



## BOARD OF DIRECTORS REGULAR MEETING STUDY SESSION MINUTES

Thursday, November 14, 2024 at 3:00 PM

66575 Second St, Desert Hot Springs, CA AND/OR Via Teleconference

### CALL TO ORDER

President Sewell called the meeting to order at 3:00 PM.

### ROLL CALL

**BOARD MEMBERS PRESENT:** President Ivan Sewell, Vice President Robert Griffith, Director Russ Martin, Director Amber Duff, Director Ted Mayrhofen

**STAFF MEMBERS PRESENT:** Brian Macy, Marion Champion, Danny Friend, Eric Weck, Oriana Hoffert, Amanda Lucas, Arturo Ceja, William Whitten, Kurt Kettenacker, Dori Petee

### RULES OF PROCEDURE

**Rules of Procedure were read by General Counsel John Pinkney.**

*All noticed meetings are conducted using Rosenberg's Rules of Order as a procedural guideline. Directors should refrain from responding directly to public comments at meetings of the Board. The Board President will refer matters raised during public comment to the General Manager for follow-up when appropriate. Occasionally, a prompt response may be offered when an obvious answer resolution is available provided this is done in compliance with the Brown Act. Directors should refrain from debating or making decisions in response to public comments. The President of the Board presides at all meetings and decides all points of order and procedure during meetings. The President is responsible for maintenance and decorum at all Board meetings. No person shall be allowed to speak who has not first been recognized by the President. All questions and remarks should be addressed to the President as the presiding officer. No member of the Board should speak more than once about any one subject until every other member on the Board wishing to speak on the subject shall have been given the opportunity to speak. No Board member shall interfere with the orderly progress of a Board meeting. In order to ensure the orderly progress of Board meetings the Board President regulates the amount of time to be dedicated to a particular agenda item."*

### PUBLIC INPUT

*This is the opportunity for members of the public to address the Board on matters within the Board's jurisdiction. **Please limit comments to three (3) minutes or less.** State law prohibits the Board from discussing or taking action on any item not listed on the agenda.*

Carolyn Ortel addressed the Board regarding a leak at her home. She was not satisfied with the staff's efforts to contact her.

### EMPLOYEE RECOGNITION

### HUMAN RESOURCES REPORT

This item will be fully recognized on Monday.

## **ACTION ITEMS**

### **AWARD OF CONTRACT TO MISSION CONSULTING SERVICES FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE WATER SYSTEM AND WASTEWATER SYSTEM MODEL MAINTENANCE AND ON-CALL CONSULTING SERVICES**

It is recommended that the General Manager be authorized to execute a contract with Mission Consulting Services for a not-to-exceed amount of \$75,000 for Professional Engineering Services to provide water system and wastewater system model maintenance and on-call consulting services.

Eric Weck, Engineering Manager, presented. He noted that on January 26, 2024, Mission Springs Water District entered into an agreement to complete the Water System and Wastewater System Comprehensive Master Plan Updates with Mission Consulting Services (MCS). Since then, MCS has provided staff with revisions and is working on updating the Water and Wastewater Comprehensive Master Plan Updates. MSWD wishes to continue to retain MCS Consulting to provide the water and sewer computer model updates and maintenance as new developments are entitled and constructed to affect the District's water and wastewater systems.

### **ACCEPTANCE OF THE WATER SUPPLY ASSESSMENT AND WATER SUPPLY VERIFICATION FOR THE FIRST PALM SPRINGS COMMERCE CENTER**

It is recommended that the Board accept and approve the Water Supply Assessment and Water Supply Verification for the First Palm Springs Commerce Center located in the City of Palm Springs.

Eric Weck, Engineering Manager, presented. Senate Bill 610 requires the preparation of a Water Supply Assessment (WSA) for development projects that are subject to the California Environmental Quality Act (CEQA) and are defined as a "Project" in the State Water Code 19012. Senate Bill 221 requires the preparation of a Water Supply Verification (WSV) for projects subject to the approval of a development agreement or tentative map that includes a subdivision. The First Palm Springs Commerce Center (Project) will develop over 101 acres (gross) of unimproved land into two warehouse buildings, where Building One (1) will cover 1,516,174 square feet, and Building Two (2) will cover 393,957 square feet. Both warehouses will have office space, a truck docking area, and employee parking. Therefore, the Project is subject to Senate Bills 610 and 221 requirements. A combined WSA and WSV was prepared by MNS Engineers, Inc. and was approved by Staff. The approved WSA and WSV will be included in the CEQA documents to be prepared by the developer, with the City of Palm Springs as the lead agency.

### **ACCEPTANCE OF THE NANCY WRIGHT REGIONAL WASTEWATER RECLAMATION FACILITY MONITORING WELLS CONSTRUCTION PROJECT**

It is recommended that the Board accept the Nancy Wright Regional Wastewater Reclamation Facility Monitoring Wells Construction Project as complete and authorize the release of retention money held for Yellow Jacket Drilling Services LLC, in the amount of \$10,699.75, thirty-five (35) days after filing the Notice of Completion (NOC).

