



# County of Monterey

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

## Legislation Details (With Board Report)

<b>File #:</b>	A 22-509	<b>Name:</b>	Amendment No. 7 to PSA w Whitson
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed
<b>File created:</b>	9/14/2022	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	9/27/2022	<b>Final action:</b>	9/27/2022
<b>Title:</b>	a. Approve Amendment No.7 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$310,139, for a total amount not to exceed \$2,202,228; and b. Authorize the Housing and Community Development Director to execute Amendment No. 7 to Professional Services Agreement No. A-12775 with Whitson, and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amount by more than ten percent (10%) subject to approval by County Counsel.		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Board Report, 2. Attachment A - Summary of DDA and Whitson PSAs, 3. Attachment B - Amendment No. 7 to Whitson PSA, 4. Attachment C - Amendment No. 6 to Whitson PSA, 5. Attachment D - Amendment 5 to Whitson PSA, 6. Attachment E - Amendment 4 to Whitson PSA, 7. Attachment F - Amendment 3 to Whitson PSA, 8. Attachment G - Amendment 2 to Whitson PSA, 9. Attachment H - Amendment 1 to Whitson PSA, 10. Completed Board Order No. 41

Date	Ver.	Action By	Action	Result
9/27/2022	1	Board of Supervisors		

a. Approve Amendment No.7 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$310,139, for a total amount not to exceed \$2,202,228; and  
b. Authorize the Housing and Community Development Director to execute Amendment No. 7 to Professional Services Agreement No. A-12775 with Whitson, and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amount by more than ten percent (10%) subject to approval by County Counsel.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve Amendment No.7 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$310,139, for a total amount not to exceed \$2,202,228; and  
b. Authorize the Housing and Community Development Director to execute Amendment No. 7 to Professional Services Agreement No. A-12775 with Whitson, and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amount by more than ten percent (10%) subject to approval by County Counsel.

### SUMMARY/DISCUSSION:

The Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (Project) is a comprehensive effort to improve flood control and restore native riparian habitat, floodplain habitat, and hydrologic function to a portion of the lower floodplain along the Carmel River. Key aspects of the project are to: 1) Create notches in the levees along the south bank of the lower Carmel River, 2) Restore the south lower Carmel River floodplain, and 3) Build a causeway under Highway 1, connecting the south lower Carmel River Floodplain with the south arm of the Carmel Lagoon. The CRFREE Project is currently in the final design, permitting, and right of way coordination phase, following the June 2021 Project approval. Initial floodplain grading and restoration construction on the east side of Highway 1 is scheduled to begin at the end of calendar year 2022.

In the process of completing the CRFREE All Party Construction Phase MOU (Board approval June 21, 2022), the California Department of Parks and Recreation ('State Parks') notified the County that the approved mitigation measures to raise historic buildings on State Parks property is not consistent with State Parks policies, and the preferred approach is to construct a berm to protect buildings from flood impacts. Approval of this Amendment No. 7 will add Task 9 to PSA No. A-13085 with Whitson to coordinate on the development of a concept plan for an alternative to raising historic structures known as the 'Barn Complex' on State Parks land. If the State Parks preferred approach of a berm is selected for implementation, Whitson will further develop the berm design and incorporate it into floodplain restoration construction design documents. Amendment No. 7 also adds Task 10 for bid support services and Task 11 for construction phase support services.

On April 14, 2016, the Board of Supervisors approved Professional Service Agreement (PSA) A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson). An update in scope and budget to the Whitson PSA is necessary to continue work on the CRFREE Project during the initial restoration phase construction. The proposed Amendment No. 7 to the PSA will add Tasks 9, 10, and 11. If approved, Amendment No. 7 will increase the not-to-exceed amount of \$1,892,089 by \$310,139, for a total amount not to exceed of \$2,202,228. Attachment A provides a summary of the PSAs with DDA and Whitson.

#### OTHER AGENCY INVOLVEMENT:

Big Sur Land Trust (BSLT) is a co-sponsor for the CRFREE Project. BSLT, California Department of State Parks and Recreation (State Parks), and Monterey Peninsula Regional Parks District (MPRPD) are property owners within the Project area. Through a cooperative agreement with Caltrans, the County of Monterey is acting as the Lead Agency under the California Environmental Quality Act for the Project.

#### ENVIRONMENTAL REVIEW

Environmental review is complete for the CRFREE Project. The Project Environmental Impact Report (EIR) was certified by the Monterey County Board of Supervisors in a public hearing on January 20, 2020, and the Project was approved June 15, 2021. Federal environmental review was completed April 23, 2021, when Caltrans, as lead federal agency for the causeway portion of the Project, issued a finding of no significant impact (FONSI), agreeing with the United States Fish and Wildlife Service, as lead federal agency for the floodplain restoration portion of the project, who issued a FONSI on October 30, 2020.

#### FINANCING:

CRFREE is entirely grant funded. Costs associated with Whitson will be reimbursed from the Department of Water Resources (DWR) Flood Corridor grant (4600010665), and the DWR Coastal Watershed Flood Risk Reduction Grant (4600014577). Quarterly reimbursement requests will be submitted to minimize cash flow impacts. The DWR Flood Corridor Program Grant has \$462,080 available for Construction and Design support, and the DWR Coastal Watershed Flood Risk Reduction Grant has \$155,612 available for Construction support. CRFREE is budgeted in Fund 404, Fund Unit 8546 Appropriation Unit PFP057 under the purview of Public Works Facilities and Parks. There is no impact to the General Fund as a result of this recommendation. Staff

time is included in the FY2022-23 HCD Appropriations Unit HCD001, Unit 8542.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

If approved, this action supports the Board of Supervisors' Strategic Initiatives for Administration and Infrastructure. The Project will provide sustainable physical infrastructure and associated flood risk reduction and habitat benefits to promote the safety of area residents and visitors.

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

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Approved by: Melanie Beretti, AICP, Principal Planner

Approved by: Erik V. Lundquist, AICP, HCD Director

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

Attachment A - Summary of DDA and Whitson PSAs

Attachment B - Amendment No. 7 to Whitson PSA

Attachment C - Amendment No. 6 to Whitson PSA

Attachment D - Amendment No. 5 to Whitson PSA

Attachment E - Amendment No. 4 to Whitson PSA

Attachment F - Amendment No. 3 to Whitson PSA

Attachment G - Amendment No. 2 to Whitson PSA

Attachment H - Amendment No. 1 to Whitson PSA

Attachment I - Whitson PSA