

RESOLUTION NO. 4018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING AND APPROVING EXECUTION OF AMENDMENT #5
TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH EMC PLANNING
GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$22,866.40
FOR ADDITIONAL TRAFFIC IMPACT WORK, CLIMATE CHANGE ANALYSIS
AND RELATED MODIFICATIONS TO THE ENVIRONMENTAL IMPACT REPORT
FOR THE SOLEDAD PLAZA COMMERCIAL DEVELOPMENT**

WHEREAS, the City has received a request from Creekbridge Homes ("Applicant") to process a General Plan Amendment, Zone Change and Site Plan Review to allow commercial use and development of approximately 41 acres of land located on the westerly side of San Vicente Road, between San Vicente and Moranda Road, for a regional shopping center ("Proposed Project"); 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, after completing the RFP process, the City selected EMC Planning Group, Inc. (EMC) to prepare the Environmental Impact Report ("EIR") required by CEQA for the Project, in the base contract amount of \$127,954.00; and

WHEREAS, aforesaid contract has been amended previously to provide for additional EIR consultant work determined as necessary to produce an adequate EIR under CEQA, pursuant to contract amendments approved by the City Council on October 19, 2005 (Amendment #1), April 5, 2006 (Amendment #2), January 17, 2007 (Amendment #3) and May 2, 2007 (Amendment #4); and

WHEREAS, Staff has received a request from the Applicant to further amend the existing Professional Services Contract with EMC for the preparation of the a short-term cumulative traffic analysis, additional meeting by the traffic sub-consultant, an analysis of climate change as applicable to the Proposed Project, and related modifications to be included as a part of the preparation of the EIR, for a cost not to exceed \$22,866.40; and

WHEREAS, funding for the Contract Amendment #5 will be paid entirely by Creekbridge Homes through a Reimbursement Agreement.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that an Amendment, attached as 'Exhibit A' to the Consulting Services Agreement between the City and EMC Planning Group, Inc., in an amount not to exceed \$22,866.40, is hereby approved.

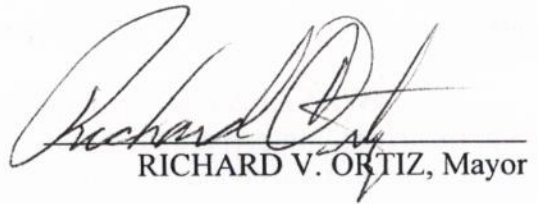
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 6TH day of June, 2007, by the following vote:

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

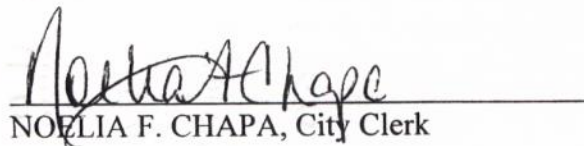
NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmember: None


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk

**CONTRACT AMENDMENT NO. 5
BETWEEN CITY OF SOLEDAD
AND EMC PLANNING GROUP, INC.
FOR SOLEDAD PLAZA SHOPPING CENTER EIR**

PURPOSE

The purpose of this Amendment #5 is to engage CONSULTANT – EMC PLANNING GROUP, INC.— to provide additional technical services required for preparation of the Environmental Impact Report for the Soledad Plaza Shopping Center at the north end of the City of Soledad.

CONSULTANT'S SERVICES

Project Coordination

All work related to this Contract Amendment #5 shall be coordinated through the City's Community Development Director.

Scope of Services

The attached Scope of Work, dated May 8, 2007, defines the specific services, time and related costs to be provided by Consultant and Consultant's sub-contractor.

TIME OF PERFORMANCE

It is assumed that CONSULTANT will be given a notice to proceed with this Amendment No. 5 by June 18, 2007, and CONSULTANT will have the services completed by approximately July 13, 2007.

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 \$22,866.00.

COORDINATION WITH ORIGINAL CONTRACT

Unless otherwise noted herein, the terms and conditions of the original Contract between City and EMC Planning Group, Inc., dated June 1, 2005, as approved by the City Council on March 2, 2005, and thereafter amended, shall remain in full force and effect and all work referenced herein shall be performed in accordance therewith.

EFFECTIVE DATE

This Contract Amendment No. 5 is effective as of the date of execution by both parties.

IN WITNESS WHEREOF, duly authorized representatives of the City and of the CONSULTANT have executed this Contract Amendment No. 5 evidencing its issuance by City and acceptance by CONSULTANT.

CITY OF SOLEDAD, a municipal corporation

By: Neelha Chape
City Manager

Attest: Neelha Chape
City Clerk

EMC Planning Group, Inc.

