



## PUBLIC WORKS DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: May 7, 2024

#### Subject

Approve a fifth amendment with Moore Iacofano Goltsman, Inc. (MIG) to provide additional design and project management services for the Lawrence-Mitty Park and Trail Project for a total not-to-exceed amount of \$955,403 and extend the contract date to December 31, 2027.

#### Recommended Action

Authorize the City Manager to execute a fifth amendment (Agreement #402, P.O. 2022-0325) with MIG to extend the contract term end date to December 31, 2027, and to provide additional design and project management services on the Lawrence-Mitty Park and Trail Project, for a revised total and additional service amount of \$661,619, increasing the maximum compensation amount to \$955,403.

#### Reasons for Recommendation

The initial contract with MIG included services through the end of conceptual design and California Environmental Quality Act (CEQA) reporting. The project is funded through a private development agreement, and funds are currently adequate to ensure completion of design and construction. The project is ready to advance to the preparation of design, construction documentation, and eventually construction. To do this, additional services are required for MIG to continue into the next stages of this project.

#### *Background Information*

In Fiscal Year (FY) 2015-16, a private development agreement was executed that allowed for the purchase and annexation of the Lawrence-Mitty project site. The original private development agreement stated: "...the parties agree that the sum of Eight Million Two Hundred Seventy Thousand Nine Hundred Ninety-Four Dollars (\$8,270,994) (the "Park Land Contribution") constitutes sufficient funds to acquire 1.1 acres of parkland, improve it with park equipment and provide a maintenance and capital replacements endowment for twenty (20) years..."

On December 7, 2021, the City of Cupertino contracted with MIG to develop a Master Plan for the Lawrence-Mitty Park and Trail Project (Project). The staff report from that

agenda item stated that the outcome of this project will be a City-approved Master Plan for Lawrence-Mitty Park and Trail and is completion of the CEQA clearances required to proceed with the development of the park.

The new conceptual design is based on site analysis, community input, and the directives of the Parks and Recreation System Master Plan (PRSMP). MIG led the City and the community through two years of on-site meetings, pop-up events, commission meetings, City Council meetings, surveys, reports, design presentations. Through the iterative creative process, the conceptual design for the Project, including preparation of environmental documentation, is nearing completion. The conceptual design and environmental clearance are tentatively scheduled to be presented to City Council this summer.

Council approved the agreement with MIG in 2021 for \$293,784 to enable preparation of the conceptual design and CEQA report, with \$50,000 approved contingency. To date, that agreement has been amended four times, including additional services totaling \$48,035. This falls within the \$50,000 approved contingency.

The design and construction of the Project through this amendment will include design development, regulatory permitting, construction documentation, City permitting, bid support, and construction administration. The projected duration of the remainder of the project will extend to the Summer of 2027. The MIG fee proposal for these tasks over a two-year duration is \$511,320 (Attachment A, see Exhibits A-4, B-1, and C-1). A 20% contingency, rather than typical 10% contingency, is recommended to allow the Project team to address and respond to unknown issues that may be encountered during the extensive environmental review process. A 20% contingency would increase the funding request to \$613,584. This is approximately 16% of the overall project cost. Design and Engineering costs typically fall within 15% to 20% of the overall project cost. Since the overall design of the Project falls within this range and also includes preparation of the Master Plan, staff believes the design costs are reasonable.

To further support the Project, staff proposes transferring funds from Contract Services (budget unit 280-99-009 700-702) to Capital Outlays (budget unit 280-99-009 900-905). In the FY 2021-2022 mid-year Financial Report to the City Council (March 8, 2022), one of the budget adjustments accepted was a one-time special revenue fund appropriation of \$910,000 for Lawrence-Mitty Park Debris Removal, Clean Up, and Tree Removal. This was intended to be a special project to remove berms and general clean-up and to address encampments arising on site. The project team evaluated the project in the context of the design work underway and advised that it was likely redundant and counter-productive to remove the berms before the conceptual design work was completed. Transferring the remainder of the funds allocated for the special project (\$901,285) to the CIP project fund is recommended since the berm work will be incorporated into the design and construction of the park and trail.

Sustainability Impact

This project aligns with multiple objectives outlined in Chapter 6 (Environmental Resources and Sustainability) of the City’s General Plan, Community Vision 2015-2040. In particular, the development of the Lawrence-Mitty site will emphasize elements of Goal ES-5 which is to protect the City’s urban and rural ecosystems.

Fiscal Impact

The CIP project budget (budget unit 280-99-009) presently has \$5,946,859 available to apply to this project. The project team is designing the park and trail project to this budget. See the table below for more information on the impact of the proposed contract amendment.

Fiscal Summary:

<b>Project Funding Status</b>	<b>Amount</b>
Approved City Funding (FY18-19)	\$8,270,994
Council approved budget increased on March 8,2022	\$910,000
Property Purchase and Escrow	(\$2,697,694)
MIG: paid to date (includes 4 amendments)	(\$341,819)
Other Expenses: paid to date	(\$194,622)
<b>Funding available for CIP project (design &amp; construction)</b>	<b>\$5,946,859</b>

<b>Funding Impact</b>	<b>Amount</b>
MIG: Additional Services (Amendment 5) ▪ Fee Proposal \$511,320 + 20%	(\$613,584)
<b>Funding available for Construction and other soft costs</b>	<b>\$5,333,275</b>

California Environmental Quality Act

The CIP project is undergoing an Initial Study. CEQA analysis will be completed at an appropriate time, prior to a commitment to project design.

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Prepared by: Susan Michael, Capital Improvement Programs Manager

Reviewed by: Chad Mosley, Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Contract

B – April 16, 2024 Desk Item