

RESOLUTION NO. 10-674

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
RELATING TO THE PREPARATION OF ENVIRONMENTAL
IMPACT STATEMENTS FOR THE LAWSON HILLS AND
THE VILLAGES MASTER PLANNED DEVELOPMENTS
AND AUTHORIZING THE MAYOR TO SIGN AMENDMENT
NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN PARAMETRIX, INC. AND THE CITY OF BLACK
DIAMOND**

WHEREAS, the City and Parametrix entered into a Professional Services Agreement regarding Environmental Services dated April 17, 2008 (the "Agreement") for the preparation of Environmental Impact Statements (EIS) relating to the potential impacts of contemplated developments known as the Lawson Hills and The Villages Master Planned Developments (the "Project"); and

WHEREAS, various amendments to the original agreement have occurred over the course of the project to address new issues; and

WHEREAS, the Final Environmental Impact Statements (FEIS) for each proposal were issued on December 11, 2009, signifying the end of the original contract; and

WHEREAS, on December 28, 2009, three appeals of each FEIS were filed; and

WHEREAS, the City's Hearing Examiner has scheduled consideration of the FEIS appeals for early March 2010; and

WHEREAS, the City and applicant (Yarrow Bay) have determined it is desirable to have Parametrix staff available during the appeal hearings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to sign amendment #5 to the Agreement as outlined in Exhibit "A", attached.

Section 2. The Mayor is authorized to make minor changes to said Agreement in order to take into account scrivener's corrections or administrative matters that do not affect the substance of the Agreement and are within his authority as the City's Chief Administrative Officer.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF FEBRUARY, 2010.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

Amendment #5 to Professional Services Agreement Between Parametrix and the City of Black Diamond

This Professional Services Agreement Amendment is dated February 18, 2010 and is entered into by and between:

CITY OF BLACK DIAMOND, WASHINGTON (the "City")
24301 Roberts Drive
Black Diamond, WA 98010
Contact: Steve Pilcher, Community Development Director
Phone: 360-886-2560 Fax : 360-886-2592

and

PARAMETRIX, Inc. (the "Consultant")
P.O. Box 460
Sumner, WA 98390
Contact: Susan Graham
Phone: 208-898-0012 Fax: 208-947-1655

This amendment authorizes the limited participation of the consultant staff in the upcoming Final EIS appeal hearings scheduled for March 6, 8 & 9th, 2010.

Project budget not to exceed \$10,000.

CITY OF BLACK DIAMOND

By: Rebecca Olness
Rebecca Olness

Its: Mayor

Date: February 19, 2010

CONSULTANT

By: Susan Graham
Susan Graham:

Its: Program manager

Date: 3/1/10

Attest:

By: Brenda L. Martinez
Brenda L. Martinez
City Clerk

City of Black Diamond
Villages and Lawson Hills Environmental Impact Statement
Scope of Work
February 11, 2010

This scope is in addition to the original scope, dated April 2008 and as previously updated in Amendments 1-4.

Scope changes, additional tasks and other revisions are noted as highlighted text.

TASK 1 - PROJECT MANAGEMENT

Assumptions

- The duration of contract is April 2008 through June 2009. Delays due to unforeseen circumstances (i.e. additional meetings, hearings, extended review periods) may result in additional effort necessary for project management and administration. The project deadline was extended (Amendment 4) assumed to last until December 2009.

➤ The Final EISs for The Villages and Lawson Hills have been appealed. The contract date is now extended through April 31, 2010, to allow for hearings and other support.

TASK 5 - FEIS PREPARATION

Assumptions

- No appeals or other actions are assumed as part of this scope

The Final EISs have been appealed. This scope amendment assumes 40-60 hours of appeal, hearing, and staff support.

Potential staff include:

Susan Graham (expert testimony and staff support - procedural issues)

Kristen Levandusky (project administration, support, research, documentation)

John Perlic, PE (expert testimony – transportation)

FEE ESTIMATE

All labor for this amendment will be provided on an on-call, as needed basis, using the standard Parametrix Billing Rate Schedule for 2010. The total estimate for the additional work is not to exceed \$10,000.