



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report

MEETING DATE:	10/25/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10933 – A Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Mintier Harnish and to Increase the Not-to-Exceed Amount for the Agreement for the Zoning Code Update Project
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully requests that the City Council approve Resolution No. 10933 – A Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Mintier Harnish, which reallocates existing funds between existing tasks, authorizes the use of the contingency, and increases the total contract amount from \$376,355 to \$396,355 in order to allow the consultant to use the \$20,000 contingency that was approved by City Council in Resolution No. 10237 on February 12, 2019.

BACKGROUND / ISSUE

City staff and its consultant team (Mintier Harnish) are in the process of updating the City's Zoning Code, which has not been comprehensively updated for decades. As a result of many changes in State law since 2019, additional changes need to be made to the Zoning Code, which were not originally anticipated. Due to this additional work the \$20,000 contingency that was established in Resolution No. 10237 on February 12, 2019 is needed for the project. In addition, some tasks have taken more time compared to others. As a result, funds need to be reallocated among those tasks. When Council approved the use of State Local Early Action Planning (LEAP) grant funds for the Zoning Code Update in Resolution No. 10523, staff failed to increase the not-to-exceed amount to include the \$20,000 contingency. As a result, the total not-to-exceed amount for the agreement should be increased from \$376,355 to \$396,355.

POLICY / RULE

They key 2035 General Plan policy that relates to the Zoning Code update is:

- Policy LU 1.1.1 Zoning Ordinance: Ensure that the Folsom Zoning Ordinance is consistent with the 2035 General Plan.

ANALYSIS

No analysis needed. Please refer to Background/Issue section.

FINANCIAL IMPACT

No financial changes are proposed as part of staff report as the funding for the \$20,000 contingency was identified as part of Resolution No. 10237, and was funded in the Community Development Department budget.

ENVIRONMENTAL REVIEW

Under Section 15061(b)(3) of the California Public Resources Code, this activity will not have a significant effect on the environment and as such the project is exempt from environmental review under CEQA. Environmental review for the Zoning Code update will be conducted prior to the adoption hearings.

ATTACHMENTS

1. Resolution No. 10933 – A Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Mintier Harnish and to Increase the Not-to-Exceed Amount for the Agreement for the Zoning Code Update Project
2. Resolution No 10237 adopted February 12, 2019
3. Resolution No. 10523 adopted September 8, 2020

Submitted,



Pam Johns, Community Development Director

ATTACHMENT 1

RESOLUTION NO. 10933

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MINTIER HARNISH AND TO INCREASE THE NOT-TO-EXCEED AMOUNT FOR THE AGREEMENT FOR THE ZONING CODE UPDATE PROJECT

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 to establish a \$20,000 contingency for the project; 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, required 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 extra zoning code work needed to address the additional State mandates and provide for additional outreach and education was \$47,000; and

WHEREAS, Resolution No. 10523 added the \$47,000 and increased contract amount from \$329,355 to \$376,355, but this amount did not include the \$20,000 contingency originally established in Resolution No. 10237; and

WHEREAS, additional State laws approved in 2021 and 2022 require additional analysis in the Zoning Code that was not anticipated; and

WHEREAS, this additional work requires the use of the \$20,000 contingency that was established in Resolution No. 10237 and as a result the new total not-to-exceed amount should be increased to \$396,355; 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. 2 to the Consultant and Professional Services Agreement with Mintier Harnish for the Zoning Code Update project and allow the use of the contingency for a total not-to-exceed amount of \$396,355, in a form acceptable to the City Attorney.

PASSED AND ADOPTED on this 25th day of October 2022, by the following roll-call vote:

AYES: Councilmember(s)
NOES: Councilmember(s)
ABSENT: Councilmember(s)
ABSTAIN: Councilmember(s)

ATTEST:

Kerri M. Howell, MAYOR

Christa Freemantle, CITY CLERK

ATTACHMENT 2

RESOLUTION NO. 10237

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MINTIER HARNISH FOR THE ZONING CODE UPDATE; ACCEPT A SACOG COMMUNITY DESIGN GRANT AWARD; AND APPROVE A FY 2018-19 MID-YEAR BUDGET UPDATE TO THE COMMUNITY DEVELOPMENT DEPARTMENT 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's Zoning Ordinance has not been comprehensively updated in many decades; and

