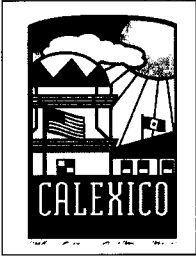


**AGENDA  
ITEM**

**10**



# AGENDA STAFF REPORT

**DATE:** June 2, 2021

**TO:** Mayor and City Council

**APPROVED BY:** Miguel Figueroa, City Manager *MV*

**PREPARED BY:** Lilliana Falomir, Public Works Manager – Administrative *L. Falomir*

**SUBJECT:** Authorize City Manager to Sign Amendment No. 1 and 2 to the Agreement of Professional Services with Panorama Environmental, Inc. for Technical and Regulatory Assistance for New River Improvement Project – Calexico Reach.

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**Recommendation:**

Authorize City Manager to Sign Amendment No. 1 and 2 to the Agreement of Professional Services with Panorama Environmental, Inc., for Technical and Regulatory Assistance for New River Improvement Project – Calexico Reach.

**Background:**

The New River is a Water of the United States and a California Water. It originates approximately 18 miles south of the US-Mexico Border, in the Mexicali Valley, Mexico. It enters the United States by the Calexico West Port of Entry, in Calexico, California. The City is proposing to implement New River Improvement Project – Calexico Reach. The Project consists of three primary construction components:

1. Trash screen and diversion structure for the New River downstream from the International Boundary with Mexico.
2. Bypass encasement infrastructure for the New River from a point downstream of the International Boundary to a point downstream of the eastern boundary of the City of Calexico to address the public health threat that new River water quality poses to the southern area of the city.
3. A pump-back system to take treated wastewater from the existing Calexico Waste Water Treatment Plant (WWTP) and discharge it into the New River channel at a point near the proposed river diversion and encasement structure.

Prior to project construction, the City needs to obtain Clean Water Act (CWA) Section 401 Water Quality Certification from the Colorado River Basin California Regional Water Quality Control Board (Regional Water Board), a CWA Section 404 permit from the US Army Corps of Engineers

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(USACOE), and a California Fish and Game Code Section 1602 permit from the California Department of Fish and Wildlife (CDFWL). On January 28, 2021, the City of Calexico solicited proposals from qualified environmental consultants for technical and regulatory assistance to obtain these permits.

**Discussion & Analysis:**

On April 7, 2021, the City Council of the City of Calexico authorized the City Manager to sign agreement of Professional Services with Panorama Environmental, Inc. in the amount of \$74,871.00 for Technical and Regulatory Assistance for New River Improvement Project – Calexico Reach. Panorama Environmental, Inc. (“Panorama”), has been meeting with the New River Project Manager, City staff and several regulatory agencies to discuss and apply on behalf of the City for above-mentioned permits. The permits are necessary so that the City can begin the construction phase of said project. The applications need to be supported by technical reports regarding the extent of Jurisdictional Waters and biological resources potentially impacted by the Project.

As part of the Initial Study/Mitigated Negative Declaration (IS/MSD) the City adopted in April 2020, the City is required to complete a burrowing owl survey prior to construction. In addition, the City was required to complete a Jurisdictional Delineation of US Waters and Report for the US Army Corps of Engineers. In 2020, a Jurisdictional Delineation report was prepared for the City in support of the IS/MND, but the report was too broad in its identification of Jurisdictional Waters, particularly identification of “wetlands” within the Project’s footprint. Therefore, a new Jurisdictional Delineation report is needed to properly characterize Jurisdictional Waters and the potential impacts on those waters and biological resources they support. Based on the foregoing, City staff is requesting that the City Council of the City of Calexico authorize the City Manager to sign Amendment No. 1 and 2 of the Agreement of Professional Services between the City of Calexico and Panorama in the amount of \$18,265.00. Please note that funding for said amendment is 100% funded by the State of California Department of Water Resources and there is no impact to the General Fund.

**Fiscal Impact:**

Capital Improvement Program Budgeted Item for FY 2020-2021	
State Grant – State of California Department of Water Resources	\$18,265.00
<b>Total</b>	<b>\$18,265.00</b>

**Coordinated With:**

City Manager’s Office.  
Public Works Department.

**Attachment(s):**

1. Amendment No. 1 and 2 of Agreement of Professional Services between the City of Calexico and Panorama Environmental, Inc.

