

RESOLUTION 2017-040

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH JARVIS FAY DOPORTO AND GIBBONS LLP FOR SERVICES RELATED TO DESIGN-BUILD CONSTRUCTION DOCUMENTS AND THE CONTRA COSTA COUNTY WIC BUILDING PROJECT FOR A TOTAL COST NOT TO EXCEED \$60,000

WHEREAS, on October 5, 2015, the City Council adopted an ordinance in response to the new State law that allowed general law cities to use a design-build method of procurement for certain public works/construction projects instead of the traditional design-bid-build method;

WHEREAS, on October 19, 2015, the City Council approved an agreement with the law firm of Jarvis Fay Doporto and Gibson LLP to prepare design-build template documents that the City could use for future projects with a cost not to exceed \$25,000 and appropriated funds from 2015/16 General Fund Designated Reserves/Economic Development Projects (100-0000-00000);

WHEREAS, the City Council also approved using the design-build process for the construction of the WIC Program Building pursuant to the lease with Contra Costa County that the City Council approved on June 15, 2016 to build and lease an approximately 7,000 square foot stand-alone building for the WIC program located at Plaza San Pablo off of San Pablo Avenue between Church Land and Vale Road;

WHEREAS, the Contra Costa County WIC ("Women Infant Children" Program) Project at Plaza San Pablo is a policy under Economic Development in the City Council Priority Workplan effective October 1, 2016 and is also consistent with the City's "Healthy Eating Active Living Initiative";

WHEREAS, preparing documents for an alternative procurement method would not be a project under CEQA and as to the WIC Project at Plaza San Pablo, in approving the Lease for the proposed development of the WIC building at the Plaza San Pablo site and then the construction contract, the City Council adopted resolutions finding that the WIC project was within the boundaries of and consistent with the Regulating Plan, and all potentially significant effects of the proposed development of the WIC Project pursuant to the Lease as known at that time were considered already in the approved Mitigated Negative Declaration for the Regulating Plan and therefore no further environmental review was conducted, with the determination that as the design and construction details of the WIC Building were finalized, additional environmental review may be undertaken in connection with those subsequent approvals if needed under the Regulating Plan. (Pub. Resources Code §§ 21083.3, 21094; 14 Cal. Code Regs. §§ 15168, 15183);

WHEREAS, once the template documents were prepared, staff continued to use the firm to assist in tailoring the documents and establishing the design-build process for the construction of the WIC Building, which required more time and legal expertise than expected because it was the City's first design-build project and certain adjustments in documents and procedures needed to be made because of the County's requirements; and

WHEREAS, with the approval of the WIC construction contract on February 21, 2017, additional funds were already appropriated to the FY 2016-17 CIP Project Budget 320-3200-43600-WIC-DBE, which included an additional \$35,000 for legal fees to be transferred to the City Attorney's general outside counsel budget (100-1210-43600).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of San Pablo authorizes an amendment to the Legal Services Agreement with the law firm of Jarvis Fay Doporto and Gibson LLP for services related to design-build construction documents as well as the Contra Costa WIC Program Project and increases the total cost not to exceed \$60,000 to cover the expenditures to date and in case additional services are needed during the construction of the WIC project with \$35,000 to be transferred from FY 2016-17 CIP Project Budget 320-3200-43600-WIC-DBE to the City Attorney's general outside counsel budget (100-1210-43600);

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

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PASSED AND ADOPTED this 6th day of March, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Ted J. Denney
Ted J. Denney, City Clerk

/s/ Cecilia Valdez
Cecilia Valdez, Mayor