

**SECOND AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT WITH
METROPOLITAN PLANNING GROUP DBA M-GROUP**

THIS SECOND AMENDMENT is made and entered into this ____ day of June, 2021, by and between the CITY OF FORT BRAGG, hereinafter referred to as "City," and METROPOLITAN PLANNING GROUP DBA M-GROUP, hereinafter referred to as "Consultant."

WHEREAS, the City and Consultant entered into a Professional Services Agreement ("Contract") on November 16, 2020; and

WHEREAS, the Contract states that Consultant will provide planning and development consulting services on a project by project basis; and

WHEREAS, the City and Consultant entered into a First Amendment to the Contract on January 26, 2021, to augment the scope of work and increase the compensation to a total Not to Exceed Amount of \$46,146.00; and

WHEREAS, the parties desire to amend the Contract to further augment the scope of work to include new activities as described in Exhibit A to this Second Amendment and to extend the completion date and term of the contract; and

WHEREAS, the cost of providing these additional services is **Eight Thousand Nine Hundred Twenty-two Dollars and Fifty Cents (\$8,922.50)**, for a total Not to Exceed Amount of **Fifty-five Thousand Sixty-eight Dollars and Fifty Cents (\$55,068.50)**; and

WHEREAS, per the Fort Bragg Municipal Code Section 3.20.050, the City Manager's signing authority for change orders may not exceed 10% of the approved contract cost; and

WHEREAS, the applicant(s) have agreed to pay the full amount associated with this contract change(s) through Developer Deposit Accounts; and

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 planning and development consulting services between the City and Consultant dated November 16, 2020, as amended by the First Amendment to Contract dated January 26, 2021, is hereby amended as follows:

1. **Scope of Work:**

Paragraph 1.1 (Scope of Work) is hereby amended to include the additional work described in Exhibit A attached hereto and incorporated herein by reference.

2. **Compensation:**

Paragraph 2.1 (Compensation), is hereby amended to state, "Consultant's total compensation shall not exceed **Fifty-five Thousand Sixty-eight Dollars and Fifty Cents (\$55,068.50)**."

3. **Time of Performance**

Paragraph 3.1 (Commencement and Completion of Work) is hereby amended to state that the services will be completed by **September 30, 2021**.

4. **Term and Termination**

Paragraph 4.1 (Term) is hereby amended to state that the Contract will expire on **December 30, 2021**.

5. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated November 16, 2020, as modified by the First Amendment dated January 26, 2021, is hereby reaffirmed.

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

CITY OF FORT BRAGG:

CONSULTANT:

By: _____
Tabatha Miller
City Manager

By: _____
Geoff Bradley
President/Principal

ATTEST:

APPROVED AS TO FORM:

June Lemos, CMC
City Clerk

Keith F. Collins
City Attorney

EXHIBIT "A"

SCOPE OF SERVICES

CONSULTANT shall provide professional services for CITY focusing on programs related to the CITY's planning and development processes. The CONSULTANT shall manage these tasks below within the policy framework set forth by the CITY and act with independent judgement to ensure deliverables are met in accordance to the terms of this exhibit.

CONSULTANT shall complete review of the CalTrans State Route 1 Americans with Disabilities Act (ADA) Project, which is a project sponsored by the State Department of Transportation to upgrade State Route 1 between mile markers 59.80 and 62.10 with ADA improvements such as sidewalk, retaining wall, curb cuts and accessible ramps. The applicant requests a Coastal Development Permit. The project requires review by the CITY's Planning Commission.

Task Overview:

- Task 1 - Project Management
- Task 2 - Technical Review
- Task 3 - Environmental Review
- Task 4 - Report or Document Preparation
- Task 5 - Presentation
- Task 6 - Meeting Attendance

Task 1 – Project Management

Consulting Planner shall serve as the Project Manager for this project, which includes, but is not necessarily limited to the following: proactive application processing within city established timelines, to the extent feasible; establish a professional relationship with the applicant team, city staff and other project consultants; facilitate and coordinate meetings; maintain an organized and complete project file, remove extraneous material from the project file in compliance with the city's retention program; provide frequent updates to responsible City Contact; be responsive to city requests for information and project updates as needed; ensure overall quality assurance or work; properly invoice in accordance with this scope; and seek guidance from City Contact as needed. ***(ADDITIONAL TWO HOURS TO CLOSE OUT PROJECT: \$290.00)***

