

AMENDMENT NO. 1

CITY OF CHICO - PROFESSIONAL SERVICES AGREEMENT

AGREEMENT DATED AUGUST 15, 2023

BETWEEN CITY OF CHICO

AND

ICF JONES & STOKES, INC.
Architect/Consultant/Engineer

P-18 SEWER TRUNKLINE
Project Title

008-000-8800/50424-008-4120
Budget Account Number

THIS PROFESSIONAL SERVICES AGREEMENT AMENDMENT (Amendment) is entered into on March 12, 2024, between the City of Chico, a municipal corporation under the laws of the State of California (City), and ICF Jones & Stokes, Inc., (Consultant). On August 15, 2023, City and Consultant entered into City of Chico - Professional Services Agreement” (Agreement). The provisions of the Agreement are hereby amended as follows:

1. Exhibit B is hereby superseded and replaced by revised Pages B1-R1 through B11-R1 attached hereto.
2. All other provisions of the Agreement shall remain in full force and effect.

CITY:

Mark Sorensen
Mark Sorensen (Mar 12, 2024 13:48 PDT)

Mark Sorensen, City Manager*

CONSULTANT:

Patricia Toben-Cropper
Patricia Toben-Cropper (Mar 12, 2024 10:56 EDT)

By:

Patricia Toben-Cropper

Title Senior Contracts Manager

*Authorized pursuant to Section 3.08.060 of the Chico Municipal Code

APPROVED AS TO FORM:

John W. Lam

John W. Lam (Mar 11, 2024 17:45 PDT)

John Lam, City Attorney*

APPROVED AS TO CONTENT:

Brendan Ottoboni

Brendan Ottoboni (Mar 11, 2024 17:52 PDT)

Brendan Ottoboni, Public Works Director,
Engineering

*Pursuant to The Charter of the
City of Chico, Section 906(D)

REVIEWED AS TO CONTENT:

Barbara Martin

Barbara Martin (Mar 12, 2024 11:57 PDT)

Barbara Martin, Administrative Services Director*

*Reviewed by Finance and Information Systems

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AMENDED
EXHIBIT B

SCOPE OF PROFESSIONAL SERVICES - BASIC; COMPLETION SCHEDULE

Amendment No. 1 Services in Bold:

Scope of Professional Services - Basic

The Consultant shall provide professional services as follows:

TASK 1: CONTRACT MANAGEMENT

Consultant shall conduct administrative functions related to execution, control, and closeout, ensuring project objectives and contract requirements are met. This includes coordination with the City, preparation, and submittal of monthly invoices.

Consultant's Project manager and up to one supporting staff shall attend bi-monthly virtual Project Development Team (PDT) meetings, as well as monthly meetings through completion of the CEQA and NEPA tasks (estimated 16 meetings), as well as monthly meeting through completion permitting related tasks (an estimated 4 meetings). Consultant's Project Manager and Project Coordinator shall provide technical oversight for implementation of the scope of work and shall perform administrative functions necessary for the tasks assigned.

Deliverables:

- *Telephone and email status updates/check-in calls, as needed per the assumed number of meetings.*

TASK 2: ENVIRONMENTAL PROJECT DESCRIPTION

Consultant shall utilize the final project details provided by the City to create a final project

description that shall be the basis for the analysis in the CEQA and NEPA environmental documents (Tasks 5 and 8, below) and permit applications (Task 11, below).

Deliverables:

- *Final Project description with graphics for use in environmental documents (Word, PDF)*

Assumptions:

- *City shall provide final map area, CAD and/or kmz of proposed sewer trunkline.*
- *The Project disturbance limits shall not change once established by the City and provided to Consultant for use in the impact analysis.*

TASK 3: CULTURAL RESOURCES

Consultant shall revise the existing draft technical report prepared by the Consultant to reflect the current Project limits. The report shall identify the archaeological and built environment resources and be compliant to both CEQA and Section 106 standards of HUD and the USACE. The report shall document the results of the background research, archaeological, prehistoric, ethnographic, and historical background, archaeological sensitivity, field surveys, and evaluations of eligibility of the up to two built environment resources (if necessary). The report shall meet standards for reporting as outlined in the guidelines provided by the State Historic Preservation Officer (SHPO). The report shall be sufficient as a Phase I identification effort, meaning that depending on the nature and extent of cultural resources identified, additional study or investigation may be necessary to address environmental review.

