



Legislation Details (With Board Report)

File #: A 21-318 **Name:** Amendment No. 2 to FA with La Tourette and PSA with DD&A

Type: BoS Agreement **Status:** RMA Administration - Consent

File created: 6/7/2021 **In control:** Board of Supervisors

On agenda: 6/22/2021 **Final action:**

Title: a. Approve Amendment No. 2 to Professional Services Agreement No. A-13636 with Denise Duffy & Associates, Inc. to prepare the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and

b. Approve Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654) with Jeffrey LaTourette for preparation of the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and

c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-13636, Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654), 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Amendment No. 2 to PSA with Denise Duffy & Associates, 3. Attachment B – Amendment No. 2 to FA No. 3 with Jeffrey LaTourette, 4. Attachment C – Amendment No. 1 to PSA with Denise Duffy & Associates, 5. Attachment D – Amendment No. 1 to FA No. 3 with Jeffrey LaTourette, 6. Attachment E – Consent to Assignment with Jeffrey La Tourette, 7. Attachment F – PSA with Denise Duffy & Associates, 8. Attachment G – FA No. 3 with Jeffrey and Monica LaTourette, 9. Completed Board Order Item No. 91

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------|--------|
| 6/22/2021 | 1 | Board of Supervisors | | |

a. Approve Amendment No. 2 to Professional Services Agreement No. A-13636 with Denise Duffy & Associates, Inc. to prepare the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and

b. Approve Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654) with Jeffrey LaTourette for preparation of the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and

c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-13636, Amendment No. 2 to Funding Agreement No. 3 (Agreement

No. A-13654), 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.

PROJECT INFORMATION

Planning File Number: PLN020090

Provider of Services: Denise Duffy & Associates

Project Applicant: Jeffery and Monica LaTourette

Project Location/Description: 19445 Pesante Road, Salinas, CA 93907

Planner: Anna V. Quenga, AICP, Senior Planner

Plan Area: North County

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 2 to Professional Services Agreement No. A-13636 with Denise Duffy & Associates, Inc. to prepare the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and
- b. Approve Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654) with Jeffrey LaTourette for preparation of the Environmental Impact Report for the LaTourette Subdivision Project (PLN020090) where the Base Budget in the amount of \$140,265 is increased by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two additional years for a revised term of June 27, 2017 to June 30, 2023; and
- c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-13636, Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654), 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.

SUMMARY/DISCUSSION

The LaTourette Subdivision Project (Project) consists of the division of an approximately forty-eight-acre site into nineteen residential lots ranging in size from approximately one to seven acres. The Project includes the expansion of the Woodland Heights Mutual Water System to provide for the proposed nineteen lots and usage of the existing main access road in the Woodland Heights Subdivision or providing an alternative access road directly north of King Road in the Prunedale area of North County. Individual septic systems are proposed for wastewater disposal for the proposed sites.

On June 8, 2004, the Board of Supervisors (BOS) approved the original Professional Services Agreement with Denise Duffy & Associates, Inc. and the original Funding Agreement with Jeffrey and Monica LaTourette (Project Applicants) to provide an Environmental Impact Report (EIR) for the Project in the amount of \$280,101 for the Professional Services Agreement and \$365,349 for the Funding Agreement for a term from May 3, 2004 to June 30, 2005. On August 15, 2006, the BOS approved a second Professional Services Agreement in the amount of \$241,431 and Funding Agreement No. 2 in the amount of \$314,910 for a term from August 15, 2006 to June 30, 2007. Denise Duffy & Associates did not complete the EIR for the Project prior to allowing expiration of the original Professional Services Agreement and Funding Agreement and second Professional Services Agreement and Funding Agreement No. 2.

On July 11, 2017, the Board of Supervisors approved a third Professional Services Agreement No. A-13636 with Denise Duffy & Associates and Funding Agreement No. 3 (Agreement No. A-13654), with Jeffrey and Monica LaTourette each in the amount of \$161,305 (\$140,265 for Base Budget and \$21,040 for Project Contingency) for a term from June 27, 2017 to June 27, 2019 to allow completion of the EIR for the Project. The Board also authorized the Chief of Planning to execute future amendments to the Agreements where the amendments did not significantly alter the scope of work or change the approved amounts of the Agreements. On August 8, 2019 the Project Applicants executed an Agreement and Consent to Assignment of Funding Agreement No. 3, dated July 25, 2017, to assign all rights, title and interest under the agreement solely to Jeffrey LaTourette (Project Applicant). On August 9, 2019, Amendment No. 1 to Professional Services Agreement No. A-13636 with Denise Duffy & Associates and Amendment No. 1 to Funding Agreement No. 3 (Agreement No. A-13654) with the Project Applicant, were executed for a two-year term extension, for a revised term date of June 27, 2017 to June 30, 2021.

Due to unexpected delays, staff is requesting the Board approve Amendment No. 2 to Professional Services Agreement No. A-13636 with Denise Duffy & Associates and to Funding Agreement No. 3 (Agreement No. A-13654) to allow for the completion of the EIR for the Project. The amendments to each Agreement are to increase the current Base Budget of \$140,265 by \$21,794 to \$162,059, with no increase in the Contingency Budget of \$21,040, for a total amount not to exceed \$183,099 and to extend the term for two

additional years for a revised term of June 27, 2017 to June 30, 2023.

OTHER AGENCY INVOLVEMENT

The Office of the County Counsel and Auditor-Controller Office have reviewed and approved the Agreements as to form and fiscal provisions, respectively.

FINANCING

Under Amendment No. 2 to the Professional Services Agreement No. A-13636, the County is obligated to pay for work completed by Denise Duffy & Associates. Under Amendment No. 2 to Funding Agreement No. 3 (Agreement No. A-13654), the Project Applicant is obligated to pay the County for the increased cost of Denise Duffy & Associates. 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. As such, there will be no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

The amendments to the Professional Services Agreement with Denise Duffy & Associates and Funding Agreement with the Project Applicant will allow for completion of the EIR for the Project and contribute to providing timely services to project applicants.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Anna V. Quenga, AICP, Senior Planner (831) 755-5175

Reviewed by: Erik Lundquist, AICP, Chief of Planning

Approved by: Mike Novo, AICP, Interim Director of Housing and Community Development

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

Board Report

Attachment A - Amendment No. 2 to PSA with Denise Duffy & Associates

Attachment B - Amendment No. 2 to FA No. 3 with Jeffrey LaTourette

Attachment C - Amendment No. 1 to PSA with Denise Duffy & Associates

Attachment D - Amendment No. 1 to FA No. 3 with Jeffrey LaTourette

Attachment E - Consent to Assignment with Jeffrey La Tourette

Attachment F - PSA with Denise Duffy & Associates

Attachment G - FA No. 3 with Jeffrey and Monica LaTourette