



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: March 10, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department
Director: Lisa Plowman, Director, Planning & Development, (805) 568-2086
Contact Info: Jeff Wilson, Asst. Director, Planning & Development, (805) 568-2085
SUBJECT: **Approval of Contract Conversion and Amendment to the Professional Services Purchase Order Contract with Rincon Consultants, Inc. for preparation of the Subsequent Environmental Impact Report (SEIR) for the SB Clark, LLC Residential Subdivision (Key Site 3) Project, Fourth Supervisorial District.**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute an Agreement for Services of Independent Contractor (Attachment A), Rincon Consultants, in an amount not to exceed \$121,932.00, inclusive of an additional \$23,566.00 and \$98,366.00 under Purchase Contract CN17424, but otherwise cancels, nullifies, and supersedes Purchase Contract CN17424, for preparation of the SEIR for the SB Clark, LLC Residential Subdivision (Key Site 3) project for the period of September 3, 2014, through June 30, 2021.
- b) Authorize the Director of Planning and Development (P&D), or designee, to approve immaterial changes in accordance with Section 35 of the Agreement.
- c) Determine that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

Summary Text:

The Board of Supervisors is required to approve all contracts that exceed a \$200,000 aggregate amount per vendor per fiscal year, and all individual contracts for services that exceed \$100,000.

On July 1, 2013 P&D received a Vesting Tentative Tract Map, General Plan Amendment, Rezone and Development Plan application for a proposed residential subdivision project located on Key Site 3 in the Orcutt Community Planning area. P&D sent requests for proposals to prepare the EIR to three consulting firms. Rincon Consultant's proposal to prepare the EIR was approved by the applicant, consistent with the Request for Proposal procedure and the *Santa Barbara County Guidelines for the Implementation of CEQA*. The total not-to-exceed cost of the EIR was \$89,424.00, with a 10% contingency of \$8,942.00; therefore, the total cost for the scope of services was \$98,366.00 (Attachment 1, Exhibit A-1). The following information outlines actions to date on the EIR contract:

- September 3, 2014. P& D entered into a Purchase Order Contract No. CN17424 with Rincon Consultants Inc. to prepare a Supplemental EIR.
- October 14, 2015. The County authorized use of \$8,079.00 of the contingency.
- January 22, 2020. Rincon Consultants, Inc. requested an additional \$23,932.00, for a revised base contract amount of \$121,069.00, with a total contract amount not to exceed \$121,932.00 (Attachment 1, Exhibit A-2). The additional funding is required to address the revised project description, incorporate new background reporting (e.g. traffic report), update the cumulative setting, and address the new and revised topics described in the 2019 CEQA Guidelines.

Board approval of the professional services contract with Rincon Consultants Inc. is now required because Rincon Consultants has other professional service contracts with the County resulting in a cumulative contracted amount that exceeds \$200,000.00, and because the cost of preparing the EIR will now exceed \$100,000. All cost incurred under this contract are funded by the applicant. Rincon Consultants is not a local vendor; however, it does have offices in San Luis Obispo County and Ventura County.

Background:

The proposed project consists of a Vesting Tentative Tract Map (VTTM), General Plan Amendment, Rezone, Road Naming, and Development Plan for 138.6 acres of Key Site 3. The VTTM request includes two parcels for the 8-acre portion of the site that were rezoned to Multi-Family Residential – Orcutt Zone (MR-O) in February of 2009 as part of the Housing Element Focused Rezone Program. The project proposes to develop 119 single-family small-lot units. Approximately 113.5-acres (82%) of the site is proposed as open space. The open space area includes the upper mesa bluff area, Orcutt Creek, private parks and trails, public multi-use and hiking trails, landscaped basins, and natural and restored habitat on hillsides and along the creek.

A Subsequent EIR is required for the project to evaluate potentially significant impacts, identify mitigation measures to reduce impacts, and analyze alternatives to the proposed project that would avoid or substantially lessen significant impacts.

Fiscal and Facilities Impacts:

Costs for consultant preparation and processing of the SEIR will be fully reimbursed by the project applicant and therefore there are no fiscal impacts to the County. With this Amendment No. 1, the not-to-exceed total cost for completing the Supplemental Environmental Impact Report would increase from \$98,366.00 to \$121,932.00, which includes a remaining contingency total of \$863.00. This amount includes a base cost increase from \$97,503.00 to \$121,069.00. The applicant will deposit the authorized amount (\$23,566.00) upon the Board's approval of the requested Agreement for Services (Attachment 1). P&D will continue to invoice the applicant for all staff time necessary to administer the Agreement for Services and related planning activities. These funds are budgeted in Planning and Development's Permitting Budget Program on page D-269 of the County of Santa Barbara Fiscal Year 2019-20 adopted budget.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			121,932.00
Total	\$ -	\$ -	121,932.00

The applicant has provided contract funds in the amount of \$98,366.00 and will provide the additional \$23,566.00 to increase the total not-to-exceed cost to \$121,932.00.

Key Contract Risks:

Staff performed a risk analysis on the original proposal and determined the purchase order contract was of low risk. Staff performed a subsequent risk analysis on the contract conversion and funding increase and the contract will remain low risk. The contract amendment amount of \$23,566.00 will be paid in full by the applicant in the form of a deposit to the County. As such, there is low risk to County fiscal resources for the contract amount. The contract will continue to include payment arrangements based on periodic compensation at selected milestones.

Special Instructions:

The Clerk of the Board will forward a copy of the executed Agreement for Services and Minute Order to (1) Crysta Rider, P&D Accounting, and (2) Shannon Reese, P&D Development Review Division.

Attachments:

- Attachment 1 – Contract between Rincon Consultants & the County of Santa Barbara for Preparation of the EIR
 - Exhibit A: Scope of Work
 - Attachment A-1: Rincon Proposal dated July 14, 2014 (Revised August 11, 2014)
 - Attachment A-2: Orcutt Key Site 3 Project Subsequent Environmental Impact Report Re-Initiation and Scope/Budget Amendment Request dated January 22, 2020
 - Exhibit B: Payment Arrangements
 - Exhibit C: Indemnification and Insurance Requirements

Attachment 2 – Board Contract Summary

Authored by: Shannon Reese, Planner