

Meeting date: 1/12/2010

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/Consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, AICP Agenda Item No. K-2

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: October 23, 2009

TO: City Council

FROM: Matthew Winegar, AICP [Signature]
Development Services Director

SUBJECT: **Special Budget Appropriation and Contract Amendment No. 6 to Agreement No. 3605-05-DS for the Preparation and Environmental Review of the 2030 General Plan and Related Tasks**

RECOMMENDATION

Approve and authorize the Mayor to execute Contract Amendment No. 6 to Agreement No. 3605-05-DS to increase the amount by \$191,960 to an authorized maximum amount of \$1,686,905 for the preparation and environmental review of the 2030 General Plan and related tasks.

DISCUSSION

In August, 2005 the City retained the consulting firm Matrix Design Group for a total fee of \$1,077,089 to prepare the 2030 General Plan with appropriate environmental review and mitigation and the development of a new citywide traffic model. Amendment No. 1 was a contractor-requested indemnification language change. Amendment No. 2 added the preparation of the Meta-Street District Plan (\$34,992 funded by the Community Development Commission). Amendment No. 3 added the preparation of a Supplemental Environmental Impact Report for the Jones Ranch Specific Plan (up to \$287,700 paid for by the Jones Ranch Specific Plan applicant, as actual costs are incurred). Amendment No. 4 added preparation of the 2006-2014 Housing Element (\$95,164). Amendment No. 5 extended the contract to June 30, 2011.

Amendment No. 6 is the first amendment that directly responds to several changed circumstances related to the preparation of the Draft 2030 General Plan over the past four years. They are:

- 1) The initial agreement was for an update to the 2020 General Plan to be completed by June, 2007. During the subsequent planning steps, the City Council extended the planning period to 2030 to coincide with regional planning programs and in recognition

that development of major public works projects would extend past 2020. Adoption of the 2030 General Plan is now anticipated by June 2010. Approximately \$28,000 of the additional funds is requested to cover three additional years of contract management and administration.

- 2) The initial approach to the 2006-2014 Housing Element was substantially modified by comments from the State Department of Housing and Community Development. Approximately \$22,000 of the additional funds is requested to revise the Draft 2006-2014 Housing Element.
- 3) The public review of the 2030 General Plan Draft EIR resulted in 68 comment letters, three times the expected number and estimated budget to prepare responses. Four key environmental issues emerged after the planning process was started that required additional analysis and consideration: Greenhouse Gases/AB32/SB 375; long-term water supply in light of the 2007 California Supreme Court case of *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*; and publication of sea level rise and FEMA flood maps. As a result of the above and based on expert legal advice, the City will re-circulate several sections of the 2030 General Plan EIR starting in mid-November. Approximately \$80,000 of the additional funds is requested to complete the EIR process.
- 4) Largely in response to the 2008 Measure V traffic initiative, the traffic subconsultants completed additional tasks and attended additional meetings beyond their original scope of work, leaving no budget for the remaining 2030 General Plan adoption and EIR review process. Approximately \$62,000 of the additional funds is requested to complete traffic related analyses and EIR-related tasks.

FINANCIAL IMPACT

A one-time allocation of \$191,960 from the Development Services budget.

Attachment 1 - Amendment No. 6 to Agreement No. 3605-05-DS

SIXTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This Sixth Amendment ("Sixth Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 1st day of November, 2009, by and between the City of Oxnard, a municipal corporation ("City"), and Matrix Design Group, Inc. ("Consultant"). This Sixth Amendment amends the Agreement entered into on August 25, 2005, by City and Consultant. The Agreement previously has been amended on April 26, 2006, by a First Amendment; on September 24, 2007, by a Second Amendment; on November 26, 2007, by a Third Amendment; and on June 9, 2008, by a Fourth Amendment; and on October 1, 2009, by a Fifth Amendment.

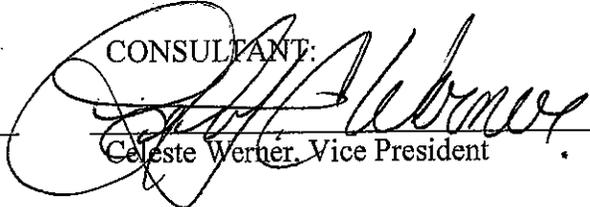
City and Consultant agree as follows:

1. Section 1 of the Agreement, Scope of Services, is amended to include the services set forth in Exhibit A5, attached hereto and incorporated in full herein by this reference.
2. Subsection a of section 14 of the Agreement is amended as follows:
 - a. The figure "\$1,494,495" is replaced by the figure "\$1,686,905."
 - b. Exhibit C is supplemented by Exhibit C5, attached hereto and incorporated herein by this reference.
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD:

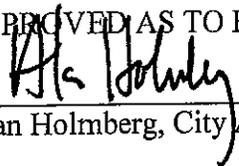
Dr. Thomas E. Holden, Mayor

CONSULTANT:



