



Agenda Item No: 4.b
Meeting Date: October 5, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development
Paul A. Jensen
Prepared by: Paul A. Jensen,
Community Development Director

City Manager Approval: *AS*

TOPIC: DOWNTOWN PRECISE PLAN CONSULTANT AGREEMENT AMENDMENT

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL PLANNING SERVICES WITH OPTICOS DESIGN, INC. (OPTICOS) FOR PREPARATION OF THE DOWNTOWN PRECISE PLAN TO PROVIDE FOR ADDITIONAL SERVICES AND COMPENSATION NOT TO EXCEED \$35,000

RECOMMENDATION:
Staff recommends that the City Council adopt the attached Resolution, authorizing the City Manager to sign the First Amendment to the Professional Services Agreement (PSA) with Opticos.

BACKGROUND:
In February 2018, the City was awarded a \$500,000 One Bay Area Grant (OBAG) to prepare a Precise Plan for Downtown San Rafael, which is to be completed and adopted concurrent with the General Plan 2040. The OBAG grant required that the City provide a 12% local match totaling \$60,000. The City Council appropriated the \$60,000 match for the General Plan 2040 budget from General Plan Special Revenue Fund (Fund #218).

On [January 22, 2019](#), the City Council approved a [Professional Services Agreement \(PSA\) with Opticos Design, Inc. \(Opticos\)](#), urban planning consultants. The PSA obligates Opticos to: a) complete the Downtown Precise Plan; and b) provide technical community design support for the General Plan 2040. The PSA authorized a not-to-exceed budget of \$493,500.

Extensive work has been performed on the preparation of the General Plan 2040, Downtown Precise Plan and the supportive Environmental Impact Report (EIR) for both plans. While staff is very close to having a Draft General Plan and EIR ready for public release, the original schedule anticipated a release earlier in the year, with adoption by July 1, 2020. Several factors have impacted the original timeline of anticipated adoption by July 2020, including the addition of Downtown Precise Plan management to the scope of work and the disruptions caused by the COVID-19 pandemic. Therefore, work has proceeded at a slower pace than was forecast. The current schedule proposes to release the Draft General Plan

FOR CITY CLERK ONLY

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2040 for public review on October 2, 2020. The Draft Downtown Precise Plan and Draft EIR are scheduled to be released for public review on November 13, 2020.

Opticos is requesting an amendment to the not-to-exceed budget that is authorized under the PSA. An additional \$35,000 is being requested to cover the new, unbudgeted tasks to complete an additional “screen check” draft of the Downtown Precise Plan, and a subsequent public review draft Plan.

The amendment will also include an additional task to test the proposed “form-based code” on three Downtown development projects. This cost of \$5,000 will be offset by previously authorized funds for a task that was completed with a remaining unused balance of \$5,000.

ANALYSIS:

The amendment to the budget is reasonable and warranted for several reasons. First, the COVID-19 pandemic has caused delays in the completion of key tasks and work products for the Downtown Precise Plan. Second, given the complexity of the Downtown Precise Plan and the accompanying “form-based code,” a working group of the General Plan 2040 Steering Committee was formed to participate in a more detailed review of the draft Plan. This review has resulted in major changes and edits to the Plan, which requires a second round of draft Plan review by staff. Third, as the proposed “form-based code” is a new tool for zoning, staff determined that it would be prudent to test this code on three Downtown projects that were designed and developed under the City’s current zoning regulations. This test will disclose how or if the outcome of the design for these projects would differ under both scenarios. Lastly, when the General Plan 2040 and Downtown Precise Plan Work Program was initially presented to the City Council in 2018, a 10% contingency was built into the full budget. Therefore, it was anticipated that there would be minor amendments to the technical consultant budgets to address new issues that surfaced during the process.

FISCAL IMPACT:

The increased funding of \$35,000 would be appropriated from General Plan Special Revenue Fund (Fund # 218). The current fund balance of the General Plan Special Revenue Fund is approximately \$1.3 million. Therefore, there are adequate funds to cover the additional \$35,000 appropriation request.

OPTIONS:

The City Council has the following options to consider regarding this matter:

1. Adopt the resolution as presented, approving the amendments to the PSA.
2. Adopt the resolution with modifications, revising all or a portion of the amendments to the PSA.
3. Do not adopt the resolution and reject all or a portion of the amendment to the PSA and direct staff to solicit additional proposals for the corresponding services.
4. Direct staff to return with additional information.

RECOMMENDED ACTION:

Adopt a resolution authorizing the City Manager to execute the First Amendment to the PSA with Opticos.

