

Meeting Date: 10/28/2014

Report Type: Consent

Report ID: 2014-00499

Title: Supplemental Agreement: City Tree Ordinances and Policies Study

Location: Citywide

Recommendation: Pass a Motion authorizing the City Manager or the City Manager's designee to execute a Supplemental Agreement (City Agreement No. 2013-0741) for professional services with consultant Economic and Planning Systems, Inc. to increase the total authorized amount to \$173,138 to reflect additional unforeseen work within the scope of the original contract that has been performed and has been requested to be performed by the consultant.

Contact: Juan Montanez, Streets Manager, (916) 808-2254; Joe Benassini, Urban Forester, (916) 808-6258; Deanna Hickman, Program Analyst, (916) 808-5384, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Urban Forestry

Dept ID: 15001811

Attachments:

1-Description/Analysis

2-Background

3-Consultant Budget Report

4-Supplement

City Attorney Review

Approved as to Form

Gerald Hicks

10/20/2014 9:10:29 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 10/10/2014 4:03:23 PM

Description/Analysis

Issue Detail: The Maintenance Services Division, Urban Forestry Section, and the City of Sacramento as whole, have an ongoing need to update the ordinances which govern the trees within the City. Council has approved a project to review and revise these ordinances, and pursuant to this project a consultant was hired to assist City staff and a schedule and budget was prepared. After working on the project for over a year, it has become apparent that a greater amount of time and work will be necessary to complete the review and revision of the ordinance. The proposed updated ordinance is currently in the process of being reviewed by the City Attorney's Office, and the project team is making revisions as a product of this ongoing review. Once approved, the proposed ordinance will be submitted to the Law and Legislation Committee and to City Council before it is enacted. More revisions may also be necessary as the ordinance continues through the approval process.

Policy Considerations: : The recommendations in this report are in accordance with General Plan policies ER 3.1.2 and ER 3.1.6, and with the provisions of City Code Chapter 3.56 and Administrative Policy 4102, Professional Services.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines.

Sustainability: None.

Commission/Committee Action: On August 17, 2010, the Law and Legislation Committee heard the report on this ordinance amendment and voted 4-0 to forward staff's recommendation to the full City Council.

Rationale for Recommendation: Revision of the tree ordinances seeks to eliminate inefficiencies caused by the ambiguity of the ordinances in their current form, and will result in a more streamlined and intuitive permitting and appeal process.

Financial Considerations: This project will be funded through the Urban Forest Enhancement Project (R15078400), which was created to address critical needs within the Urban Forestry Division as recommended by a 2004 Best Management Practices Study and Report. On July 30, 2013, Council authorized an original budget of \$113,738. The project team now requests that the budget be increased to a total of \$173,138 to reflect additional unforeseen work within the scope of the original contract..

As of the October 6, 2014, the Urban Forest Enhancement Project (R15078400) has a budget of \$358,369 comprised of General Fund (1001) and Citywide Landscaping & Lighting Fund (2232) funds. The unobligated balance of \$358,369 is sufficient to cover this agreement and costs to implement any recommendations that arise from the report, such additional revisions to the proposed ordinance, continued community outreach, and development of interdepartmental processes and urban forestry standards and specifications.

Local Business Enterprise (LBE): Consultant Economic and Planning Systems, Inc. is a Local Business Enterprise.

Background:

The City of Sacramento has a long-standing reputation as the City of Trees, and emphasis on the importance of trees in Sacramento dates back to its founding in 1849. In the late 1970s and the 1980s, Sacramento's urban forestry program was internationally recognized for its beautiful tree canopy, partnerships, and innovative elm preservation programs. Over the past three decades, tree-related programs and policies have become outdated and must be reviewed and revised in order to provide a more efficient and friendly framework for maintaining the City's urban tree canopy.

The purpose of this project is to gather public input and professional guidance to re-establish effective citywide urban forestry policies. In turn, it will serve as the foundation for an updated urban forestry management plan and the development of specific urban forestry guidelines, standards, and specifications for maintaining, expanding, and enhancing the City's urban forest. In order to accomplish this, the project team has employed the assistance of consultant Economic and Planning Systems, Inc. and their subcontractors Endicott Enterprises and HortScience, Inc. in order to explore the methods and revisions employed by other cities in the region, and to coordinate and utilize focus groups made up of members of the community to get the public's perspective on the proposed updates. To that end, the project team assembled a Stakeholder Advisory Committee that includes representatives of numerous neighborhood, business, and environmental organizations throughout Sacramento to ensure significant community input. This Committee has been managed largely by the consultant.

For the past year, the project team has been working to review the ordinance and the impacts that it has had on the community, on development, and on internal city projects, as well as the legal implications of the ambiguous terms and practices described by the ordinance in its current form. It has become apparent that more time and work will be required of the consultant to finish the project. The anticipated work is within the initial scope of work of the original contract. Attached is a report by the consultant detailing the proposed work and the associated additional cost.