By: Teri Wessler Adam
Principal

Approved as to form:

Stephanie Stuart
City Attorney



Planning for Success

RECEIVED

MAY 11 2007

PLANNING DEPARTMENT

May 8, 2007

Mr. Don Fleming
Planning Director
City of Soledad
248 Main Street
Soledad, CA 93960

Re: Contract Amendment #5 – Soledad Plaza EIR

Dear Don:

The purpose of Contract Amendment #5 is to request additional funds for Higgins Associates that are needed to analyze additional short-term cumulative impacts (as requested by the City), for EMC Planning Group Inc. to manage and incorporate the additional work into the EIR and for EMC Planning Group Inc. to address climate change issues in the EIR. The approach for the latter is described below.

Higgins Associates Scope of Work – Short-Term Cumulative Analysis

Higgins Associates has identified potential impact scenarios, short-term cumulative impact with and without the proposed project, which were not accounted for in prior projections of circulation impact scenarios for the Soledad Plaza project. These scenarios have been reviewed with the City of Soledad Public Works Department; the City has requested that they be analyzed and incorporated into the EIR. The total cost of this analysis is \$10,624 (see attached scope of work from Higgins Associates).

Higgins Associates – Additional PSR Meeting

Higgins Associates attended an additional PSR meeting with Caltrans on April 4, 2007 that was not anticipated in prior contract amendment requests and has requested that this amount be included in Contract Amendment #5. The additional cost is \$2,150.

Exhibit “A”

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

EMC Planning Group Inc. Circulation Planning Related Costs

EMC Planning Group Inc. has and will expend staff time to coordinate the additional traffic work, prepare Contract Amendment #5, incorporating the additional scenarios into the EIR and managing the additional work. The added level of effort equates to \$5,600.

EMC Planning Group Inc. – Climate Change Analysis Costs

As you know, climate change is now being considered an important component of CEQA analyses for a wide range of projects. Thresholds of significant impact on climate change have not yet been defined at the state level per se. Nevertheless, we feel it is important to include a discussion of this issue in the EIR – lawsuits have recently been filed against several projects that did not address climate change. The following tasks would be undertaken as part of the analysis:

- Discuss various approaches with the city. Various interim approach options have been formulated by the Association of Environmental Professionals to be used at the lead agencies discretion until the California Air Resources Board, or other applicable agency, develops and publishes methodologies for use by lead agencies. It is assumed that a quantitative analysis is not required because the project is not considered to be of regional importance pursuant to CEQA Guidelines section 15206. Further, it is assumed that one of two conclusions would be reached: 1) City would identify a threshold, e.g. project must be of regional importance (CEQA Guidelines section 15206) and therefore, the project is exempt from further evaluation; or 2) the impacts are too speculative (CEQA Guidelines 15145, Speculation).
- Prepare EIR section to include the following:
 - Purpose for addressing global climate change in this draft EIR, chosen methodology, and reasoning for chosen methodology
 - Introduction on global climate change and greenhouse gas emissions
 - Discussion of project contribution to greenhouse gas emissions (project specific and cumulative)
 - Conclusions

The cost of the climate change evaluation is \$3,050.

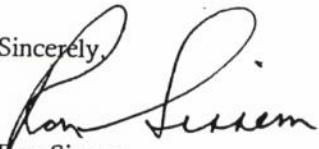
Revised Total Contract Amount

The table below shows the new **total** contract amount. The total contact amount includes the original contract amount plus Contract Amendments #1 through #5.

Task	Budget
Original Contract Amount	\$127,954.00
Contract Amendment #1	\$32,062.00
Contract Amendment #2	\$21,396.10
Contract Amendment #3	\$60,905.11
Contract Amendment #4	\$100,292.01
Contract Amendment #5	\$22,886.40
New Total Contract Amount	\$365,495.62

of 365,475.62

If you have any questions, please do not hesitate to contact me.

Sincerely,

Ron Sissem
Principal Planner

Soledad Plaza EIR - Contract Amendment #5 Budget

Task	Principal	Principal Planner	Senior Planner	Administrative	Total Hours	Total Cost
Billing Rate (Per Hour)	\$200.00	\$150.00	\$125.00	\$75.00		
Add'l Traffic Analysis - Contract/Admin	1.0	4.0	0.0	2.0	7.0	\$950.00
Expand Traffic Related EIR Sections	0.0	8.0	0.0	0.0	8.0	\$1,200.00
Additional EIR Coordination	0.0	8.0	0.0	0.0	8.0	\$3,450.00
Climate Change Section	1.0	4.0	18.0	0.0	23.0	\$3,050.00
Subtotal (Hours)	1.0	20.0	0.0	2.0	Total Hours: 23.0	Total Cost:
Subtotal (Cost)	\$200.00	\$3,000.00	\$0.00	\$150.00	23.0	\$8,650.00

