

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *AF*

BOARD AGENDA # *D-2

Urgent

Routine

AGENDA DATE August 28, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Amend the Contract with ICF International for Planning Services for the Preparation of the Comprehensive General Plan Update and Related Actions

STAFF RECOMMENDATIONS:

1. Authorize the Director of Planning and Community Development to execute a contract amendment with ICF International for a cost not to exceed \$71,972 for the addition of a new task as described in this report (including attachments) and to sign any necessary documents relating to the contract amendment.
2. Authorize the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet.

FISCAL IMPACT:

ICF International (formerly ICF Jones & Stokes) was awarded a contract on February 9, 2010, for a cost not to exceed \$826,403. The cost of the contract is covered by the General Plan Maintenance Fee Fund and Public Facility Fees (PFF). The PFF approved allocation of \$306,226 has already been deposited into the General Plan Maintenance Fee Fund which has a current balance of \$1,446,610, of which, \$621,933 is still encumbered by the ICF International contract. The remaining \$824,677 in the General Plan Maintenance Fee Fund is unencumbered and available to cover the proposed contract amendment cost of

(Continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-443

On motion of Supervisor Withrow Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

\$71,972 and Planning and Community Development Department costs associated with the Comprehensive General Plan Update.

The General Plan Maintenance Fee Fund is funded by fees collected from land use and building permit applications to provide for comprehensive update to Stanislaus County's General Plan. Approximately \$102,441 in fees was collected in Fiscal Year 2011-2012.

DISCUSSION:

The ICF International contract was awarded on February 9, 2010, with a proposed schedule of two years and a scope of work designed to have staff from the Planning and Community Development Department lead efforts on policy formation, public participation, County agency coordination, mapping, and database development. The consultant's role as defined by the executed agreement is 1) assisting in the preparation of, and preparing as necessary, detailed technical studies, mapping, and databases to support staff in developing the General Plan update; 2) preparing the General Plan Environmental Impact Report and carrying out all of the procedural steps required by State Law including public scoping meeting(s) and public hearings; and, 3) participating in public outreach efforts, public meetings, General Plan Update Committee meetings, and agency meetings pertaining to their scope of work. The Comprehensive General Plan Update also includes an Airport Land Use Commission Plan (ALUCP) Update with a cost of \$205,333 covered under the total awarded cost of the contract.

At the time the contract was awarded, the Planning and Community Development Department expected having the staffing capacity to handle the additional workload as a result in the downturn in the economy which has greatly reduced the volume of land use projects needing to be processed. This expectation, however, has not been met and the department has experienced difficulties in devoting the amount of staff time necessary to keep the Comprehensive General Plan Update on schedule. Some of the factors limiting staff have included an increase in the number of other projects assigned to individual staff (which has increased as a result of the fiscal, and workload, need to reassign staff to other assignments with non-General Fund funding sources) and the need to assign staff to higher priority/time sensitive projects (such as the dissolution of the County's Redevelopment Agency per AB x1 26 "Redevelopment Dissolution Act" effective February 1, 2012). The March 2012 retirement of the Department's Director further impacted the Department's staffing capacity issues.

To the extent possible, the consultant (and their sub-consultants) have remained on schedule, however, the bulk of their work is dependent on County staff completing the policy formation efforts. The need for this amendment is not a reflection on the consultant's ability to perform as required under contract. The need for this amendment is to provide County staff with the necessary assistance and support to keep the project progressing forward.

To date, the overall General Plan Update contract has been amended twice, with this current proposal being the third. The first amendment took place in September of 2010 and its purpose was to expand the project's "Tasks" to include a regional Green House

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Gases (GHG) Inventory, covering the unincorporated areas and cities within Stanislaus County. The GHG Inventory task is part of a joint effort between the cities and the County and includes funding via a Proposition 84 grant secured in 2010 for development of a Regional Sustainability Toolbox, which includes the development of multiple planning tools to achieve greenhouse gas reductions in the region. The Second Amendment occurred earlier this year in February. The initial two-year term of the contract (February 9, 2010 to February 9, 2012) was amended on February 9, 2012, as allowed under contract by mutual agreement of the parties, to December 31, 2013. This current amendment revises the contract Scope of Work to include a new task expanding the role of the consultant as an extension of County staff in the development and update of the Comprehensive General Plan Update document (See Attachment 1). As included in Attachment 1, the consultants cost estimate for implementation of this new task is \$71,972.

