

RESOLUTION NO. 16-034

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AMENDMENT NO. 5 WITH EMC PLANNING SERVICES TO PREPARE AND SEEK CERTIFICATION OF A FULLY CERTIFIED LOCAL COASTAL PROGRAM (LCP)

FINDINGS

1. On July 16, 2014 Council executed a contract with EMC Planning Services to prepare and seek certification of a fully certified Local Coastal Program (LCP). The contract was funded by a Coastal Commission grant of \$130,000 and City funds of \$53,000 which were budgeted for consultant work for the FY 14/15 for a total amount of \$183,000.
2. The scope of work included Coastal Commission Engagement, Technical Research and Background Report, Focused Coastal Land Use Plan Update, Coastal Implementation Plan (IP), Community Engagement, and Adoption and Certification Hearings.
3. On February 23, 2015 Amendment No. 1 was executed. The overall contract budget remained unchanged. The amendment moved funds from Task 5, Community Engagement and Task 6 Adoption and Certification of Hearings to Task 2 Technical Research and Background Report in order to adequately cover the background and technical report costs required by the Coastal Commission. Data collection and hazard modeling was more costly and time consuming than originally anticipated due to difficulty obtaining GIS information from outside sources.
4. Amendment No. 2, executed on September 15, 2015, authorized an additional \$22,881.00 in contract funds for two additional workshops held in Fall 2015.
5. Amendment No. 3 for \$31,794.00 provided additional consultant services to address the additional public comments received during the extended outreach period and included a workshop related to the Implementation Ordinances.
6. Amendment #4 approved on February 17, 2016 for \$42,638.40 provided for attendance at Planning Commission and Council meetings where the LCP is discussed, conducting a Joint Workshop for both Council and Planning Commission, additional meetings with staff, project management and coordination, attendance at Coastal Commission meetings, and updated hazard zone mapping based on new readily available data for 2025 and 2050 time horizons.

7. In March 2016 the City received extensive comments from five Coastal Commission staff members on the Land Use Plan and general comments on the Implementation Plan. If approved, the scope of work would include: attendance at Planning Commission and Council meetings where the LCP is discussed; production of Final documents, including any revisions directed by the Planning Commission and/or Council, for submission to Coastal Commission; additional meetings with staff; attendance at adoption and certification hearings including Coastal Commission meetings. Amendment #5 for a total amount not to exceed not-to-exceed \$58,418 including a \$9,680 contingency fee, for a total project amount of \$338,423, would fund the scope of work.
8. A reimbursement agreement with Domaine Partners LLC was approved by Council on February 17, 2016 that included reimbursement for Local Coastal Program Update work, inclusive of Amendment #4 and any future amendments. Domaine Partners LLC will fund Amendment #5 in accordance with the approved Development Agreement.
9. This action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline Section 15378, as the submittal of a grant application is an administrative activity that will not cause a physical change to the environment.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. The Council authorizes authorizing the City Manager to execute an Amendment No. 5 with EMC PLANNING SERVICES for a Certified Local Coastal Program, for an amount not to exceed \$58,418 including a \$9,680 contingency fee.
3. This Resolution shall take effect immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 18th day of May, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, and Peake.

NOES: Councilmember Miller.

ABSENT: None.

APPROVED:

Bill Kampe
BILL KAMPE, Mayor

ATTEST:

Sandra Kandell
SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

David C. Laredo
DAVID C. LAREDO, City Attorney

