

RESOLUTION NO. 09-639

**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 THE FOURTH ADDENDUM 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**, on May 15, 2008, the Agreement was amended in order to authorize additional work to provide for the Consultant to perform certain work relative to the City's critical areas regulations; and

**WHEREAS**, on November 20, 2008, the Agreement was amended in order to authorize additional work to perform additional analysis that was determined necessary after initial review of environmental data submitted by the Project proponents was found to be inadequate; and

**WHEREAS**, on February 5, 2009, the Agreement was amended in order to authorize additional work to amend the street grid system which would shift traffic patterns already studied; and

**WHEREAS**, due to a variety of factors, the environmental impact statement process has taken longer than initially anticipated and additional work tasks have arisen which increased costs;

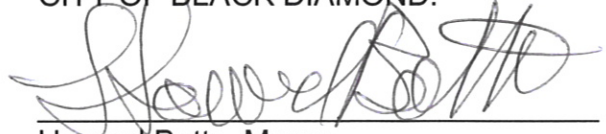
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to sign a fourth addendum 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 17TH DAY OF  
SEPTEMBER, 2009.

CITY OF BLACK DIAMOND:

A handwritten signature in black ink, appearing to read "Howard Botts", written over a horizontal line.

Howard Botts, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Brenda L. Martinez", written over a horizontal line.

Brenda Martinez, City Clerk

**FOURTH ADDENDUM to  
PROFESSIONAL SERVICES AGREEMENT  
Between  
CITY OF BLACK DIAMOND and  
PARAMETRIX, INC.  
Regarding  
ENVIRONMENTAL SERVICES**

1. **Date and Parties.**

1.1 This document ("Fourth Addendum"), for reference purposes, is dated the 17<sup>th</sup> day of September, 2009, and is entered into by and between the CITY OF BLACK DIAMOND, a Washington municipal corporation ("City") and PARAMETRIX, INC. ("Consultant").

2. **General Recitals.**

2.1 The City and Consultant 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 communities (the "Project").

2.2 The parties entered into a First Addendum to the Agreement on May 15, 2008 to modify the terms and conditions of the Agreement to include the preparation of a critical areas ordinance.

2.3 The parties entered into a Second Addendum on November 20, 2008 to modify the terms and conditions of the Agreement to include additional work necessary on the preparation of the EIS.

2.4 The parties entered into a Third Addendum to the Agreement on February 5, 2009 to modify the terms and conditions of the Agreement to include additional work in regards to the impacts of street grid changes.

2.5 This Fourth Amendment is necessary to cover additional costs that have arisen due to the longer time period the project has taken; changes resulting from revisions depicted in the MPD Applications; and the need for an independent fiscal analysis.

3. **Modification to Agreement Terms and Conditions.**

3.1 It is the intent of this Fourth Addendum to modify the scope, schedule and budget of the Agreement in order to reflect the increased work that is necessary for the EIS documents

  
\_\_\_\_\_  
City

  
\_\_\_\_\_  
Consultant

to be completed.

4. **Scope, Schedule and Budget.**

4.1 The Scope of Work set forth in the Agreement is hereby amended as set forth in the Scope of Work attached hereto as Attachment A. Except as expressly set forth in Attachment A attached hereto, all other terms of the Scope of Work set forth in the Agreement as previously amended remain unchanged.

4.2 Compensation for the additional services to be performed by the Consultant as set forth in the Scope of Work attached hereto as Attachment A shall be within the budget set forth in Attachment B attached hereto. The Budget Amount as referenced in the Agreement as previously amended, is hereby amended to include the additional sum of \$72,225 for this Fourth Addendum.

5. **Other Terms Unchanged.**

5.1 Except as modified in paragraphs 4.1 and 4.2 above, all of the Agreement terms remain unchanged.

6. **Authority to Execute.**

6.1 The Mayor was authorized to execute this Agreement on behalf of the City by the adoption of City of Black Diamond Resolution 09-639 on September 17, 2009.

6.2 The Consultant is authorized to execute this Agreement pursuant to the terms of their respective Operating Agreement, or resolution of the members. Proof of Owners' signatory authority shall be provided to the City, and remain on file with the City as a public record.

CITY OF BLACK DIAMOND


By:  \_\_\_\_\_

Howard Botts

Its: Mayor

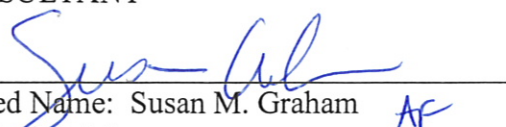
Date: September 17, 2009

Attest:

By:  \_\_\_\_\_

Brenda Martinez, City Clerk

CONSULTANT

By:  \_\_\_\_\_

Printed Name: Susan M. Graham *AF*

Its: Project Manager

Date: September 25, 2009

  
City

*AF*  
Consultant

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BOISE, ID 83714  
T. 208.898.0012 F. 208.947.1655  
www.parametrix.com

July 27, 2009  
PMX No. 217-3043-003

Mayor Howard Botts  
City of Black Diamond  
25510 Lawson Street  
Black Diamond, WA 98010

Re: Parametrix Contract for Professional Services, Lawson Hills and The Villages MPD Environmental Impact Statements

Dear Mayor:

As you know, Parametrix has been working on the preparation of the Draft EISs for the Lawson Hills and The Villages MPDs since the City retained our services in April 2008. As will occur with projects of this magnitude and duration, the project has evolved and there have been amendments to address these changes.

