

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

73-710 Fred Waring Dr., Suite 200, Palm Desert, CA 92260 · (760) 346-1127 · www.cvag.org



December 15, 2022

Andrea Carranza
Deputy City Clerk
City of Coachella
53990 Enterprise Way
Coachella, CA 92236

RECEIVED

JAN 04 2023

Re: ATP – Art & Music Line Project Reimbursement Agreement – Amendment No. 1

Good Day Andrea:


On December 5, 2022, the CVAG Executive Committee authorized 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.

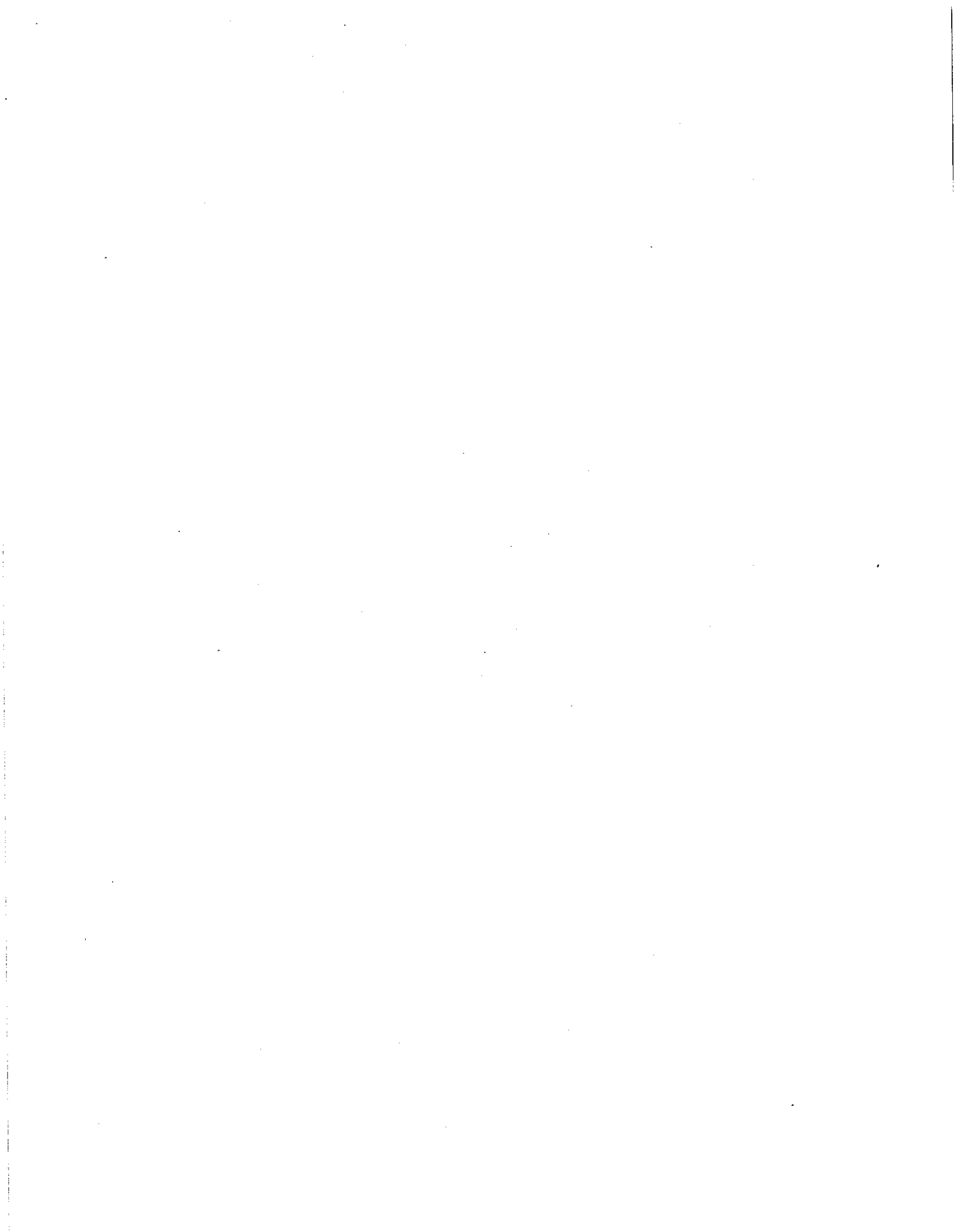
Enclosed please find two (2) copies of Amendment Number One to the Reimbursement Agreement with CVAG for the ATP – Art & Music Line Project, which has been signed by Chair Steven Hernandez and is ready for the city of Coachella to process for signatures. I also have included a copy of the Staff Report (with attachments) associated with this approved agenda item. It provides the project background and fiscal analysis associated with the regional and local shares of project costs.