Celeste Werner, Vice President

APPROVED AS TO FORM:



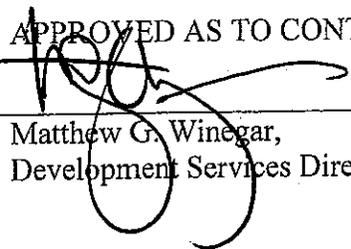
Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:



James Cameron, Risk Manager

APPROVED AS TO CONTENT:



Matthew G. Winegar,
Development Services Director

ATTEST:

Daniel Martinez, City Clerk

EXHIBIT A5
SCOPE OF SERVICES

1. Extended Program Timeline

The Oxnard General Plan program was originally scoped to be completed in early 2007. Due to a number of factors (such as delays for pending initiative elections, extension of the EIR public review period, and so forth), the period of performance for this agreement has been extended. Additional funds are necessary to cover expansion of project management, on-going coordination with City staff, and additional support to cover inquiries and requests for information.

2. Final EIR

Providing an accurate estimate of anticipated staff time needed to complete a final EIR can be difficult to predict at the beginning of a project due to the wide range of public input that could arise. The scope of work specified that no new technical studies would be required and provided a best-guess estimate of staff hours (based on other general plan EIR documents prepared) required to prepare a final EIR. The scope of work also assumed that a substantial number of comments would not be expected on the draft EIR, with a level of effort estimated for no more than 20 to 25 comment letters as part of the preparation of both the administrative final and final EIR for the General Plan Update.

Due to the number of comment letters received (68 total comment letters and several oral comments from the DEIR public workshop) and the complexity of several comment letters (i.e., Ormond Beach Observers, Environmental Defense Center, etc.) received on the draft EIR, additional Consultant time will be required to prepare the final EIR. This additional time will include production staff time necessary to incorporate all letters and responses (including those focused on the Housing Element) from other team members as requested by the City. The existing scope of work and this cost estimate does not include any additional staff time to analyze further changes to the existing land use diagram identified in the draft EIR.

3. Recirculate Draft EIR

As a result of several recent issues, including various proposed changes to the land use/circulation diagram, regulatory decisions specific to climate change, and new regional water supply assumptions, the City has requested that portions of the previously released Draft PEIR be recirculated. Having reviewed this supplemental information, the City believes that it constitutes “significant new information” that would require recirculation consistent with CEQA requirements (CEQA Guidelines, section 15088.5). Sections currently anticipated to be recirculated include the following:

- Chapter 2. Project Description.
- Chapter 4. Section 4.2 “Circulation, Traffic, and Transportation” and Section 4.3 “Utilities”.
- Chapter 5. Section 5.7 “Air Quality and Climate Change.
- Chapter 6. Section 6.4 “Noise”.

For the recirculated sections of Chapter 4, Consultant assumes that the traffic model will be run by the City and that Consultant will use the results to revise the traffic study/EIR section for use in the recirculated Draft PEIR. Additionally, Consultant assumes that the City will provide all required water supply information necessary to revised Section 4.3 "Utilities".

Consultant will prepare five (5) copies of the Recirculated Administrative Draft PEIR for review and comment by the City and will prepare one (1) screen-check version of the Recirculated Draft PEIR for City review prior to delivery to the State Clearinghouse. Outside of the required fifteen (15) copies for the State Clearinghouse, Consultant assumes that the City will print and deliver all remaining copies of the Recirculated Draft PEIR.

Following completion of the 45 day public review period, Consultant will provide responses to comments received on up to six (6) comment letters and fold the responses into the Final PEIR.

4. Incorporate Climate Change Issues into CEQA Thresholds Document

As part of the existing work to update the City's CEQA Thresholds Document, Consultant will recommend and incorporate a greenhouse gas (GHG) threshold and supporting documentation. As discussed with the City, Consultant will not provide an estimate of 1990 GHG emissions, update/estimate most recent year (2008 or 2009) GHGs, set a 2020 GHG target consistent with SB32 and SB375, or calculate annual targets to achieve the 2020 target as part of this work effort. However, if requested by the City, Consultant can provide these items as part of a larger Climate Action Plan under a separate scope and cost estimate.

5. Expansion of Traffic Analysis

Expansion of the scope of work on this item resulted from the following additional analysis items:

- Multiple versions of the draft traffic analysis report due to revisions and comments from City staff and decisions made related to mitigation.
- Increased analysis associated with changes out of scope including:
 - ◆ Caltrans analysis
 - ◆ LOS policy led to extensive additional out of scope analysis - Consultant produced analysis providing LOS results for 4 scenarios, Consultant mitigated ALT B to LOS C. Consultant was then directed to mitigate all scenarios and look at how close any LOS D intersections were to LOS C.
 - ◆ Additional model runs, changes, tweaks, analysis performed by Consultant after AFA completed model conversion.

