chris Barajas, San Jacinto Mayor Crystal Ruiz and Corona Councilmember Jacque Casillas to represent WRCOG on the I-REN Executive Committee. SANBAG's Board of Directors has not yet appointed SANBAG's representatives on the I-REN Executive Committee.

Staff anticipates the I-REN Executive Committee will have its first meeting in December 2022, which will be an introductory meeting to meet the new members as well as an overview of Regional Energy Networks (RENs), preview of I-REN's vision and goals (via a summary of the business plan), and logistics such as the election of Chair and Vice Chair.

I-REN's business plan explains that the *"I-REN [Executive] Committee will be advised by three programmatic working groups composed of I-REN staff, COG representatives, technical advisors, and partners. The working groups will focus on program design, implementation, marketing and outreach, and other day-to-day implementation activities. They will provide information, program proposals, and program tracking and monitoring reports to the I-REN [Executive] Committee on a regular basis to ensure smooth operations and to address any issues or concerns that may arise."* Staff of the three COGs are working on a list of potential candidates for filling these three working groups (Public, Codes and Standards, and Workforce Education & Training) as well as discussing the addition of a fourth working group that focuses on aiding the Tribal Nations within I-REN's jurisdiction. Staff will be developing an application process for potential candidates to ensure robust and diverse groups are formed. As the formation of these working groups continues, staff will work with the I-REN Executive Committee to expand the list of potential candidates.

Staff anticipates a second I-REN Executive Committee meeting will be scheduled in January 2023, where the I-REN Executive Committee will be asked to approve its first contracts as well as form working groups to support I-REN's sectors.

These contracts are the result of a competitive bidding process that started on August 9, 2022, when WRCOG issued requests for proposals (RFPs) in order to secure consultants for the Public and Codes & Standards sectors, as well as a marketing consultant who will work on all I-REN programs, that were developed with input from CVAG and SANBAG staff. Between two and five prospective consultants submitted proposals for each of the RFPs by the September 16 deadline. Staff from the three Councils of Government (COGs) have reviewed the proposals and are interviewing consultants. The RFPs are outlined below:

- The Public Sector programs will target, but not be limited to, upgrades to existing public buildings and facilities with high energy use and older equipment with a focus on community-serving buildings such as community centers, libraries, senior centers, schools, and fire and police buildings. The Public Sector RFP contains three scopes of work that were bid on by four firms: 1) Technical Assistance and Strategic Energy Planning Program Implementation, 2) Public Buildings Normalized Metered Energy Consumption Incentive Program Implementation, and 3) Public Sector Financing Services. An additional RFP for the Business Upgrade Concierge bid on by two firms is for software services to support I-REN staff and Public Sector implementer(s) in providing technical guidance and tools, inform and enable priority energy improvements, provide a database of information and documents, track performance metrics, and more.
- The Codes and Standards RFP contains two scopes that were bid on by two firms: 1) Training and Education Program and 2) Technical Support Program. I-REN's Training and Education Program will establish and implement training and education for building department staff and the building industry to support, understand, and effectively implement energy efficiency codes and standards. The program will also include outreach to engage, educate and involve regional construction firms, architects, industry experts, and building departments, and support compliance and enforcement within regional energy efficiency programs and customers. I-REN's Technical Support Program will develop technical assistance tools and resources to assist building departments and the building industry with understanding, evaluating, and permitting the energy codes to support improved enforcement and compliance. I-REN will also develop regionally appropriate model ordinances, vet and refine them with participating local governments, provide ongoing technical assistance for adoption and implementation, and deliver model ordinance updates to reflect the triennial code cycle.
- The I-REN-wide Marketing RFP bid on by five firms seeks a consultant to provide marketing and communications services for I-REN and its energy efficiency portfolio. The consultant will also provide support for program-specific marketing and outreach efforts, working in close coordination with I-REN program staff, program implementers, and other consultants to ensure consistency of branding and messaging across all programs and activities.