Consultant shall prepare a Draft Section 106 Consultation Letter that shall accompany the report requesting the SHPO's concurrence on the report findings. Following review and signature by the City, City shall submit the report and cover letter to the SHPO.

Upon final approval, Consultant shall send the report and all applicable GIS data to the NEIC as part of the Consultant's access agreement with the CHRIS system.

Deliverables:

- *Draft and Final Cultural Resources Report (PDF and one printed copy of final).*
- *Draft Section 106 Consultation Letter (Word)*

Assumptions:

- *The Project shall have no adverse effect on historic resources or unique archaeological resources. No supplemental documentation or subsurface investigations shall be necessary.*
- *No Finding of Effect report or agreement documents shall be required to meet Section 106.*
- *SHPO shall concur with the cultural resource identification report findings.*
- *The USACE shall accept the APE and Cultural Resources Report prepared for the overall Project, the outcome of the tribal consultations, and SHPO Concurrence as Section 106 compliance for their permitting action(s).*

TASK 4: BIOLOGICAL RESOURCES

To support the assessment of Project impacts under CEQA and NEPA, Consultant shall submit a Biological Resources Memo, to be included as an attachment to the IS/MND and EA (Tasks 5 and 8, below) that addresses the following:

- Documents existing information and field survey results for baseline conditions within the study area (defined as the 50-foot-wide construction corridor and an additional 250 feet on both sides for a total of 550 feet).
- Maps and descriptive information on landcover/habitats.
- Determination whether suitable habitat occurs in the study area for special-status species (e.g., federally listed valley elderberry longhorn beetle [VELB] and vernal pool fairy shrimp). Includes a map all elderberry shrubs in the study area per the USFWS 2017 Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle.
- Documents special-status species that may be identifiable at the time of the survey (e.g., rare plants that are identifiable in late summer).
- Map and characterization of potential waters of the United States/waters of the State based on observable characteristics (vegetation and hydrology).
- Map and characterization of sensitive natural communities (e.g., riparian communities along creek crossings).
- Determination whether there are any trees present that may be subject to the City's Tree Preservation Regulations (Chico Municipal Code 16.66 and 19.68.060), which provides City discretion over any proposed tree removal and specifies appropriate replacement requirements for any trees that are approved for removal (only trees within City rights of way are planned for removal).
- Results of the two-day late-blooming-season botanical survey.

Consultant shall prepare a draft and final Aquatic Resources Delineation Report (ADR), consistent with the Sacramento U.S. Army Corps of Engineer (USACE) standards applicable at the time of the survey. The ARD shall also be included as an attachment to the IS/MND and EA.

Deliverables:

- *Draft and Final Biological Resources Memo [MS Word and PDF]*
- *Draft and Final ARD Report [MS Word and PDF]*

Assumptions:

- *No protocol-level species surveys, or arborist survey shall be necessary to support the CEQA/NEPA analysis.*
- *City design shall avoid or minimize direct and indirect effects on federally listed species and an associated triggers under the federal Endangered Species Act. Consultant shall assist the City with avoidance options.*
- *No map revisions shall be necessary after the delineation is submitted to the USACE.*

TASK 5: CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Consultant shall complete an Initial Study checklist following the City's provided checklist example. For the impact analysis, the Consultant shall rely on the written project description developed in Task 2 and the impact limits of the Project provided by the City, which shall include the permanent and temporary limits of all proposed ground disturbance and the limits of ancillary Project features such as staging areas, utility relocations, and access/haul road, if known.

The approach to the impact analysis assumed that the Project would have no impact or only less than significant impacts on resources related to aesthetics, recreation, agriculture/forestry, geology/soils, energy, and mineral resources, tribal cultural resources, land use/planning, population/housing, utilities/service systems, public services, water quality/hydrology, energy, geology/soils, hazards/hazardous materials, and wildfire.

