

**AMENDMENT NO. 2
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
MOORE IACOFANO GOLTSMAN, INC.**

PREAMBLE

This agreement ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Moore Iacofano Goltsman, Inc., a California corporation, (Consultant). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for Services", dated July 17, 2018 (Agreement);
- B. The Agreement was previously amended by Amendment No. 1, dated June 12, 2020, and is again amended by this Amendment No. 2. The Agreement and previous amendment are collectively referred to herein as the "Agreement as Amended"; and
- C. The Parties entered into the Agreement as Amended for the purpose of having Consultant prepare a Specific Plan for the Patrick Henry Drive plan area, and the Parties now wish to amend the Agreement as Amended to expand the scope of services and increase the total compensation.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Section 6 of the Agreement as Amended, entitled "Compensation and Payment," is amended to reflect a revised maximum compensation of \$1,017,623.
- 2. Exhibit A, entitled "Scope of Services" is appended with the attached "Addendum to Scope of Services."
- 3. Exhibit B, entitled "Schedule of Fees," is amended to reflect a revised maximum compensation of \$1,017,623.
- 4. Except as set forth herein, all other terms and conditions of the Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of

the Agreement as Amended and this Amendment No. 2, the provisions of this Amendment No. 2 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 2 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: 12/24/2020




BRIAN DOYLE
City Attorney



or DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

MOORE IACOFANO GOLTSMAN, INC.
a California corporation

Dated: 12/15/2020
By (Signature): 
Name: Chris Beynon
Title: Chief Development Officer
Principal Place of Business Address: 800 Hearst Avenue
Berkeley, CA 94710
Email Address: ChrisB@MIGcom.com
Telephone: (510) 845-7549
Fax: (510) 845-8750

"CONSULTANT"

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Addendum to Scope of Services

Add Services Summary Oct 2020	Cost
Project Management	
Continued bi-weekly stakeholder meetings w/ MIG - 12 months	\$20,000
Additional rounds of review SP, EIR, etc	\$32,000
Infrastructure	
Sewer Analysis for Phase I	\$8,000
BKF - curb to curb of existing utilities	\$22,000
BKF - meeting attendance / project closeout	\$9,000
Traffic Impact Analysis	
<i>Analysis of no roadway connection to Mission College</i>	\$26,000
Cumulative no project scenario to include Freedom Circle	\$14,000
Financial and Fiscal Analysis	
EPS Contingency for future costs	\$10,000
Subtotals	
Project Contingency	\$20,000
Subtotal	\$161,000
Existing Contingency	-\$32,000
Total Additional Services for MIG Team	\$129,000



Agenda Report

20-1359

Agenda Date: 12/16/2020

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 2 to the Agreement with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan and Related Budget Amendment

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

The City formally commenced preparation of a Specific Plan for the Patrick Henry Drive (PHD) area following the City Council's approval of a contract on August 22, 2018 with planning consultants, Moore Iacofano Goltsman, Inc. (MIG). The Patrick Henry Drive Specific Plan area is designated as a Phase III Future Focus Area for high-density residential development in the City's 2010-2035 General Plan. Preparation of the Specific Plan will identify new General Plan land use designations and associated policies for urban design, amenities, infrastructure, and other land use elements to support the redevelopment of the PHD area from low-intensity office and industrial park use into high-density, mixed use neighborhoods.

The existing Agreement with MIG was amended on June 6, 2020, to extend the termination date and add a unique land-use designation for one of the property owners. The Agreement is fully funded by a Reimbursement Agreement with property owners within the plan area.

DISCUSSION

Staff is proposing Amendment No. 2 to the Agreement with MIG to expand the scope to include additional services. As the project has developed, additional tasks were identified by staff working with the Plan area owners as desirable to include within preparation of the Specific Plan, primarily related to sewer and traffic analyses. Specific to the traffic analysis, after reviewing the results of the preliminary traffic analysis and discussing the scope of analysis with the Plan area stakeholders, staff is proposing to expand the project scope and budget to allow for the analysis of a cumulative "no project scenario" as well as scenarios without the addition of a proposed connection from Patrick Henry Drive southward to Mission College Boulevard. The City made the determination to modify the analysis after the consultant scope of work and project budget was developed. These additional analyses will provide the City with more flexibility for its future decision-making process. Additional funding for the consultant team is needed to support these added and modified tasks. The Advanced Planning Reserve will fund the City initiated changes made to the scope for the traffic analysis while the stakeholders will be funding the sewer analysis and "no project scenario" traffic analysis. Staff is preparing an amendment to the Reimbursement Agreement with the Plan area property owners to align with the amended MIG Agreement and to update the cost allocation for each of the property owners.

The City Manager has authority to execute Reimbursement Agreements with valuations of less than \$250,000; however, the valuation for the Reimbursement Agreement for the Patrick Henry Specific Plan exceeds this existing authority. The proposed amendment to the Reimbursement Agreement will be brought forward to Council following the execution of the amended consultant agreement.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5), in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment. For the underlying project, the Patrick Henry Drive Specific Plan, the City will prepare an Environmental Impact Report (EIR).

FISCAL IMPACT

Amendment No. 2 with MIG increases the total valuation of the agreement by \$129,000 to a total not to exceed amount of \$1,017,623. Of the \$129,000 increase, \$103,000 will be funded through an amended reimbursement agreement with property owners within the Patrick Henry Specific Plan and \$26,000 will be funded through the Advanced Planning Reserve to fund the traffic analysis.

Following the approval of Amendment No. 2, the developer will deposit \$103,000 in the City’s Deposit Fund from which payments will also be made. The remaining amount of \$26,000 will be paid through the Community Development Department using the Advanced Planning Reserve. The proposed budget amendment below allocates funding from the Advanced Planning Reserve to the Community Development Department in the amount of \$26,000.

**Budget Amendment
FY 2020/21**

	Current	Increase/ (Decrease)	Revised
General Fund			
<u>Fund Balance</u>			
Advanced Planning Reserve	\$847,123	(\$26,000)	\$821,123
<u>Expenditures</u>			
Community Development Department	18,564,507	\$26,000	\$18,590,507

COORDINATION

This report has been coordinated with the Finance Department and City Attorney’s office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a

Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan to expand the scope of services and increase the total not to exceed amount to \$1,017,623; and
2. Approve the related FY 2020/21 budget amendment in the General Fund to decrease the Ending Fund Balance - Advanced Planning Reserve by \$26,000 and increase the Community Development Department appropriation by \$26,000.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 2 to Agreement with Moore Iacofano Goltsman, Inc.
2. Amendment No. 1 to Agreement with Moore Iacofano Goltsman, Inc.
3. Original Agreement with Moore Iacofano Goltsman, Inc. (2018)