



Folsom City Council Staff Report

MEETING DATE:	9/8/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10523 – A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Mintier Harnish for Additional Tasks for the Zoning Code Update; and Appropriation of Funds
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully requests that the City Council approve Resolution No. 10523 – A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Mintier Harnish for Additional Tasks for the Zoning Code Update; and Appropriation of Funds in the amount of \$47,000 bringing the total contract amount up to \$376,355.

BACKGROUND / ISSUE/ ANALYSIS

The City of Folsom initiated a comprehensive update of its Zoning Code in February 2019. The City Council approved Resolution No. 10237 on February 12, 2019 and authorized the contract with Mintier Harnish in the amount of \$329,355 for the Zoning Code Update.

The scope of work, initially prepared in November 2018, included a broad range of topics typical for a comprehensive zoning code update. There was a particular focus on implementing the recently adopted 2035 General Plan. At about the same time, the State of California enacted a number of new laws designed to increase affordable housing supply as part of its 2019-2020 legislative session. Some of those new laws mandated changes in city and county zoning codes, including by-right accessory dwelling unit (ADU) provisions and objective multi-family design standards. Staff proposes to expand the existing Zoning Code Update work scope and budget to include new, comprehensive provisions to implement the

new ADU and objective multi-family design standards as well as additional outreach and education (particularly for the Historic District). Since these tasks were not part of the original scope, but are new mandates from the State, an amendment to the original contract is required.

On April 28, 2020, the City Council approved Resolution No. 10424, which authorized the City Manager to apply for the Local Early Action Planning (LEAP) grant from HCD. The resolution and the City's application included several programs designed to support improvements to the City's zoning and development review process. Included among those programs was additional work on the Zoning Code Update. On August 10, 2020, the City received an award letter from HCD stating that the City has been awarded \$300,000 from the LEAP grant program (refer to Attachment 2). This is a reimbursable grant that reimburses the City for the cost incurred for these tasks.

Funding for the additional services in the proposed amendment to the Zoning Code Update contract with Mintier Harnish will be from the LEAP grant.

POLICY / RULE

Pursuant to Section 2.36.080 of the Folsom Municipal Code, contracts for services exceeding the City Manager's contracting authority shall be awarded by the City Council.

FINANCIAL IMPACT

Amendment #1 to the agreement with Mintier Harnish will be in the amount of \$47,000 for updates to the Zoning Code due to state mandated changes. The amendment will increase the total not to exceed contract amount for Mintier Harnish to \$376,355. Staff is also requesting an additional appropriation to be applied to the General Fund (Fund 010) in the Community Development Department for this amendment. The amendment will be funded from a portion of the LEAP grant program. The total LEAP grant is in the amount of \$300,000 of which \$47,000 will be used for this amendment.

Some of the additional tasks the remaining grant award in the amount of \$253,000 will be utilized for include: additional Zoning Code work (if needed), technology upgrades for electronic permitting and plan check, Geographic Information Systems (GIS) mapping work for the Zoning Code and Housing Element updates, equipment for electronic field inspections, and to possibly prepare an assessment for development processing fees.

ENVIRONMENTAL REVIEW

The execution of an amendment to an existing contract for additional tasks to the City's Zoning Code Update is not considered a project under the California Environment Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3). As a result, this action is exempt from environmental review. Prior to adoption of the updated Zoning Code,

environmental review will be conducted and the appropriate environmental document prepared. This will be presented to Council at the time of adoption in 2021.

ATTACHMENTS

1. Resolution No. 10523 – A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Mintier Harnish for Additional Tasks for the Zoning Code Update; and Appropriation of Funds
2. LEAP Grant Award Letter from HCD dated August 10, 2020.

Submitted,



Pam Johns, Community Development Director

ATTACHMENT 1

RESOLUTION NO. 10523

**A RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE AMENDMENT NO. 1
TO THE PROFESSIONAL SERVICES
AGREEMENT WITH MINTIER HARNISH FOR
ADDITIONAL TASKS FOR THE ZONING CODE
UPDATE; AND APPROPRIATION OF FUNDS**

WHEREAS, the City Council adopted the 2035 General Plan on August 28, 2018, which set forth new goals and policies for future development and required in Policy LU 1.1.1 that the City's Zoning Ordinance be consistent with the General Plan; and

WHEREAS, the City Council approved Resolution No. 10237 on February 12, 2019 authorizing the City Manager to execute a professional services agreement with Mintier Harnish for the comprehensive update of the City's Zoning Code; and

WHEREAS, the California State Legislature in its 2019-2020 session enacted a number of new laws designed to increase affordable housing supply and, as a result, requires additional update to the City's Zoning Code; and

WHEREAS, the City Council approved Resolution No. 10424 on April 28, 2020, which authorized the City Manager to apply for \$300,000 from the State's Local Early Action Planning (LEAP) grant program to fund several efforts to improve the zoning and development review process in Folsom including additional Zoning Code work; and

WHEREAS, on August 10, 2020, the City received an award letter from the State Housing and Community Development Department for \$300,000 from the LEAP grant program; and

WHEREAS, the total cost of the original scope of work from Mintier Harnish was \$329,355. The additional tasks needed to address the additional State mandates and provide for additional outreach and education is \$47,000 for a total not to exceed amount of \$376,355 for this project; and

WHEREAS, the additional grant amount of \$253,000 will be utilized for additional Zoning Code updates, equipment and technology for inspections, GIS work for the Zoning Code and Housing Element updates, and permitting and a nexus study for development fees; and

WHEREAS, approval of the amendment and the allocation of funding is exempt from the California Environmental Quality Act (CEQA):

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute Amendment No. 1 to the Consultant and Professional Services Agreement with Mintier Harnish for the Zoning Code Update in the amount of \$47,000 for a total not-to-exceed amount of \$376,355, in a form acceptable to the City Attorney.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to appropriate an additional \$300,000 to the General Fund (Fund 010) in the Community Development Department, \$47,000 for the additional tasks for the Zoning Code update and the remainder for additional tasks as set forth in Resolution No. 10424.

PASSED AND ADOPTED on this 8th day of September 2020, by the following roll-call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 10, 2020

Elaine Andersen
City Manager
City of Folsom
50 Natoma Street
Folsom, CA 95630

RE: 2020 Local Early Action Planning (LEAP) Grants Program Award

Dear Elaine Andersen:

The California Department of Housing and Community Development (Department) is pleased to announce that the City of Folsom has been approved for funding under the Local Early Action Planning Grants Program (LEAP Program). The Department has determined that the application submitted in response to the Notice of Funding Availability released on January 27, 2020, meets LEAP Program requirements. This letter constitutes a conditional commitment of an award in the amount of \$300,000.

The LEAP Program reflects the state's commitment to work in partnership with local governments to address California's critical housing needs. Local governments are using the grant awards for the preparation and adoption of planning documents, process improvements that accelerate housing production, and to facilitate compliance in implementing the sixth cycle of the regional housing need assessment (RHNA).

Congratulations on your successful application. Staff will be contacting you shortly to initiate the process of the Standard Agreement for fund distribution. For further information, please contact Fidel Herrera, of our staff, at (916) 263-7441 or at fidel.herrera@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gustavo Velasquez".

Gustavo Velasquez
Director