The contracts will be presented for the I-REN Executive Committee's consideration as soon as January 2023. I-REN will carry out Workforce Education & Training (WE&T) programs using staff resources from the three COGs. CVAG staff envision that I-REN WE&T trainings will leverage existing career training organizations and institutions including without limitation the College of the Desert that have existing programs in this area. I-REN's WE&T programs will supplement and build on these existing programs that may be available to ensure that appropriate training is made locally available to all interested persons and organizations.

Although a formal launch of I-REN programs will occur in early 2023 following selection of the consultants, CVAG staff has contacted member governments to discuss program initiatives ahead

of I-REN's upcoming rollout. Initially, there may be joint trainings with other RENs on the 2022 Energy Code, which enters into effect on January 1, 2023. CVAG staff will inform the building and permitting departments in CVAG member jurisdictions of these programs, and the resource materials will be posted on I-REN's website, which is currently under development. I-REN has developed its logo and secured the domain IREN.gov for its website.

Looking Ahead

In preparation for the official start of I-REN, staff of the three COGs are also holding a series of meetings to formulate I-REN's strategic plan, which will be consistent with I-REN's Programs Agreement and its business plan. Once date ranges for the December 2022 and January 2023 I-REN Executive Committee meetings are available, staff will consult with the Energy & Environmental Resources Committee Chair and Vice Chair to determine their availability. For the officer election expected to occur at the December 2022 I-REN Executive Committee meeting, the Energy and Environmental Resources Committee may consider nominating its CVAG representative to serve as Chair or Vice Chair of the I-REN Executive Committee and support the most qualified representative from WRCOG or SANBAG for the other officer position. Staff expects to bring to the Energy & Environmental Resources Committee at its next scheduled meeting the agenda for the I-REN Executive Committee meeting and ask the Energy & Environmental Resources Committee to provide direction to the Chair and Vice Chair on action items expected to be presented at the I-REN Executive Committee meeting.

Fiscal Analysis: There is no cost to CVAG for participation in I-REN. Staff time dedicated to I-REN is covered through the I-REN budget, which is nearly \$65.6 million through 2027. This funding comes from customers of Investor-Owned Utilities (IOUs) such as SCE and SoCalGas through the on-bill Public Goods Charge set by the CPUC and collected by the IOUs. The I-REN Executive Committee will, as part of its budget process, determine amounts to be allocated in furtherance of I-RENs programs.

The CPUC designated SoCalGas as the fiscal and contracting agent for I-REN, and final execution of the Programs Agreement will authorize the ability to transfer funds from SoCalGas to WRCOG. Pursuant to the MOA, CVAG presents to WRCOG invoices for time and expenses incurred by CVAG staff on I-REN matters. Staff has already requested reimbursement for CVAG staff time on I-REN in the first six months of 2022.

ITEM 9m

Coachella Valley Association of Governments Executive Committee December 5, 2022



STAFF REPORT

Subject: Utility Box Art Wrap Programs

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Information

Background: To support community beautification and the arts, the Imperial Irrigation District and Southern California Edison have adopted utility box art wrap programs that allow for art to be displayed on the green pad- or ground-mounted electrical equipment. This art program is in line with the Coachella Valley's affinity for the arts, which has grown as a means to creating a stronger sense of place, community, and a way to deter graffiti or other related damage on green electrical boxes. Ultimately, these programs allow for eligible entities to beautify their local community with art that highlights their unique character and that blends with local surroundings.

Both programs follow the agencies' respective, adopted regulations. One of the common denominators of their programs is that they do not allow for hand-painted or any other paint to be used in beautifying the electrical equipment. Rather, both programs require that art be printed on vinyl wrap which then is used to wrap the electrical equipment. This approach allows for easy application and removal of the art. Using vinyl wrap also prolongs the life of the art on the electrical equipment and makes for easy replacement should a wrap be damaged.

Entities eligible to apply to both SCE and IID's electrical box wrap program includes local public agencies, established community beautification organizations, local service clubs, home owner associations and commercial or industrial property owners. These entities may sponsor the installation of vinyl wraps by contractors that have substantial experience installing vinyl wraps on energized high-voltage power equipment. However, these entities must first receive authorization by their respective power provider. In addition, the art must not endorse, support, advertise any business and final art must be approved by the respective agency. Lastly, aforementioned agencies are responsible for managing the work and the installation costs. Costs associated with vinyl wrap installations include permits, design, art work, approvals, installation and maintenance.

