RESOLUTION - ACTION REQUESTED 2017-215

MEETING: April 18, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Amended Contract and Payment Agreement for Tenaya Cabins Project EIR, and Approve Budge Action

RECOMMENDATION AND JUSTIFICATION:

Approve a Fourth Amendment to the Contract for Services with Ascent Environmental, Inc., Increasing the Amount of the Contract by $5,880.00 and Approve a Second Amended Payment for Services Agreement with Delaware North by $14,855.00, making Schedule Changes for the Preparation of an Environmental Impact Report (EIR) for the Proposed Project “Tenaya Cabins”, SPZA 2014-163, CUP 2014-164, and LDA 2014-165; Authorize the Board of Supervisors Chair to Sign the Amendments; and Approve the Budget Action.

Ascent Environmental, Inc. (Ascent) is the contracted firm preparing the Tenaya Cabins EIR. Additional work on the Final EIR was needed based on recently received comments from the California Regional Water Quality Control Board (RWQCB) related to waste water treatment disposal capacity. This affected the project timeline. The total amended contract amount will be $326,321.

The Amended Payment Agreement is necessary to cover the additional costs for work associated with the RWQCB comments, additional staff work, and noticing. The total amended agreement amount will be $366,055.

The Budget Action will increase the funds in anticipated revenues for fund 359 (Tenaya Cabins), allocate funds into the professional services line item to pay consultant and legal fees, and allocate funds to transfer out for planning staff time.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Tenaya Cabins project proposes 54 cabin units, a multi-function clubhouse, outdoor entertainment and seating areas, 88 parking spaces to serve the project and a land division for a separate one-half acre residential parcel. The proposed project requires a Specific Plan Land Use/Zoning Amendment, Land Division and Conditional Use Permit. The proposed project site is a 26.89 acre parcel (APN 010-350-008) located at 1152 Highway 41 in Fish Camp, California. The site is governed by the Fish
Camp Specific Plan.

The Board of Supervisors approved:

Resolution 2015-300, June 23, 2015 for a contract for services with Ascent for the preparation of the EIR and an agreement to pay for services with Delaware North.

Resolution 2015-425, September 1, 2015 for the 1st amendment to the contract with Ascent and the 1st amendment to the agreement with Delaware North.

Resolution 2016-371, July 12, 2016 for the 2nd amendment to the contract with Ascent.

Resolution 2016-648, December 13, 2016 for the 3rd amendment to the contract with Ascent.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No alternatives are identified. The County must process submitted applications and the amendments are to include required scope of work changes.

Negative action would result in project processing delays and the inability of the County to promptly process the application in accordance with CEQA and the State Permit Streamlining law.

FINANCIAL IMPACT:
Revenue and appropriations associated with the Contract were approved by the Board of Supervisors for inclusion in the FY 2015-16 Budget and in the 2016-2017 budget. A separate budget unit exists for the Tenaya Cabins project in order to track revenue and expenditures for this project separately. The proposed FY 2017-2018 Planning Department budget includes revenue and appropriations and the requested amendments and budget actions are adequate to cover the proposed 4th contract amendment.

ATTACHMENTS:
Board Memo Tenaya Cabins EIR Fourth Contract Amendment  (DOC)
Attachment A- Existing (3rd Amended) Ascent Contract for Services  (PDF)
Attachment B- Proposed Fourth Amended Ascent Agreement  (DOC)
Attachment B1-Fourth Amended Ascent Agreement  (PDF)
Attachment C- Second Amended Delaware North Agreement to Pay for Services  (DOC)
Attachment D-Budget Action Form  (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
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**ACTION REQUESTED:** (Check all that apply)

( ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or transferring appropriation from Contingencies;

(X ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories with a budget unit;

**JUSTIFICATION:**

Increase the anticipated revenues for fund 359 and allocate funds into prof services to pay consultant and legal fees as well as allocating funds to transfer out for planning staff time

Department Head Signature

APPROVED BY RES NO. 17-25

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