

RESOLUTION 2016-134

**RESOLUTION AUTHORIZING AMENDMENT NO. 1
TO THE THREE-PARTY AGREEMENT BETWEEN
THE DISTRICT, ICF JONES & STOKES, INC., AND
FIFTH AVENUE LANDING CA LLC, FOR
ENVIRONMENTAL REVIEW CONSULTING
SERVICES FOR THE FIFTH AVENUE LANDING
PROJECT, INCREASING THE AGGREGATE
TOTAL BY \$352,660 FROM \$172,508 to \$525,168
AND EXTENDING THE TERM OF THE
AGREEMENT TO APRIL 30, 2018**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 establishing a procedure for the administration of contracts and the purchasing of supplies, materials, and equipment, and establishing a policy governing the processing and administration of contracts; and

WHEREAS, on March 8, 2016, the Board received a preliminary project review presentation on the proposed Fifth Avenue Landing (FAL) project, consisting of an approximately 850-room hotel tower, an approximately 565-bed lower-cost visitor-serving hotel, retail development, and a marina expansion (the Project); and

WHEREAS, following the presentation, the Board directed staff to further study the project and commence the necessary environmental review under the California Environmental Quality Act (CEQA); and

WHEREAS, on July 5, 2016, the District entered into a Three-Party Agreement (Agreement) with ICF Jones & Stokes, Inc. (ICF) (a Board-qualified consulting firm) and FAL to commence the necessary environmental review; whereby the District retains and directs ICF, and FAL is responsible for the costs of retaining ICF; and

WHEREAS, the scope of work of the Agreement includes preliminary tasks associated with the Draft Environmental Impact Report (EIR), including preparation of the Notice of Preparation (NOP) and completion of a portion of the technical studies; and

WHEREAS, the Agreement is for a not-to-exceed fee of \$172,508 for a term of five months expiring on November 30, 2016;

WHEREAS, under the current agreement, the NOP was prepared and released for a 30-day public review period from August 18, 2016 to September 16, 2016, and a public scoping meeting to provide an additional opportunity to solicit comments on the scope and content of the EIR for the project was held on September 7, 2016; and

WHEREAS, the next steps in the EIR process include completion of the technical studies and preparation of the Draft EIR; and

WHEREAS, an amendment to the Agreement is needed for ICF to continue work on the CEQA analysis, including completion of the tasks associated with the Draft EIR, and tasks associated with completion of the Final EIR, which include preparation of the Responses to Comments on the Draft EIR, and preparation of the Final EIR and Mitigation, Monitoring, and Reporting Program; and


WHEREAS, it is anticipated that an additional 18 months will be needed to complete the EIR process; and

WHEREAS, District staff recommends that the BPC authorize Amendment No. 1 to the Three-Party Agreement with ICF and FAL, which would extend the term of the Agreement to April 30, 2018, and increase the amount by \$352,660, increasing the aggregate total of the agreement from \$172,508 to \$525,168 to allow continuation of the environmental review process for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or her designated representative is hereby authorized to adopt a resolution authorizing Amendment No.1 to the Three-Party Agreement with ICF and FAL, extending the term of the Agreement to April 30, 2018, to increase the amount by \$352,660, increasing the aggregate total of the Agreement from \$172,508 to \$525,168.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: ~~Assistant~~/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of September 2016, by the following vote:

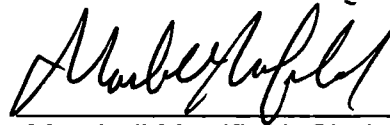
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

for

(Seal)