



County of Monterey

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

Legislation Details (With Board Report)

File #:	A 21-068	Name:	Amend 2 to PSA with Rincon - EIR for Rancho Canada Village
Type:	BoS Agreement	Status:	Passed - RMA Administration
File created:	3/2/2021	In control:	Board of Supervisors
On agenda:	3/5/2021	Final action:	3/5/2021
Title:	<p>a. Approve Amendment No. 2 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 \$76,416 is increased by \$15,194 to \$91,610 and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$116,610, with no change to the term of March 10, 2020 to September 30, 2021;</p> <p>b. Approve Amendment No. 2 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 \$76,416 is increased by \$15,194 to \$91,610, the Contract Administration Fee in the amount of \$892 is increased by \$446 to \$1,338, and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$117,948, with no change to the term of March 10, 2020 to September 30, 2021; and</p> <p>c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-14699, Amendment No. 2 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.</p>		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Amendment No. 2 to PSA, 3. Attachment B - Amendment No. 2 to FA, 4. Attachment C - Amendment No. 1 to PSA, 5. Attachment D - Amendment No. 1 to FA, 6. Attachment E - PSA, 7. Attachment F - FA, 8. Completed Board Order Item No. 5

Date	Ver.	Action By	Action	Result
3/5/2021	1	Board of Supervisors	approved - rma administration	Pass

a. Approve Amendment No. 2 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 \$76,416 is increased by \$15,194 to \$91,610 and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$116,610, with no change to the term of March 10, 2020 to September 30, 2021;

b. Approve Amendment No. 2 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 \$76,416 is increased by \$15,194 to \$91,610, the Contract Administration Fee in the amount of \$892 is increased by \$446 to \$1,338, and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$117,948, with no change to the term of March 10, 2020 to September 30, 2021; and

c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-14699, Amendment No. 2 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. 2 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 \$76,416 is increased by \$15,194 to \$91,610 and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$116,610, with no change to the term of March 10, 2020 to September 30, 2021;
- b. Approve Amendment No. 2 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 \$76,416 is increased by \$15,194 to \$91,610, the Contract Administration Fee in the amount of \$892 is increased by \$446 to \$1,338, and the Contingency Budget in the amount of \$20,000 is increased by \$5,000 to \$25,000, for a total amount not to exceed \$117,948, with no change to the term of March 10, 2020 to September 30, 2021; and
- c. Authorize the Director of Housing and Community Development or designee to execute Amendment No. 2 to Professional Services Agreement No. A-14699, Amendment No. 2 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 SRDEIR has since been prepared and circulated for public review. The comment period on the SRDEIR closed on August 11, 2020.

On September 29, 2020, the Board of Supervisors approved Amendment No. 1 to the PSA between the County and Rincon to 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 was 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. These amendments did not change the term of March 10, 2020 to September 30, 2021 for both the PSA and FA.

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 and the recent departure of County lead project staff, Rincon has requested additional funding of \$15,194 to continue preparation of responses to comments, prepare the screen check Second Revised Final EIR (SRFEIR), support staff in preparation of the staff report, and continue coordination with County staff.

Of the Contingency Budget in the amount of \$20,000, \$19,930 has been expended to date for unanticipated but necessary graphics revisions and for more time than projected to prepare the SRDEIR. HCD staff requests an increase of \$5,000 to the Contingency Budget for a total amount not to exceed \$25,000 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. 2 to the PSA between the County and Rincon would increase the Base Budget in the amount of \$76,416 by \$15,194 to \$91,610 and increase the Contingency Budget in the amount of \$20,000 by \$5,000 to \$25,000, for a total amount not to exceed \$116,610. Concurrently, the proposed Amendment No. 2 to the Funding Agreement between the County and the Project Applicant would increase the Base Budget in the amount of \$76,416 by \$15,194 to \$91,610, increase the Contract Administration Fee in the amount of \$892 by \$446 to \$1,338 (non-refundable), and increase the Contingency Budget in the amount of \$20,000 by \$5,000 to \$25,000, for a total amount not to exceed \$117,948, to cover the cost of the additional 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. 2 to the PSA to allow Rincon to complete preparation of the SRFEIR and Board approval of Amendment No. 2 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 has reviewed and approved Amendment No. 2 to the PSA and Amendment No. 2 to the FA as to form.

FINANCING:

Under Amendment No. 2 to the PSA, the County is obligated to pay for work completed by Rincon. Under Amendment No. 2 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 and contribute to providing timely services to project applicants.

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

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

Reviewed by: Erik Lundquist, AICP, Chief of Planning

Approved by: Melanie Beretti, Housing & Special Programs Manager, HCD

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

- Attachment A - Amendment No. 2 to PSA
- Attachment B - Amendment No. 2 to FA
- Attachment C - Amendment No. 1 to PSA
- Attachment D - Amendment No. 1 to FA

Attachment E - PSA
Attachment F - FA