For the purposes of this scope, it is also assumed that the Project's role in land use planning and the potential for its contribution to growth is adequately addressed in the City's 2030 General Plan Update and EIR and the Butte County General Plan 2030 and EIR. These two planning documents address planned development and changes in land use in the City's sphere of influence and the unincorporated areas of the county and analyze the effects of that planned growth, including contributions to cumulative impacts. The document shall incorporate by reference the discussions of land use, growth and relevant cumulative impacts contained in the General Plan EIRs to adequately address those topics.

Consultant shall describe the setting for potential Project impacts and identify mitigation for potentially significant impacts. Consultant shall use the results of the cultural and biological efforts described in Tasks 3 and 4. Consultant shall use results of other studies prepared separate from this scope and shall conduct additional research and analysis for noise, air quality, and greenhouse gas emissions as described below.

Noise: Consultant shall prepare an analysis of potential construction noise impacts for the Project. It is assumed that all noise generating construction work shall occur during daytime hours. As such on-site noise monitoring is not considered to be warranted.

Air Quality and Greenhouse Gas Emissions: Consultant shall prepare an analysis of construction emissions, which shall be quantified using the most recent version of the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model and construction data provided by the City. The Project would not result in changes in traffic patterns in the Project area and would not generate additional vehicle trips. Therefore, the analysis shall document that Project implementation would not affect operational criteria pollutant, greenhouse gas, or mobile source air toxic emissions, relative to No Build conditions.

Cultural Resources: Consultant shall use the results in the technical study (Task 3) to describe environmental and cultural contexts for the Project region, document records search findings and communication efforts with the NAHC, and interested parties (e.g., historical societies), and describe archaeological and architectural field methods and results. Consultant shall also summarize the study area sensitivity for buried archaeological sites and any appropriate management recommendations.

Tribal Cultural Resources: Consultant shall base the section on the results of AB 52 Tribal Consultation between the City agency and any consulting Tribes. Consultant shall include ethnographic and tribal cultural contexts for the Project region and document the consultation efforts with the Tribes for identification efforts of Tribal Cultural Resources under AB 52.

Biological Resources: Consultant shall use the data and memo prepared in task 4, above, to describe the Project setting, including the land cover types (including sensitive natural communities), special-status species and associated habitats, and waters of the United States/waters of the State that could be directly or indirectly affected by the Project. Consultant shall include maps depicting biological resources, and Project impacts and shall identify mitigation for potentially significant impacts.

Deliverables:

- *Draft and Final Notice of Intent to Adopt Mitigated Negative Declaration [MS Word and PDF]*
- *Administrative Draft Initial Study/Proposed MND [MS Word and PDF of Figures]*
- *2nd Administrative Draft Initial Study/Proposed MND [MS Word and PDF]*
- *Pre-public Draft Initial Study/Proposed MND [MS Word and PDF] for approval to circulate*
- *Up to 20 NOI+IS/MND copies direct mail via certified mail or other method that provides notice of receipt to provided addresses for responsible and trustee agencies as well as to parties who previously requested notice*

Assumptions:

- *City shall prepare and file Notice of Intent to adopt the MND with the County Clerk and pay any filing fees.*
- *City shall upload Initial Study and proposed MND to State Clearinghouse website for public review.*
- *City shall prepare and publish notice availability of NOI+IS/MND in newspaper of general circulation.*
- *All significant impacts can be reasonably mitigated to less-than-significant levels.*
- *No noise-generating construction shall occur at night.*
- *Project shall not result in permanent changes in traffic patterns in the Project area and shall not generate additional vehicle trips.*
- *Effects on Federally or State listed species that would require consultation with USFWS, NMFS or CDFW can be avoided.*
- *The City shall conduct and provide the results of AB 52 consultation efforts to the Consultant to include the Tribal Cultural Resources section of the CEQA document.*

TASK 6: CEQA RESPONSES TO PUBLIC COMMENTS

Consultant shall prepare a matrix of comments received on the IS/MND document and shall provide draft and final responses to comments related to the environmental analysis for the City's consideration and use when adopting the MND.

Deliverables:

- *Response to Comment Matrix: matrix of up to 20 individual comments from up to 8 comment letters [MS Excel file]*
- *Draft and Final responses to comments related to environmental analysis [MS Word]*

Assumptions:

- *Comments do not trigger the need for new analysis or revisions to the Initial Study.*

TASK 7: CEQA MITIGATION MONITORING PLAN

Consultant shall prepare a draft and final Mitigation Monitoring Program in tabular format for City adoption.