Once executed by the City, please return the two (2) executed copies for the final signature by CVAG's Executive Director, Tom Kirk. If you wish to have us pick it up, please contact me by email at amcmillen@cvag.org or by telephone at (760) 346-1127.

Coachella Valley Association of Governments
Contracts Administration
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260-2516

Thank you,
Allen 

Enclosures: Two (2) copies of Amendment Number One to the ATP – Art & Music Line Project Reimbursement Agreement between CVAG and the City of Coachella and the associated CVAG Executive Committee Staff Report.



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:

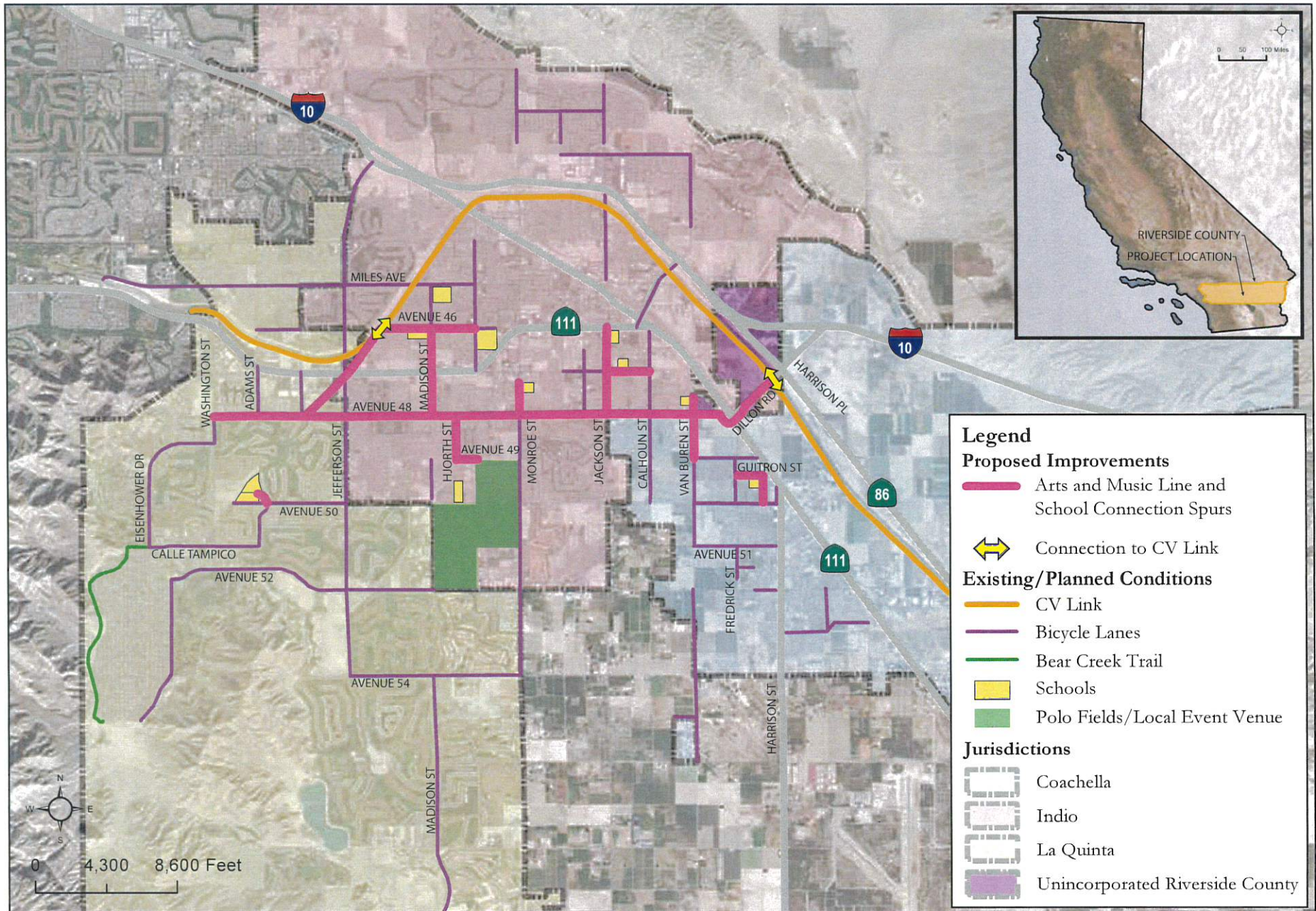
<u>La Quinta</u>	<u>Indio</u>	<u>Coachella</u>	<u>Total Local Share (25%)</u>
\$236,993	\$635,143	\$75,838	\$947,974
25%	67%	8%	100%

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



CVAG Arts and Music Line
 Active Transportation Program Cycle 6 Grant Application

Project Location Map

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

Contract No. CVAG-22-002-01
Project: ATP – Arts and Music Line

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 Environment 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