



# CITY COUNCIL STAFF REPORT



April 9, 2024

## ITEM TITLE

Agreement: Approve a Consultant Services Agreement with Fehr & Peers to Provide Professional Services Related to Transportation Development Impact Fee Program Updates and Appropriate Funds for that Purpose

**Report Number:** 24-0063

**Location:** No specific geographic location

**Department:** Development Services

**G.C. § 84308:** Yes

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act (“CEQA”) State Guidelines. Therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## Recommended Action

Adopt a resolution waiving the competitive bidding process pursuant to Chula Vista Municipal Code Section 2.56.070B.3, approving the Agreement, and appropriating funds for that purpose. **(4/5 Vote Required)**

## SUMMARY

Consultant Services Agreement with Fehr & Peers to provide professional consultant services supporting the City of Chula Vista Transportation Development Impact Fee (“TDIF”) program updates.

## ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because the proposed activity consists of a governmental fiscal/administrative activity which does not result in a physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

## **DISCUSSION**

On December 10, 2019, Council adopted Resolution No. 2019-236, which approved a consultant services agreement (the “Original Agreement”) between the City of Chula Vista and Fehr & Peers to provide professional services to support the City’s implementation of Senate Bill 743 (“SB 743”). The Original Agreement had a not-to-exceed budget of \$515,363, including a contingency of \$46,851. Authorized services included the development of tools and procedures to complete a California Environmental Quality Act (“CEQA”) transportation impact analysis in the City of Chula Vista and an update to the City’s existing TDIF programs. The funding source for this contract are private developer funded TDIF funds.

The first phase of the services was completed in June 2020 in support of the City Council adopted Resolution 2020-140, approving the Transportation Study Guidelines (“TSG”). The TSG was completed prior to the July 1, 2020 implementation deadline established by the California Office of Planning and Research. The consultant team completed this phase approximately \$28,000 below the established budget and without using any contingency. There were five amendments to the Original Agreement, four of which did not involve any changes to the budget. In January 2022, Council adopted Resolution 2022-023, which increased the budget by \$96,310 to a total of \$611,673 to prepare cost estimates for approximately 50 planned roadway and active transportation facilities that are currently included in the Eastern TDIF and Western TDIF nexus studies. Both of these nexus studies were last updated in 2014. The Agreement expired on December 29, 2022, and therefore any subsequent related services necessitate a new agreement.

Over the course of the project, the consultant has developed a unique understanding of City processes, procedures, and objectives with respect to TDIF program updates. As such, we believe that a competitive bid selection would result in additional costs and delays in selecting a new consultant and bringing them up to speed before commencing the required services. Therefore, the Department Director in consultation with the Purchasing Agent recommends City Council waive the competitive bidding process in accordance with Chula Vista Municipal Code Section 2.56.070B.3.

Additional services are needed to complete the TDIF program updates. These additional services include coordination meetings; updates and revisions to the draft nexus studies; project management; and development of a public facing tool to automate fee calculation for private development projects. Optional services include up to two public outreach meetings and a contingency to cover any subsequently identified additional services. Any optional services shall not be performed without prior authorization by the City. The fee for all services in this Agreement totals \$112,500.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov’t Code § 87100, et seq.). Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

## CURRENT-YEAR FISCAL IMPACT

Approval of this resolution awards the proposed Consultant Services Agreement with Fehr & Peers for professional services and increases appropriations for this purpose.

The services will be funded from the available balances of the Eastern and Western TDIF funds. The cost allocation between the Eastern and Western TDIF funds is based on the remaining fee program obligation as of the most recent nexus study for each TDIF, 86% and 14%, respectively. Appropriations by fund are summarized in the table below.

<b>Funding Source</b>	<b>Appropriation</b>
Eastern TDIF Fund	\$ 96,750
Western TDIF Fund	\$ 15,750
<b>Total Appropriation</b>	<b>\$ 112,500</b>

## ONGOING FISCAL IMPACT

There is no ongoing fiscal impact resulting from this action.

## ATTACHMENTS

1. Consultant Services Agreement

*Staff Contact: Scott Barker, Transportation Engineer, Development Services  
Laura C. Black, AICP, Director of Development Services*