Deliverables:

- *Mitigation Monitoring Program: draft and final [MS Word and PDF]*

Assumptions:

- *City shall upload MND and Notice of Determination to State Clearinghouse website.*
- *City shall prepare and file the Notice of Determination with the County Clerk and shall pay any filing fees.*
- *City shall prepare City Council packet and present to City Council, if necessary.*

TASK 8: NEPA ENVIRONMENTAL ASSESSMENT

Consultant shall prepare the Environmental Assessment in accordance with 24 CFR 58.36. Consultant shall complete the HUD recommended Statutory Checklist to record determinations made regarding each listed statute, executive order, or regulation therein. Consultant shall complete the HUD recommended Environmental Assessment checklist, which shall:

- Provide a description of all potential environmental impacts, whether beneficial of adverse, and the conditions that would change because of the Project,
- Analyze and evaluate impacts to determine the significance of their effects on the human environment and whether the Project shall require further compliance under related laws and authorities.
- Examine and recommend feasible ways in which the Project or external factors relating to the Project could be modified to eliminate or minimize adverse environmental impacts.

Consultant shall examine only one build alternative, as well as the alternative of no action. Technical analysis details shall be appended to the Environmental Assessment. Consultant shall respond to one round of comments that the City may have regarding the content and analysis contained in the Draft Environmental Assessment. A final draft along with a SharePoint link with all source files and attachments shall be provided for City use.

Deliverables:

- *Draft and Final Draft Environmental Assessment [MS Word and PDF]*

- *Complete Environmental Review record with all source files and attachments [SharePoint]*

Assumptions:

- *Effects on one Federally listed species would require consultation with USFWS. Consultation with NMFS and CDFW can be avoided.*
- *The Project shall have no adverse effect on historic resources or unique archaeological resources.*
- *Provider shall use results of other studies prepared separate from this scope, such as for hazardous materials.*

TASK 9: COMBINED NEPA FINDING OF NO SIGNIFICANT IMPACT NOTICE

Consultant shall assist the City with completing a combined notice that addresses the two separate but related procedural requirements, Notice of Intent to Request Release of Funds; and Notice of FONSI, up to the hours provided. City shall lead and conduct this notice, including in a local paper and distributions to interested parties.

Assumptions:

- *City (Responsible Entity) shall arrange for the publication in newspaper and the mailing of the combined FONSI notice.*
- *City shall prepare any separate Request of Release of Funds form.*

TASK 10: SECTION 7 BIOLOGICAL ASSESSMENT AND CONSULTATION ASSISTANCE

If necessary, Consultant shall prepare a draft and final Biological Assessment for HUD to initiate Section 7 Federal Endangered Species Act (ESA) consultation with USFWS for Project effects on federally listed valley elderberry longhorn beetle (VELB). The Biological Assessment also shall address effects of the USACE's actions related to Clean Water Act Section 404 and Rivers and harbors Act Section 14 permitting (discussed in task 11). The Consultant shall query conservation banks that service the Project area and provide a list of suitable banks to the City where they can purchase VELB credits if required by USFWS. The City shall submit Biological Assessment on behalf of HUD to USFWS to initiate consultation. The Consultant shall support the consultation effort up to the hours provided.

Deliverables:

- *Draft and Final Biological Assessment [PDF]*

Assumptions:

- *USFWS shall not require revisions to the Biological Assessment.*
- *USACE shall not require revisions to the Biological Assessment.*
- *A Conservation Bank shall have VELB credits to satisfy the USFWS BO.*
- *Any compensatory mitigation credits required by USFWS shall be purchased by the City.*
- *VELB is the only listed species with habitat and the potential to be affected by the*

Project.

TASK 11: PERMIT APPLICATION PREPARATION (OPTIONAL)

If necessary, the Consultant shall prepare a draft version for City review, revise materials once, and submit a final application to regulatory agencies for the following permits/authorizations.

