

RESOLUTION NO. 10-680

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 EXECUTE AMENDMENT NO. 6 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 set an initial schedule for the FEIS appeals to begin March 6 and ending March 12; and

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

WHEREAS, on February 18, 2010 Amendment No. 5 to the Professional Services Agreement was approved authorizing Parametrix staff to participate as technical experts during the appeal hearings; and

WHEREAS, the appeals hearings extended well beyond the initial schedule set by the Hearing Examiner and along with the recent requests from the City of Maple Valley, additional funds are now needed for the continued participation of Parametrix staff as technical experts;

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

Section 1. The Mayor is hereby authorized to execute Amendment #6 to the Professional Services 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 her authority as the City's Chief Administrative Officer.

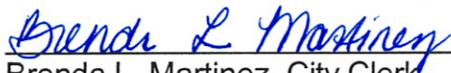
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF APRIL, 2010.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

Amendment #6 to Professional Services Agreement Between Parametrix and the City of Black Diamond

This Professional Services Agreement Amendment is dated April 1, 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 continued participation of the consultant staff in the Final EIS appeal hearings as set forth in the scope of work attached hereto, and ratifies and authorizes payment for the work performed pursuant to Amendment No. 5 of the Agreement to the extent that such work exceeded the authorized maximum contract price as amended pursuant to Amendment No 5.

Project budget not to exceed \$15,000.

CITY OF BLACK DIAMOND

CONSULTANT

By: Rebecca Olness
Rebecca Olness

By: Susan Graham
Susan Graham:

Its: Mayor

Its: Community Bldg Program manager

Date: 4-2-10

Date: 4/7/10

Attest:

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

City of Black Diamond
Villages and Lawson Hills Environmental Impact Statement
Scope of Work
March 26, 2010

This scope is in addition to the original scope, dated April 2008 and as previously updated in Amendments 1-5.

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

TASK 1 - PROJECT MANAGEMENT

Assumptions

- 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. Since the authorization of Amendment 5, Parametrix staff has spent 116.5 hours through March 22, 2010. An additional 48 hours are anticipated needed to complete the hearings support work. This total of 164 hours exceeds the Amendment 5 estimate by over 100 hours. This is due to the extended length of the hearings (originally only 3 days were scheduled by the Hearings Examiner), as well as the need to provide written testimony and rebuttals to address subpoena issued by the various appellants.

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)
- Peter Chen, PE (traffic analysis support)

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 \$15,000.

Black Diamond and FEIS Support The Villages and Lawson Hills

Labor Hour Back up for Amendment 6

Phase 10: FEIS Appeal Support - Total Spent Through 3/18/10

Staff	PTD Hours	Rate	PTD Effort	Budget [FEIS Amendment 5 (\$10,000) plus amount remaining from DEIS contract (\$5,000)]	Balance
Chen, Peter J.	18.50	\$ 105.00	\$ 1,942.50		
Graham, Susan	27.00	\$ 190.00	\$ 5,130.00		
Levandusky, Kriste	1.00	\$ 65.00	\$ 65.00		
Long, Danielle R.	0.50	\$ 48.00	\$ 24.00		
Martin, V. Sue	0.75	\$ 75.00	\$ 60.00		
Perlic, John N.	67.00	\$ 190.00	\$ 12,730.00		
Sherrard, David	1.00	\$ 155.00	\$ 155.00		
Soileau, Victoria L.	0.75	\$ 60.00	\$ 52.50		
Task Labor Total	116.50		\$ 20,159.00		
Task Expense					
Total Task	116.50		\$ 20,159.00	\$ 15,000.00	\$ (5,159.00)

Phase 10: FEIS Appeal Support - Anticipated Additional Need (through April 30, 2010)

Chen, Peter J.	41.00	\$ 105.00	\$ 4,305.00
Perlic, John N.	22.00	\$ 190.00	\$ 4,180.00
Graham, Susan	6	\$ 190.00	<u>\$ 1,140.00</u>
Expenses			\$ 216.00
Labor and Expenses			\$ 9,841.00
Overage from FEIS Amendment 5*			\$ 5,159.00
FEIS Amendment 6 Total			\$ 15,000.00

* Amendment 5 assumed up to 3 days of FEIS hearings. Actual hearings have extended significantly beyond the initial schedule and assumptions.