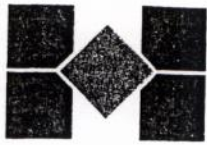
Additional Costs

Production Costs	\$100.00
Travel Costs	\$0.00
Postal/Deliverables	\$0.00
Communication	\$0.00
Miscellaneous	\$50.00
Administrative Overhead 10%	\$15.00
Total	\$165.00

Subconsultant Fees

Higgins Associates - Add'l Cum Analyses	\$10,624.00
Higgins Associates - Add'l PSR Meeting	\$2,150.00
Subconsultant Overhead 10%	\$1,277.40
Total	\$14,051.40

Total Costs	\$22,866.40
--------------------	--------------------



HIGGINS ASSOCIATES

CIVIL & TRAFFIC ENGINEERS

April 18, 2007

Ron Sissem
EMC Planning Group
301 Lighthouse Avenue, Suite C
Monterey, CA 93940

Re: Soledad Plaza, Soledad, California – Additional Short-Term Cumulative Analysis

Dear Ron,

The following is a proposal to provide additional traffic engineering services for the proposed Soledad Plaza shopping center in Soledad, California. During the process of analyzing General Plan Buildout conditions for the traffic analysis report, it became apparent to us that a short-term cumulative analysis would also be a beneficial scenario, for the following reasons:

1. Traffic volumes under a short-term Cumulative scenario would generally be higher than under General Plan Buildout Conditions in the study area. This is because the City of Soledad General Plan proposes new arterial connections between the western Soledad and Camphora-Gloria Road, resulting in a diversion of trips away from the Front Street (North) interchange and surrounding roadways.
2. With higher traffic volumes, a short-term Cumulative scenario would likely require additional improvements beyond those required under General Plan Buildout conditions.

As a result, we are recommending that a new Cumulative Plus Project scenario be added to the traffic analysis report. Also, if deemed necessary by you and the City of Soledad, a new Cumulative Without Project scenario can be added.

The following scope of work is recommended:

Basic Scope:

Task 1 – Analyze Cumulative Plus Project Traffic Conditions

Cumulative traffic forecasts for the study intersections and roadway segments will be estimated based upon lists of approved and cumulative projects already provided by the City of Soledad. This includes buildout of projects such as the approved Miravale II development, as well as buildout of the proposed Miravale III development. However, this scenario will not include either the Gabilan Drive extension to Moranda Road, reconstruction of the Highway 101/Front Street (North) interchange, or any of the new roadway connections to Camphora-Gloria Road proposed in the City of Soledad General Plan; though some of these improvements may be recommended as improvements to rectify deficient operations.

7-DW Proposal

1300-B First Street · Gilroy, California · 95020-4738 · VOICE/408 848-3122 · FAX/408 848-2202 · www.kbhiggins.com

The study project trip assignment will be combined with the Cumulative traffic forecasts to obtain Cumulative Plus Project traffic conditions volume forecasts. Traffic operations at the study intersections and roadway segments will be analyzed including levels of service, queuing and storage requirements, and warranted traffic control devices and channelization. Any necessary improvements will be recommended.

Finally, documentation of the results of this scenario, including appropriate graphics, will be incorporated into the traffic report currently being prepared for the study project.

Optional Task:

Optional Task 2 – Analyze Cumulative Without Project Traffic Conditions

If requested, a Cumulative Without Project scenario can also be performed. This scenario would be similar to the Cumulative Plus Project scenario, in that it would use the Cumulative traffic forecasts for the study intersections and roadway segments under Task 1. However, it would not include any trips from the study project, Soledad Plaza. Traffic operations at the study intersections and roadway segments will be analyzed including levels of service, queuing and storage requirements, and warranted traffic control devices and channelization. Any necessary improvements will be recommended.

Finally, documentation of the results of this scenario, including appropriate graphics, will be incorporated into the traffic report currently being prepared for the study project.

Not included in the above scope of work are design of any roadway feature or traffic control device, additional analysis required by any governmental agency, attendance at project meetings or public hearings, meetings with representatives from other public agencies, evaluation of separate project phases, project alternatives, on- or off-street parking analysis, preparation of detailed cost estimates for mitigation measures or design alternatives, preparation of cost allocation formulas for mitigation measures and more than five copies of any draft and final report.