WHEREAS, the City issued a request for proposals on October 15, 2018 seeking consultant assistance with the Zoning Ordinance update. Four proposals were received and interviews were conducted. A team lead by Mintier Harnish recommended by staff given their extensive experience with preparing Zoning Ordinances; and

WHEREAS, the City has applied for and was awarded a Community Design Grant in the amount of \$100,000 from the Sacramento Area Council of Governments (SACOG), and requires a match of at least \$10,000. The grant is to be used to update the portions of the City's Zoning Ordinance that address mixed-use development along the East Bidwell Corridor in accordance with the 2035 General Plan; and

WHEREAS, the total cost of the scope of work from Mintier Harnish is \$329,355. Given that the effort is expected to take one to two years, it is not usual for additional issues to come up that may require additional research or additional outreach. Staff requests an additional \$20,000 be included in the budget for this project as contingency to address any unforeseen issues, for a total not to exceed amount of \$349,355 for this project.

WHEREAS, the total cost for the Zoning Ordinance update including the contingency is \$349,355 and the City has secured \$100,000 from SACOG and the FY 2018-19 budget included \$100,000 for the for the zoning update an additional \$149,355 is needed to authorize the agreement with Mintier Harnish.

WHEREAS, The Community Development Department has incurred other costs that were not anticipated when the FY 2018-19 budget was developed, staff is requesting an additional appropriation in the amount of \$110,645 which would be offset by building permit revenue.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom:

1. Authorizes the City Manager as part of the City's implementation of the 2035 General Plan, to execute a Consultant and Professional Services Agreement with Mintier Harnish for the Zoning Code Update in the amount of \$329,355, with the budgeted amount to include a \$20,000 contingency for a total not-to-exceed amount of \$349,355, in a form acceptable to the City Attorney; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Folsom:

2. Approves the acceptance of a SACOG Community Design grant in the amount of \$100,000;
3. Authorizes the City Manager to execute a Memorandum of Understanding between the Sacramento Area Council of Governments and the City of Folsom in a form acceptable to the City Attorney; and
4. Authorizes the Chief Financial Officer to increase revenue estimates and expenditure appropriations by \$360,000: \$249,355 for the Zoning Code update and \$110,645 to adjust current year expense and revenues based on the following findings:

GENERAL FINDINGS

- A. GENERAL PLAN POLICY LU 1.1.1 STATES THAT THE CITY SHALL ENSURE THAT THE FOLSOM ZONING ORDINANCE IS CONSISTENT WITH THE POLICIES AND PROGRAMS OF THE GENERAL PLAN.
- B. A COMPREHENSIVE ZONING ORDINANCE UPDATE IS REQUIRED TO ENSURE CONSISTENCY WITH THE GENERAL PLAN, PROVIDE CLARITY, AND DELIVER CLARITY TO RESIDENTS, BUSINESSES AND DEVELOPERS ALIKE.
- C. THE CITY ISSUED A REQUEST FOR PROPOSALS AND BASED ON ITS EVALUATION, STAFF RECOMMENDS THE TEAM OF MINTIER HARNISH AS THE MOST RESPONSIVE AND QUALIFIED CONSULTANT TO PREPARE THE ZONING CODE UPDATE.
- D. IN ORDER TO FUND PART OF THE ZONING CODE UPDATE CITY APPLIED FOR AND RECEIVED A COMMUNITY DESIGN GRANT FROM SACOG. COUNCIL APPROVAL IS REQUIRED TO ACCEPT AND RECEIVE THE GRANT FUNDS.

CEQA FINDINGS

- A. IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(b)(3), APPROVAL OF A CONSULTANT CONTRACT, ACCEPTANCE OF THE GRANT FROM SACOG AND APPROVAL OF THE AGREEMENT WITH SACOG IS NOT A PROJECT UNDER CEQA AND IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PASSED AND ADOPTED on this 12th day of February 2019, by the following roll-call vote:

AYES: Council Member(s): Kozlowski, Sheldon, Aquino, Gaylord, Howell

NOES: Council Member(s): None

ABSENT: Council Member(s): None

ABSTAIN: Council Member(s): None


Kerri M. Howell, MAYOR

ATTEST:


Lydia Kohopka, DEPUTY CITY CLERK

ATTACHMENT 3

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

AYES: Council Member(s): Howell, Kozlowski, Morin, Aquino


NOES: Council Member(s): None

ABSENT: Council Member(s): Sheldon

ABSTAIN: Council Member(s): None


Sarah Aquino, MAYOR

ATTEST:


Christa Freemantle, CITY CLERK