

**RESOLUTION NO. 4773-2024**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING  
PROFESSIONAL SERVICES AGREEMENT WITH DE NOVO PLANNING GROUP  
TO INCREASE THE CONSULTANT'S TOTAL COMPENSATION AND AUTHORIZING  
CITY MANAGER TO EXECUTE CONTRACT FOR A THIRD AMENDMENT  
(AMOUNT NOT TO EXCEED \$67,498.00)**

**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 5<sup>th</sup> 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.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Fort Bragg does hereby approve this resolution to approve a Third Amendment to the Professional Services Agreement with De Novo Planning Group to increase the Consultant's total compensation not to exceed **Sixty-Seven Thousand Four Hundred and Ninety-Eight Dollars (\$67,498.00)**.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Godeke, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of March 2024, by the following vote:

**AYES:** Councilmembers Albin-Smith, Peters, Rafanan, Vice-Mayor Godeke, Mayor Norvell.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**Diana Sanchez**  
City Clerk