Budget

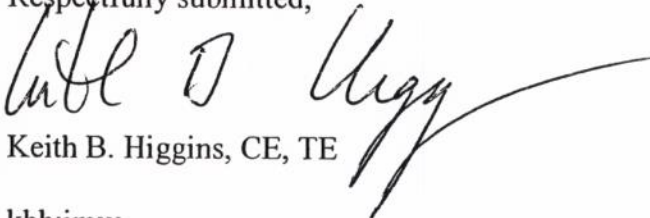
The fee for the traffic analysis is \$6,436.00 for the basic scope, and \$10,624.00 for the basic scope plus the optional task. We are prepared to start work on this project upon authorization to proceed. Terms of payment shall correspond with your contract with City of Soledad. This proposal is valid for 60 days. The Fee Schedule and corresponding project fee may also be adjusted if extensive delays outside of the Consultant's control are incurred in the commencement or during the execution of the project. Invoices will be deemed accurate and accepted by the client unless questions are submitted in writing to Higgins Associates within 14 days of the date of the invoice.

Ron Sissem
April 18, 2007
Page 3

All proposed work tasks will be completed with due diligence, in a timely manner. If the scope of work, services fee and schedule, and terms of payment are acceptable, please sign and return a copy of the attached "Authorization-to-Proceed" form. Please also indicate your preference for either the basic scope or the basic scope plus optional task.

If you have any questions regarding the contents of this proposal or need additional information, please do not hesitate to contact me or Jeff Waller at your convenience, at (408) 848-3122. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith B. Higgins", with a long, sweeping horizontal line extending to the right.

Keith B. Higgins, CE, TE

kbh:jmw
enclosures

**SOLEDAD PLAZA -- ADDITIONAL ANALYSIS
Fee Estimate**

Submitted by
Higgins Associates
April 18, 2007

Personnel and Hourly Billing Rates										
Project Tasks	President \$230	Principal Associate \$185	Associate Engineer \$149	CADD Tech \$99	Clerical \$72	Count Supvr \$61	Count Tech \$47	Total Hours	Total Fee	
Basic Scope:										
1. Cumulative Plus Project Conditions (Plus Documentation)	4		32	6	2			44	\$6,426	
Subtotal (Basic Scope)	4	0	32	6	2	0	0	44	\$6,426	
Printing (Basic Scope)									\$10	
Mileage (Basic Scope)									\$0	
	TOTAL (Basic Scope):									\$6,436
Optional Task:										
2. Cumulative Without Project Conditions (Plus Documentation)	2		20	6	2			30	\$4,178	
Subtotal (Optional Task)	2	0	20	6	2	0	0	30	\$4,178	
Printing (Optional Task)									\$10	
Mileage (Optional Task)									\$0	
	TOTAL (Optional Task):									\$4,188
	TOTAL (Basic Scope + Optional Task):									\$10,624



Note: If the scope of work, fee, terms of payment, and conditions described in the Higgins Associates proposal are acceptable, please sign and return a copy of this form for our files. Thank you.

**LETTER OF AGREEMENT ACCEPTANCE/
AUTHORIZATION TO PROCEED**

Project Name: Soledad Plaza – Additional Analysis, Soledad, CA.

Submitted By: *[Handwritten Signature]* Dated: April 18, 2007
(Signature)

Accepted By: _____ Dated: _____
(Signature)

(Print)

on behalf of _____
(Client)

Street or Mailing Address

City, State, Zip

Contracted Fee Confirmation \$6,436.00 (Basic Scope); or \$10,624.00 (Basic + Optional Task)

Initial Payment Amount \$0.00
(Credited against the final invoice)

Purchase Order No. _____

If billing should be sent to a different person or location, please complete below:

Attention: _____

Address: _____

HIGGINS ASSOCIATES
CIVIL & TRAFFIC ENGINEERS

FEE SCHEDULE

Effective through December 2007

PERSONNEL

Classification	Rate/Hour
President	\$230
Principal Associate	\$185
Senior Associate	\$175
Senior Consultant	\$169
Senior Planner / Senior Traffic Modeler	\$159
Associate Engineer	\$149
Associate Planner	\$127
Assistant Engineer	\$124
Assistant Planner	\$108
Senior CAD Technician	\$108
CAD Technician, Designer	\$99
Assistant CAD Technician	\$72
Clerical	\$72
Traffic Count Supervisor, Field Technician	\$61
Messenger, Traffic Count Technician	\$47
Minimum Consultation Fee	\$525
Expert Witness (Rates Available on Request)	

SUB-CONSULTANTS

Professional Service by Others	Cost + 10%
--------------------------------	------------

EXPENSES

Materials, External Copying & Printing, Phone, Fax	Cost + 15%
Internal Copying - Letter Size (per single-sided page + labor)	\$0.10
Internal Copying - Ledger Size (per single-sided page + labor)	\$0.21
Large Sheet Prints - Bond or Blueline (per D size sheet + labor)	\$2.08
Large Sheet Plots - Vellum (per D size sheet + labor)	\$4.16
Large Sheet Plots - Mylar (per D size sheet + labor)	\$6.24
Delivery/Courier Service	Cost + 15%
Auto Expenses (per mile)	\$0.53
Travel Expenses	Cost + 10%