The Economics of Land Use



May 22, 2014

Deanna Hickman
Project Manager
City of Sacramento
918 W Del Paso Road
Sacramento, CA 95834

Subject: Professional Services Agreement Amendment for the City of Sacramento Update of City Tree Ordinances; EPS #122098

Dear Deanna:

Economic & Planning Systems, Inc. (EPS), in conjunction with Endicott Communications and HortScience, Inc. (collectively, the EPS Team), appreciates the opportunity to continue working with the City of Sacramento (City) on the City Tree Ordinances Update project (Project). The Project, which commenced with a kick-off meeting in August 2013, has expanded in scope over the duration of the Project and is planned to extend beyond the timeframe originally identified in the Project Agreement, dated May 16, 2013. As such, the EPS Team requests a budget amendment to cover additional work completed thus far and planned to be completed to finalize the Project.

Work Completed to Date

The EPS Team has worked closely with City staff to complete numerous tasks since August 2013. Specifically, the EPS Team has:

- Attended numerous Project team meetings to prepare for and discuss Project tasks, stakeholder meetings, the field tour, and City ordinance review process.
- Developed a stakeholder list, prepared an invitation letter, and sent invitations to establish an external Stakeholder Advisory Committee (SAC).
- Provided review and comment regarding establishing the internal City Working Group (CWG) stakeholders.
- Conducted four external SAC meetings, including preparing meeting content, agendas, and presentations.
- Conducted three internal CWG meetings, including preparing meeting content, agendas, and presentations.

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- Planned for and conducted field tour with stakeholders to illustrate various tree-related challenges present in the City.
- Developed Web site content to post on the City's Urban Forestry page.
- Evaluated and documented key findings in the ordinances and master plans of four case-study jurisdictions.
- Evaluated and documented key findings related to various urban forestry resources and City-specific resources to ensure best practices and consistency with City documents and existing code were being reflected in revised ordinance.
- Commenced the iterative process of revising the City's tree-related ordinances using the existing ordinances, input from stakeholders, the Sacramento Tree Foundation's model ordinance, other urban forestry resources, and existing City planning documents and other ordinance sections.
- Prepared a detailed memorandum and PowerPoint documenting the Project background, purpose, methodology employed, and current status of ordinance revisions for the purpose of presenting to City advisory bodies/approving authorities for their review and input. To date, the EPS Team has presented an overview of the Project to the Parks and Recreation Commission, Planning Commission, and the Preservation Commission.

Several tasks completed thus far represent an expansion of the scope of work provided in the May 16, 2013, Project Agreement. Specifically, the original scope of work did not envision the EPS Team leading the process of preparing the revised ordinance. Rather, the EPS Team intended to prepare a term sheet identifying key policy elements to be incorporated into the revised ordinance, and submit it to the City Attorney's office to draft specific ordinance language.

Further, at a team meeting in December 2013, City staff indicated a preference for the EPS Team to administer all details related to CWG meetings, altering the previous agreement that the City would lead this task with participation from the EPS Team.

Finally, the EPS Team has spent a greater level of effort related to determining the schedule for presenting the Project to City advisory bodies/approving authorities for review and comment. The EPS Team has worked closely with City staff determining an appropriate schedule, as well as anticipated logistics and presentation materials for each meeting.

Forthcoming Work

The EPS Team anticipates completing the following tasks and finalizing the Project in September 2014. Some of the tasks described below are beyond the original scope of work:

- Conduct one remaining SAC meeting and one remaining CWG meeting to update stakeholders on revised ordinance.
- Assist City staff with summarizing notes from City advisory bodies/approving authorities, interpreting comments, and facilitating conversations with appropriate City staff to determine how to address comments and key issues in revised ordinance.
- Prepare detailed memoranda and presentations for remaining City advisory bodies/approving authorities for review and input, including second presentations to the Planning Commission and Preservation Commission. It is possible the revised ordinance may require obtaining approval from the Planning Commission, if the revised ordinance also includes revisions to the City's Code Chapter 17. This approval may be incorporated into the second presentation to the Planning Commission or may necessitate a third Planning Commission meeting.
- Finalize the revised ordinance for presentation to the Law and Legislation Committee and, ultimately, the City Council. The EPS Team may present the revised ordinance to the Law and Legislation Committee a second time, if requested.
- Finalize a Project report that will be based on detailed memoranda prepared for City advisory bodies/approving authorities and include the revised ordinance and recommendations for next steps.
- Present the Project report and revised ordinance to City Council for approval and adoption.

There are a few tasks anticipated to be completed that were not envisioned in the original scope of work, including an additional SAC meeting (the remaining meeting) in response to external stakeholders' request to provide additional input regarding the revised ordinance and preparing memoranda and a presentation to the Preservation Commission.

Further, the Project, which was anticipated to conclude in June 2014, has been extended until September 2014 based on the current schedule.

Budget Augmentation Request

Based on the expanded scope and Project schedule, EPS is requesting additional budget to cover tasks completed to date, as well as forthcoming tasks to finalize the Project. Specifically, the EPS Team is requesting an additional **\$59,400**. The table on the following page illustrates the existing Project budget and the budget augmentation request for each member of the EPS Team. In addition, separate budget augmentation letters from subconsultants Endicott Communications, Inc., and HortScience, Inc., are attached to this letter for reference.

