



COUNCIL AGENDA: 06-27-06
ITEM: 2.48

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
John Stufflebean

SUBJECT: SEE BELOW

DATE: 06-05-06

Approved

Date

6/13/06

COUNCIL DISTRICT: Citywide

SUBJECT: AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH H.T. HARVEY & ASSOCIATES TO INCLUDE ENVIRONMENTAL REVIEW SERVICES FOR DRIVER TRAINING CENTER PROJECT

RECOMMENDATION

Approval of the first amendment to the agreement for consultant services with H.T. Harvey Associates, Inc. for Land Use Planning at the San José/Santa Clara Water Pollution Control Plant to include an additional task for the Public Safety Driver Training Center Project, increasing the amount of compensation by \$207,000, for a total agreement not to exceed \$507,000 with no time extension.

OUTCOME

Approval of this amendment will provide additional funding for the consultant to prepare an Environmental Impact Report (EIR) for the subject project.

BACKGROUND

In October 2000, the San José City Council approved a policy entitled, "Policy on the Use of San José/Santa Clara Water Pollution Control Plant (Plant) Lands," to guide the land use decisions on Plant Lands. The Plant Lands include approximately 1,760 acres in North San José and an 856-acre salt pond. The City of San José administers the Plant Lands on behalf of the San José/Santa Clara Water Pollution Control Plant joint powers authority. In August 2005, Council approved an agreement with H.T. Harvey & Associates (Harvey) to provide land use planning services for the Plant buffer-lands through June 2009.

In March 2002, the voters in San José approved the Neighborhood Security Act that approved the issuance of up to \$159 million in General Obligation Bonds to fund the construction of new public safety facilities and renovation of existing public safety facilities. One of the projects funded under Measure O was the design and construction of a Driver Training Course for introductory and annual training for public safety employees.

On November 29, 2005, Council approved a site on the Plant Lands as the preferred location for the proposed subject project. In addition, Council directed staff to solicit consulting firms to conduct an environmental review of the proposed project. Under a current agreement, Harvey is studying the proposed project site for the land use planning.

ANALYSIS

The Harvey agreement includes services for environmental evaluations similar to the needs for the subject project. Harvey has been studying the Plant Lands for 10 years and their current ongoing study would be valuable in preparing the EIR for the proposed project site. Staff proposes to amend the current agreement with Harvey, which is a local business enterprise, to prepare an EIR as required for the project.

Under Municipal Code Section 4.06.030, Council must determine that soliciting a separate Request for Qualifications (RFQ) for environmental services for the Driver Training Center Project is impractical. Staff recommends that this finding be made for the following reasons:

- The Environmental Services Department has already performed an RFQ process to select Harvey for the base agreement.
- The resulting EIR document should prove to be more precise and complete by utilizing Harvey's current studies with the Plant Lands.
- The current agreement with Harvey includes researching similar environmental attributes for proposed project site. The amendment requires the consultant to provide comprehensive research for specific details of the environmental attributes.
- The project schedule will save time by amending the agreement.

Staff from Environmental Services and Public Works have reviewed the consultant's proposal of \$207,000 for the preparation of an EIR as required for the project. Staff has assessed the proposal for cost duplication of related tasks with the base agreement and determined that some of costs are not duplicated. Staff feels the consultant's proposal is reasonable for this scope of work.

ALTERNATIVES

An alternative to amending this agreement for environmental services is to advertise for consultants qualifications, but this would result in a minimum three to four months delay to the project and a new consultant will not have the direct experience that Harvey has under their

current agreement. Another alternative is for existing City staff to complete the work, but City staff typically does not perform EIR work. This is due to lack of expertise in various subject areas and also consultants provide third party objectivity.

PUBLIC OUTREACH

The RFQ for the original agreement was posted for five weeks on the Environmental Services website and the Public Works Bid Hotline. In addition, the Treatment Plant Advisory Committee recommended Harvey to provide land use planning services for the Plant bufferlands.

COORDINATION

The proposed first amendment to the agreement has been coordinated with the Departments of Police, Fire, Planning Building and Code Enforcement, City Manager's Budget Office and the City Attorney's Office.

COST IMPLICATIONS

1. COST OF RECOMMENDATION: \$ 207,000
2. COST OF PROJECT:

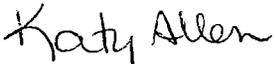
Original Consultant Agreement	\$ 300,000
First Amendment	<u>207,000</u>
TOTAL	\$ 507,000
3. SOURCE OF FUNDING: 475 – Neighborhood Security Bond
4. FISCAL IMPACT: This agreement is consistent with the Council-approved Budget Strategy for Economic Recovery in that eventual construction of the Driver Training Center Project will spur construction spending in our local economy. The proposed operating and maintenance costs of this project have been reviewed, and staff has determined that the project will have no significant adverse impact on the General Fund operating budget.