# ATTACHMENT #1

**AMENDMENT NUMBER 1 AND 2 TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF CALEXICO AND PANORAMA ENVIRONMENTAL, INC.**

AMENDMENT NUMBER 1 AND 2 dated June 2, 2021, the agreement for professional services between the City of Calexico (“City”) and Lee and Ro, Inc. (“Consultant”) dated April 7, 2021 (the “Agreement”) concerning Technical and Regulatory Assistance for the New River Improvement Project – Calexico Reach (the “Project”).

The Consultant has entered into the Agreement with the City for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the City to the Consultant, all set forth in:

Exhibit A – Amendment No. 1 dated May 6, 2021  
Exhibit B – Amendment No. 2 dated May 19, 2021

The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CITY OF CALEXICO:

CONSULTANT:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Miguel Figueroa, City Manager

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: Carlos Campos, City Attorney

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: Gabriela Garcia, City Clerk

Date: \_\_\_\_\_



May 6, 2021

Jose Angel  
Public Works Department  
City of Calexico  
549 Pierce Avenue  
Calexico, California 92231

Subject: Amendment #1 to Scope of Work for the New River Improvement Project

Dear Mr. Angel:

This request for Amendment #1 to Panorama's authorized scope of work for the New River Improvement Project has been prepared to provide focused burrowing owl surveys within the project area and a 150-meter buffer as required in compliance with the adopted mitigation measures in the City of Calexico's April 2020 Initial Study/Mitigated Negative Declaration (IS/MND) Mitigation Monitoring and Reporting Plan (MMRP) for the New River Improvement Project. The IS/MND and MMRP for the project require that burrowing owl surveys be completed in the spring prior to construction. The City has not completed the spring burrowing owl surveys, which are required by MM Bio-2.

*MM BIO-2: Focused burrowing owl surveys shall be conducted within the APE and surrounding 150-meter survey area in accordance with the survey protocol in the CDFW 2012 Staff Report on Burrowing Owl Mitigation. Specifically, a total of four surveys shall occur as follows: (1) at least one between February 15 and April 15; and (2) a minimum of three at least three weeks apart between April 15 and July 15, with at least one of these surveys after June 15. Surveys shall occur during favorable weather conditions and either during early morning hours (one hour before sunrise until two hours after sunrise) or during late afternoon hours (two hours before sunset until one hour after sunset). Special attention shall be given to the potential occupancy and avoidance (regardless of occupancy) of the ten (10) artificial burrowing owl burrows installed in September 2012 as mitigation to passively relocate individuals of burrowing owl affected by the Calexico Gran Plaza Project (see Figure 5, Artificial Burrow Locations). A final report shall be submitted for CDFW review addressing survey methods, transect widths, duration, conditions, results, and any additional required mitigation for CEQA adequacy.*

In order to avoid construction delays, Panorama proposes to complete the focused burrowing owl surveys using funds from Optional Task 4 included in the originally authorized scope and

budget. Panorama conducted an initial site visit on April 12, 2021. The purpose of the initial site visit was to assess and verify the vegetation communities and wetlands delineated for the IS/MND. Although the initial site visit was not conducted specifically for burrowing owl surveys, the initial site assessment included evaluation of biological resources including burrowing owls and will be discussed in the burrowing owl report.

## Scope of Work Modification

### Burrowing Owl Surveys and Report

Panorama will conduct three burrowing owl surveys in accordance with Mitigation Measure Bio-2 and following the survey protocol in the *CDFW 2012 Staff Report on Burrowing Owl Mitigation*. Following the surveys, Panorama will prepare a Burrowing Owl Survey Report in accordance with the report criteria in *CDFW 2012 Staff Report on Burrowing Owl Mitigation* that will be provided to the City for review and submitted to CDFW upon City review and approval. The report will include a description of survey methods, transect widths, duration, survey conditions, results, and recommended actions necessary to ensure compliance with Mitigation Measure Bio-2 and the *CDFW 2012 Staff Report on Burrowing Owl Mitigation*.

### Budget

The estimated cost for the burrowing owl surveys is provided in the table below. This task will be completed through allocation of authorized funds for the optional wetland delineation update and water budget scope. No additional budget authorization is requested.

Task	Principal	Sr. Project Manager	Sr. Biologist/ GIS Manager	Regulatory Specialist	Other Direct Costs	Total
Burrowing Owl Surveys and Report	\$220	\$175	\$145	\$135	\$450	\$7,575

Panorama will commence the proposed scope of work upon receipt of Notice to Proceed. To keep the project on schedule, the May 2021 burrowing owl survey has been tentatively scheduled for May 9, 2021.

