



REPORT TO CITY COUNCIL

Approved by:



Gary Conte, Planning Manager



Arnaldo Rodriguez, City Manager

Council Meeting of: April 21, 2021

Agenda Number: D-4

SUBJECT:

Amendment No. 2 to Professional Services Agreement with Provost and Pritchard Consulting Group

RECOMMENDATION:

Adopt a Resolution Approving Amendment No. 2 To Agreement For Professional Planning Services With Provost & Pritchard Consulting Group, Designating Source Of Funds For Amendment No. 2, and Approving Amendment to the General Fund Budget for a Budget Line Item Increase of \$150,000

SUMMARY:

On April 1, 2020, Council approved the original Professional Services Agreement with Provost and Pritchard Consulting Group (P&P) for a contract amount not-to-exceed \$50,000. On January 6, 2021, Council approved Amendment No. 1 to the Agreement in the amount of \$50,000 for consultant services, which increased the contract amount from \$50,000 to \$100,000. The Engineering Department is in need of environmental review services for projects within the Capital Improvement Program (CIP). Funds are available in the CIP budget to finance the additional funds of \$100,000 for CIP environmental review services in Amendment No. 2. Funds are available in the General Fund to finance the additional \$150,000 for Professional Planning Services applicable to land use entitlement services in Amendment No. 2.

DISCUSSION:

The City continues to receive an unprecedented number of land use entitlement applications impacting the Planning Department's ability to process applications in a timely matter based on its current staffing resources. The Planning Department is presently processing 70 discretionary and ministerial entitlement applications in addition to reviewing building plot plan and construction plan reviews, and environmental reviews for other City Departments. The Engineering Department utilizes the Planning Department to perform environmental reviews for projects within the CIP. The City hired P&P to assist the Planning Department in performing such services. The Engineering Department has requested to amend the contract amount to include the estimated expense for CIP environmental reviews for several projects with imminent delivery deadlines dictated by the funding sources. These sources include Community Development Block Grant (CDBG) funds, Congestion Mitigation Air Quality Funds (CMAQ) and Affordable Housing Sustainable Communities (AHSC). The estimated expense for CIP environmental reviews is

\$100,000. Amendment No. 2 increases the existing not-to-exceed contract amount from \$100,000 to \$350,000. The scope of services will be revised to include environmental review services for CIP projects. The terms of the Agreement will remain the same as indicated in the original Agreement, as amended.

Table 1 provides a summary of contracts awarded to P&P.

Table 1: Recent and Proposed contracts with P&P		
<i>Council meeting date</i>	<i>Services</i>	<i>Amount</i>
April 1, 2020	Land Use Entitlement & Environmental review pursuant to the California Environmental Quality Act (CEQA) A portion of funds are recovered as part of development entitlement permit fees.	\$50,000
January 6, 2021	Land Use Entitlement & Environmental review pursuant to the California Environmental Quality Act (CEQA) A portion of funds are recovered as part of development entitlement permit fees.	\$50,000
April 21, 2021	Land Use Entitlement & Environmental review pursuant to the California Environmental Quality Act (CEQA) A portion of funds are recovered as part of development entitlement permit fees.	\$150,000
April 21, 2021	Environmental review pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act for Capital Improvement Projects (CIP) for projects funded via Community Development Block Grant (CDBG) funds, Congestion Mitigation Air Quality Funds (CMAQ) and Affordable Housing Sustainable Communities (AHSC) Note that projects costs are charged against the project budget, thus there is no impact to the City's General Fund	\$100,000

FINANCIAL IMPACT:

A portion of the Addendum No. 2 fee increase will be borne by fees paid by applicants of land use and development entitlements and by individual CIP project funds. There will be no fiscal impact to the City's General Fund for the \$100,000 specific to the CIP environmental services given the cost of said additional contract amount targeted for CIP environmental services will be borne by each project's funding as CIP projects include a budget for environmental services. Nevertheless, the amendment to the P&P Professional Services Agreement will result in a fiscal impact to the City's General Fund. While the additional contract amount was not completed during the preparation of the Fiscal Year 2020/21 Budget, unassigned funds from the City's General Fund are available to Council appropriation. It should be noted the cost is generally higher when hiring a consultant to process entitlement applications and perform environmental reviews compared to in-house project application and environmental reviews. When Planning has available staff to adequately provide timely entitlement and environmental reviews in-house, there will be substantial savings.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The recommended Amendment No. 2 to the Professional Services Agreement with P&P is integral to the review and approval process for development projects. As such, approval of Addendum No. 2 is consistent with the City's vision statements for "a well-planned city" and "good jobs and economic opportunity." In addition, the recommended Amendment No. 2 is for a required part of completion of CIP projects. CIP projects meet components of Strategy 121 to develop a citywide multi-modal transportation plan and facilities to ensure safe, affordable, and convenient transportation modes for residents and businesses within Madera.

ALTERNATIVES:

As an alternative to staff's recommendation, the Council may:

1. Authorize a lesser budget increase to the Professional Services Agreement with (P&P) Consulting Group.
2. Direct staff to solicit additional proposals for professional planning and environmental services. Such action will represent a delay of approximately three to four months due to the advertisement period, review of proposals, and selecting a consultant.

