



Agenda Report

21-1063

Agenda Date: 8/24/2021

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 3 to the Agreement with Moore Iacofano Goltsman, Inc. (MIG) for preparation of the Patrick Henry Drive Specific Plan, Amendment No. 1 to Reimbursement Agreement with developers within the Plan Area, 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 by Amendment No. 1 on June 6, 2020, to extend the termination date and add a unique land-use designation for one of the property owners. The Agreement was amended by Amendment No. 2 on December 24, 2020, to expand the scope related to sewer and traffic analyses. The Agreement is fully funded by Reimbursement Agreements with property owners within the plan area.

DISCUSSION

Staff is proposing Amendment No. 3 to the Agreement with MIG to increase the scope of services to expand the scope of the analysis for the Environmental Impact Report (EIR), Traffic Impact Analysis (TIA), and related bodies of work. This Amendment will also fund MIG's continued project management through the end of the project. Additionally, the City's Department of Public Works has scoped out the cost to provide a Sewer Modeling Run and Pump Station Analysis under its existing contract with Woodard and Curran. The cost of all services for this project are funded by Reimbursement Agreements with property owners within the plan area.

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. Therefore, staff is proposing Amendment No. 1 to the Reimbursement Agreement to cover the majority of the cost of the additional services. A separate, smaller Reimbursement Agreement is being drafted to cover the balance of the additional services

that is unique to a single developer. This secondary Reimbursement Agreement will be executed by the City Manager under the aforementioned authority.

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. 3 to the Professional Services Agreement with MIG increases the not-to-exceed amount by \$166,000 to \$1,183,623. The recommended budget action in the City's Prefunded Plan Review Fund recognizes developer contributions and establishes a Patrick Henry Drive Specific Plan appropriation in the amount of \$271,150 to account for the anticipated activity in FY 2021/22. The budget amount includes a revenue and expenditure carryover of \$105,150 from the prior fiscal year. Additionally, the City has identified the cost of the pump station analysis at \$240,000. The City's consultant(s) costs for preparation of the Patrick Henry Drive Specific Plan, and related bodies of work, are covered through reimbursement agreements with the developers within the Plan Area. The developers will deposit an additional \$511,150 following the execution of Amendment No. 1 to the Reimbursement Agreement to cover the costs associated with Amendment Nos. 2 and 3 to the MIG agreement, the sewer modeling and pump station analysis, and minor project expenses. The additional funds will be collected in the City's Prefunded Plan Review Fund and Sewer Utility Capital Fund, under the Sanitary Sewer Hydraulic Modeling As Needed Support Project, 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	\$271,150	\$271,150
<u>Expenditures</u>			
Patrick Henry Drive Specific Plan	\$0	\$271,150	\$271,150
<u>Sewer Utility Capital Fund</u>			
<u>Revenues</u>			
Developer Contributions	\$300,000	\$240,000	\$540,000
<u>Expenditures</u>			
Sanitary Sewer Hydraulic Modeling As Needed Support Project	\$300,000	\$240,000	\$540,000

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 1) the Prefunded Plan Review Fund to recognize developer contributions in the amount of \$271,150 and establish an appropriation for the Patrick Henry Drive Specific Plan in the amount of \$271,150, and 2) the CIP Sewer Utility Construction Fund to recognize developer contributions in the amount of \$240,000 and increase the Sanitary Sewer Hydraulic Modeling As Needed Support Project appropriation by \$240,000 (five affirmative council votes required to appropriate additional revenue);
2. Authorize the City Manager to execute Amendment No. 3 to the Agreement with Moore Iacofano Goltsman (MIG) for professional services to prepare the Patrick Henry Drive Specific Plan and related Environmental Review documents by increasing the amount of the agreement by \$166,000 and extending the term of the agreement through December 31, 2022, for a revised not-to-exceed maximum compensation of \$1,183,623, subject to the appropriation of funds; and
3. Authorize the City Manager to execute Amendment No. 1 to the Reimbursement Agreement with the developers within the Plan Area.

Reviewed by: Andrew Crabtree, Director, Community Development Department

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 3 to Professional Services Agreement with MIG
2. Amendment No. 1 to Reimbursement Agreement
3. Amendment No. 2 to Professional Services Agreement with MIG and RTC 20-1359
4. Amendment No. 1 to Professional Services Agreement with MIG and RTC 20-543
5. Original Professional Services Agreement with MIG and RTC 18-647
6. Original Reimbursement Agreement