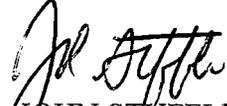
BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2005-2006 Adopted Capital Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs							
Current Funding Available							
475	<u>4810</u>	Driver Safety Training Facility	128993	\$7,354,000	\$207,000	V-346	
Total Current Funding Available				\$7,354,000	\$207,000		

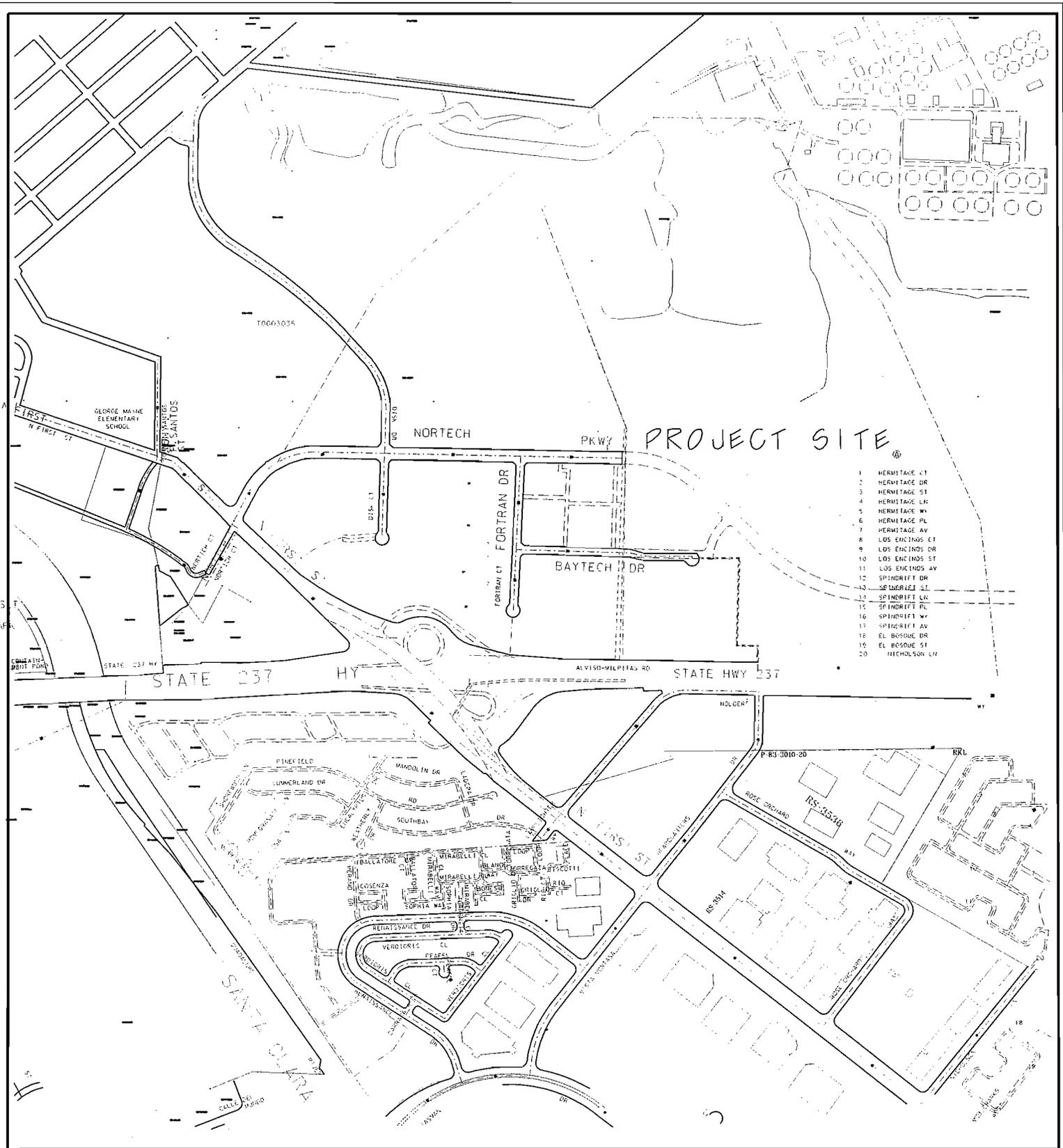
CEQA

This memorandum is for a consultant study, and it is exempt under CEQA Guidelines 15262.


KATY ALLEN
Director, Public Works


JOHN STUFFLEBEAN
Director, Environmental Services

For questions, please contact David Sykes, Assistant Director, at (408) 535-8300.



PROJECT SITE

- 1 HERMITAGE CT
- 2 HERMITAGE DR
- 3 HERMITAGE ST
- 4 HERMITAGE LN
- 5 HERMITAGE WY
- 6 HERMITAGE PL
- 7 HERMITAGE AV
- 8 LOS ENCINOS CT
- 9 LOS ENCINOS DR
- 10 LOS ENCINOS ST
- 11 LOS ENCINOS AV
- 12 SPINDRIFT DR
- 13 SPINDRIFT ST
- 14 SPINDRIFT LN
- 15 SPINDRIFT PL
- 16 SPINDRIFT WY
- 17 SPINDRIFT AV
- 18 EL BOSQUE DR
- 19 EL BOSQUE ST
- 20 NICHOLSON LN

PUBLIC SAFETY DRIVER TRAINING CENTER