

RESOLUTION NO. 4081

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING AND APPROVING EXECUTION OF AMENDMENT #1
TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH EMC PLANNING
GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$10,177.00
FOR ADDITIONAL PUBLIC MEETINGS AND TO COMPLETE THE
NECESSARY ENVIRONMENTAL REVIEW FOR THE SOLEDAD ZONING
ORDINANCE UPDATE**

WHEREAS, the City Council has determined that the revision and update of the Soledad Zoning Ordinance is necessary to assure conformity between the Soledad General Plan and the Zoning Ordinance and to correct instances in which the current zoning ordinance, over the course of time and numerous modifications, has become unclear and imprecise; and

WHEREAS, after completing the RFP process, the City of Soledad City Council adopted Resolution No. 3559 on November 3, 2004, authorizing an award of contract to EMC Planning Group, Inc. ("EMC") in the amount of \$44,610.00 for the revision of the City of Soledad Zoning Ordinance; and

WHEREAS, EMC's contract and scope of work did not include completion of environmental review and attendance at public workshops; and

WHEREAS, this proposed project would be subject to the requirements of the California Environmental Quality Act ("CEQA") under Sections 21065 and 21080 (discretionary projects proposed to be carried out or approved by public agencies, including general plan and zoning amendments, subdivisions and annexations) and all other relevant regulations as contained in the Public Resources Code; and

WHEREAS, Staff has requested and received a proposal from EMC to amend the current Professional Services Contract with EMC to conduct the required environmental review pursuant to CEQA, consisting of an Initial Study and Negative Declaration; and

WHEREAS, EMC proposes to complete this environmental work and to attend additional public meetings for a not-to-exceed cost of \$10,177, for a new total contract cost of \$54,787; and

WHEREAS, funding for this Contract Amendment #1, has been allocated by the adopted budget for Fiscal Year 2007-2008.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that an Amendment to the Consulting Services Agreement, attached hereto as 'Exhibit A,' between the City and EMC Planning Group, Inc., in an amount not to exceed \$10,177.00, is hereby approved. The City Manager is hereby authorized and directed to execute the amendments on behalf of the City.

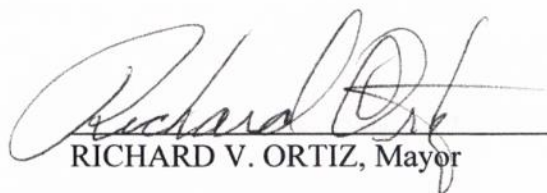
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 19th day of September, 2007, by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

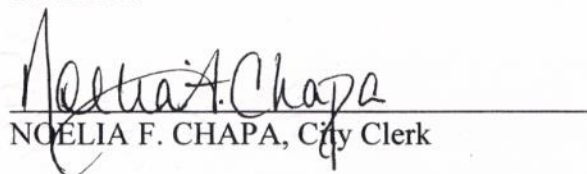
NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmember: None


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk

**CONTRACT AMENDMENT NO. 1
BETWEEN CITY OF SOLEDAD
AND EMC PLANNING GROUP, INC.**

FOR CITY OF SOLEDAD ZONING ORDINANCE UPDATE

PURPOSE

The purpose of this Amendment #1 is to engage CONSULTANT—EMC PLANNING GROUP, INC. — to provide additional technical services required for completion of the City of Soledad's Zoning Ordinance Update.

CONSULTANT'S SERVICES

Project Coordination

All work related to this Contract Amendment #1 shall be coordinated through the City's Community Development Director.

Scope of Services

The attached Scope of Work, dated June 27, 2007, defines the specific services and related costs to be provided by Consultant.

TIME OF PERFORMANCE

It is assumed that CONSULTANT will be given a notice to proceed with this Amendment No. 1 by September 30, 2007, and CONSULTANT will have the services completed by approximately February 1, 2008.

PAYMENT TO CONSULTANT

All payments shall be made in accordance with the process set forth in the existing contract between the City and CONSULTANT. The total cost for the proposed additional services, as set forth in the attached Scope of Work, shall not exceed \$10,177.00.

COORDINATION WITH ORIGINAL CONTRACT

Unless otherwise noted herein, the terms and conditions of the original Contract between City and EMC Planning Group, Inc., dated November 23, 2004, as approved by the City Council on November 3, 2004, shall remain in full force and effect and all work referenced herein shall be performed in accordance therewith.

EFFECTIVE DATE

This Contract Amendment No.1 is effective as of the date of execution by both parties.

Exhibit " A "

IN WITNESS WHEREOF, duly authorized representatives of the City and of the CONSULTANT have executed this Contract Amendment No. 1 evidencing its issuance by City and acceptance by CONSULTANT.

CITY OF SOLEDAD, a municipal corporation

By: Roethlisberger
City Manager

Attest: Roethlisberger
City Clerk

EMC PLANNING GROUP, INC.

By: M.J. Graves
Principal Michael J. Graves

Approved as to form:

Stephanie Stuart for
City Attorney



Planning for Success

June 27, 2007

RECEIVED
JUN 29 2007
PLANNING DEPARTMENT

Mr. Don Fleming
Community Development Director
City of Soledad
PO Box 156
Soledad, CA 93960

Re: **Soledad Zoning Ordinance Contract Amendment**

Dear Mr. Fleming:

At your request I am sending this revised request for a contract amendment for several tasks that are not included in our November 23, 2004 contract for update of the City's zoning code. The contract amendment request of \$10,177.00 includes the addition of three workshops (including the two already attended), environmental review and related noticing and distribution, and attendance at one Planning Commission and one City Council approval hearing to the scope of work. A budget and summary of additional scope are attached. I have prepared a contract amendment for your signature, if you wish to use our form; if this amendment form is acceptable, please return a copy to us for our signature.

