



Office of the City Manager

CONSENT CALENDAR
December 18, 2007

To: Honorable Mayor and Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Dan Marks, Director, Planning and Development

Subject: Contract No. 6424 Amendment: EIR Services for the Draft Southside Plan

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6424 with LSA Associates, Inc. to add \$50,620 to complete the Southside Plan Environmental Impact Report (EIR) for a total amount not to exceed \$379,948.

FISCAL IMPACTS OF RECOMMENDATION

Funding of \$50,620 is not currently available in the FY 2008 budget. However, it will be added through a General Fund appropriation to be included in the second amendment to the Annual Appropriations Ordinance.

Original contract amount	\$329,328.00
Proposed increase (this amendment).....	\$50,620.00
Total New Contract Amount	\$379,948.00

Budget codes:

010-8502-463-3038	\$117,274.00
610-8502-463-3038	\$212,054.00
Proposed increase (this amendment):	
010-8502-463-3038	\$50,620.00
Total Expense Budget for Contract	\$379,948.00

The contract has been entered into the City's Contract Management System (CMS) and assigned CMS number AH121.

CURRENT SITUATION AND ITS EFFECTS

The EIR for the Southside Plan is currently in progress. The contract amount needs to be increased because transportation analysis beyond that which had been included in the Scope of Work was provided.

On July 20, 2004, the City Council authorized a contract with LSA Associates and its team of subconsultants, to prepare the Southside Plan EIR. The terms of the contract

stipulated that tasks listed in the Scope of Work to prepare the EIR would be completed for a fixed fee (\$329,328) and that additional professional services would be provided based on the rates specified in the contract.

In the course of writing the EIR and conducting transportation analysis related to the EIR, staff worked with a Planning Commission subcommittee to review transportation alternatives, and identify the preferred alternative to serve as the basis for the project definition. The additional analysis needed to support this determination was beyond the anticipated Scope of Work proposed for the original EIR. In addition, work on the EIR was put on hold to see what would transpire in relation to the AC Transit Bus Rapid Transit (BRT) environmental documents. As a result, the project is \$50,620 over budget.

BACKGROUND

AC Transit released a notice of availability for the BRT EIR April 27, 2007. Currently, the transit agency is working on the responses to comments, and is working with localities to determine "locally preferred alternatives".

RATIONALE FOR RECOMMENDATION

LSA Associates has served as the prime consultant on the Southside EIR to date, with transportation services provided by Fehr and Peers. Staff recommends that the additional funding of \$50,620 be allocated to this project because the remaining tasks will build upon the extensive analysis already performed.

The initial EIR budget for the Southside Plan did not anticipate that the extensive transportation analysis would be needed in advance of completion of the DEIR. Staff believes the decisionmaking process required the analysis and deliberation by the Planning Commission subcommittee in order to illuminate the complex trade-offs inherent in identifying what concrete changes in the Southside would contribute to the attainment of the Southside Plan Goals and Objectives.

ALTERNATIVE ACTIONS CONSIDERED

If the City did not allocate additional funding, the last work product the consultant would be able to complete would be the Draft EIR. The only way to complete the Final EIR, under that scenario, would be for in-house staff to do the Final EIR response to comments, findings, resolutions, and so on. There are neither staff resources nor sufficient in-house expertise to undertake such work.

CONTACT PERSON

Alex Amoroso, Principal Planner, Planning and Development, 981-7410.

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT AMENDMENT: CONTRACT NO. 6424 WITH LSA ASSOCIATES TO ADD \$50,620 TO COMPLETE THE FINAL EIR AND RELATED TASKS FOR THE SOUTHSIDE PLAN IN AN AMOUNT NOT TO EXCEED \$379,948

WHEREAS, an Environmental Impact Report (EIR) is needed to address potentially significant environmental impacts associated with the Southside Plan, and to conform with the requirements and guidelines of the California Environmental Quality Act; and

WHEREAS, it is the intention of the City to certify an EIR for the Southside Plan prior to adoption of the plan; and

WHEREAS, the City is the lead agency in this effort, but needs the services of the environmental planning consultant to complete the EIR; and

WHEREAS, on July 20, 2004, the City Council authorized a contract with LSA Associates, and its team of subconsultants, to complete the EIR; and

WHEREAS, due to additional transportation analysis required in order for the Planning Commission Southside Plan subcommittee to evaluate the permutations of the plan's transportation alternatives, and select a preferred alternative for the "project definition" for purposes of the EIR analysis, the project has exceeded the original budget; and

WHEREAS, funding is not currently available in the department's FY 2008 budget allocation but will be added through an appropriation to be included in the second amendment to the Annual Appropriations Ordinance in budget code 010-8502-463-3038.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to add \$50,620 to Contract No. 6424 with LSA Associates to complete the Environmental Impact Report (EIR) for the Southside Plan in an amount not to exceed \$379,948. A record signature copy of said contract to be on file in the Office of the City Clerk.