The original February 9, 2010 approval of the contract authorized the Director of the Planning and Community Development Department to approve change orders to cover contingencies not to exceed a combined total of \$40,000. To date, no change orders have been approved and this request would not alter the February 9, 2012 authorization. Under this authorization, the Department has the flexibility to shift unspent subtask costs to other subtasks covered under the new task.

The status of the Comprehensive General Plan Update process and the need to amend the contract with ICF International was presented to the General Plan Update Committee on June 7, 2012. The direction provided by the Committee was to move forward with the amendment provided the increased cost will not impact the Department's administrative budget that relies on the General Fund.

The original contract was structured to have the Planning and Community Development Department take lead in the policy development portion of Comprehensive General Plan Update in an effort to help off-set the Department's declining budget revenue resulting from the economic downturn. For Fiscal Year 2011-2012, the Department conservatively budgeted for approximately \$50,000 in revenue from the Comprehensive General Plan Update. The actual realized revenue was approximately \$65,000. The Department anticipates a carryover savings for use in Fiscal Year 2012-2013 of approximately \$359,500, which, if needed, could help offset any impact associated with this proposed amendment. The consultant cost for the proposed amendment will be on a time and materials basis, which will allow the Department greater flexibility in controlling budget impacts. While the amended contract will shift work from County staff to the consultant, there is still plenty of work that will need to be performed by County staff. Expanding the role of the consultant will help maintain the project momentum by allowing work to continue at a more consistent rate.

With this proposed contract amendment, the completion of the Comprehensive General Plan Update policy development is expected to occur by February of 2013, at which point work would start to be fully shifted towards the environmental analysis phase of the project. Overall, the environmental analysis and associated tasks are anticipated to be completed within 12 months. With this proposed amendment, there is a greater opportunity for some portions of the policy development and environmental analysis

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phases of this project to occur concurrently and, as such, there is still an opportunity to complete the project by December 2013, as currently required by contract. As discussed earlier, the contract end date may be extended; however, it is premature, at this time, to propose any extension.

POLICY ISSUES:

Approval of this request will enhance all the Board's priorities of Promoting A Safe Community, A Healthy Community, A Strong Local Economy, Effective Partnerships, A Strong Agricultural Economy/Heritage, A Well-Planned Infrastructure System, and the Efficient Deliver of Public Services by providing County staff the assistance necessary to complete the Comprehensive General Plan Update.

STAFFING IMPACT:

The need for this amendment is to provide County staff with the necessary assistance and support to keep the Comprehensive General Plan Update progressing forward. Existing Planning and Community Development Department staff will remain assigned to the development and oversight of the project.

CONTACT PERSON:

Angela Freitas, Interim Director, Planning and Community Development Department
Telephone 209-525-6330

ATTACHMENTS:

1. Draft Contract Amendment with ICF International for the Preparation of the Comprehensive General Plan Update
2. Financial Transaction Sheet

Stanislaus County General Plan Update - Task 11

The following scope of work is based on the understanding that the Stanislaus County Planning and Community Development Department is requesting the addition of a new task expanding the role of ICF as an extension of County staff in the development and update of the General Plan document. Due to unexpected County staffing constraints, the project has fallen behind schedule. As requested by the County, the new task is designed to improve progress on the General Plan Update while ensuring that the Department's budget is not negatively impacted by shift of work from County staff to ICF.

The following subtasks describe the additional work to be done by ICF, in the context of the new task. All work would be on a time and materials basis. In order to simplify the review of materials and coordination with City staff, we assume that we will use ICF's Sharepoint website for the sharing of draft documents whenever practical.