Task 2 - Technical Review

Review the project in compliance with applicable technical codes, including state and federal law, local zoning codes, Coastal General Plan, Inland General Plan, Local Coast Program, Coastal Land Use & Development Code, City's Municipal Code, city policies, guidelines, plans and related documents that apply to the project. Apply these rules, regulations and procedures to the proposed project. *Project deemed complete on November 17, 2020. Any revisions shall be reviewed prior to Planning Commission meeting. (NOTHING TO ADD)*

Task 3 - Environmental Review

In consultation with City Contact, assess the project in compliance with the California Environmental Quality Act (CEQA); recommend appropriate level of environmental review and, upon agreement from City Contact, proceed preparing and/or overseeing the preparation of the applicable document or exception/exemption, as appropriate. This may require an amendment to the scope of work specific to drafting the CEQA document. ***(NOTHING TO ADD)***

Task 4 - Report or Document Preparation

For projects that require a report, use the city’s templates to initiate and prepare reports, including all applicable attachments. Consulting Planner shall follow guidance and instruction from City Contact on format or other report-related procedures. Consulting Planner is expected to proactively monitor report review progress and adhere to the city’s report timelines, unless otherwise directed. For projects that require a formal determination letter, Consulting Planner shall use applicable city templates to document city action. **(ADDITIONAL \$2,428.75)**

Task 5 - Presentation

For projects that require a presentation, the Consulting Planner shall be responsible for preparing and submitting for review to the City Contact PowerPoint presentations to any city board, commission or the city council at least five days in advance of the meeting. **(ADDITIONAL \$108.75)**

Task 6 – Meeting Attendance

Consulting Planner is expected to attend a city-initiated inter-department meeting within the first 30 days of application submittal, any required meetings related to the environmental review process, and when applicable to the project, the Consulting Planner shall anticipate attending Planning Commission and City Council meetings. **(One Planning Commission meeting)**

Task 7 - Contingency

From time to time work goes beyond the anticipated tasks identified above. A ten percent (10%) contingency shall be applied to all projects. Requests to use contingency funds shall be agreed to in writing with the City Contact prior to using these funds. **(ADDITIONAL \$20.00)**

A-1 SCHEDULE OF PERFORMANCE

CONSULTANT shall perform the Services so as to complete each task as specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of CONSULTANT and CITY so long as all work is completed within the term of the Agreement.

SCHEDULE

Tasks	Description	Hours	Additional Hours
Task 1	Project Management	16	2
Task 2	Technical Review	2	-
Task 3	Environmental Review	4	-
Task 4	Report or Document Preparation	16	16.75
Task 5	Presentation	2	0.75
Task 6	Meeting Attendance	4	-
Task 7	Contingency	4	
Total Hours		48	19.5

A-2 BUDGET SCHEDULE

Tasks	Description	Hourly Rate	Prior Amount	Additional Amount	Total
Task 1	Project Management	\$145	\$2,320	\$290	\$2,610
Task 2	Technical Review	\$145	\$290	-	\$290
Task 3	Environmental Review	\$145	\$580	-	\$580
Task 4	Report or Document Preparation	\$145	\$2,320	\$2,428.75	\$4,748.75
Task 5	Presentation	\$145	\$290	108.75	\$398.75
Task 6	Meeting Attendance	\$145	\$580		\$580
Task 7	Contingency	\$145	\$580	\$20	\$600
Sub-total Basic Services			\$6,960	\$2,847.50	\$9,807.50
		Reimbursable Expenses			\$0
		Total Basic Services & Reimbursable Expenses			\$9,807.50
		Maximum Total Compensation			\$9,807.50

EXHIBIT "A-3"
SCHEDULE OF RATES

M-GROUP STAFF	HOURLY RATE
Administrative Analyst/Planning Tech	\$80
Assistant Planner/Assistant Urban Designer	\$95
Associate Planner/Associate Urban Designer/GIS Services	\$125
Environmental Planner/Historic Preservation Specialist	\$135
Senior Planner/Senior Urban Designer	\$145
Principal Planner	\$165
Principal in Charge	\$250

EXHIBIT "A"

SCOPE OF SERVICES

The CITY has received two Appeals, on April 26, 2021 (the Ferris Appeal and the Weibal Appeal) of the Planning Commission approval of the Coastal Development Permit for the CalTrans State Route 1 Americans with Disabilities Act (ADA) Project, sponsored by the State Department of Transportation to upgrade State Route 1 between mile markers 59.80 and 62.10 with ADA improvements such as sidewalk, retaining wall, curb cuts and accessible ramps. The subject Coastal Development Permit was approved by the Planning Commission on April 14, 2021.

