

**AMENDMENT NO. 2  
TO THE AGREEMENT FOR SERVICES  
BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA,  
AND  
MINTIER HARNISH, LP**

**PREAMBLE**

This agreement (“Amendment No. 2”) is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Mintier Harnish, a California Limited Partnership (Contractor). 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 the Performance of Services by and Between the City of Santa Clara, California, and Mintier Harnish, LP”, dated November 10, 2017 (the “Original Agreement”);
- B. The Agreement was previously amended by Amendment No. 1, dated August 27, 2019, 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 Original Agreement for the purpose of having Contractor prepare a comprehensive Zoning Code update, and the Parties now wish to amend the Agreement as Amended to extend the termination date and expand the time and funding dedicated to remaining tasks in the Scope of Services for preparation of the Zoning Code update.

The Parties agree as follows:

**AGREEMENT TERMS AND CONDITIONS**

**1. AMENDMENT TERMS AND CONDITIONS**

- A. That Section 5 of the Agreement as Amended, entitled “Term of Agreement,” is hereby amended to revise the termination date of the Agreement to December 31, 2021.
- B. That Exhibit A of the Agreement as Amended, entitled “Revised Scope of Services,” is hereby appended with the attached “Remaining Tasks,” dated May 5, 2020.
- C. That Exhibit B of the Agreement as Amended, entitled “Revised Fee Schedule,” is hereby appended with the attached “Appendix to Schedule of Fees,” dated May 12, 2020.

**2. TERMS**

All other terms of the Agreement as Amended which are not in conflict with the provisions of this Amendment No. 2 shall remain unchanged 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.

**3. COUNTERPARTS**

This Amendment No. 2 may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

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:

Approved as to Form:

Dated: \_\_\_\_\_

\_\_\_\_\_  
BRIAN DOYLE  
City Attorney

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

“CITY”

**MINTIER HARNISH, LP**  
a California Limited Partnership

Dated: \_\_\_\_\_

By (Signature): \_\_\_\_\_

Name: Jim Harnish

Title: Principal/Owner

Principal Place of Business Address: 1415 20<sup>th</sup> Street  
Sacramento, CA 95811

Email Address: Jim@MintierHarnish.com

Telephone: (916) 446-0522

Fax: (916) 446-7520

“CONTRACTOR”

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## Santa Clara Zoning Code Update

### Remaining Tasks

May 5, 2020

**Task 1.** The Consultants will review and discuss with City staff the City Attorney comments on Preliminary Draft Articles 6, 7, and 8. The Consultants will then revise Articles 6, 7, and 8 for City staff review.

**Task 2.** The Consultants will revise selected Articles, as necessary, to incorporate City staff generated provisions, including short-term rentals and telecommunications. The Consultants will incorporate the revisions into the Screencheck Public Review Draft Zoning Code (Task 4).

**Task 3.** The Consultants will prepare objective multifamily residential design standards based on design standards prepared as a part of the El Camino Real Specific Plan and submit to City staff for review. Following City staff review, the Consultants will revise the design standards and incorporate them into the Screencheck Draft Article 4 (Task 4).

**Task 4.** The Consultants will revise all articles based on City staff review. The Consultants will prepare a Screencheck Draft Public Review Zoning Code for City staff review.

**Task 5.** Following City staff review of the Screencheck Public Review Draft Zoning Code, the Consultants will prepare the Public Review Draft Zoning Code.

**Task 6.** The Consultants will prepare for and attend one City Council or Joint Planning Commission/City Council meeting to present the Public Review Draft Zoning Code.

**Task 7.** Following public review, the Consultants will incorporate all revisions to the Public Review Draft Zoning Code directed by the City Council and City staff. The Consultants will then prepare a Screencheck Final Zoning Code for City staff review.

**Task 8.** Based on City staff comments, the Consultants will prepare the Final Zoning Code.

**Task 9.** The Consultants will participate in weekly coordination calls with City staff. The Consultants will prepare monthly progress reports as a part of the project invoices and manage the Project schedule and budget.

**Appendix to Schedule of Fees  
May 12, 2020**

SANTA CLARA ZONING CODE UPDATE	Mintier Harnish						Jacobson & Wack			TOTAL COSTS
	HARNISH Project Director	B. GIBBONS Project Manager	M. GIBBONS Planner	Support	SUBTOTAL HOURS	SUBTOTAL COSTS	JACOBSON Principal	SUBTOTAL HOURS	SUBTOTAL COSTS	
<b>PHASES</b>										
Task 1: Revise Prelim Draft Articles 6, 7, & 8 based on CAO comments	4	8			12	\$2,260	20	20	\$4,000	\$6,260
Task 2: Incorporate short-term rentals and telecommunications	4	12	12		28	\$4,620	4	4	\$800	\$5,420
Task 3: Prepare objective multifamily design standards	4	12	16		32	\$5,180	4	4	\$800	\$5,980
Task 4: Revise all Articles based on staff review (Screencheck)	8	16	24		48	\$7,880	16	16	\$3,200	\$11,080
Task 5: Prepare Public Review Draft Zoning Code.	4	8	12		24	\$3,940	8	8	\$1,600	\$5,540
Task 6: Attend City Council (or Joint Commission Council) meeting	8	8	8		24	\$4,280	12	12	\$2,400	\$6,680
Task 7: Prepare Screencheck Final Zoning Code.	8	12	24		44	\$7,200	16	16	\$3,200	\$10,400
Task 8: Prepare Final Zoning Code	4	8	12		24	\$3,940	8	8	\$1,600	\$5,540
Task 9: Project Management (weekly calls, invoicing, budget mgt.)	24	32		32	88	\$14,040	24	24	\$4,800	\$18,840
<b>Subtotal</b>	<b>68</b>	<b>116</b>	<b>108</b>	<b>32</b>	<b>324</b>	<b>\$53,340</b>	<b>112</b>	<b>112</b>	<b>\$22,400</b>	<b>\$75,740</b>
<b>TOTAL</b>										
Total Hours	68	116	108	32	324	-	112	112	-	-
2020 Hourly Billing Rates (subject to change every January 1st)	\$225	\$170	\$140	\$100	-	-	\$200	-	-	-
Labor Subtotals	\$15,300	\$19,720	\$15,120	\$3,200	-	\$53,340	\$22,400	-	\$22,400	\$75,740
Direct Expenses (e.g., printing, travel)						\$1,500			\$1,000	\$2,500
Remaining Funds of Amend. No. 1 (as of 3/31/2020)										(\$27,800)
<b>TOTAL COST OF AMENDMENT NO. 2 TASKS</b>						\$54,840			\$23,400	\$50,440
<b>REVISED CONTINGENCY</b>										\$25,000
<b>TOTAL VALUATION OF AGREEMENT AS AMENDED</b>										\$323,690

1) This represents a total cost based on the provided scope of work.

2) The distribution of hours between staff categories and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.