Scope of Work

Task 11.1. General Plan Update Committee (GPUC)/General Plan Technical Advisory Committee (GPTAC) GPU Review and Development Meetings

Subtask a: GPUC and GPTAC Meeting Participation

ICF will designate one planner to participate in 14 meetings (3 hours per meeting and an additional 2 hours total per meeting for travel between Sacramento and Modesto) of the combined GPUC and GPTAC aimed at collectively reviewing the current General Plan (including revisions/updates developed by County staff to date) and developing appropriate update strategies. The designated planner will make every effort to attend all meetings, but if unable to attend a specific meeting, an alternate ICF planner on our Stanislaus County general plan update team will attend in their place.

Subtask b: Develop and Implement Update Strategies

ICF will work with County staff to develop and implement the update strategies developed in Subtask 1.1. It is anticipated that nine (9) hours will be necessary for the development of each strategy, and there will be ten (10) strategies that will require development. ICF will prepare an administrative draft of each of the update strategies.

Task 11.2. Public Outreach

Subtask a: Public Delivery Program Development

One ICF community relations specialist will assist County staff with the development of an outreach program for delivering the Draft GPU to the public via public notifications and public workshops. We estimate that four (4) hours would be needed for the initial advice and up to an additional four (4) hours for fine tuning as the workshops proceed, if necessary. This consultation

would be provided by telephone conference to reduce costs. ICF will prepare a memo to the County that summarizes the outreach program.

One ICF staff member would attend the three (3) "in the community" workshops and one (1) Planning Commission workshop prior to release of the Notice of Preparation for the Draft EIR to help with answering questions/concerns raised by the public (with an estimated three (3) hours required per workshop and an additional two (2) hours per meeting for travel to and from Sacramento).

Task 11.3. Review updated General Plan Goal & Policy Language

Subtask a: Review Updated Goals & Policies

ICF will work with County staff to develop and review updated General Plan Goals & Policies within each section of the General Plan. For budgeting purposes, we estimate that six (6) hours per week for sixteen (16) weeks will be necessary. Work will be ongoing throughout the entire process or as needed. We assume that deliverables associated with this task will consist of memos to the County describing ICF's input or recommendations.

Subtask b: Review and Update General Plan Elements

ICF will work with county staff to review and possibly update affected General Plan Elements due to new programs, plans, and regulations recently adopted at the local, state, and federal level. For budgeting purposes, we estimate that six (6) hours per week for sixteen (16) weeks will be necessary. Work will be ongoing throughout the entire process or as needed. We assume that deliverables associated with this task will consist of memos to the County describing ICF's input or recommendations.

Subtask c: Projected Growth Assistance

ICF will assist county staff in the projected growth areas of the General Plan. This includes, but is not limited to, population estimates, the estimated public infrastructure/facilities/services needs for future growth as well as the necessary inventory of major elements of public infrastructure needed to support growth. Work will be ongoing throughout the entire process or as needed. For budgeting purposes, we estimate that on average, five (5) hours per week for sixteen (16) weeks will be necessary. We assume that deliverables associated with this task will consist of occasional memos to the County describing ICF's input or recommendations.

Subtask d: General Assistance

General assistance (with the entire General Plan document) not covered or identified within any of the specific Tasks or Subtasks. Work will be on an as needed basis. For budgeting purposes, we estimate that on average, four (4) hours per week for sixteen (16) weeks will be necessary.