More information on SCE's program can be found <https://www.sce.com/sites/default/files/inline-files/aim.pdf>. More information on the vinyl wrapping program for IID can be found at <https://www.iid.com/energy/community-beautification/vinyl-wrapping-program>.

Fiscal Analysis: There is no cost to CVAG to provide this update.

ITEM 9n

**Coachella Valley Association of Governments
Executive Committee
December 5, 2022**



STAFF REPORT

Subject: Launch of Countywide “Faces of Fentanyl” Campaign

Contact: Erica Felci, Assistant Executive Director (efelci@cvag.org)

Recommendation: Information

Background: In October 2022, Riverside County officials from across various departments, including law enforcement and public health, came together to launch a “Faces of Fentanyl” informational campaign. The goal is to raise public awareness of the drug and underscore how fentanyl deaths affect all races, ethnicities and socioeconomic groups.

Riverside County’s news release is attached. The Public Safety Committee was previously briefed on the emerging fentanyl epidemic when Riverside County District Attorney Michael Hestrin attended its May 2022 meeting. Fentanyl is a synthetic, manmade opiate that can easily be produced in a lab or on the streets. Fentanyl is less expensive than other opiates and is highly addictive. Fentanyl is 50 times stronger than heroin and 100 times stronger than morphine. Officials have noted that deadly amounts of fentanyl are also being used in manufacturing and packaging of other drugs, with these counterfeit pills being misrepresented as Xanax and/or Oxycodone. Previous public education efforts have included an initiative led by the District Attorney’s Office to highlight the dangers of fentanyl through public service announcements, social media and school presentations in the Inland Empire.

Fiscal Analysis: There is no cost to CVAG for this informational update.

Attachment: News release to launch “Faces of Fentanyl” campaign, October 28, 2022



Faces of Fentanyl Campaign Launches, County leaders come together to fight Fentanyl on multiple fronts

October 28, 2022

NEWS RELEASE

Riverside County resident Ernie Gutierrez lost his life to fentanyl on Aug. 24, 2021. Gutierrez struggled with mental illness, and prior to his death had just started his recovery journey.

“Growing up, Ernie loved sports and played different musical instruments throughout his school years,” shared his mother, Christina Rodriguez. “He graduated from Temecula Valley High School in 2012. He couldn’t wait to join the Marine corps to continue his family tradition of serving his country.”

Rodriguez publicly shared her son’s story, including his struggle with mental illness and finding renewed hope with a joint team of deputies and therapists from the Riverside County Sheriff’s Department and Riverside University Health System-Behavioral Health, respectively. Tragically, Gutierrez’s recovery was cut short when one illicit pill laced with fentanyl took his life.

“We need to talk to our kids of all ages about the dangers and lethality fentanyl is causing,” continued Rodriguez. “We are in a crisis situation. We all, as a community, need to be part of the solution.”

The County of Riverside this month launched a public awareness campaign, known as *Faces of Fentanyl*, to inform the community about the deadly drug and underscore how fentanyl deaths affect all races, ethnicities and socioeconomic groups.

“This is a very dangerous drug,” said Second District Supervisor Karen Spiegel. “Our goal is to bring all the different disciplines together to share information, data, and resources, with the mission to prevent poisonings.”



During a recent *Faces of Fentanyl* launch event, county leaders shared facts and information on the alarming rise of fentanyl deaths in Riverside County, which increased from 28 deaths in 2017 to 406 deaths in 2021. This year, fentanyl deaths are expected to top last year's highest number.

"Fentanyl has killed hundreds of people and yet many in the community know little about the drug until it impacts their families," said Dr. Geoffrey Leung, Riverside County Public Health Officer.

At the launch event, Sheriff Chad Bianco put into perspective how much fentanyl is found in the community. "Our agency alone seized more than 3.7 million fentanyl pills and nearly 400 pounds of fentanyl powder since January 1," said Bianco. "That amount of fentanyl is enough to kill nearly 94 million people or enough to kill the entire population of California twice."

