

**SECOND AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
WITH
LACO ASSOCIATES, INC.**

THIS SECOND AMENDMENT is made and entered into this 12th day of January, 2021, by and between the CITY OF FORT BRAGG, a municipal corporation, 416 N. Franklin Street, Fort Bragg, California 95437 ("City"), and LACO ASSOCIATES, INC., a California corporation, 311 S. Main Street, Ukiah, California 95482 ("Consultant").

WHEREAS, the City and Consultant entered into a Professional Services Agreement ("Contract") on August 4, 2020; and

WHEREAS, the Contract states that Consultant will process applications CDP 8-19, DR 1-19 and MGR 1-19 for a new Grocery Outlet Supermarket as described in Consultant's Scope of Work attached to the Contract as Exhibit A; and

WHEREAS, on November 23, 2020, the parties entered into a First Amendment to Contract to extend the time for completion of the Contract to March 31, 2021 and the Contract term to June 30, 2021; and

WHEREAS, the Consultant has been performing tasks for the City, and additional tasks are required to complete the project as outlined in Exhibit A attached hereto; and

WHEREAS, there are still sufficient funds budgeted for these activities; and

WHEREAS, City and Consultant desire to amend the Contract to augment the Scope of Work and to increase the Not to Exceed amount of the Contract by \$13,400, from \$24,644 to \$38,044;

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 processing Grocery Outlet Supermarket applications, is hereby amended as follows:

1. SCOPE OF WORK

Paragraph 1.1 (Scope of Work) is hereby amended to include the additional tasks specified in Exhibit A attached hereto.

2. COMPENSATION

Paragraph 2.1 (Compensation) is hereby amended to increase the amount of Contract by \$13,400 to a total Not to Exceed amount of **Thirty-eight Thousand Forty-four Dollars (\$38,044)**.

3. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated August 4, 2020, as amended by the First Amendment to Agreement dated November 23, 2020, is hereby reaffirmed.

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

CITY OF FORT BRAGG:

CONSULTANT:

By: _____
Tabatha Miller
Its: City Manager

By: _____
Michael Nelson
Its: President/CEO

ATTEST:

By: _____
June Lemos, CMC
City Clerk

APPROVED AS TO FORM:

By: _____
Keith F. Collins
City Attorney

EXHIBIT A



December 4, 2020

8135.14

Chantell O'Neal
Assistant Public Works Director
City of Fort Bragg

Subject: Grocery Outlet Project
Request for additional budget

Chantell,

LACO Associates, Inc. (LACO) has prepared an Initial Study for the Grocery Outlet on behalf of the City of Fort Bragg.

While completing the document, several unforeseen issues arose that resulted in LACO utilizing additional budget that was originally budgeted for other tasks that have yet to be completed. In order to complete the project, including responding to comments, completing the staff report, and presentation to the Planning Commission, additional budget is hereby requested. A description of each task and justification is found below:

Task	Task Description	Estimated Cost	Additional Requested	New Total
1000	Project Management, Client Communication, and Agency Coordination	\$2,600	\$2,400	\$5,000
2000	Review Application Materials and Consistency Analysis	\$2,500	\$5,000	\$7,500
3000	CEQA Document	\$10,000	\$5,000	\$15,000
3100	Analysis and response to comments	\$1,500	\$1,500	\$3,000
4000	Staff Report	\$2,672		
5000	Planning Commission Presentation and Public Hearing	\$1,972		
6000	Appeal Staff Report	\$1,500		
7000	City Council Public Presentation and Public Hearing	\$1,900		
	Estimated Time and Materials Total	\$24,644	\$13,400	\$38,044

Tasks 1000, 2000, & 3000 - Complete

Task 1000 – Project Management, Client Communication, and Agency Coordination

The project will be managed by LACO Associates (LACO). LACO will conduct coordination between the Applicant and CLIENT. Invoices and correspondence will be delivered to CLIENT. Task 1000 includes up to up to six hours of phone or video conference meetings with CLIENT to discuss project status and benchmarks. This task also includes up to four hours of discussion and updates directly with the applicant and up to four hours of discussion with referral agencies.

