



Monterey County

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Board Report

Legistar File Number: A 15-415

January 12, 2016

Introduced: 12/14/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve Amendment No. 6 to Professional Services Agreement No. A-12306 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$127,159 to \$283,573 and a Contingency budget is added in the amount of \$19,074, for a total amount not to exceed \$302,647 to prepare a Revised Draft Environmental Impact Report (EIR) to include significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and extend the term to December 31, 2016; and
- b. Approve Renewal and Amendment No. 1 to Funding Agreement No. A-12313 with Thompson Holdings, LLC, where the Base budget is increased by \$127,159 to \$270,713, a Contingency budget is added in the amount of \$19,074, the County Surcharge is unchanged at \$16,742, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$309,699 to allow funding to Monterey County for costs incurred by EMC and County departments to prepare a Revised Draft EIR to include significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and renew the term retroactively to June 30, 2013 through and including December 31, 2016; and
- c. Authorize the Director of Planning or designee to execute Amendment No. 6 to Professional Services Agreement No. A-12306, Renewal and Amendment No. 1 to Funding Agreement No. A-12313 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(PLN040183 / EIR for the Paraiso Hot Springs Resort, in Soledad)

PROJECT INFORMATION:

Planning File Number: PLN 040183
Consultant: EMC Planning Group, Inc. (EMC)
Project Applicant: Thompson Holdings, LLC
Project Name: Paraiso Hot Springs Resort EIR, in Soledad
Planner: John H. Ford, Planning Services Manager
Plan Area: Central Salinas Valley

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 6 to Professional Services Agreement No. A-12306 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$127,159 to \$283,573 and a Contingency budget is added in the amount of \$19,074, for a total amount not to exceed \$302,647 to prepare a Revised Draft Environmental Impact Report (EIR) to include

- significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and extend the term to December 31, 2016; and
- b. Approve Renewal and Amendment No. 1 to Funding Agreement No. A-12313 with Thompson Holdings, LLC, where the Base budget is increased by \$127,159 to \$270,713, a Contingency budget is added in the amount of \$19,074, the County Surcharge is unchanged at \$16,742, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$309,699 to allow funding to Monterey County for costs incurred by EMC and County departments to prepare a Revised Draft EIR to include significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and renew the term retroactively to June 30, 2013 through and including December 31, 2016; and
 - c. Authorize the Director of Planning or designee to execute Amendment No. 6 to Professional Services Agreement No. A-12306, Renewal and Amendment No. 1 to Funding Agreement No. A-12313 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

SUMMARY:

See Attachment A - Summary of Professional Services Agreement (PSA) and Funding Agreement (FA).

DISCUSSION:

On August 28, 2013, the Board of Supervisors approved the Professional Services Agreement (PSA) with EMC Planning Group, Inc. (EMC) and the Funding Agreement (FA) with Thompson Holdings, LLC (Project Applicant) for the Paraiso Hot Springs Resort EIR (Project) for a term to June 30, 2013. On June 30, 2013, the terms of the FA had been satisfied, and the FA was allowed to expire. The County continued to extend the PSA while evaluating the steps needed to complete the EIR. A Draft EIR was prepared and circulated for public review, which resulted in public comments that required additional technical analysis. Based upon this conclusion, the County and the Project Applicant agreed to new tasks to be funded by the Project Applicant for completion of the Project.

Amendment No. 6 to the PSA and the Renewal and Amendment No. 1 to the FA will allow for the preparation of a Revised Draft EIR including new technical analysis to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water supply, and Noise sections, and to include evaluation of an additional alternative to the Project. The cost of incorporating this new material into the EIR will be \$146,233 (\$127,159 Base budget plus a \$19,074 Contingency budget). This will increase the FA by \$146,233 (\$127,159 Base budget plus a \$19,074 Contingency budget with no further increase to the Contract Administration Fee amount of \$3,170 or the County Surcharge amount of \$16,742), for a total amount not to exceed \$309,699, and extends the term of the PSA to December 31, 2016 and renews the term of the FA retroactive to June 30, 2013 through December 31, 2016.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed Amendment No. 6 to the PSA as to form and legality, and

fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

The Office of the County Counsel has reviewed the Renewal and Amendment No. 1 to the FA as to form and legality.

FINANCING:

The terms of the Renewal and Amendment No. 1 to the FA between Thompson Holdings, LLC, Project Applicant, and the County requires the project applicant to fund the PSA with EMC to complete the EIR for the Project. The scope of work included in the PSA established a budget not to exceed \$309,699. This includes fees associated with County contract administration and surcharge. The Resource Management Agency (RMA) - Planning budget funds were utilized to separately fund Amendment Nos. 1 and 2 to the PSA in the amount of \$12,860. Separate fees for County staff costs associated with processing the Project and completing the EIR will be paid by the Project Applicant as a reimbursement for actual time spent in accordance with the County of Monterey Land Use Fee Schedule. There will be no impact to the General Fund.

Prepared by: John H. Ford, Planning Services Manager, Ext. 5158

Approved by: Mike Novo, AICP, Director, RMA - Planning, Ext. 5192

Carl P. Holm, AICP, Director, RMA, ext. 5103

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

Attachment A Summary of PSA and FA

Attachment B Amendment No. 6 to PSA with EMC Planning Group, Inc.

Attachment C Renewal and Amendment No. 1 to FA with Thompson Holdings, LLC