Eric Weck, Engineering Manager, presented. On January 18, 2022, the Board approved a construction contract with Yellow Jacket Drilling Services, LLC for construction of three monitoring wells to monitor changes to groundwater quality due to the construction of the Nancy Wright Regional Wastewater Reclamation Facility.

As part of the Nancy Wright Regional Water Reclamation Facility (NWRWRF) waste discharge requirements permit (Order R7-2020-0011) with the California Regional Water Quality Control Board (Regional Board), MSWD was required to install a groundwater monitoring well network to monitor changes to groundwater quality because of the proposed NWRWRF discharges (through the permitted detention ponds). MSWD completed construction for two of the three required monitoring wells in 2022. Construction of the final monitoring well was put on hold due to the Regional Water Board's direction to relocate the final well further downgradient. Following a lengthy easement acquisition process, MSWD finally secured the easement, and the Contractor mobilized and completed the final monitoring well in September 2024.

#### **AWARD OF CONTRACT TO KENWOOD ENERGY FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE CONSTRUCTION MANAGEMENT SERVICE FOR THE POWER PURCHASE AGREEMENT**

It is recommended that the General Manager be authorized to execute a contract with Kenwood Energy for a not-to-exceed amount of \$100,547.52 for professional engineering services to provide construction management for the power purchase agreement with Trident Mission Springs LLC.

Danny Friend, Director of Operations, presented. Kenwood Energy has been supporting MSWD in the development, contracting, and performance design of MSWD's Solar Power Purchase Project. The original contract between Kenwood Energy and MSWD was to develop a Request for Proposals and support the negotiation of the Power Purchase Agreement (PPA) for a not-to-exceed amount of \$60,500.00. With the approval of this item, the total of the contracts for Kenwood Energy related to this project is \$161,047.52.

### **DISCUSSION ITEMS**

#### **CRITICAL SERVICES CENTER AND ADMINISTRATIVE BUILDING UPDATE**

Alvin Flores of Rhanu Clarke presented an update to the Board. Immediately after the planning approval, Mr. Flores submitted to the various City permitting departments. We are currently waiting on Public Works comments to wrap up this phase of the project. Rhanu Clarke is completing its own quality assurance and quality control review.

#### **GROUNDWATER PROTECTION PROGRAM UPDATE**

This update will be given on Monday.

#### **DISTRICT HOLIDAY SCHEDULE**

Discussion on the District holiday schedule and possible closures. Staff is requesting to close the office the two day's following Christmas and New Years.

### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

October 17, 2024 - Study Session Minutes

October 21, 2024 - Board Meeting Minutes

**REGISTER OF DEMANDS**

The register of demands totaling \$

**RESOLUTION 2024-28 RECOMMENDING APPROVAL OF SKYBORNE DEVELOPMENT - PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT**

It is recommended that the Board of Directors adopt Resolution No. 2024-28, recommending approval of a Partial Assignment and Assumption of Public Water System Improvement and Water Service Connection Fee Credit/Reimbursement Agreement authorizing Skyborne Ventures, LLC to assign water connection fee credits to Lennar Homes of California, LLC as required by the Second Amendment to the Public Water System Improvement and Water Service Connection Fee Credit / Reimbursement Agreement for Tract No. 32030, and complete with all exhibits.

**ACCEPTANCE OF BILL OF SALE FOR SKYBORNE VILLAGE III PHASE I WATER AND SEWER INFRASTRUCTURE**

It is recommended to authorize the General Manager to execute the Bill of Sale for the Water and Sewer Infrastructure for the Skyborne Village III, Tract No. 32030-3, Phase I project located on Rainbow Lane, west of Karen Avenue, and north of Promenade Drive, in the City of Desert Hot Springs, as contributed assets.

**ACCEPTANCE OF BILL OF SALE FOR RANCHO DESCANSO PROJECT WATER AND SEWER INFRASTRUCTURE**

It is recommended to authorize the General Manager to execute the Bill of Sale for the Water and Sewer Infrastructure for the Rancho Descanso, Tract Map No. 38200, project located south of Camino Campesino, east of Plam Drive, west of Avenida Descanso, and north of Camino Aventura, in the City of Desert Hot Springs, as contributed assets.

**BOARD COMPENSATION**

It is recommended to consider Board compensation for the following meeting:

- A. National HCP (Habitat Conservation Plan) Coalition Annual Meeting; All Board Members; December 10 - 12, 2024
- B. NCPI Holiday Luncheon & Awards (MSWD to receive the NCPI 2024 Award of Merit); All Board Members; December 5, 2024

**REPORTS****DIRECTOR'S REPORTS**

All reports will be given on Monday.

**GENERAL MANAGER'S REPORT**

Included in this report are the following oral reports:

- A. Finance Report
- B. Public Affairs Report

All reports will be given on Monday.

## **COMMENTS**

### **DISTRICT COUNSEL COMMENTS**

No comments

### **DIRECTOR COMMENTS & REQUESTS**

- A. Director General Comments
- B. Director Requests for Future Agenda Items
- C. Director Requests for Future Meetings

Director Mayrhofer requested that the water theft policy be brought to the Board for discussion at an upcoming meeting.

### **ADJOURN**

With no further business, President Sewell adjourned the meeting at 3:40 PM.

Respectfully submitted,

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Dori Petee  
Executive Assistant