



TOWN OF FAIRFAX

STAFF REPORT

June 5, 2019

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Approve amendment #1 to agreement with Fredric C. Divine Architects (FCDA) for archeology and historical review services required to evaluate the preliminary design for the Pavilion Seismic Retrofit project

RECOMMENDATION

Authorize the Town Manager to execute an amendment to the agreement with Fredric C. Divine Architects (FCDA) to increase the contract amount by \$15,660 for a total not to exceed amount of \$52,660 for archeology and historical review services required to evaluate the preliminary design for the Pavilion Seismic Retrofit project.

BACKGROUND

In 2008, the Town applied for a FEMA Hazard Mitigation grant for the seismic retrofit of and ADA improvements to the Fairfax Pavilion building. The improvements include building protection from earthquakes, and accessible bathrooms, doors, and ramp. Around 2010, the Town was awarded a \$450,000 grant with a \$150,000 (25%) local match requirement.

In December 2017, staff provided the Council with a historical timeline of the project detailing the delays, actions, and meetings with the following "Agencies" since 2012:

- Federal Emergency Management Agency (FEMA)
- California State Historic Preservation Officer (SHPO)
- California Office of Emergency Services (Cal-OES)
- Federated Indians of Graton Rancheria (FIGR)

At the Council's December 2017 meeting, the Council authorized staff to sign the Programmatic Agreement (PA) for the project. All the above parties signed the PA by the end of February 2018. The fully executed PA allowed the Town to conduct the necessary soil borings and proceed with the preliminary design. The site is a documented Native American shell mound site (i.e., midden) and the subject of prior studies. The primary concern of the above Agencies is limiting and mitigating the project's ground disturbance to the midden.

DISCUSSION

In April 2019, the Council approved an agreement with FCDA proposal for construction design and engineering services for the Pavilion Seismic Retrofit Project. The project is basically as originally envisioned: expanded ADA restrooms, ADA ramp and door

improvements, and seismic retrofit improvements. At the April meeting, staff indicated the Town may need to enter into separate agreements with the archaeologist consultant, Tom Origer & Associates (Origer), and FIGR or amend the agreement to allow FCDA to contract with those two entities at a later date. Origer will provide historical design services in order to address the requirements in the Programmatic Agreement. The PA requests an assessment of the potential of each design to adversely affect the Fairfax Pavilion and archaeology Site CA-MRN-490. Origer will also prepare a draft Phase II Archaeological Treatment Plan outlining mitigation of potential adverse effects to archaeology Site CA-MRN-490.

Staff determined it was more efficient for FCDA to continue to coordinate and oversee Origer's services similar to previous agreements.

FISCAL IMPACT

The adopted FY18-19 Capital Improvement Program budget (Pavilion Fund 51-909) allocated \$65,000 for design and engineering services.

ATTACHMENT

Contract amendment

AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT

This Amendment No. 1 to the March 29, 2019, Agreement (this "Amendment No. 1") is entered into as of June __, 2019, by and between the TOWN OF FAIRFAX (the "Town") and FREDERIC C. DIVINE ARCHITECTS, INC. (the "Contractor/Consultant"), with reference to the following facts:

RECITALS

A. Town and Contractor previously entered into that certain _____ Contract/Agreement dated as of March 29, 2019 (the "Contract/Agreement"). Capitalized terms used in this Amendment No. 1 shall have the meanings assigned to them in the Contract/Agreement.

B. The parties wish to modify the Contract/Agreement as provided more particularly below.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, Town and Contractor/Consultant hereby agree as follows:

1. Contractor shall provide the additional work described more particularly on Exhibit A hereto (the "Additional Work") and the maximum amount payable under the Contract shall be increased by \$ _15,660 _____ to a total not to exceed \$ _52,660.

2 Except as specifically modified herein, all of the other remaining provisions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Town and Contractor/Consultant have executed this Amendment No. 1 as of the date first written above.

"TOWN"
TOWN OF FAIRFAX

By: _____

Name: _____

Title: _____

"CONTRACTOR/CONSULTANT"

By: _____

Name: _____

Title: _____

Exhibit A

Description of the Additional Work

AMENDMENT FOR PROFESSIONAL SERVICES

May 28, 2019

Garrett Toy
Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 95630

Re: Project 11003.00
Fairfax Pavilion
Phase II Design Archeology and Historical Services

Dear Garrett:

The following is our amended agreement to provide archeology and historical review services from our consultant that was not originally included in our previous agreement dated March 29, 2019.

PROJECT DESCRIPTION AND SCOPE OF SERVICES:

Historical Review

Archaeologist consultant, Tom Origer & Associates will provide historical design services in order to address Stipulation II.A.ii of the Programmatic Agreement. Stipulation II.A.ii requests an assessment of the potential of each design to adversely affect the Fairfax Pavilion and archaeology Site CA-MRN-490. A description of the affected portion of the historic properties and how they would be affected, and a proposal for means to avoid, minimize or mitigate adverse effects to historic properties.

Fee \$ 5,860.00

Phase II Archaeological Treatment Plan

Tom Origer & Associates will also prepare a draft Phase II Archaeological Treatment Plan outlining mitigation of potential adverse effects to archaeology Site CA-MRN-490.

Fee \$ 9,800.00

OTHER TERMS:

See previous agreement dated March 29, 2019.

Sincerely,
FREDRIC C. DIVINE ARCHITECTS, INC.

Fredric Divine
Senior Principal

ACCEPTED: _____ DATE: _____