In addition, District Attorney Hestrin expressed the need for a strong stance on those who deal and supply the drug to Riverside County residents. "Our office is dedicated to taking a tough stance on prosecuting fentanyl drug dealers," said Hestrin. "We must prosecute these cases because it just might save someone's life and bring justice to a family who has seen a family member lose theirs."

Led by Supervisor Spiegel and Third District Supervisor Chuck Washington, a multi-disciplinary ad-hoc committee meets regularly to combine resources to address this epidemic. The committee brings together the Executive Office, Riverside University Health (RUHS)-Behavioral Health, RUHS-Public Health, RUHS-Medical Center, Department of Public Social Services, District Attorney, Emergency Management Department, Probation Department and Sheriff's Department.

One example of department collaboration was shared during the launch event by both Ernie Gutierrez's mother, Christina Rodriguez, as well as Supervisor Washington.

"Pairing skilled behavioral health therapists with law enforcement is a crucial part of our field response," said Washington. "Often times, deputies are the first to encounter someone who is in a mental health emergency or who is overdosing. Having a behavioral health therapist with law enforcement provides immediate therapeutic



to many people on some of the worst days of their lives. This service helps people get into treatment.”

The *Faces of Fentanyl* campaign is centered around the statement “You are not the exception. Don’t be another Face of Fentanyl.” The slogan will appear in public service announcements, animated graphics, static posts, and billboards in both English and Spanish. The advertisements can be seen across Riverside County and social media channels through January 2023. Earlier this year, the Board of Supervisors approved \$300,000 for the advertising placements. All creative assets were made by county employees, and a local marketing agency was hired to place the advertisements.

Residents who want to learn more about fentanyl can visit the campaign website at www.FacesofFentanyl.net, which provides information on the drug, treatment resources and overdose data for Riverside County.

Cutline: County leaders and members of the media gather in front of the County Administrative Center for the Faces of Fentanyl Awareness Campaign launch.



Cutline: *Top row from left: Chris Rosselli (DPSS), DA Mike Hestrin, Jeff Van Wagenen. Bottom row from left: Sheriff Bianco and Supervisor Spiegel.*



Cutline: *Christina Rodriguez, mother of Ernie Gutierrez, speaks about her son who lost his life to fentanyl poisoning.*





Cutline: *From left: Dr.Geoffrey Leung, Michelle DeArmond, Tim Kirkconnell, Dr.Matthew Chang, Jen Cruikshank, Jeff Van Wagenen.*





Latest News



ITEM 9o

Coachella Valley Association of Governments
Executive Committee
December 5, 2022

**STAFF REPORT**

Subject: Community Education Efforts by the Coachella Valley Disaster Preparedness Network

Contact: Erica Felci, Assistant Executive Director (efelci@cvag.org)

Recommendation: Information

Background: Given the geographic proximity to the San Andreas fault line, earthquake preparedness is of upmost importance for the Coachella Valley. The CVAG Public Safety Committee has, over the years, been at the forefront of conversations and regional efforts to make sure communities are aware of the tools and resources that alert Californians in advance of an earthquake, and provide time to take protective actions such as dropping, covering, and holding on. Those few seconds of warning can help the public, first responders, utilities, transportation, healthcare, and other key industrial and business sectors avoid injury and take action to save lives.

At its November meeting, the CVAG Public Safety Committee received an update on the Coachella Valley Disaster Preparedness Network (CVDPN). The organization, which formed as a non-profit about five years ago, provides educational forums, attends community events and works with businesses and homeowners' associations to provide emergency preparedness education and programs. The Public Safety Committee was provided a preview of the CVDPN's mission during its January 2019 meeting. A video overview of the organization is provided as an attachment, and Board President Carla Sullivan-Dilley attended the November 2022 meeting to update members on the progress made and outline the CVDPN's next steps.

Fiscal Analysis: There is no cost to CVAG for this informational update.

Attachment: <https://cvag.org/downloads/comres/psc/cvdpn.mov>



2164 (Lee) Disability Access: Certified Access Specialist Program: Funding.

This measure makes permanent an existing law that allows local jurisdictions to collect a dedicated fee of \$4 on business licenses and business permit renewals. This fee was set to drop to \$1 in 2024, limiting available funding for physical accessibility improvements. Additionally, this measure clarifies existing law that authorizes local governments to provide financial assistance to struggling small businesses to increase accessibility.

