

City of
FRESNO  **REPORT TO THE CITY COUNCIL**

May 6, 2010

FROM: KEITH BERGTHOLD, Assistant Director
Planning and Development *KAB*

AGENDA ITEM NO. 1 N

COUNCIL MEETING 5/6/10

APPROVED BY


DEPARTMENT DIRECTOR

CITY MANAGER

SUBJECT: Approve the No Cost Contract Expiration Date Extension for EDAW, EDAW Amendment 1, Calthorpe Associates, and VRPA.

RECOMMENDATIONS

Approve the no cost extension of contract expiration dates for EDAW, EDAW Amendment 1, Calthorpe Associates and VRPA to September 30, 2011.

EXECUTIVE SUMMARY

The City Council initially approved the contracts for EDAW, EDAW Amendment 1, Calthorpe Associates and VRPA in 2009 for the Southeast Growth Area Specific Plan (SEGA) and the Activity Centers and Corridors Study. Both projects are still in process and have experienced delays for multiple reasons. There are no impacts or changes to the contracts scope of work, project deliverables, or cost as a result of this extension.

BACKGROUND

The City Council initially approved the contracts for EDAW for \$747, 225, EDAW Amendment 1 for \$138,000, Calthorpe Associates for \$700,000 and VRPA for \$360,000 in 2009 for the Southeast Growth Area Specific Plan and the Activity Centers and Corridors Study. The SEGA project was significantly delayed for a year due to issues related to funding sources needed to perform the hydrology and waste water technical study as required for the draft environmental impact report. The Activity Center and Corridors Study performed by VRPA was redesigned to better coordinate with the development of the Fresno County Blueprint and in preparation of the 2035 General Plan Update process.

Funding for each contracts were allocated in the FY 09, FY10 Budget and will roll over into the FY11 Budget.

FISCAL IMPACT

No fiscal impact, all contracts were included in the FY09, FY10 and FY11 budget.

Attachments:

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT ("Amendment") to the Consultant Services Agreement between the City of Fresno ("CITY") and EDAW, Inc. ("CONSULTANT") is made by and between the City and Consultant as of _____, 2010. CITY and CONSULTANT are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, CITY AND CONSULTANT entered into a Consultant Services Agreement ("Agreement"), dated December 5, 2007, for Professional Environmental Impact Review services for the Southeast Growth Area Plan Environmental Impact Report ("Project"); and

WHEREAS, the Agreement was subsequently amended on July 24, 2009 by a first amendment ("First Amendment") modifying the scope of services, term and compensation of the Agreement; and

WHEREAS, the Parties now desire to modify the Agreement and First Amendment to extend the end date in order to provide additional time for the completion of the Project.

AGREEMENT

NOW, THEREFORE, the Parties agree that the aforesaid Agreement and First Amendment be amended as follows:

1. The term of the Agreement as set forth in Section 2 of the Agreement, and subsequently amended by First Amendment, is extended to September 30, 2011.
2. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, and any subsequent amendments, remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a municipal corporation

By _____

Name: John Dugan

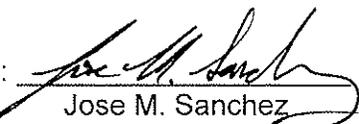
Title: Director – Planning and Development

ATTEST:

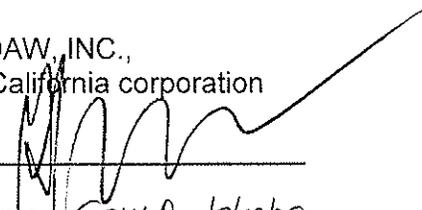
REBECCA E. KLISCH
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

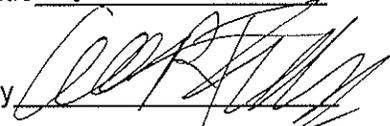
By: 
Jose M. Sanchez
OSC, Meyers Nave

EDAW, INC.,
a California corporation

By  _____

Name Gary D. Jakobs

Title Vice President

By  _____

Name Allen K. Folks

Title Vice President

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 ("Amendment") to the Consultant Services Agreement between the City of Fresno ("CITY") and Caithorpe Associates, Inc. ("CONSULTANT") is made by and between the City and Consultant as of _____, 2009. CITY and CONSULTANT are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, CITY AND CONSULTANT entered into a Consultant Services Agreement ("Agreement"), dated April 23, 2007, for Professional Urban Design services for the City's Southeast Growth Area ("Project"); and

WHEREAS, the Agreement was subsequently amended on December 1, 2007 by a first amendment ("Amendment No. 1") modifying the scope of services, term and compensation of the Agreement; and

WHEREAS, the Parties now desire to modify the Agreement and Amendment No. 1 to extend the end date in order to provide additional time for the completion of the Project.

AGREEMENT

NOW, THEREFORE, the Parties agree that the aforesaid Agreement and Amendment No. 1 be amended as follows:

1. The term of the Agreement as set forth in Section 2 of the Agreement, and subsequently amended by Amendment No. 1, is extended to September 30, 2011.
2. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, and any subsequent amendments, remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

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IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

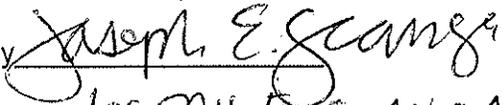
CITY OF FRESNO,
a municipal corporation

By _____

Name: John Dugan

Title: Director – Planning and Development

CALTHORPE ASSOCIATES,
a California corporation

By 

Name JOSEPH E. SCANGA

Title PRINCIPAL

ATTEST:

REBECCA E. KLISCH
City Clerk

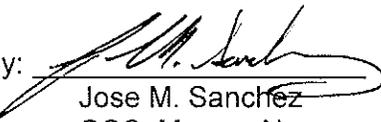
By: _____
Deputy

By _____

Name _____

Title _____

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

By: 
Jose M. Sanchez
OSC, Meyers Nave

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT ("Amendment") to the Consultant Services Agreement between the City of Fresno ("CITY") and VRPA Technologies, Inc. ("CONSULTANT") is made by and between the City and Consultant effective as of April 1, 2009. CITY and CONSULTANT are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, CITY AND CONSULTANT entered into a Consultant Services Agreement ("Agreement"), dated October 1, 2007, for professional Transportation and Land Use Planning and Economic Analysis services for the for the economic analyses and recommendations to implement the Activity Centers and Intensity Corridors of the 2025 Fresno General Plan ("Project"); and

WHEREAS, the Parties now desire to modify the Agreement to ratify and extend the end date in order to provide additional time for the completion of the Project.

AGREEMENT

NOW, THEREFORE, the Parties agree that the aforesaid Agreement be amended as follows:

1. The term of the Agreement as set forth in Section 2 of the Agreement, is extended to September 30, 2011, and said extension is hereby ratified.
2. The CONSULTANT hereby waives and releases any and all claims or causes of action against the CITY it possesses or may possess arising out of or related to this Amendment No. 1.
2. Except as expressly modified and amended hereby, the Agreement entered into by CITY and CONSULTANT, remains in full force and effect.

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IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a municipal corporation

VRPA Technologies, INC.,
a California corporation

By _____

By _____

Name: John M. Dugan

Name _____

Title: Director – Planning and Development

Title _____

ATTEST:

By _____

REBECCA E. KLISCH
City Clerk

Name _____

Title _____

By: _____
Deputy

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

By: _____
Robert Coyle Date
Senior Deputy