EXHIBIT B

Cost Estimate for Stanislaus County General Plan Update - Task 11

Employee Name	Consulting Staff										
	Zeff Sal	Rivasplata Ant	Swift Sus	Mills Cas	Wilson Dan	Last Name					
	Project Dir	Project Mgr	Planner	Planner	Public Outreach						
Task	Labor Classification	Proj Dir	Tech Dir	Sr Consult I	Sr Consult I	Sr Consult II	0	Subtotal	Labor Total	Direct Expenses	Total Price
Task 11.1: GPU Review and Development Meetings								\$0	\$0		
Subtask a: GPEC and GPTAC Meeting Participation				70				\$8,050	\$8,050		
Subtask b: Develop and Implement Update Strategies	10	10		40	30			\$11,350	\$11,350		
Task 11.2: Public Outreach								\$0	\$0		
Subtask a: Public Delivery Program Development			2	20		8		\$3,660	\$3,660		
Task 11.3: Review updated General Plan Goal & Policy Language								\$0	\$0		
Subtask a: Review Updated Goals & Policies	16	40		40				\$13,720	\$13,720		
Subtask b: Review and Update General Plan Elements	16	40			40			\$13,720	\$13,720		
Subtask c: Projected Growth Assistance	8	16			64			\$11,280	\$11,280		
Subtask d: General Assistance	8	16			40		0	\$8,520	\$8,520		
Total hours		58	124	170	174	8	0				
ICF E&P Billing Rates		\$170	\$160	\$115	\$115	\$130	\$0				
Subtotals		\$9,860	\$19,840	\$19,550	\$20,010	\$1,040	\$0	\$70,300	\$70,300		
Direct Expenses										\$1,520	
523.05 Travel, Auto, incld. Mileage at current IRS rate (.555/mile)											
Mark up on all non-labor costs and subcontractors:			10%							\$152	
Direct expense subtotal											\$1,672
Total price											\$71,972

Database	FMSDBPRD.CO.STANISLAUS.CA.US.PROD
Balance Type	Budget
Data Access Set	County of Stanislaus
Ledger	* List - Text County of Stanislaus
Budget	List - Text LEGAL BUDGET
Category	* List - Text Budget - Upload
Source	* List - Text
Currency	* List - Text USD
Period	List - Text
Batch Name	Text
Journal Name	Text
Journal Description	Text
Journal Reference	Text
Organization	Text
Chart Of Accounts	List - Text Stanislaus Budget Org Accounting Flexfield

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Explanation: Increase appropriations for contract amendment #3.

Requesting Department	CEO	Data Entry	Auditors Office Only
ANGELA FREITAS	<i>[Signature]</i>		<i>[Signature]</i>
Prepared by	Supervisor's Approval <i>08/23/17</i>	Keyed by	Prepared By <i>8/22/12</i>
Date	Date	Date	Date

**THIRD AMENDMENT TO STANISLAUS COUNTY
PROFESSIONAL DESIGN SERVICES AGREEMENT**

Reference is made to the Stanislaus County Professional Design Services Agreement (the "Agreement") dated February 9, 2010 by and between the County of Stanislaus, hereinafter referred to as "County", and ICF Jones & Stokes, Inc., a Delaware corporation authorized to conduct business in the state of California and a wholly-owned subsidiary of ICF International, hereinafter referred to as "Consultant".

WHEREAS, the County has asked Consultant to perform additional work and Consultant agrees to perform work, effective August 28, 2012; and

WHEREAS, Section 7.19 of the Agreement allows for amendments to the Agreement; and

WHEREAS, Section 3.1 of the Agreement allows for amendments to the Project Management Plan by mutual agreement; and

WHEREAS, both parties have verbally agreed to amend the Project Management Plan to reflect the addition of Task No. 11 as set forth in Exhibit A; and

NOW THEREFORE, the parties hereby agree as follows:

1. By signing this Agreement Amendment both parties do mutually agree to amend the Project Management Plan, including extension of the term of Agreement to allow for completion of additional Tasks as identified in Exhibit A. Project Management Plan shall be amended and approved by both parties within 30 calendar days of execution of this Amended Agreement.

2. Section 2.1 Compensation is amended to read:

Consultant shall be paid in accordance with the fee schedules set forth in Exhibit B, attached hereto and made a part of this Agreement (collectively, the "Fee Schedule"). Consultant's compensation set forth in Exhibit B, shall in no case exceed Seventy-One Thousand Nine Hundred Seventy-Two dollars (**\$71,972.00**).

3. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers:

COUNTY OF STANISLAUS

By: 
Angela Freitas, Interim Planning Director

APPROVED AS TO FORM:
John P. Doering County Counsel

By: 
Thomas E. Boze, Deputy County Counsel

CONSULTANT
ICF Jones & Stokes, Inc.

By: 
Typed Name: Maggie Towlesley
Corporate Title: Vice President