ATTACHMENTS:

1. Resolution
2. Amendment No. 2 to Professional Services Agreement Between Provost and Pritchard Consulting Group and the City of Madera for Planning Services

Attachment 1

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AMENDMENT NO. 2 TO AGREEMENT FOR PROFESSIONAL PLANNING SERVICES WITH PROVOST & PRITCHARD CONSULTING GROUP, DESIGNATING SOURCE OF FUNDS FOR AMENDMENT NO. 2, AND APPROVING AMENDMENT TO THE CITY OF MADERA GENERAL FUND BUDGET FOR A BUDGET LINE ITEM INCREASE OF \$150,000

WHEREAS, the City is in need of land use planning and environmental review services in connection with its efforts to assure compliance with applicable State regulations, City municipal codes and standards; and

WHEREAS, Provost & Pritchard Consulting Group has been identified as a firm having the professional competence, experience, and qualifications to provide professional planning and environmental services; and

WHEREAS, the City Council (Council) adopted Resolution No. 20-46 entering into an agreement with Provost & Pritchard Consulting Group to provide professional planning and environmental review services; and

WHEREAS, on January 6, 2021 the Council approved amendment No. 1 under Resolution No. 21-05; and

WHEREAS, it has been determined that additional planning and environmental services assistance is warranted; and

WHEREAS, City staff is requesting an increase to the contract amount to include additional planning and environmental services including environmental review services for projects within the Capital Improvement Program; and

WHEREAS, the City has prepared an amendment to the Professional Services Agreement with Provost & Pritchard Group ("Amendment No. 2") which is in the best interests of both parties; and

WHEREAS, Amendment No. 2 increases the not-to-exceed compensation of the Professional Services Agreement by \$250,000; and

WHEREAS, funds for \$100,000 in Amendment No. 2 are available in the Capital Improvement Program Budget.

WHEREAS, funds for \$150,000 in Amendment No. 2 are available in the City General Fund; and

WHEREAS, the proposed Amendment to Agreement is in the amount of \$250,000 of which \$100,000 is to be assigned for Environmental Review Services for Capital Improvement Program Projects and \$150,000 is to be assigned for Professional Planning Services for land use entitlements; and

WHEREAS, an amendment to the City General Fund is necessary to secure Amendment No. 2.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA hereby finds, orders and resolves as follows:

1. The recitals listed above are true and correct.
2. The City Council approves Amendment No. 2 to the Professional Services Agreement with Provost & Pritchard Consulting Group to increase the not-to-exceed compensation fee by \$250,000, a copy of which is attached hereto and incorporated by reference
3. The City Council approves an amendment to the City of Madera General Fund Budget for a Budget Line Item Increase of \$150,000.
4. The City Finance Director is authorized to transfer \$150,000 from the City General Fund into the Planning Department "Contract Services" Account (Account 102041066440) to be used for Contract Planning Services.
5. The Resolution is effective immediately upon adoption.

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Attachment 2

Amendment No. 2 to Professional Services Agreement

AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN PROVOST & PRITCHARD CONSULTING GROUP AND THE CITY OF MADERA FOR PLANNING SERVICES

This Amendment No. 2 to the Agreement titled “Professional Services Agreement” dated April 2, 2020 is made and entered into on April 21, 2021, between the City of Madera, (“City”) and Provost & Pritchard Consulting Group, (“Firm”).

RECITALS

WHEREAS, on April 2, 2020, City and the Firm entered into an Agreement for professional planning services; and

WHEREAS, on January 6, 2021, City and the Firm entered into Amendment No. 1 to the Agreement; and

WHEREAS, during the performance of the Agreement, the Parties have determined that additional planning and environmental review services are needed; and

WHEREAS, City and Firm wish to amend the Agreement to increase the Agreement’s compensation fee for additional work in accordance with Amendment No. 2 to Agreement and change the scope of services to include environmental review services for Capital Improvement Program (CIP) projects.

AGREEMENT

Based on the foregoing recitals, the Parties hereto mutually agree as follows:

SECTION 1. Exhibit A, “Scope of Services,” of the Agreement shall be amended by adding the following:

EXHIBIT A, “SCOPE OF SERVICES”:

6. Provide environmental review services for CIP projects in compliance with CEQA and NEPA as may be required by the funding agencies, including but not limited to FHWA, HUD, and the State of California. A scope of work shall be prepared and agreed upon for each project prior to starting work. For projects administered by Caltrans, Firm

shall assist staff with preparation of Caltrans Preliminary Environment Study (PES) form and exhibits.

SECTION 2. Section 4 of the Agreement titled “Compensation” provides the compensation to be paid for services under the Agreement. The parties agree that the Agreement is amended to provide that the compensation to be paid for the professional planning services as provided Section 2 of the Agreement titled “Services” in accordance with the Scope of work identified in “Exhibit A” of the Agreement, except as amended by this Amendment No. 2, shall be increased \$250,000 for a total not-to-exceed fee of \$350,000.

SECTION 3. Section 6.2 of the Agreement under “Billings and Payments” provides direction for submittal of billing statements under the Agreement. The parties agree that the Agreement is amended to direct billing statements to the following address:

City of Madera

Attn: Gary Conte, Planning Manager

205 West 4th Street

Madera, CA 93637.

SECTION 3. Except as amended by this Amendment No. 2, all other terms and conditions of the Agreement and Amendment No. 1 remain in full force and effect.

SECTION 4. This Amendment No. 2 to Professional Services Agreement shall be effective upon full execution by both parties.

(SIGNATURES ON NEXT PAGE)

CITY OF MADERA

A municipal corporation of
the State of California

By: _____
Santos Garcia, Mayor

Date: _____

ATTEST:

By: _____
Alicia Gonzales, City Clerk

Date: _____

**PROVOST AND PRITCHARD CONSULTING
GROUP**

By: _____
Heather Bashian, RCE 73075
Vice President

Date: _____

APPROVED AS TO FORM:

By: _____
Hilda Cantu Montoy, City Attorney

Date: _____