With this amendment, the total contract amount is \$54,787.00. The terms of the contract call for milestone billing. I suggest the additional cost be billed as follows:

\$7,927.00 upon delivery of the Draft Code (total billing of \$14,618.50 at this milestone)
\$2,250.00 upon delivery of the Final Code (total billing of \$6,711.00 at this milestone)

We look forward to continuing work with you on this very important project. If you have any questions, please contact me at your convenience.

Sincerely,

Richard James, AICP
Principal Planner

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

Scope of Work - Contract Amendment 1

Additional Task 1: Workshops

EMC Planning Group Inc. will attend three workshops at the City of Soledad (including the two workshops already attended in 2006).

Additional Task 2: Environmental Review

EMC Planning Group Inc. will prepare the environmental review of the Code update in accordance with the California Environmental Quality Act. Based on our past experience with Code updates, EMC Planning Group Inc. expects that an initial study and negative declaration will be the appropriate level of environmental review. This review can be tiered from that prepared for the General Plan update. EMC Planning Group Inc. will prepare a distribution list and distribute copies of the negative declaration and initial study to the State Clearinghouse and local agencies. EMC Planning Group Inc. will prepare and submit noticing to the Monterey County Clerk's Office and arrange with the City for publication of the notice in an appropriate newspaper. EMC Planning Group Inc. will respond in writing to any environmental issues raised in comment letters on the negative declaration and initial study.

Additional Task 3: Public Hearings

EMC Planning Group Inc. will attend up to two public hearings to present the new Code and answer questions concerning the draft Code or the environmental review of the draft Code.

City of Soledad Zoning Code Revision - Contract Amendment 1 (revised 6_27_07)								
Task	EMC Planning Group Inc.						Total Hours	Total
	Staff	Groves	Staedler	James	Asst Planner	Admin Asst		
Billing Rate (Per Hour)	\$235.00	\$200.00	\$150.00	\$95.00	\$75.00			
Meetings and Workshops								
Attend three PC/CC Workshops (incl 2 in 2006)			18				\$2,700.00	
Environmental Review								
Prepare Administrative Draft Initial Study		2	5	20		27	\$3,050.00	
Submittal of Administrative Draft Initial Study				1	1	2	\$170.00	
Prepare Negative Declaration				2		2	\$190.00	
Final Initial Study/Negative Declaration			1	4	1	6	\$605.00	
Noticing and Circulation				4	3	7	\$605.00	
Response to Comments			1	4		5	\$530.00	
SUBTOTAL	0	2	7	35	5	49	\$5,150.00	
Public Hearings (2)								
Planning Commission / City Council Hearings			15			15	\$2,250.00	
SUBTOTAL	0	0	15	0	0	15	\$2,250.00	
SUBTOTAL							\$10,100.00	

Additional Costs	
Travel Costs	\$70.00
Administrative Overhead 10%	\$7.00
Total	\$77.00

Total Costs	\$10,177.00
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Client Initials	Consultant Initials <i>[Signature]</i>
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AGREEMENT AMENDMENT BETWEEN CLIENT AND CONSULTANT

Project No.: _____

Amended Agreement entered into at _____ on this date of _____, by
and between:

Consultant:	<u>EMC Planning Group Inc.</u>	Client:	<u>City of Soledad</u>
Contact Name:	<u>Richard James, AICP</u>	Contact Name:	<u>Don Fleming</u>
Title:	<u>Principal Planner</u>	Title:	<u>Community Development Director</u>
Address:	<u>301 Lighthouse Avenue</u> <u>Suite C</u> <u>Monterey, CA 93940</u>	Address:	<u>P.O. Box 156</u> <u>Soledad, CA 93960</u>
Phone:	<u>831-649-1799</u>	Phone:	<u>831-678-3963</u>
FAX:	<u>831-649-8399</u>	FAX:	<u>831-687-3965</u>
Email:	<u>james@emcplanning.com</u>	Email:	_____

Client and Consultant agree as follows:

- A. Project. Client retains Consultant to perform amended services for: Attendance at three Planning Commission/City Council workshops (two attended in 2006), one Planning Commission zoning code adoption hearing, one City Council zoning code adoption hearing; Preparation of CEQA documentation for the zoning code update; hereinafter called "Amended Scope of Consultant Services".
- B. Consulting Services. Consultant agrees to perform the following Amended Scope of Services as outlined within Exhibit "A" Amended Scope of Consultant Services attached hereto and incorporated herein by reference.
- C. Agreement Amendment. Client agrees to amend Consultant's Agreement for Services as follows:

	Compensation	Completion Date	Scope of Services
1. Original Agreement	<u>\$44,610.00</u>	<u>In progress</u>	<u>Code update</u>
2. Agreement Amendment #1	<u>\$10,177.00</u>	_____	<u>Workshops, PC and CC hearings, CEQA</u>
3. Agreement Amendment #2	<u>n/a</u>	_____	_____

All provisions of the original Agreement between Client and Consultant apply, unless otherwise specified in writing and attached hereto.