The additional requested budget is based on 2013 hourly billing rates, provided in the January 10, 2014, contract amendment letter submitted by EPS.

Item	EPS	Endicott	HortScience	Total
Authorized Budget (May 16, 2013)	\$70,042	\$31,684	\$12,012	\$113,738
Requested Budget Authorization	\$48,000	\$4,800	\$6,600	\$59,400
Revised Budget (if approved)	\$118,042	\$36,484	\$18,612	\$173,138

Again, EPS appreciates the opportunity to continue working on this Project. To approve this budget amendment, please sign below, return a signed copy of this letter agreement to EPS, and keep another copy for your records. If you have questions or require changes to this amendment, please call Project Manager Amy Lapin at (916) 649-8010.

Sincerely,

ECONOMIC & PLANNING SYSTEMS, INC.



Jamie Gomes
Managing Principal

Attachments

Approved:

City of Sacramento

Date



Proposal to Provide Consulting Services

DATE: May 22, 2014

PREPARED FOR: EPS
2295 Gateway Oaks Drive, Suite 250
Sacramento CA 95833-4210

SUBJECT: Sacramento tree ordinance project

EPS requested that HortScience develop an expanded scope of services to assist with development of a new tree ordinance for the City of Sacramento.

Scope of Services

1. Participate in Stakeholder Advisory Committee (SAC) and City Working Group (CWG) meetings. Assist in agenda and topic development and preparation. Estimate 6 meetings (4 SAC/CWG, Draft Ordinance Review Committee, Law & Legislative Committee).
2. Assist in development and review of the proposed ordinance.

Fees

For budgeting purposes, meetings have averaged between 6 and 10 hours, depending upon preparation time. Some of this time may be considered background and research that is leading to ordinance revisions. For development and review of the ordinance, I could foresee anywhere from 18 to 36 hours, or between \$3,500 and \$6,600.

Fees shall be billed on the hourly rates listed below. Invoices shall be submitted to the client following on a monthly basis. Payment is due within 30 days of date of invoice. Work in addition to the above requested by the client shall be billed at the following hourly rates:

▪ Principal	\$185.00
▪ Consultants	\$160.00
▪ Field technician	\$100.00
▪ Draftsperson	\$100.00
▪ Clerk	\$50.00

We request reimburse of direct expenses as cost and mileage (to and from Pleasanton) at the standard IRS rate.

Terms

The terms of this proposal shall remain in effect for a period of 45 days.

Prior to beginning work HortScience, Inc. must be informed of all insurance requirements, including requirements for Certificates of Insurance and specific wording for any Additional Insured statements. If Certificates of Insurance and notations of Additional Insured are required, the Certificates must be received and approved by the client prior to release of HortScience work products, including but not limited to data, reports, letters, maps and/or plans.

HortScience, Inc. shall not be required to attend court and provide testimony by reason of this report without subsequent contractual agreement.

HortScience, Inc.



James R. Clark, Vice President

May 22, 2014

Ms. Amy Lapin
Economic & Planning Systems, Inc.
2295 Gateway Oaks Drive, Suite 250
Sacramento, CA 95833-4210

Dear Amy,

In light of the schedule changes associated with the City of Sacramento Tree Ordinance Project, I've reviewed the status of my current budget am requesting an augmentation of 32 hours or approximately \$4,800. Since project inception and through April 2014, I've billed \$26,950 including expenses (primarily the charter bus rental), leaving a remaining balance of \$4,734 (or approximately 30 hours of work).

The additional budget would cover time needed to plan for, communicate about, facilitate and develop a summary report on the fifth Stakeholder Advisory Committee meeting that was not included in the initial scope of outreach work, and to provide support for commission and City Council meetings as needed.

Thank you for your consideration of this request and please let me know if you have any questions or need additional information.

Sincerely,



Gene Endicott
President

SUPPLEMENTAL AGREEMENT

Project Title and Job Number: Update of City Tree Ordinances

Date: 6/16/2014

Purchase Order #:

Supplemental Agreement No.: 03

The City of Sacramento ("City") and Economic & Planning Systems, Inc. ("EPS") ("Contractor"), as parties to that certain Professional Services Agreement designated as Agreement Number 2013-0741, including any and all prior supplemental agreements modifying the agreement (the agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of Services specified in Exhibit A of the Agreement is amended as follows:

The total amount of the contract shall be changed from \$113,738.00 to \$173,138.00, to reflect additional work performed and requested to be performed by consultant EPS, as described in the attached memorandum.

2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is increased by \$59,400, and the Agreement's maximum not-to-exceed amount is amended as follows:

Agreement's original not-to-exceed amount:	<u>\$113,738.00</u>
Net change by previous supplemental agreements:	<u>\$0</u>
Not-to-exceed amount prior to this supplemental agreement:	<u>\$113,738.00</u>
Increase/Decrease by this supplemental agreement:	<u>\$59,400.00</u>
New not-to exceed amount including all supplemental agreements:	<u>\$173,138.00</u>

3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

Approval Recommended By:

Approved As To Form By:

Project Manager

City Attorney

Approved By:



Contractor

Attested To By:

Approved By:

City of Sacramento

City Clerk