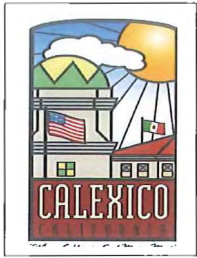


**AGENDA  
ITEM**

**10**



# AGENDA STAFF REPORT

**DATE:** November 3, 2021

**TO:** Mayor and City Council

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

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

**SUBJECT:** Authorize City Manager to Sign Amendment No. 4 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. 4 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 Wastewater 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 404 1 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



(USACOE), and a California Fish and Game Code Section 1602 permit from the California Department of Fish and Wildlife (CDFWL). The permits are necessary so that the City can begin the construction phase of said project. On January 28, 2021, the City of Calexico solicited proposals from qualified environmental consultants for technical and regulatory assistance to obtain these permits; and 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.

**Discussion & Analysis:**

Subsequently to the execution of the Agreement with Panorama, the Council authorized three (3) Amendments to the Agreement to cover additional and unexpected technical and regulatory work in support of the application for the permits. Since late August 2021, discussions and negotiations with the Corps and Regional Water Board have progress significantly to the point where the Corps and Regional Water Board are now drafting their permits, but they are requesting a Monitoring and Adaptive Management Plan (MAMP) as part of their permitting process. The Corps also needs assistance with the preparation of its National Environmental Quality Act (NEPA) Environmental Assessment (EA) for the Project, to expedite permitting of the Project. In short, provided the City provides the MAMP and assistance to the Corps with its EA, the City expects their permits by January 2022.

The MAMP and ES are a must to get the Corps permit and Regional Water Board Water Quality Certification and start Project construction at the earliest practicable time. Therefore, City staff is requesting that the City Council of the City of Calexico authorize the City Manager to sign Amendment No. 4 of the Agreement of Professional Services between the City of Calexico and Panorama in the amount of \$26,190 to: (1) prepare the MAMP; and (2) draft the ES for the Corps. This wraps up the technical and regulatory discussions with the Corps and the Regional Water Board for their issuance of the CWA Sec. 404 Permit and CWA Sec. 401 Water Quality Certification for the Project, respectively. 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 2021-2022	
State Grant – State of California Department of Water Resources	\$26,190.00
Total	\$26,190.00

**Coordinated With:**

City Manager’s Office.  
Public Works Department.

**Attachment(s):**

1. Amendment No. 4 of Agreement of Professional Services between the City of Calexico and Panorama Environmental, Inc.

ATTACHMENT #1

**AMENDMENT NUMBER 4 TO THE AGREEMENT FOR  
PROFESSIONALSERVICES BETWEEN THE CITY OF CALEXICO  
AND PANORAMA ENVIRONMENTAL, INC.**

AMENDMENT NUMBER 4 dated November 3, 2021, to the agreement for professional services between the City of Calexico ("City") and Panorama Environmental, 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. 4 dated October 25, 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: \_\_\_\_\_

Title: Miguel Figueroa, City Manager

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

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

Title: Carlos Campos, City Attorney

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

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

Title: Gabriela Garcia, City Clerk

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

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

Title: Susanne Heim, Principal

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



October 25, 2021

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

**Subject: Request for Amendment #4 to Scope of Work and Budget for the New River Improvement Project for Preparation of a Monitoring and Adaptive Management Plan and an Environmental Assessment**

Dear Mr. Angel,

This request for Amendment #4 to Panorama Environmental Inc.'s (Panorama's) authorized scope of work and budget for the New River Improvement Project (project) has been prepared to support the City of Calexico (City) with preparation of a Monitoring and Adaptive Management Plan and preparation of an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) in order to support the City in obtaining permits for the project under Sections 401 and 404 of the Clean Water Act.

Panorama assisted the City with preparing a framework for monitoring and adaptive management that included pre-project and post-project hydrology and vegetation data collection. The framework was reviewed with the U.S. Army Corps of Engineers (Corps) and Colorado River Regional Water Quality Control Board (Colorado River Water Board) at a meeting on October 20 to obtain feedback on the approach including the monitoring parameters and action criteria and adaptive management strategy. This scope of work includes preparation of a Monitoring and Adaptive Management Plan that addresses comments received from the Corps and Colorado River Water Board on the framework.

The Corps has provided the City with a template for preparation of an EA. The Corps has agreed to an expedited schedule for processing the 404 permit, and has requested City's support in preparation of the EA in order to meet that schedule.

### **Scope of Work Modification**

#### **Task 1. Prepare Monitoring and Adaptive Management Plan**

Panorama will prepare a Monitoring and Adaptive Management Plan that reflects the parameters included in the *Framework for New River Improvement Project – Calexico Reach*

*Monitoring and Adaptive Management* dated October 20, 2021, and feedback received from Antal Szijj and Kai Dunn during a meeting on October 20, 2021. The plan will include details on the methods, timing, and duration of pre-project and post-project hydrology and vegetation monitoring and will define procedures for adaptive management based on exceedance of the defined action criteria. This task includes:

- Preparation of a 1<sup>st</sup> Draft Monitoring and Adaptive Management Plan
- Preparation of a 2<sup>nd</sup> Draft Monitoring and Adaptive Management Plan in response to City comments
- Preparation of a Final Monitoring and Adaptive Management Plan in response to Corps, Colorado River Water Board, and California Department of Fish and Wildlife (CDFW) comments

This amendment also includes Project Manager and Project Director participation in up to two meetings with the City to discuss and refine the Monitoring and Adaptive Management Plan.

**Task 2. Environmental Assessment**

Panorama will prepare a Draft EA for the Project using the Corps provided template. This task assumes that the EA is prepared using environmental information included in the Initial Study and Mitigated Negative Declaration for the Project and no additional environmental studies are required to prepare the EA. Panorama will prepare a Draft EA for City review. Panorama will address City comments on the Draft EA and will prepare an EA for filing with the Corps.

**Budget**

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

**Table 1 Budget for Amendment 4**

Task	Principal	Sr. Project Manager	Sr. Biologist/ GIS Manager	Regulatory Specialist	Other Direct Costs	Total
	\$220	\$175	\$145	\$135		
Task 1: Monitoring and Adaptive Management Plan	12	30	8	30		\$13,100
Task 2: Environmental Assessment	5	22	4	56		\$13,090
<b>Amendment 4 Total</b>						<b>\$26,190</b>

This contract amendment will increase the total contract budget as shown in Table 2 below.

**Table 2      Contract Budget with Amendment 4**

Task	Budget
Existing contract authorization	\$103,341
Amendment #4	\$26,190
<b>Total Authorization with Amendment #4</b>	<b>\$129,531</b>

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,



Susanne Heim  
Principal