- Section 404 of the Clean Water Act: Nationwide Permit #58 (Utility Line Activities for Water and Other Substances) would be required if the Project will discharge dredged or fill material to waters of the U.S. Excavation and backfilling for pipelines is considered a discharge. Consultant shall prepare a pre-construction notification demonstrating compliance with the Nationwide Permit conditions including Water Quality Certification, the federal Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA). The outcome of ESA and NHPA consultations initiated by the City on behalf of HUD shall provide ESA and NHPA compliance. If compensatory mitigation for the loss of waters of the United States is required, the Consultant shall conduct a query of USACE-approved mitigation banks and in lieu fee (ILF) programs that service the area and provide a list of suitable banks/ILF programs to the City. The City shall contact the bank(s) and arrange the purchase of any mitigation credits, including ILF program credits.
- Section 1602 of the California Fish and Game Code: Lake and Streambed Alteration (LSA) Agreement would be required for project activities that impact the drainages within the project area including jack and bore beneath them. The Consultant shall attend one site visit with the California Department of Fish and Wildlife, if necessary. Consultant shall prepare a notification package describing the project features; construction period; construction methods; impacts to vegetation, fish, and wildlife; and proposed monitoring plans. Consultant shall prepare a Draft Restoration Plan for the temporarily disturbed areas. The draft plan shall describe the planting/seeding plans, maintenance and monitoring of the temporarily disturbed areas in enough detail to obtain the Draft LSA from CDFW. A final plan would need to be prepared under a separate contract prior to impacting jurisdictional areas. If compensatory mitigation for the loss of streams subject to the LSA Agreement is required, the Consultant shall conduct a query of CDFW-approved mitigation banks and in lieu fee (ILF) programs that service the area and provide a list of suitable banks/ILF programs to the City. The City shall contact the bank(s) and arrange the purchase of any mitigation credits, including ILF program credits. Consultant shall upload the notification and supporting attachments to the online permitting portal. A notification fee provided by the City shall be paid online or sent to the Department office.
- Section 401 of the Clean Water Act: Water Quality Certification would be required as a condition of the Nationwide Permit issued by the USACE. Consultant shall request and attend one virtual pre-application meeting with the Regional Water Quality Control Board and prepare the Water Quality Certification Application materials. If compensatory mitigation for the loss of waters of the State is required, the Consultant shall conduct a query of Regional Water Quality Control Board-approved mitigation banks and ILF programs that service the area and provide a list of suitable banks/ILF programs to the City. The City shall contact the bank(s) and arrange the purchase of any

mitigation credits, including ILF program credits. An application fee and project fee (both provided by the City), copies of the Section 404 pre-construction notification submitted to the Corps, and the Lake and Streambed Alteration Notification to California Department of Fish and Wildlife shall be included.

- California Code of Regulations Title 23 and Rivers and Harbors Act of 1899 Section 14 permission (33 U.S. Code Section 408): An Encroachment Permit would be required for installation of the pipeline under the Butte Creek Diversion Channel, a regulated stream (23 CCR Section 112 Table 8.1) with a federal project levee protecting the properties to the west from flooding. 33 USC Section 408 Permission would be required to bore under the Butte Creek Diversion Channel Right Bank Levee. The levee is maintained by the Department of Water Resources Sutter Maintenance Yard. Consultant shall request and attend one virtual pre-application meeting with the Central Valley Flood Protection Board. As the non-federal sponsor of the federal project levee, the CVFPB shall invite the USACE to discuss the 33USC408 Permission requirements. Agenda and meeting minutes will be provided. Consultant shall prepare the Encroachment Permit Application and request endorsement from the Sutter Maintenance Yard prior to submitting the application to CVFPB. An application fee (provided by the City), copies of the technical reports (e.g., hydraulic/scour analysis, geotechnical, drilling plan, etc.), figures, list of adjacent property owners, and CEQA document would be submitted to the CVFPB.