ATTACHMENTS:

1. Resolution
2. Draft First Amendment to PSA with Opticos including Exhibit A (Scope of Work)

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH OPTICOS DESIGN, INC. TO SERVE AS GENERAL PLAN COMMUNITY DESIGN AND DOWNTOWN PRECISE PLAN TECHNICAL CONSULTANT FOR THE GENERAL PLAN 2040 TO PROVIDE FOR ADDITIONAL SERVICES AND COMPENSATION NOT TO EXCEED \$35,000

WHEREAS, on March 5, 2018, the City Council adopted Resolution No. 14478, which initiated the preparation of General Plan 2040 and accepted the Final Work Program; and

WHEREAS, the City Council adopted Resolution No. 14628 authorizing the City Manager to execute a contract with Opticos Design Inc. to serve as General Plan Community Design and Downtown Precise Plan Technical consultant for the General Plan 2040, for a maximum compensation of \$493,500; and

WHEREAS, due to factors set forth in the staff report supporting this resolution, additional services on the project are required from Opticos Design, Inc.; and

WHEREAS, the City has sufficient funds in the General Plan Special Revenue Fund #218 to increase the appropriations for FY20/21 to support increasing the contract amount by \$35,000.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael hereby authorizes the City Manager to execute a First Amendment to the Professional Services Agreement with Opticos Design, Inc. in the form included with the staff report for this Resolution, subject to final approval as to form by the City Attorney, to extend the length of the Agreement, expand the scope of services to include additional work needed in connection with the General Plan 2040 and Downtown Precise Plan, and to provide for additional compensation payable in an amount not to exceed \$35,000.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, October 5, 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
OPTICOS DESIGN, INC. TO SERVE AS GENERAL PLAN COMMUNITY DESIGN AND
DOWNTOWN PRECISE PLAN TECHNICAL CONSULTANT FOR THE GENERAL
PLAN 2040**

THIS FIRST AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **OPTICOS DESIGN, INC.**, (hereinafter “**CONTRACTOR**”), is made and entered into as of the _____ day of _____, 2020.

RECITALS

WHEREAS, on January 25th, 2018, the City Council adopted Resolution No. 14628, authorizing the execution of an Agreement between the **CITY** and the **CONTRACTOR** to serve as General Plan Community Design and Downtown Precise Plan Technical Consultant for the General Plan 2040; and

WHEREAS, the **CITY** has not yet to exercise its option to extend this by one (1) year the contract with the **CONTRACTOR**; and

WHEREAS, due to the efforts of the **CONTRACTOR**, the **CITY** was awarded grant funding from the Metropolitan Transportation Commission to provide financial support for the creation of a Downtown Precise Plan as part of this contract; and

WHEREAS, the increase in work associate with the creation of a Downtown Precise Plan was not included in the **CITY’s** initial scope of work with the **CONTRACTOR**; and

WHEREAS, the **CITY** has sufficient funds in the General Plan Special Revenue Fund #218 to be appropriated for FY19/20 to support this amendment to this contract for the duration of the contract term; and;

AMENDMENT TO AGREEMENT

NOW, THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 3 of the Agreement, entitled "DUTIES OF CONTRACTOR" is hereby amended to include the services described in Exhibit "A" to this First Amendment and incorporated herein by reference.
2. Paragraph 4 of the Agreement, entitled "COMPENSATION," is hereby amended to include additional compensation payable to **CONTRACTOR** for the services described in Exhibit "A" to this First Amendment, on a time and materials basis, in a not-to-exceed amount of \$35,000 by increasing the total contract amount to \$528,500.
3. Except as specifically amended herein, all other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

IN WITNESS WHEREOF, the parties have executed this First Amendment on the day, month, and year first above written.

CITY OF SAN RAFAEL

OPTICOS DESIGN, INC.

JIM SCHUTZ, City Manager

By:_____

ATTEST:

LINDSAY LARA, City Clerk

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney

EXHIBIT A
 FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
 OPTICOS DESIGN, INC.
 September 2020

	Task	Description	Budget Amendment
Item 1	Finish PSA Tasks 10.3 and 11.3 – Precise Plan and Code with a Screen-Check Draft (due end of October) and a Public Review Draft (due mid-November)	Edits will include responses to City staff comments received to date (PDF comments from City staff + additional comments from General Plan Steering Committee Working Group) Assumptions: Opticos to receive edited content from City-managed subs (F&P, BAE, PW) Opticos to receive feedback from the City on highlighted items on the list provided Plan graphics and the 3D illustrative view will be updated but minimal work on hand-drawn graphics Task 13 budget will remain intact as per original scope	\$35,000
Item 2	Public Review Draft Add-on Services	Code testing for 3 Downtown projects This will include testing the final program for each project with PRD Code standards to show the differences in built outcome. Deliverable will be a memo showing submitted plan/elevation (from Plan Set) with differences hand marked in red.	\$5,000
Total additional budget required			\$40,000
Credit from previously authorized funds for Transit Center Design Concepts			\$5,000
Total additional funds requested			\$35,000