We have recently completed the internal Draft EIS documents, which will be finalized and released to the public on September 1, 2009. Our focus has been on preparing these documents, so that the City can open them for public comment and move the process forward. During the development of the documents, there have been several changes and additions that caused us to work beyond our original scope (but still within the overall project budget). We have tracked these changes and feel that now that the Draft EISs are nearing completion, the time to request a contract amendment is appropriate.

Please find attached a scope of work and fee estimate that provide the details on the additional work items and their associated hours. The primary changes in scope are due to:

- A much longer project duration (the project is now expected to last through December 31, 2009 – six months beyond our last contract assumption of June 2009),
- The addition of a 4<sup>th</sup> alternative (originally only three were anticipated),
- Changes resulting from Comprehensive Plan elements and the SAO being adopted after DEIS work was in progress,
- Revisions due to applicant materials, and
- Fiscal analysis results indicating inconsistencies between MPD assumptions and MPD ordinance language

We would like to get our contract back in alignment prior to moving forward on preparation of the Final EIS, and appreciate your assistance in this regard.

City staff has been excellent in helping to minimize additional time and costs, and have expedited their reviews of draft materials and documents, and we greatly appreciate their guidance and dedication.

Please feel free to contact me with any questions or clarifications, at (360) 280-6155.

Sincerely,



Susan Graham  
Program Manager

Cc: Gwen Voelpel, City Manager  
Steve Pilcher, Community Development Director

Encls: Attachment A, Scope of Work  
Attachment B, Fee Estimate

**City of Black Diamond**  
**Villages and Lawson Hills Environmental Impact Statement**  
**Scope of Work**  
**July 21, 2009**

This scope is in addition to the original scope, dated April 2008 and as updated in Amendment 1, dated November, 2008, and Amendment 3, dated February 2009.  
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. This project is now assumed to last until December 2009, an additional 6 months of project management, meetings, and administration.

**TASK 4 -PREPARATION OF DRAFT EIS (DEIS)**

**Development of Alternatives**

*Approach:*

Three alternatives will be analyzed in the EIS:

1. **The No-Action Alternative** consists of development of the site under existing zoning. This alternative will include a pro forma description of potential development under the existing zoning.
2. **MPD Proposal** of the applicant. This will consist of the concept plan for each MPD, including the northern commercial “receiving” areas. Additional time was spent to ensure consistency between original Alt 2 and the application materials received May 2009.
3. **Mitigated Alternative** – concurrent on a mitigated alternative 3 was not reached until June 2009
4. **“Fiscal Neutral” Alternative** – following completion of fiscal analysis, Alt 2 as proposed by the applicant was determined to not meet MPD code regarding fiscal neutrality of an MPD. The creation of Alternative 4 was necessary in order to meet this requirement.

## **Built Environment (Affected Environment, Impacts, Mitigation)**

### **Land Use and Housing**

Revisions necessary due to changes in Comprehensive Plan and Zoning Map

### **Transportation**

Revisions necessary due to changes in Comprehensive Transportation Plan and LOS

### **Parks and Recreation**

Revisions necessary due to changes in final Parks Plan and preparation of impacts analysis/costs to support fiscal analysis

### **Public Service**

Revisions necessary due to peer review of applicant materials, and preparation of impacts analysis/costs to support fiscal analysis

### **Public Utilities**

Revisions necessary due to changes in final application submitted by YB

### **Fiscal Impacts and Economic Analysis**

Revisions necessary due to peer review of applicant materials and necessity to meet MPD ordinance. This also generated need to create fourth alternative.

## **Natural Environment (Affected Environment, Impacts, Mitigating Measures)**

### **Air Quality**

Revisions necessary due to changes in final transportation analysis

### **Surface Water**

Revisions necessary due to changes resulting from SAO adoption and changes in final application materials

### **Groundwater movement/quantity/quality**

Revisions necessary due to changes resulting from SAO adoption and changes in final application materials

### **Plants and Animals; Habitat, Wetlands**

Revisions necessary due to changes resulting from SAO adoption and changes in final application materials



## Attachment A

### **Wildlife, Fish, Endangered Species**

Revisions necessary due to changes resulting from SAO adoption and changes in final application materials

### **Environmental Health, Noise**

Revisions necessary due to changes in final transportation analysis

### **DEIS DOCUMENT PREPARATION**

#### *Deliverables:*

- Preliminary Draft EIS for City staff review. Two preliminary draft copies have been prepared.

### **TASK 5 - FEIS PREPARATION – NOT YET STARTED**



