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Title: CONSIDER APPROVAL OF AGREEMENT FOR CONTRACT SERVICES WITH W.G. ZIMMERMAN ENGINEERING, INC. TO PROVIDE AN INTERIM DEVELOPMENT IMPACT FEE (IDIF) STUDY (TRAFFIC AND SOUNDWALL FEE COMPONENT) (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Zimmerman Contract Services Agreement (IDIF) - 2-5-2019

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, February 05, 2019

Consent

SUBJECT:

CONSIDER APPROVAL OF AGREEMENT FOR CONTRACT SERVICES WITH W.G. ZIMMERMAN ENGINEERING, INC. TO PROVIDE AN INTERIM DEVELOPMENT IMPACT FEE (IDIF) STUDY (TRAFFIC AND SOUNDWALL FEE COMPONENT) (CITY COUNCIL)

I. SUMMARY

A contract services agreement amounting to \$21,021 with W. G. Zimmerman Inc. (WGZE) was executed under City Manager’s approval authority (\$25,000 annually per fiscal year) on June 19, 2018 for the 2017-2018 Fiscal Year for the performance of services relating to verification and establishment of rates for the traffic and noise components of an Interim Development Impact Fee (IDIF) study. However, additional services were subsequently required to complete the study. Accordingly, on November 29, 2018, a second Contract Services Agreement was approved by the City Manager in the amount of \$19,467 for Fiscal Year 2018-2019.

The two agreements were executed in two separate fiscal years under City Manager approval authority consistent with the Municipal Code. However, the actual services were rendered in the same Fiscal Year, FY 2018-2019. As a result, the Purchasing Manager has determined that the City Manager’s approval of the second Contract Services Agreement

on November 29, 2018 was in excess of his approval authority, therefore, determined to be ineffective.

Staff now seeks City Council approval of the second contract. All services provided for under the contract have already been performed, as the ineffectiveness of the City Manager's approval was not discovered until WGZE requested payment for the services in January of 2019.

II. **RECOMMENDATION**

TAKE the following actions:

1. APPROVE the contract services agreement, effective November 29th, 2018, with W.G. Zimmerman Engineering, Inc. to provide Interim Development Impact Fee (Traffic and Noise Components) study services in an amount not-to-exceed \$19,467 through June 30, 2019 ("Agreement"); and
2. AUTHORIZE the Mayor to execute the Agreement upon approval as to form by the City Attorney.

III. **ALTERNATIVES**

TAKE any other action the City Council deems appropriate.

IV. **BACKGROUND**

W. G. Zimmerman Inc. (WGZE) has been providing engineering services to the City since April 19, 2016. Initially, these services included staff augmentation in the Public Works Department Engineering Division to implement various capital program and projects.

The City is currently in the process of implementing an Interim Development Impact Fee (IDIF) program to fund capital improvement costs associated with new growth and development over the next 5-year period. These fees are to be paid by new developments for their fair share of capital improvement costs, reducing the financial burden on the City's budget. Example of types of fees under consideration for the IDIF program include park facilities, traffic and circulation, noise mitigation, etc.

The IDIF study is being prepared by Kelly Associates Management Group LLC and is anticipated to be presented to the City Council in the coming months for consideration and approval. To complete the study, the City Attorney's Office recommended the City to contract with a third party to verify and establish rates for the traffic and noise components of the IDIF study. WGZE was identified as a qualified firm to perform these services.

On June 19th, 2018, the City entered into a contract services agreement with WGZE to prepare a traffic (Task A) and sound wall (Task B) fee study for the Interim Development Impact Fee program. Task A includes the review of the IDIF study prepared by Kelly Associates and the analysis of traffic impacts imposed by new projects on 22 city intersections. This task entails the verification of trip distributions and the development of required mitigation measures to bring the intersections to a service level of "D" or current

Level of Service. Task B entails the determination of the costs, location, length, and height of sound wall along truck routes to mitigate sound impacts of new projects.

On November 29, 2018, the City Manager executed a second contract services agreement with W.G. Zimmerman Inc. to include a revised list of projects of foreseeable development projects over the next five year period. This revision was required to accurately assess the impacts and costs needed to establish the fees set forth in the IDIF program. Task A and B remained the same. These services authorized by this second agreement were subsequently completed. However, upon receipt of WGZE's request for payment for the services performed, the purchasing manager determined that the City Manager's approval was in excess of his approval authority, and that the agreement requires City Council approval.

V. FISCAL IMPACT

If approved, the total contract sum of the Agreement, amounting to \$19,467, will be paid by General Fund Contract Services: 101-70-780-290-6004. The cost of the Agreement is in addition to the initial contract services agreement contract sum of \$21,021, which has already been paid.

VI. EXHIBITS

1. Agreement for Contract Services, effective November 29, 2018, with W.G. Zimmerman Engineering, Inc. (pgs. 4-39)

Prepared by: James Nguyen, Project Manager