Update: Approximately 6 hours of additional meetings took place between LACO and either City Staff or the applicant regarding unresolved traffic issues and CEQA exemption possibilities. As the project

21 W. Fourth Street
Eureka, CA 95501
707 443-5054 - Fax 707 443-0553

776 S. State Street, Suite 102A
Ukiah, CA 95482
707 462-0222 – Fax 707 462-0223

3450 Regional Parkway, Suite B
Santa Rosa, CA 95403
707 525-1222 – Fax 707 545-7821

932 B W. Eighth Avenue
Chico, CA 95926
530 801-6170 – Fax 707 462-0223

continues moving forward, it is anticipated that several additional hours of conference will be required to discuss and resolve issues as they arise.

Task 2000– Review of Application Materials and Consistency Analysis.

LACO will conduct in depth review of the project application materials. All project application materials and correspondence will be provided to LACO from CLIENT electronically. This includes the original application materials and those submitted on April 8, 2020, in response to the consistency analysis prepared by CLIENT. LACO will review all submitted special studies, and make recommendations on the adequacy of the studies. Studies to be reviewed include but are not limited to Traffic, Biological, and a cultural records search. LACO will review project status to ensure all procedures prescribed by AB52 have been followed.

Following the review of application materials, LACO will revise the Consistency Analysis previously prepared CLIENT, and update based on the information provided by the applicant. LACO will make a recommendation on whether the project is consistent with applicable codes and regulations, and if the project is complete enough for public hearing. If additional materials are needed LACO will prepare a letter to the applicant.

Update: While the materials provided for review presented a complete file package not requiring any additional studies, significant additional review was required to process all of the information provided. It was recognized early in the process that local interests were reviewing the documents as well, so additional analysis was undertaken to assess their adequacy. Over 80 emails between the previous Planner assigned to this project and the applicant or other interests needed to be categorized, organized, and analyzed.

Particular attention was paid to the analysis of the submitted Traffic Study, as it recommended a mitigation measure that is not possible at this time due to lack of mechanism or benefit area to allow the City to collect for signalization of Hwy 1, and Caltrans lack of plan for the improvement of said highway. While we believe the solution has presented itself over time, it took unanticipated hours to come to a logical conclusion.

No further additional review of backup materials is anticipated, however this task absorbed more anticipated budget than expected.

Task 3000 – CEQA document

LACO will prepare the Initial Study/Mitigated Negative Declaration in the format prescribed by the CLIENT. The IS/ MND will be prepared using the special studies provided by the applicant and publicly available resources. LACO will prepare the Mitigation Monitoring and Reporting Program (MMRP) for review by the CLIENT. LACO will deliver the environmental documents to the CLIENT for circulation.

Update: This task has been completed pending response to City comments on the document. Significant time and budget were spent on this task, particularly with regard to Air Quality and Traffic.

Additionally, special attention was paid to sections/issues that had been identified by interests through the review of correspondence. It should also be noted that according to the previous planner on the project, the Initial Study was reported to be 30 to 35% complete, and therefore LACO budgeted for this task accordingly. When the partial IS was reviewed by LACO, it became clear that with the exception

of portions of the project description, the document was the IS prepared for a different project (Autozone), and was being used as a template for the Grocery Outlet project.

Task 3100 – Analysis and response to comments

If public comments are received during the Initial Study circulation period. Upon consultation with CLIENT, LACO will provide responses to the comments as necessary, and revise the Environmental Document as needed. Up to 10 hours has been allotted for this task. Should extensive public comments be received an amendment may be required.

Update: Although the document has not circulated yet, based on correspondence received and reviewed, LACO recommends additional budget be allocated to this task.

We are not requesting any budget augmentation for the remaining tasks, Task 4000 – Staff Report, Task 5000 – Planning Commission Public Hearing, Task 6000 - Appeal Staff Report, and Task 7000 - City Council Public Presentation and Public Hearing at this time.

Thank you for reviewing this request. I look forward to discussing them with you and continuing the project.

Respectfully,
LACO Associates

A handwritten signature in black ink, appearing to read 'BT', written over a horizontal line.

Byron Turner
Senior Planner