



# Monterey County

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: A 20-400

September 29, 2020

**Introduced:** 9/21/2020

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

- a. Approve Amendment No. 1 to Professional Services Agreement No. A-14699 with Rincon Consultants, Inc. to prepare a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget in the amount of \$66,597 is increased by \$9,819 to \$76,416 and the Contingency Budget in the amount of \$10,000 is increased by \$10,000 to \$20,000, for a total amount not to exceed \$96,416, with no extension to the term of March 10, 2020 to September 30, 2021;
- b. Approve Amendment No. 1 to Funding Agreement No. A-14700 with Rancho Cañada Venture, LLC for preparation of a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget in the amount of \$66,597 is increased by \$9,819 to \$76,416, the Contract Administration Fee in the amount of \$446 is increased by \$446 to \$892, and the Contingency Budget in the amount of \$10,000 is increased by \$10,000 to \$20,000, for a total amount not to exceed \$97,308, with no extension to the term of March 10, 2020 to September 30, 2021; and
- c. Authorize the Resource Management Agency Director or designee to execute Amendment No. 1 to Professional Services Agreement No. A-14699, Amendment No. 1 to Funding Agreement No. A-14700 and future amendments to the Agreements where the amendments do not significantly alter the scope of work and do not exceed the original Agreement amounts except for a contract amendment administration fee of \$446 for each such amendment to the Funding Agreement.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 1 to Professional Services Agreement No. A-14699 with Rincon Consultants, Inc. to prepare a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget in the amount of \$66,597 is increased by \$9,819 to \$76,416 and the Contingency Budget in the amount of \$10,000 is increased by \$10,000 to \$20,000, for a total amount not to exceed \$96,416, with no extension to the term of March 10, 2020 to September 30, 2021;
- b. Approve Amendment No. 1 to Funding Agreement No. A-14700 with Rancho Cañada Venture, LLC for preparation of a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget in the amount of \$66,597 is increased by \$9,819 to \$76,416, the Contract Administration Fee in the amount of \$446 is increased by \$446 to \$892, and the Contingency Budget in the amount of \$10,000 is increased by \$10,000 to \$20,000, for a total amount not to exceed \$97,308, with no extension to the term of March 10, 2020 to September 30, 2021; and
- c. Authorize the Resource Management Agency Director or designee to execute Amendment No. 1 to Professional Services Agreement No. A-14699, Amendment No. 1 to Funding Agreement No.

A-14700 and future amendments to the Agreements where the amendments do not significantly alter the scope of work and do not exceed the original Agreement amounts except for a contract amendment administration fee of \$446 for each such amendment to the Funding Agreement.

SUMMARY/DISCUSSION:

On May 12, 2020, the Board of Supervisors approved Professional Services Agreement (PSA) No. A-14699 with Rincon Consultants, Inc. (Rincon or Contractor) to prepare a Second Revised Environmental Impact Report (SREIR) on the Rancho Canada Village Subdivision 130-unit Project in accordance with court directives. Concurrently, the Board also approved Funding Agreement (FA) No. A-14700 with Rancho Canada Venture, LLC, Project Applicant, to fund the cost of preparation of a Second Revised EIR (SREIR). The Second Revised Draft EIR (SRDEIR) has since been prepared and circulated for public review. The comment period on the SRDEIR closed on August 11, 2020.

Rincon's scope of work provided for the possibility of reevaluation and augmentation of their budget depending on the volume and detail of the comments received on the SRDEIR. Based on the comments received on the SRDEIR, Rincon has requested additional funding of \$9,819 to prepare responses to comments, format and print the Second Revised Final EIR (SRFEIR) with the inclusion of redline edits of all Draft EIR sections, and continue coordination with County staff on preparation of the SRFEIR.

Of the original Contingency Budget in the amount of \$10,000, \$9,930 has been expended to date (\$5,945 for unanticipated but necessary graphics revisions and \$3,985 for additional time than projected to prepare the SRDEIR). RMA staff requests an increase of \$10,000 to the Contingency Budget for a total amount not to exceed \$20,000 for additional possible unforeseen services which may arise from the existing tasks within the PSA and to save time in the processing of a future amendment to the PSA and FA.

Amendment No. 1 to the PSA between the County and Rincon would increase the Base Budget in the amount of \$66,597 by \$9,819 to \$76,416 and increase the Contingency Budget in the amount of \$10,000 by \$10,000 to \$20,000, for a total amount not to exceed \$96,416. Concurrently, Amendment No. 1 to the FA between the County and the Project Applicant will be processed to increase the Base Budget in the amount of \$66,597 by \$9,819 to \$76,416, increase the Contract Administration Fee in the amount of \$446 by \$446 to \$892 (non-refundable), and to increase the Contingency Budget in the amount of \$10,000 by \$10,000 to \$20,000, for a total amount not to exceed \$97,308, to cover the cost for the additional needed services from Rincon. Neither amendment affects the term, which remains March 10, 2020 to September 30, 2021 for both the PSA and FA.

Staff is requesting Board approval of Amendment No. 1 to the PSA to allow Rincon to complete preparation of the SRFEIR and Board approval of Amendment No. 1 to the FA to require the Project Applicant to provide funds to the County for Rincon's services.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller's Office have reviewed and approved Amendment No. 1 to the PSA and Amendment No. 1 to the FA as to form, and fiscal provisions, respectively.

FINANCING:

Under Amendment No. 1 to the PSA, the County is obligated to pay for work completed by Rincon. Under Amendment No. 1 to the FA, the Project Applicant is obligated to pay the County for the increased cost of Rincon's services plus a flat fee to cover the cost of contract administration. Separate fees for County staff costs associated with the Project will be paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule included as Exhibit "2" to the FA. As such, there will be no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:


The amendments to the PSA with Rincon and FA with the Project Applicant will allow for completion of the SRFEIR for the Project, which could potentially impact the revenue base and quality of life within the County.

Economic Development  
Administration

Health & Human Services  
Infrastructure  
Public Safety

Prepared by: Mary Israel, Associate Planner, (831) 755-5183

Reviewed by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community  
Development

Approved by: Carl P. Holm, AICP, RMA Director 

The following Attachments are on file with the Clerk of the Board:

Attachment A-Amendment No. 1 to PSA

Attachment B-Amendment No. 1 to FA

Attachment C-PSA

Attachment D-FA