CONSULTANT shall provide professional services for CITY focusing on review and processing of these Appeals, which will involve the following tasks. The CONSULTANT shall manage these tasks below within the policy framework set forth by the CITY and act with independent judgement to ensure deliverables are met in accordance to the terms of this exhibit.

Task Overview:

- Task 1 - Project Management
- Task 2. - Report or Document Preparation
- Task 3. – Presentation & Meeting Attendance

Task 1 – Project Management

Consulting Planner shall serve as the Project Manager for this project, which includes, but is not necessarily limited to the following: processing of the Appeals within city established timelines, to the extent feasible; coordinating with the applicant team, city staff and other project consultants, including meetings; as necessary, maintaining an organized and complete project file, ensuring overall quality assurance or work; properly invoice in accordance with this scope; and seek guidance from City Contact as needed.

Task 2 - Report or Document Preparation

Includes the review of the appeals filed on April 26, 2021. Use the city's templates to initiate and prepare reports, including all applicable attachments. Consulting Planner shall follow guidance and instruction from City Contact on format or other report-related procedures. Consulting Planner is expected to proactively monitor report review progress and adhere to the city's report timelines, unless otherwise directed. If the projects require a formal determination letter, Consulting Planner shall use applicable city templates to document city action.

Task 3 – Presentation/Meeting Attendance

For projects that require a presentation, the Consulting Planner shall be responsible for preparing and submitting for review to the City Contact PowerPoint presentations to the City Council at days in advance of the meeting.

Consulting Planner is expected to attend required city-initiated meetings in relation to the Appeals and One City Council meeting.

Contingency

Occasionally, work goes beyond the anticipated tasks identified above. A ten percent (10%) contingency shall be applied to all projects. Requests to use contingency funds shall be agreed to in writing with the City Contact prior to using these funds.

A-1 SCHEDULE OF PERFORMANCE

CONSULTANT shall perform the Services so as to complete each task as specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of CONSULTANT and CITY so long as all work is completed within the term of the Agreement.

SCHEDULE

Tasks	Description	Hours
Task 1	Project Management	2
Task 2	Report or Document Preparation	20
Task 3	Presentation/Meeting Attendance	4
	Contingency	2
Total Hours		28

A-2 BUDGET SCHEDULE

Tasks	Description	Principal Planner (Hours)	Hourly Rate	Senior Planner (Hours)	Hourly Rate	Total
Task 1	Project Management	2	\$165		\$145	\$330
Task 2	Report or Document Preparation	20	\$165	0		\$3,300
Task 3	Presentation/Meeting Attendance	0	\$165	4	\$145	\$580
	Contingency	2				\$330
Sub-total Basic Services		28				\$4,540
		Reimbursable Expenses				\$0
		Total Basic Services & Reimbursable Expenses				\$4,540
		Maximum Total Compensation				\$4,540

EXHIBIT "A-3"
SCHEDULE OF RATES

M-GROUP STAFF	HOURLY RATE
Administrative Analyst/Planning Tech	\$80
Assistant Planner/Assistant Urban Designer	\$95
Associate Planner/Associate Urban Designer/GIS Services	\$125
Environmental Planner/Historic Preservation Specialist	\$135
Senior Planner/Senior Urban Designer	\$145
Principal Planner	\$165
Principal in Charge	\$250

EXHIBIT "A"

SCOPE OF SERVICES

CONSULTANT shall provide professional services for CITY focusing on programs related to the CITY's planning and development processes. The CONSULTANT shall manage these tasks below within the policy framework set forth by the CITY and act with independent judgement to ensure deliverables are met in accordance to the terms of this exhibit.

CONSULTANT shall complete review of the Parents & Friends Project, which proposes to demolish two buildings, the house and an outbuilding, on APN 18-090-12 at 350 Cypress Street. A third building, the Mendocino Coast Pharmacy (and a small shed), will be retained. Three residential buildings with four bedrooms and three bathrooms each are proposed for construction on the west approximate two-thirds of the lot. These are to serve as group homes for aging, disabled adults. The applicant requests a Coastal Development Permit. The project requires review by the CITY's Planning Commission.

