



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: FEBRUARY 7, 2017

ITEM NUMBER: CC-5

**SUBJECT:** AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (PLANNING APPLICATION PA-17-03 FOR MASTER PLAN OF A 23.4 ACRE PROPERTY AT 1375 SUNFLOWER AVENUE)

**DATE:** JANUARY 26, 2017

**FROM:** DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

**PRESENTATION BY:** MINOO ASHABI, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** MINOO ASHABI, PRINCIPAL PLANNER  
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## **RECOMMENDED ACTIONS**

1. City Council approve Amendment 2 to the Professional Services Agreement in the amount of \$21,000 with a new contract total amount not to exceed \$62,530.00 for Psomas with a current contract; and
2. City Council authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.

## **BACKGROUND**

### ***Proposed Project***

The original proposed project involves the following:

1. ***Initial Study/Mitigated Negative Declaration (IS/MND):*** This document analyzes the environmental impacts of the proposed project. Significant environmental impacts are mitigated to below a level of significance.
2. ***Planning Application PA-17-03:*** Master Plan for development of a maximum of 665,000 SF of office development consistent with the 2015-2035 General Plan.

### ***Request for Proposals and Consultant Qualification***

On July 14, 2016, a Professional Services Agreement (PSA) was executed between the City and Psomas for preparation of an Initial Study in the amount of \$39,970.00. This contract was approved as a sole source contract because of Psomas' knowledge of the project site. Because the original bid did not exceed \$50,000.00, the Professional Services Agreement (PSA) was approved and executed by the Finance Department and the City Manager's Office. A change order in the amount of \$1,560.00 was approved on September 8, 2016 (Amendment No. 1).

On September 27, 2016, the applicant withdrew the application for the General Plan Amendment and Vesting Tentative Parcel Map and the environmental services was suspended. The City received and paid the final invoice from Psomas and \$22,440 of the funds was still available under the contract. City staff initiated the refund process; however, this process was not completed because the applicant submitted a master plan application and requested to proceed with the development application for the project.

On November 15, 2016, the City Council adopted Rezone R-16-02 that rezoned the property consistent with the General Plan land use designation of Planned Development Commercial (PDC).

The application for a master plan has been submitted proposing development of office uses of up to 655,000 square subject to maximum trip counts adopted by the 2015-2035 General Plan. The master plan requires completion of an Initial Study /Mitigated Negative Declaration, which will require restating the contract with the previous consultant (PSomas). Based on the new scope of services from PSomas, the PSA will need to be amended to \$62,530.00 and requires approval of City Council.

The amended PSA is included as Attachment 1 and the revised scope of work is included as Attachment 2.

### **ALTERNATIVES CONSIDERED**

An alternative would be to reject the amendment and reinitiate the RFP process.

The City's CEQA guidelines do allow environmental documents to be prepared by in-house staff. However, the nature, scope, and complexity of this project and current staff demands do not make this a viable or practical option.

### **FISCAL REVIEW**

There is no fiscal impact because the cost for this contract is **100%** funded by the applicant and deposited in a City account that is managed by the project planner.

### **LEGAL REVIEW**

The attached draft professional services agreement has been reviewed and approved as to the form by the City Attorney's Office. There is no adverse legal impact anticipated by the Council taking the recommended action(s), based upon the documents and information provided to this office.

### **CONCLUSION**

Staff recommends that amendment No. 2 of PSA to be approved to allow the consultant to complete the work in a comprehensive and timely manner, based on their relevant experience and technical expertise.

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JAY TREVINO, AICP  
Development Services Department  
Consultant

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STEPHEN DUNIVENT  
Interim Finance Director

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MINOO ASHABI, AIA  
PRINCIPAL PLANNER

Attachment: [1\) Draft Professional Services Agreement Amendment No. 2](#)  
[2\) Revised Scope of Work](#)

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