

**THIRD AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
WITH DE NOVO PLANNING GROUP**

THIS THIRD AMENDMENT is made and entered into this 11th day of March 2024, by and between the CITY OF FORT BRAGG, hereinafter referred to as "City," and DE NOVO PLANNING GROUP, hereinafter referred to as "Consultant."

WHEREAS, the City and Consultant entered into a Professional Services Agreement ("Agreement") on April 26, 2022 to prepare an Environmental Impact Report for the proposed Grocery Outlet at 825, 848 and 851 South Franklin Street, pursuant to City Council Resolution 4538-2022 adopted April 25, 2022; and

WHEREAS, the City and the Consultant executed a First Amendment to the Agreement on September 23, 2022 increasing the scope of work, and a Second Amendment to the Agreement on February 17, 2023 extending the time for completion; and

WHEREAS, the initial contract Paragraph 2.1 states "Compensation. Consultant's total compensation shall not exceed **Fifty-six Thousand Thirteen Dollars (\$56,013.00)**; and

WHEREAS, the first contract amendment included an agreement to amend contract Paragraph 2.1 as follows, "(Compensation) is hereby amended to state that total compensation shall not exceed **Fifty-eight Thousand Seventy-three Dollars (\$58,073.00)**; and

WHEREAS, on the 5th of June 2023, City Council held a special meeting to adopt a resolution certifying the Environmental Impact Report for the Best Development Grocery Outlet (Sch: 2022050308) and adopt the California Environmental Quality Act Findings and the Mitigation Monitoring and Reporting; and

WHEREAS, the Consultant and the Project Planner completed Additional Work on the FEIR that was unexpected and beyond the scope of the original Contract as amended; and

WHEREAS, the Consultant has requested compensation for Additional Work on the FEIR in the amount of **Nine Thousand Four Hundred and Twenty-five Dollars (\$9,425.00)**; and

WHEREAS, City and Consultant desire to amend the Contract to include the completed Additional Work on the FEIR; and

WHEREAS, there are still sufficient funds budgeted for these activities which will be paid by the applicant through their Developers Deposit Account (DDA 119-0000-2668).

NOW, THEREFORE, for the aforementioned reasons and other valuable consideration, the receipt and sufficiency of which is acknowledged, City and Consultant hereby agree that the Professional Services Agreement for preparation of an Environmental Impact Report for the proposed Grocery Outlet between City and Consultant dated April 26, 2022, is hereby amended as follows:

1. **Compensation and billing:**

Paragraph 2.1 (Compensation) is hereby amended to increase the Consultant's total compensation shall not exceed **Sixty-seven Thousand Four Hundred and Ninety-eight Dollars (\$67,498.00)**;

2. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated April 26, 2022, as amended by the First Amendment to Agreement dated September 23, 2022 and by the Second Amendment to Agreement dated February 17, 2023, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Third Amendment the day and year first above written.

CITY OF FORT BRAGG:

CONSULTANT:

By: _____
Isaac Whippy
City Manager

By: _____
Steve McMurtry
Principal Planner

ATTEST:

Diana Sanchez
City Clerk

APPROVED AS TO FORM:

Baron J. Bettenhausen
City Attorney