

RESOLUTION NO. 4019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING AND APPROVING EXECUTION OF AN AMENDMENT #1 TO
THE CONTRACT FOR PROFESSIONAL SERVICES WITH EMC PLANNING
GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$41,824 FOR ADDITIONAL
ENVIRONMENTAL REVIEW AND PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED FRONT STREET MIXED USE PROJECT**

WHEREAS, the City has received a request from Nader Agha (“Applicant”) to process a General Plan Amendment, Zoning Ordinance Text and Map Amendment, Conditional Use Permit and Site Plan Review for a 2.75 acre site located on the north side of Front Street, between Front and Monterey Street; 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. to prepare an Initial Study/Mitigated Negative Declaration pursuant to CEQA for the Project, in the base contract amount of \$40,346; and

WHEREAS, the draft Initial Study, based upon a supporting historical survey report, determined that the proposed project would have a significant impact upon historical resources as defined by Section 15064.5 of CEQA; and

WHEREAS, said significant impact cannot be mitigated to a less-than-significant level in accordance with CEQA without significantly altering the project and project objectives; and

WHEREAS, preparation of an Environmental Impact Report (“EIR”) is now necessary to evaluate and disclose the project’s potential significant impact upon historic resources pursuant to CEQA and evaluate alternatives to the proposed project; and

WHEREAS, Staff has received concurrence from the Applicant to amend the existing Professional Services Contract with EMC so as to allow preparation of the required EIR, for a cost not to exceed \$41,824; and

WHEREAS, funding for said Contract Amendment #1 will be paid entirely by the Applicant, Nader Agha, 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 \$41,824.00 is hereby approved.

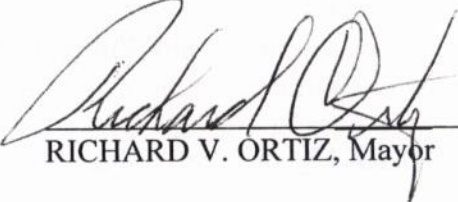
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 6th day of June, 2007, by the following vote:

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

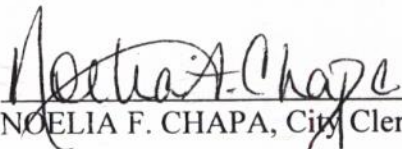
NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmember: None


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk

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

**FRONT STREET MIXED USE PROJECT
ENVIRONMENTAL REVIEW**

PURPOSE

The purpose of this Amendment #1 is to engage CONSULTANT – EMC PLANNING GROUP, INC. — for the provision of those services required for preparation of an Environmental Impact Report for the Front Street Mixed Use Project at 263 Front Street, Soledad.

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 May 1, 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. 1 by June 18, 2007, and CONSULTANT will have the services completed (i.e., completion and certification of Final EIR) on or about December 10, 2007, an approximately six month period, based upon the Schedule included in the attached Scope of Work.

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 \$41,824.00.

COORDINATION WITH ORIGINAL CONTRACT

Unless otherwise noted herein, the terms and conditions of the original Contract between City and EMC Planning Group, Inc., dated February 7, 2007, and approved by the City Council on February 7, 2007, and amended thereafter, 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.

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: Neelha A Chape
City Manager

Attest: Neelha A Chape
City Clerk

EMC Planning Group, Inc.

By: Teri Wusler Adam
Principal

Approved as to form:

Stephanie Stuart
for City Attorney