Deliverables:

- *Agenda and minutes for pre-application meetings with RWQCB and CVFPB/USACE.*
- *Electronic (pdf and/or WORD) files of all permit application/notification materials (one draft copy for review and one final copy for maintenance agency endorsement and applicant signature)*
- *One hard copy of the Encroachment Permit Application forms would be mailed to the CVFPB.*
- *One CD would be provided to the CVFPB with digital copies of all required information and any other environmental documents that are pertinent to the proposed project. All other agencies will receive electronic transferred digital copies (unless a CD is requested).*

Assumptions:

- *USACE shall not require revisions to the Biological Assessment.*
- *USACE shall not require revisions to the Section 106 report, tribal consultations, or findings.*
- *The City shall provide permit application fee checks or pay online.*
- *The Project shall meet the conditions of one or more CWA Section 404 Nationwide Permits*
- *The Diversion Channel Levee Maintaining Agency shall endorse the Title 23 Encroachment Permit application.*
- *The City shall provide technical documentation as needed to comply with USACE Engineer Regulations for work in and around levees.*
- *Following submittal of the permit applications/notifications, no more than a total of 32 hours shall be needed to respond to agency data requests and receive confirmation of*

complete applications.

- *The Draft Restoration Plan for temporarily disturbed areas shall be accepted by the agencies as satisfactory for permit issuance.*
- *Compensatory mitigation for permanent impacts to jurisdictional aquatic resources or VELB habitat would be obtained by the City from mitigation banks or ILF programs. No onsite compensatory mitigation shall be proposed.*
- *The City shall provide dewatering and diversion plans to address groundwater encountered during excavations and flowing water encountered at drainage crossings, if necessary.*
- *The City shall provide frac-out contingency plan and spill prevention plan to be submitted with the application packages.*
- *The City shall provide descriptions of alternatives to the proposed project to rebut the presumption that there is a practicable alternative with fewer impacts to the aquatic environment and support the proposed project as the least environmentally damaging practicable alternative.*
- *The agencies shall not require substantial changes to the project or applications requiring additional efforts in excess of this scope and cost estimate.*
- *This scope does not include compliance with the Construction General Stormwater Permit or preparation of a Stormwater Pollution Prevention Plan (SWPPP).*
- *This scope does not include efforts needed to obtain dewatering permits or waste discharge requirements for discharges of nuisance water or hydrostatic test water to waters of the State.*

CITY RESPONSIBILITIES:

The City shall provide all project funding details, including the grant numbers, HUD program, funding amounts, estimated total HUD funded amount, estimated total project cost (HUD and non-HUD funds.)

The City shall assist with communications between environmental (Consultant) and any engineering consultant teams in terms of scope clarifications and Project assumptions.

The City shall conduct all efforts related to Tribal consultation under AB 52.

The City shall conduct all stakeholder and community outreach including efforts such as the creation of Project webpage; community meeting(s); meetings with landlord(s); meetings with stakeholders, including developers; City Council Project meetings.

The City shall provide all available information to the Consultant prior to beginning work. Since time is of the essence for the Project schedule, and additional information shall be provided as dictated by the Project milestones and with sufficient time for the Consultant to review and incorporate the additional information as necessary. The following information shall be provided in electronic format to the Consultant in order to begin or continue work on the Project.

- All required Project details, and exhibits for the build alternative, including limits of

disturbance (both temporary and permanent), plan, profile, and cross-sectional drawings of structures to be constructed in jurisdictional areas, aerial photography, property acquisition/ROW changes, temporary construction easements, equipment, changes in stormwater/runoff systems, topography and engineering plans, in georeferenced spatial format along with parcel data; construction approach, sequence and schedule;

- Information on construction phasing and equipment used for each phase of construction, include hours of the day for construction.
- Locations of proposed tree and vegetation removal.
- Any technical studies prepared separate from this scope that describe the Project's effects or changes to any resource areas covered by CEQA or NEPA.
- Traffic management plan that shall be implemented during construction.
- Documentation of AB 52 consultation, results regarding any Tribal Cultural Resources identified, impact conclusions, and any mitigation negotiated with the Tribes.
- Documentation that landowners have notified of the survey crews' impending presence; permission to access properties as necessary .
- Recent template and/or format example of the City CEQA document.
- Graphical depiction of Project at a scale and level of detail suitable for use as a detailed figure in Project Description.
- Project footprint map, if not specifically included in the item above.

Completion Schedule

The Consultant shall complete the CEQA and NEPA environmental documents in 2023, and support consultation and permitting efforts through ~~March 29, 2024~~ **March 29, 2025**.