



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: October 2, 2018

Agenda Item 6-G  
**Approvals:**  
City Manager JM  
Dept. Head CGD  
Attorney [Signature]  
Finance [Signature]

**Department:** Community Development Department, Planning Division  
**Prepared By:** Carl Stiehl, Senior Planner

**Subject:** ***FIFTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR TEMPORARY CONTRACT SERVICES IN THE PLANNING DIVISION WITH SAGECREST PLANNING + ENVIRONMENTAL.***

**Fiscal Impact:** No, there is no fiscal impact to the General Fund. The additional contract amount of \$36,150 will be paid with Developer Deposit accounts related to specific discretionary projects.

**Summary:** Staff recommends the City Council approve the Fifth Amendment to the Professional Services Agreement (PSA) with Sagecrest Planning + Environmental for an additional \$36,150 and to extend the term of the contract to February 28, 2019 or until services are deemed no longer necessary. The purpose of the Fifth Amendment to the PSA is to continue utilizing contract planning services for special projects within the Planning Division, including Zoning Ordinance Amendments and current planning entitlement projects.

**Background:** On June 19, 2018, the City Council approved the Fourth Amendment to the Professional Services Agreement with Sagecrest Planning + Environmental for part-time Current and Long Range contract planning services while staffing needs within the division were being assessed. The City Council approved an increase to the contract by an additional \$30,000 for a total contract amount of \$379,000. Approximately \$95,000 of this total contract amount has been paid for with developer deposit funds. In order to maintain current workload and customer service levels, while managing special projects, it is necessary to utilize contract planning services. Currently, staff is making their best efforts to continue meeting performance goals; however, temporary staffing assistance is needed in order to meet demands.

**Discussion:** Sagecrest Planning + Environmental has been assisting the Planning Division by working on various projects and tasks. The Fifth Amendment to the PSA would allow the contract planners to continue providing services that are needed within the division. Sagecrest Planning would assist with the following Current and Long Range projects and work programs for the specified time period of this contract:

- Zoning Code Amendments
- Current Planning Entitlement Projects

**Zoning Code Amendments:** The Zoning Code Amendments will be managed by senior level planning staff who will integrate the City's community-based planning

process into the Zoning Amendments. The Zoning Code Amendments will include an Accessory Dwelling Unit Ordinance and a Leaf Blower Ordinance. Services provided by the contractor to amend the zoning code will continue to be paid with funds that have been previously allocated and budgeted for this task. The Zoning Code amendments are necessary to improve the physical, economic, cultural, environmental and aesthetic conditions of the City, and to comply with State law.

**Current Planning Entitlement Projects:** The contract planning staff from Sagecrest + Environmental will also assist with managing various entitlement projects to ensure all deadlines are met, maintain responsiveness to applicants, coordinate project review with the Development Management Team, and prepare written reports for the Planning Commission and other approval bodies. These entitlement projects include

- Chick-fil-A
- Shorecliffs Senior Apartments
- Target Commercial

Sagecrest Planning will continue to provide Current and Long Range Planning services and manage special projects to continue assisting staff with the workload. This will ensure all deadlines are met and responsiveness to applicants is maintained. Without temporary staff support, the code amendments and entitlement project process would be delayed. The amendment to the PSA would allow contract staff to continue assisting the Planning Division to ensure all projects and tasks are handled in an appropriate and timely manner.

***Recommended  
Action:***

STAFF RECOMMENDS THAT the City Council:

1. Approve and authorize the mayor to execute a Fifth Amendment with Sagecrest Planning + Environmental increasing the Professional Services Agreement for contract planning services total compensation from \$379,000 (previously approved) to \$415,150 (an addition of \$36,150 paid with Developer Deposit funds), and extending the contract terms through February 28, 2019, or until services are no longer needed.

***Attachment:***

1. Fifth Amendment to the Professional Services Agreement with Sagecrest Planning + Environmental for temporary contract services.

***Notification:*** None

**FIFTH AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT FOR  
TEMPORARY CONTRACT PLANNERS FOR THE PLANNING DIVISION**

This Fifth Amendment to Professional Services Agreement for temporary planning staffing services is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and Sagecrest Planning + Environmental ("Contractor").

RECITALS:

- A. City and Contractor entered into that certain Professional Services Agreement for temporary planning staffing services (the "Original Agreement") on May 16, 2017.
- B. City and Contractor entered into a First Amendment to the Professional Services Agreement for temporary planning staffing services (the "First Amendment") on September 19, 2017.
- C. The City and Contractor entered into a Second Amendment to the Professional Services Agreement for temporary planning staffing services (the "Second Amendment") on November 16, 2017.
- D. The City and Contractor entered into a Third Amendment to the Professional Services Agreement for temporary planning staffing services (the "Third Amendment") on December 5, 2017.
- E. The City and Contractor entered into a Fourth Amendment to the Professional Services Agreement for temporary planning staffing services (the "Fourth Amendment") on June 19, 2018. The Original Agreement, as modified by the First Amendment, Second Amendment, Third Amendment, and Fourth Amendment is hereinafter referred to as the "Agreement".

COVENANTS:

Section 1: Section 3.1 of the Agreement is hereby amended by increasing the total compensation amount from \$379,000 to \$415,150. The increased amount of this contract (\$36,150) shall be paid for with developer deposit accounts only and will be paid based on work completed and is not a guaranteed amount, rather a not to exceed amount. In addition to the services to be performed by Contractor as referenced in Exhibit A to the Agreement, Exhibit A to the First Amendment, Exhibit A to the Second Amendment, Exhibit A to the Third Amendment and Exhibit A to the Fourth Amendment, Contractor shall also perform those services described in Exhibit "A" to this Fifth Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Section 2: Section 1.1 of the Agreement is hereby amended by extending the term of the Agreement to February 28, 2019 unless terminated earlier pursuant to the terms hereof.

Section 3: Except as expressly amended by this Fifth Amendment, the remaining portions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Fifth Amendment to be duly executed on the respective dates set forth opposite their signatures.

CITY OF SAN CLEMENTE

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:  
BEST BEST & KRIEGER

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
("CONTRACTOR")

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Finance Authorization