



Agenda Report

21-1033

Agenda Date: 8/24/2021

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 2 to the Agreement with Moore Iacofano Goltsman, Inc. (MIG) for preparation of the Freedom Circle Focus Area Plan, Amendment No. 2 to Reimbursement Agreement with Freedom Circle Venture, LLC, and Related Budget Amendment

COUNCIL PILLAR

Promote and Enhance Economic, Housing, and Transportation Development

BACKGROUND

On August 27, 2019, the City Council directed staff to proceed with the long-range planning process to designate the Freedom Circle area as a Future Focus Area within the General Plan instead of the preparation of a Specific Plan. This direction was given following the decision by two of the three Freedom Circle property owners funding the Specific Plan (The Sobrato Organization and Irvine Company) to withdraw from their funding of the Freedom Circle Specific Plan process, which had begun in August 2018. The remaining property owner (Greystar DBA Freedom Circle Venture LLC) is continuing to fund the Focus Area process while also moving forward with their General Plan Amendment (GPA) application.

DISCUSSION

Over the course of work on this project, additional tasks have been added related to the Traffic Impact Analysis (TIA). Funding for these additional tasks has come from the Service Agreement contingency. Continued work on the TIA reveals that further analysis is needed and, therefore, the formal Scope of Services for the consultant agreement needs to be expanded and supplemented with additional funding to complete this body of work.

The consultant agreement has been, and will continue to be, funded through a Reimbursement Agreement with the developer. Included in this report, is the related amendment to the Reimbursement Agreement to provide the additional funding necessary.

ENVIRONMENTAL REVIEW

The actions being considered are simply to amend the Professional Services and Reimbursement Agreements. These actions do not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5), in that they are governmental organizational or administrative activities that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

Amendment No. 2 to the Professional Services Agreement with MIG increases the not-to-exceed

amount by \$66,000 to \$751,635. The City's consultant costs for preparation of the Freedom Circle focus area and Greystar General Plan Amendment are covered through a reimbursement agreement with the developer. The developer will deposit an additional \$66,000 following the execution of Amendment No. 2 to the Reimbursement Agreement. The additional funds will be collected in the City's Prefunded Plan Review Fund from which payments will also be made.

**BUDGET AMENDMENT
FY 2021/22**

	Current	Increase/ (Decrease)	Revised
<u>Prefunded Plan Review Fund</u>			
<u>Revenues</u>			
Developer Contributions	\$0	\$66,000	\$66,000
<u>Expenditures</u>			
Freedom Circle Focus Area Plan	\$0	\$66,000	\$66,000

COORDINATION

This report has been coordinated with the Finance Department and the 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. Consistent with City Charter Section 1305 , "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the FY 2021/22 budget amendment in the Prefunded Plan Review Fund to recognize developer contributions in the amount of \$66,000 and establish an appropriation for the Freedom Circle Focus Area Plan in the amount of \$66,000 (five affirmative council votes required to appropriate additional revenue); and
2. Authorize the City Manager to execute Amendment No. 2 to the Agreement with Moore Iacofano Goltsman (MIG) for professional services to prepare the Freedom Circle Focus Area Plan and related Environmental Review documents by increasing the amount of the agreement by \$66,000 and extending the term of the agreement through December 31, 2022, for a revised not-to-exceed maximum compensation of \$751,635, subject to the appropriation of funds; and
3. Authorize the City Manager to execute Amendment No. 2 to the Reimbursement Agreement with Freedom Circle Venture LLC.

Reviewed by: Andrew Crabtree, Director, Community Development Department
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 2 to Professional Services Agreement with MIG
2. Amendment No. 2 to Reimbursement Agreement
3. Amendment No. 1 to Professional Services Agreement with MIG and RTC 20-102
4. Amendment No. 1 to Reimbursement Agreement
5. Original Professional Services Agreement with MIG and RTC 18-647
6. Original Reimbursement Agreement