



## Legislation Details (With Text)

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**Title:** CONSIDER APPROVAL OF AMENDMENT NO. 5 TO AN AGREEMENT WITH KELLY ASSOCIATES MANAGEMENT GROUP, LLC FOR INTERIM DEVELOPMENT IMPACT FEE SERVICES; AND, ADOPT RESOLUTION NO. 19-088 TO AMEND THE CITY'S BUDGET TO APPROPRIATE ADDITIONAL FUNDS TO PAY FOR SAID SERVICES (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit No. 1 - Kelly Associates Contract, 2. Exhibit No. 2 - Kelly Associates Amendment No. 1, 3. Exhibit No. 3 - Kelly Associates Amendment No. 2, 4. Exhibit No. 4 - Kelly Associates Amendment No. 3, 5. Exhibit No. 5 - Kelly Associates Amendment No. 4, 6. Exhibit No. 6 - Kelly Associates Amendment No. 5, 7. Exhibit No. 7 - Resolution No. 19-088

Date	Ver.	Action By	Action	Result
5/7/2019	1	City Council		

## Report to Mayor and City Council

Tuesday, May 07, 2019

Consent

### SUBJECT:

**CONSIDER APPROVAL OF AMENDMENT NO. 5 TO AN AGREEMENT WITH KELLY ASSOCIATES MANAGEMENT GROUP, LLC FOR INTERIM DEVELOPMENT IMPACT FEE SERVICES; AND, ADOPT RESOLUTION NO. 19-088 TO AMEND THE CITY'S BUDGET TO APPROPRIATE ADDITIONAL FUNDS TO PAY FOR SAID SERVICES (CITY COUNCIL)**

### I. SUMMARY

On November 1, 2016, the City and Kelly Associates Management Group LLC ("Consultant") entered into an agreement to initiate the process to develop City's Interim Development Impact Fees (IDIF) Program. The scope of services included preparing an IDIF Nexus Study, reviewing supplemental specialty studies, and providing technical expertise to assist the City with the adoption of the IDIF Program. As of April 16, 2019, the City and Consultant have completed the work needed to initiate the City's IDIF Program. This includes completion of the IDIF Nexus Study and the adoption of Ordinance No. 19-1931, which incorporates the IDIF Program under Article XI of the Carson Municipal Code.

Staff is requesting an amendment to the Consultant's contract to: (1) reconcile two outstanding invoices which were submitted for additional meetings and analysis to finalize the IDIF report for City Council's consideration (\$9,406.25), and (2) authorize on-call professional services during the first year of IDIF Program implementation to provide a small budget for questions that may come up during the implementation of the IDIF program (\$1,593.75). The on-call services may or may not be utilized during the term of the Agreement. Therefore, the total requested increase is \$11,000.00

If approved as recommended, the maximum contract amount would total \$75,000 from November 1, 2016 to June 30, 2020.

## **II. RECOMMENDATION**

TAKE the following actions:

1. APPROVE Amendment No. 5 to the contract with Kelly Associates Management Group, LLC, extending the term through June 30, 2020, in an amount not-to-exceed \$11,000.
2. ADOPT Resolution No. 19-088 to amend the FY 2018-19 budget in the appropriate accounts.

## **III. ALTERNATIVES**

TAKE any other action the City Council deems appropriate that is consistent with the requirements of law.

## **IV. BACKGROUND**

On November 1, 2016, the City and Kelly Associates Management Group LLC ("Consultant") entered into an agreement (Exhibit No. 1) to initiate the process for developing City's Development Impact Fees ("DIF") Program. The City Manager at the time authorized this agreement under his contracting authority for \$24,000.00. After initial discussions with the Consultant, staff determined that the adoption of the DIF was not possible without the benefit of an updated General Plan, which would identify future land uses and needed infrastructure. In the interim, City and Consultant developed the City's Interim Development Impact Fee ("IDIF") Program, which was recently adopted by the City Council on April 16, 2019. The City will be starting a new Development Impact Fee study immediately after the General Plan is approved (anticipated for late 2020).

On July 18, 2017, the City Council approved the first amendment to the Agreement between the City and Consultant (Exhibit No. 2). The first amendment increased the contract by \$10,000.00 to a total amount not-to-exceed \$34,000.00, and extended the contract through October 18, 2017. On August 1, 2017, the City Council approved the second amendment to the Agreement between the City and Consultant (Exhibit No. 3). The second amendment increased the contract by \$10,000.00 to a total amount not-to-exceed \$44,000.00. On November 6, 2017, the City Council approved the third

amendment to the Agreement for additional work necessary to complete an effective and updated Interim Development Impact Fee. The third amendment added an additional \$20,000.00 to the contract amount for a total of \$64,000.00 and extended the contract through June 30, 2018 (Exhibit No. 4). Most recently, the fourth amendment, effective July 3<sup>rd</sup>, 2018, extended the term at no additional costs (Exhibit No. 5). The term extension allowed traffic and noise verification studies to be completed by another consultant (W.G. Zimmerman Engineering) with expertise in these areas. The final traffic and noise study was reviewed by Consultant and ultimately folded into the final IDIF Study.

This proposed fifth amendment would increase compensation by \$11,000 and extend the contract by 12 months for two primary purposes: (1) to allow the reconciliation of two outstanding invoices, and (2) to provide on-call professional services during the first year of implementing the IDIF Program (Exhibit No. 6). The two invoices in need of reconciliation exceeded the original contract amendment by \$9,406.25. If approved as recommended, the maximum contract amount would total \$75,000 from November 1, 2016 to June 30, 2020.

## **V. FISCAL IMPACT**

The fifth amendment extends the contract term to June 30, 2020 and will cost up to an additional \$11,000. The proposed amendment will initially be paid by the General Fund, specifically the Community Current Planning Professional Services Account No. 101-70-780-290-6004. Funds collected under the IDIF Program administration fees could reimburse the entire costs of this amendment.

## **VI. EXHIBITS**

1. Contract with Kelly Associates. (pgs. 4-18)
2. Amendment No. 1 to Contract with Kelly Associates. (pgs. 19-23)
3. Amendment No. 2 to Contract with Kelly Associates. (pgs. 24-29)
4. Amendment No. 3 to Contract with Kelly Associates. (pgs. 30-34)
5. Amendment No. 4 to Contract with Kelly Associates. (pgs. 35-39)
6. Proposed Amendment No. 5 to Contract with Kelly Associates. (pgs. 40-49)
7. Resolution No. 19-088 (pgs. 50-51)

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