



Legislation Details (With Board Report)

File #: A 15-250 **Name:** EMC Planning Group, Inc. / Moss Landing

Type: BoS Agreement **Status:** Passed

File created: 7/6/2015 **In control:** Board of Supervisors

On agenda: 7/21/2015 **Final action:** 7/21/2015

Title:

a. Approve Amendment No. 6 to Professional Services Agreement No. A-11914 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$69,448 to \$324,434 and the Contingency budget is unchanged at \$45,014, for a total amount not to exceed \$369,448 to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the Environmental Impact Report (EIR) for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and

b. Approve Amendment No. 6 to Funding Agreement No. A-11927 with various Project Applicants where the Project Applicants' portion of the Base budget, Contingency budget and Deposits for County Staff services is unchanged at a total amount not to exceed \$334,467, and the County's portion of the Base budget is increased by \$69,448 to \$139,121, for a total overall budget not to exceed amount of \$473,588 to allow funding by Monterey County for costs incurred by EMC to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the EIR for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and

c. Authorize the Director of Planning to execute Amendment No. 6 to Professional Services Agreement No. A-11914, Amendment No. 6 to Funding Agreement No. A-11927 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
(REF150043/EMC Planning Group, Inc. - PD080541/Environmental Impact Report (EIR) for the Moss Landing Community Plan Update, in Moss Landing) (ADDED VIA ADDENDUM)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Amendment No. 6 to PSA, 3. Attachment B - Amendment No. 6 to FA, 4. Attachment C - Summary of PSA and FA Budgets, 5. Attachment D - Reference Materials, 6. Completed Board Order, 7. Corrected Board Order, 8. Fully Executed Agreement between the County of Monterey and EMC Planning Group, Inc, 9. Fully Executed Agreement between the County of Monterey and Various Project Applicants for the Moss Landing Community Plan Update & EIR, 10. Fully Executed Agreement between the County of Monterey and Various Applicants, Amendment No. 7, 11. Fully Executed Agreement between the County of Monterey and EMC Planning Group, Inc.

Date	Ver.	Action By	Action	Result
7/21/2015	1	Board of Supervisors	approved	

a. Approve Amendment No. 6 to Professional Services Agreement No. A-11914 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$69,448 to \$324,434 and the Contingency budget is unchanged at \$45,014, for a total amount not to exceed \$369,448 to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the Environmental Impact Report (EIR) for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and

b. Approve Amendment No. 6 to Funding Agreement No. A-11927 with various Project Applicants where the Project Applicants' portion of the Base budget, Contingency budget and Deposits for County Staff services is unchanged at a total amount not to exceed \$334,467, and the County's portion of the Base budget is increased by \$69,448 to \$139,121, for a total overall budget not to exceed amount of \$473,588 to allow funding by

Monterey County for costs incurred by EMC to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the EIR for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and

c. Authorize the Director of Planning to execute Amendment No. 6 to Professional Services Agreement No. A-11914, Amendment No. 6 to Funding Agreement No. A-11927 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts. (REF150043/EMC Planning Group, Inc. - PD080541/Environmental Impact Report (EIR) for the Moss Landing Community Plan Update, in Moss Landing) (ADDED VIA ADDENDUM)

RECOMMENDATION:

- a. Approve Amendment No. 6 to Professional Services Agreement No. A-11914 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$69,448 to \$324,434 and the Contingency budget is unchanged at \$45,014, for a total amount not to exceed \$369,448 to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the Environmental Impact Report (EIR) for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and
- b. Approve Amendment No. 6 to Funding Agreement No. A-11927 with various Project Applicants where the Project Applicants' portion of the Base budget, Contingency budget and Deposits for County Staff services is unchanged at a total amount not to exceed \$334,467, and the County's portion of the Base budget is increased by \$69,448 to \$139,121, for a total overall budget not to exceed amount of \$473,588 to allow funding by Monterey County for costs incurred by EMC to complete a County-funded Corridor Traffic Study and revise the impact analysis contained in the EIR for the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2017; and
- c. Authorize the Director of Planning to execute Amendment No. 6 to Professional Services Agreement No. A-11914, Amendment No. 6 to Funding Agreement No. A-11927 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

SUMMARY/DISCUSSION:

On January 11, 2011, the Board of Supervisors (BOS) approved Professional Services Agreement (PSA) No. A-11914 with EMC to provide the Moss Landing Community Plan Update EIR where the Base budget for EMC was \$254,986 with a Contingency budget of \$45,014, for a total amount not to exceed \$300,000 for the PSA. Additionally, the BOS also approved the associated Funding Agreement (FA) No. A-11927 with various Project Applicants identified as the Elkhorn Slough Foundation, Haute Properties, LLC, Monterey Bay Aquarium Research Institute, Moss Landing Commercial Park, LLC dba Moss Landing Business Park, Moss Landing Harbor District, Quin Delta, LLC, San Jose State University Research Foundation, Keith Family Investments, LLC and/or assignee, and Phil DiGirolamo where the Project Applicants' portion of the Base budget was \$242,237 with a Contingency budget of \$42,763 and a County deposit for County Staff services of \$49,467 for a total amount not to exceed \$334,467 for the FA to fund the completion of the Moss Landing Community Plan Update EIR. The term of the PSA and FA was May 4, 2010 through May 31, 2011.

Since initial approval by the BOS, a total of five (5) term extensions have been processed under Amendments No. 1 through 5 of the PSA and FA which have extended the term of the PSA and FA through May 31, 2017.

Recently, the County identified a need to complete a Corridor Traffic Study in the Moss Landing Area to better understand options for implementation of the Moss Landing Community Plan Update. Amendment No. 6 to the PSA with EMC and Amendment No. 6 to the FA with the Project Applicants will increase the amount of the Base budgets in the PSA and FA to allow for the completion of the Corridor Traffic Study and revise the impact analysis for the Draft EIR. Amendment No. 6 will increase the PSA by \$69,448 for a total amount not to

exceed \$369,448 for the PSA and for a total amount not to exceed \$473,588 for the FA. In addition to the \$69,448, and as per the FA, the County has provided additional funding in the amount of \$69,673 for a total amount not to exceed \$139,121 (see Attachment C). The County will provide funding for the completion of services identified in Amendment No 6.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed Amendment No. 6 as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

FINANCING:

There is no additional impact to the General Fund should the Board approve the above actions. Pursuant to the terms of the FA with the Project Applicants and the County, the expenses of EMC Planning Group, Inc. to provide the completion of the Corridor Traffic Study and the revised impact analysis for the Draft EIR for the Moss Landing Community Plan Update in the amount of \$69,448 will be funded by the County out of RMA's FY 2015-16 Planning budget (001-3000-8172-RMA001). There are sufficient appropriations in the FY 2015-16 Board Adopted Budget for Unit 8172. The FY 2015-16 Adopted Budget for Planning, Unit 8172, included a \$1,000,000 to be used towards tasks associated with Long Range Planning and the implementation of the General Plan of which the Corridor Traffic Study is included as one of the tasks planned to be completed with these funds. During the FY 2015-16 Tasks identified in the PSA and not associated with the completion of the Corridor Traffic Study and the revised impact analysis for the Draft EIR will be funded through budgets currently established in the FA with the Project Applicants.

Prepared by: Martin Carver, AICP, Management Specialist, Ext. 6049

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

Carl P. Holm, AICP, Acting Director - RMA

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

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

Attachment B - Amendment No. 6 to FA with Moss Landing Community Plan Participants

Attachment C - Summary of PSA and FA Budgets

Attachment D - Reference Materials