SB 1338 (Umberg) Community Assistance, Recovery, and Empowerment (CARE) Court Program.

This measure creates the Community Assistance, Recovery, and Empowerment (CARE) Court program, a new civil court process to support individuals living with untreated schizophrenia spectrum and psychotic disorders. The CARE Court program connects individuals with a court-ordered care plan managed by a care team in the community. These CARE plans could include clinically prescribed, individualized interventions with several supportive services, medication, and a housing plan.

AB 1985 (R. Rivas) Organic Waste: Recovered Organic Waste Product Procurement Targets.

This measure assists local governments implementing the state's organic waste diversion targets by phasing in, over two years, CalRecycle's SB 1383 (Lara, 2016) organic waste diversion regulation's procurement requirements. This measure requires local governments to meet 33% of total compliance with the procurement requirements by 2023, 66% by 2024, and 100% compliance by 2025.

SB 1157 (Hertzberg) Urban Water Use Objectives.

This measure changes the standards for indoor residential water use beginning 2025 to 47 gallons per capita daily and beginning 2030 to 42 gallons per capita daily.

[AB 2584](#) (Berman) Recall Elections.

Chapter 791, Statutes of 2022

This measure amends recall election law by increasing the total number of proponent signatures required to be included on a notice of intention to recall, establishes a public display period for local recall petitions, and lengthens the timeframe for holding a local recall election that has qualified for the ballot in order to allow that election to be consolidated with a regularly scheduled election.

[AB 1041](#) (Wicks) Employment: Leave.

Chapter 748, Statutes of 2022

This measure expands the class of people for whom an employee may take leave to care for to include a designated person, defined to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one designated person per 12-month period.

[SB 1439](#) (Glazer) Campaign Contributions: Agency Officers.

Chapter 848, Statutes of 2022

This measure applies the existing campaign contribution prohibition for state and local agencies and applies it to local elected agencies, such as city councils and boards of supervisors, and expands the timeframe prohibiting specific contributions following an official's action from three months to 12 months.

[AB 2449](#) (B. Rubio) Open Meetings: Local Agencies: Teleconferences.

Chapter 285, Statutes of 2022

This measure allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under limited specified conditions.

[SB 897](#) (Wieckowski) Accessory Dwelling Units: Junior Accessory Dwelling Units.

Chapter 664, Statutes of 2022

This measure increases the height maximum of an accessory dwelling unit (ADU) from 16 to 18 feet for parcels with an existing or planned multifamily building; or 20 feet for a multifamily or single-family parcel located within one half mile of transit. This measure also requires local jurisdictions to allow an ADU, that is attached to a primary single-family residence, to be constructed with a height of 25 feet.

[AB 2011](#) (Wicks) Affordable Housing and High Road Jobs Act of 2022.

Chapter 647, Statutes of 2022

This measure requires cities to ministerially approve, without condition or discretion, certain affordable housing and mixed-use housing developments in zones where office, retail, or parking are a principally permitted use regardless of any inconsistency with a local government's general plan, specific plan, zoning ordinance, or regulation.

SB 6 (Caballero) Local Planning: Housing: Commercial Zones.

Chapter 659, Statutes of 2022

This measure, the Middle Class Housing Act of 2022, deems a housing development project an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, hearings, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce.

AB 2097 (Friedman) Residential, Commercial, or Other Development Types: Parking Requirements.

Chapter 459, Statutes of 2022

This measure prohibits a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project that is located within one-half mile of public transit, except under limited circumstances.

SB 1186 (Wiener) Medicinal Cannabis Patients' Right of Access Act.

This measure enacts the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024, prohibits a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction.

SB 852 (Dodd) Climate Resilience Districts.

This measure authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district to finance projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding.

AB 1909 (Friedman): Bicycle Omnibus Measure.

This measure removes the prohibition of class 3 electric bicycles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trails and instead authorizes a local authority to prohibit the operation of any electric bicycle or any class of electric bicycle on an equestrian trail or hiking or recreational trail.