6. Housing Element Revisions / Revised Sites Analysis

Following the addition of the agreement amendment to add the preparation of a Housing Element to the original agreement, the California Department of Housing and Community Development created a template for new Housing Elements that contained additional analysis requirements, especially in relation to the identification and assessment of available sites. This new template, and the expanded level of documentation required, caused additional work to complete the draft Housing Element, which was covered by the Consultant.

Like the EIR, an accurate estimate of anticipated staff time needed to complete a final Housing Element is difficult to scope with the original estimate due to the number of advocacy organizations that may provide comments and the extremely detailed nature that these comments can take. In addition, the comments made on the draft element can often result in new analysis that could not be anticipated. The scope of work assumed a budget of \$3,168 (about 32 staff hours) to respond to comments and \$1,918 to prepare a Final Housing Element (about 18 staff hours). The number and type of comments received will require a substantial level of effort above that originally estimated. This scope of work is designed to cover these changes.

Additionally, as a result of public review of the draft Housing Element, several changes to the sites selected for analysis were required, including a more detailed description of the sites proposed. As a result of these comments, a new GIS model evaluation will be required, as well as a complete update of the sites analysis section of the element. This level of effort is above that originally estimated in the original cost estimate.

The original Housing Element scope of work and costs included a small fee for preparation of an initial study. Consultant's understanding is that a full initial study will not be prepared since all impacts associated with the Housing Element are covered by the General Plan EIR, and that only documentation of substantial conformance with that analysis was needed under this task in the original agreement amendment that added the Housing Element work. If new sites are included in the Housing Element that are a change in designation from the analysis covered in the EIR, additional analysis and documentation may be required that are not currently covered by the current Oxnard General Plan agreement (as amended) and this scope of work.

7. Additional Meetings

The City has requested attendance of Consultant at additional workshops with the Planning Commission and on-going coordination meetings with City. Meetings with City include both meetings in Oxnard as well as regular update teleconferences.

This includes:

- Consultant requests coverage for one additional coordination meeting on Housing Element.
- Consultant has requested coverage for one additional meeting to present the Final EIR.
- Additional meetings include one joint meeting of the planning commission and City Council, two Planning Commission Meetings, two City Council meetings, and related meetings with City that were required to prepare and discuss above mentioned meetings. One on one city meetings in which Consultant was asked to participate are not explicitly in the work scope (up to 15 agency meetings are, which may still be needed in the future). Consultant expended budget for those eight one on one meetings which were charged to the agency meeting budget/task.

EXHIBIT C5
COMPENSATION

CONTRACT AMENDMENT COST ESTIMATE	Matrix Design Group												Total Labor Hours	Other Direct Costs	Total Labor Costs				
	Labor						Labor									Direct Expenses			
	Project Director	Project Manager	Senior Planner	Junior Planner	GIS	Admin	Direct Expenses	Project Manager	Senior Planner	Planner	Planner	CEQA Specialist					Planner	Air / Noise	Graphic Artist
Tasks	24	24	8	16		12		22	148	40			46	100	32	180	\$500	270	\$30,850
1 Extended Program Timeline								8	60	12			32	100	32	180	\$500	462	\$45,900
2 Final EIR								8	60	12			32	100	32	180	\$500	462	\$45,900
3 Recirculate Draft EIR								8	60	12			32	100	32	180	\$500	462	\$45,900
4 Incorporate Climate Change Issues into CEQA Thresholds Document								8	60	12			32	100	32	180	\$500	462	\$45,900
5 Expansion of Traffic Analysis								8	60	12			32	100	32	180	\$500	462	\$45,900
6 Housing Element Additions / Revised Sites Analysis								8	60	12			32	100	32	180	\$500	462	\$45,900
7 Additional Meetings								8	60	12			32	100	32	180	\$500	462	\$45,900
Project Management								18	90	116			8	24	4	2		43	\$5,140
Total hours / units	24	24	8	16		12		50	310	168			8	24	4	2	\$1,200	232	\$21,780
Billing rate (2009)	\$185	\$155	\$135	\$85	\$85	\$50		\$165	\$105	\$70			\$150	\$95	\$120	\$70		186	\$22,010
Subtotals	\$9,990	\$27,900	\$2,160	\$5,100	\$3,400	\$720		\$16,170	\$32,550	\$11,760			\$17,860	\$28,880	\$8,160	\$14,980		74	\$12,250
Labor Total								\$60,480					\$78,400					56	\$9,400
Direct Expense Subtotals																			
TOTAL COSTS (Technical Staff + Expenses)									\$62,180								\$1,700		
Note: This represents a total cost for the project based on the scope of work presented. The distribution of hours between staff categories and tasks are just an estimate.																			\$3,810
																			\$191,960