Please do not hesitate to contact Rita Wilke or me if you have any questions about this proposed change order.

Sincerely,



Susanne Heim  
Principal



May 19, 2021

Jose Angel  
Public Works Department  
City of Calexico  
549 Pierce Avenue  
Calexico, California 92231

**Subject: Request for Amendment #2 to Scope of Work and Budget for the New River Improvement Project for Supplemental Wetland Delineation**

Dear Mr. Angel,

This request for Amendment #2 to Panorama Environmental Inc.'s (Panorama's) authorized scope of work and budget for the New River Improvement Project (project) has been prepared to conduct a supplemental wetland delineation for the New River Improvement Project (project). A previous wetland delineation was conducted in 2018 and identified approximately 90 acres of jurisdictional waters and wetlands within the study area. Based on recent field investigation of the discharge dissipator location, the 2018 delineation report has indicated the presence of wetlands in areas that lack wetland indicators, including lack of wetland vegetation and hydrology. In addition, the prior delineation discusses project impacts on over 80 acres of wetlands, has very few data points, and does not explain why areas that lack saturated soil conditions were defined as wetlands. Use of the prior wetland delineation report is expected to result in a protracted permitting timeline with the U.S. Army Corps of Engineers and could result in requirements for wetland restoration in areas that may not currently meet wetland hydrology criteria. The supplemental wetland delineation will include additional data points (soil pits) covering a study area that is focused around the proposed pipeline. The delineation will not include soil pits or additional data collection in areas north of the New River. Particular attention will be given to areas previously delineated as wetlands and waters of the United States. The result of this amendment will be preparation of a stand-alone Jurisdictional Delineation Report that can be submitted with the permit applications to support the permit process.

**Scope of Work Modification**

**Jurisdictional Delineation and Report**

Panorama will conduct a wetland delineation in accordance with the US Army Corps of Engineers Wetland Delineation Manual (USACE 1987) and the Arid West Supplement (USACE 2008). The delineation will include data points within and outside of the wetland for any



wetland features that are mapped along the pipeline. The delineation will include approximately 30 acres along the proposed bypass pipeline alignment between the proposed trash screen location and outfall location.

Following the wetland delineation field work, Panorama will prepare a Jurisdictional Delineation Report identifying jurisdictional boundaries associated with waters and wetlands within the study area. The report will identify jurisdictional areas for USACE, the Colorado River Regional Water Quality Control Board (Waterboard), and California Department of Fish and Wildlife (CDFW). The Jurisdictional Delineation Report will be prepared in accordance with USACE requirements for a jurisdictional delineation report and will be provided to the City of Calexico for review and comment. The Jurisdictional Delineation Report will be submitted to USACE, the Waterboard, and CDFW with the permit applications.

**Budget**

The estimated cost for the jurisdictional delineation and report is provided in the Table 1 below.

**Table 1 Budget for Supplemental Wetland Delineation**

Task	Principal	Sr. Project Manager	Sr. Biologist/ GIS Manager	Regulatory Specialist	Other Direct Costs	Total
	\$220	\$175	\$145	\$135		
Jurisdictional Delineation and Report	4	8	40	16	\$450	\$10,690

The additional wetland delineation work will exceed the authorized budget for the New River Improvement Project because the Task 4 optional budget was allocated in Amendment #1 to complete burrowing owl surveys for the project. This contract amendment will increase the total contract budget as shown in Table 2 below.

**Table 2 Contract Budget with Amendment 2**

Task	Budget
Existing contract authorization	\$74,871
Supplemental Delineation (this amendment)	\$10,690
<b>Total Authorization with Amendment #2</b>	<b>\$85,861</b>

**Schedule**

Panorama will commence the proposed scope of work upon receipt of Notice to Proceed. To keep the project on schedule, the jurisdictional delineation field work has been tentatively scheduled for May 22, 2021. The Jurisdictional Delineation Report will be prepared by the first week of June 2021.

Please do not hesitate to contact Rita Wilke at [rita.wilke@panoramaenv.com](mailto:rita.wilke@panoramaenv.com) or me at [Susanne.heim@panoramaenv.com](mailto:Susanne.heim@panoramaenv.com) if you have any questions about this proposed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susanne Heim', with a small dot at the end of the line.

Susanne Heim  
Principal