Task Overview:

- Task 1 - Project Management
- Task 2 - Technical Review
- Task 3 - Environmental Review
- Task 4 - Report or Document Preparation
- Task 5 - Presentation
- Task 6 - Meeting Attendance

Task 1 – Project Management

Consulting Planner shall serve as the Project Manager for this project, which includes, but is not necessarily limited to the following: proactive application processing within city established timelines, to the extent feasible; establish a professional relationship with the applicant team, city staff and other project consultants; facilitate and coordinate meetings; maintain an organized and complete project file, remove extraneous material from the project file in compliance with the city's retention program; provide frequent updates to responsible City Contact; be responsive to city requests for information and project updates as needed; ensure overall quality assurance or work; properly invoice in accordance with this scope; and seek guidance from City Contact as needed. **(NOTHING TO ADD)**

Task 2 - Technical Review

Review the project in compliance with applicable technical codes, including state and federal law, local zoning codes, Coastal General Plan, Inland General Plan, Local Coast Program, Coastal Land Use & Development Code, City's Municipal Code, city policies, guidelines, plans and related documents that apply to the project. Apply these rules, regulations and procedures to the proposed project. *Project deemed complete on November 19, 2020. Any revisions shall be reviewed prior to Planning Commission meeting.* **(NOTHING TO ADD)**

Task 3 - Environmental Review

In consultation with City Contact, assess the project in compliance with the California Environmental Quality Act (CEQA); recommend appropriate level of environmental review and, upon agreement from City Contact, proceed preparing and/or overseeing the preparation of the applicable document or exception/exemption, as appropriate. This may require an amendment to the scope of work specific to drafting the CEQA document. **(NOTHING TO ADD)**

Task 4 - Report or Document Preparation

For projects that require a report, use the city’s templates to initiate and prepare reports, including all applicable attachments. Consulting Planner shall follow guidance and instruction from City Contact on format or other report-related procedures. Consulting Planner is expected to proactively monitor report review progress and adhere to the city’s report timelines, unless otherwise directed. For projects that require a formal determination letter, Consulting Planner shall use applicable city templates to document city action. **(ADDITIONAL \$ 4,821.25)**

Task 5 - Presentation

For projects that require a presentation, the Consulting Planner shall be responsible for preparing and submitting for review to the City Contact PowerPoint presentations to any city board, commission or the city council at least five days in advance of the meeting. **(ADDITIONAL \$ 108.75)**

Task 6 – Meeting Attendance

Consulting Planner is expected to attend a city-initiated inter-department meeting within the first 30 days of application submittal, any required meetings related to the environmental review process, and when applicable to the project, the Consulting Planner shall anticipate attending Planning Commission and City Council meetings. **(One Planning Commission meeting) (NOTHING TO ADD)**

Task 7 - Contingency

From time to time work goes beyond the anticipated tasks identified above. A ten percent (10%) contingency shall be applied to all projects. Requests to use contingency funds shall be agreed to in writing with the City Contact prior to using these funds. **(NOTHING TO ADD)**

A-1 SCHEDULE OF PERFORMANCE

CONSULTANT has performed the Services so as to complete each task as specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of CONSULTANT and CITY so long as all work is completed within the term of the Agreement.

SCHEDULE

Tasks	Description	Hours
Task 1	Project Management	24.0
Task 2	Technical Review	9.5
Task 3	Environmental Review	1.0
Task 4	Report or Document Preparation	53.25
Task 5	Presentation	4.75
Task 6	Meeting Attendance	3.25
Task 7	Contingency	4.25
Total Hours		100.0

A-2 BUDGET SCHEDULE

Tasks	Description	Hourly Rate	Prior Amount	Amount Difference	Total
Task 1	Project Management	\$145	\$4,640	\$ -1,160.00	\$ 3,480.00
Task 2	Technical Review	\$145	\$2,320	\$ -942.50	\$ 1,377.50
Task 3	Environmental Review	\$145	\$580	\$ -435.00	\$ 145.00
Task 4	Report or Document Preparation	\$145	\$2,900	\$ 4,821.25	\$ 7,721.25
Task 5	Presentation	\$145	\$580	\$108.75	\$ 688.75
Task 6	Meeting Attendance	\$145	\$870	\$ -398.75	\$ 471.25
Task 7	Contingency	\$165	\$1,160	\$ -458.75	\$ 701.25
Sub-total Basic Services			\$13,050	\$ 1,535.00	\$14,585.00
	Reimbursable Expenses				\$0
	Total Basic Services & Reimbursable Expenses				\$14,585.00
	Maximum Total Compensation				\$ 14,585.00

EXHIBIT "A-3"
SCHEDULE OF RATES

M-GROUP STAFF	HOURLY RATE
Administrative Analyst/Planning Tech	\$80
Assistant Planner/Assistant Urban Designer	\$95
Associate Planner/Associate Urban Designer/GIS Services	\$125
Environmental Planner/Historic Preservation Specialist	\$135
Senior Planner/Senior Urban Designer	\$145
Principal Planner	\$165
Principal in Charge	\$250