

Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below staff responses to questions from Councilmember Lauing and Councilmember Tanaka regarding the [Monday, May 15 Council Meeting](#) consent agenda items.

Item 5: AQUASI-JUDICIAL. 151 S California Avenue {22PLN-00363}: Ratification of Director's Approval of Waiver from the Retail Preservation Ordinance for an Alternative Viable Use to Allow for a Medical Office Use to Occupy a 3,500 Square Foot Tenant Space. Zone District: CC(2). Environmental Assessment: Exempt from CEQA in Accordance with Guidelines Section 15061(b)(3) and 15301. (Requested by Councilmember Lauing)

- 1. Why would we make an exception for one space in this area covered by the Retail Preservation Ordinance? If the issues of no visibility on Cal Ave and no foot traffic apply to one shop, the same issues apply to other shops. Why not take a holistic approach and revise the terms for the whole area if neighbors are in agreement - as the HOA letter suggest they are?**

Staff response: The configuration of the remaining retail spaces differ somewhat as does the history of retail success. It is not necessarily the case that because the subject owner is struggling to lease its space to a new retail use that the other tenants are similarly struggling. This may be due to their longevity at the location and established client base supporting different retailers in the building. The City Council could agendize the discussion of retail preservation and direct staff to make an amendment to the City's retail preservation program to exempt this site at a future public hearing. The more expedient path available to an owner, however, is to seek relief with a waiver from the retail preservation ordinance as was done in this instance.

Item 6: Approval of a Design-Build Contract with Parking Guidance Systems, LLC in the Amount of \$4,180,217 with Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$418,022 for the Downtown Automated Parking Guidance System, Access Controls & Revenue Collection Equipment Project, Capital Improvement Program Project PL-15002; and Approval of a Budget Amendment in the Capital Improvement Fund; CEQA status – exempt under CEQA Guidelines Section 15301(c) (Requested by Councilmember Lauing)

- 1. Since we only got one new bid after INDECT fell through, can you tell us what their price was for the work to compare to the price of \$4,180,217 from new vendor Parking Guidance?**

Staff response: The contract amount in the August 2021 contract with Indect was \$2,241,310 for installation in three garages (Bryant Street Garage – 445 Bryant Street, Cowper-Webster Garage – 520 Webster Street and Alma/High Street Garage – 528 High Street). The proposed contract with Parking Guidance Systems, LLC, includes all three of those garages plus the Civic Center Garage – 250 Hamilton Avenue. On a “per parking stall” basis, the proposed contract price with Parking Guidance Systems, LLC, is 27 percent higher than the 2021 contract with INDECT USA that was ultimately canceled. However, it is difficult to compare the bids given INDECT was unable to self-perform.

2. You state that INDECT was “the standard for all city-owned garages to ensure interoperability”. Are there any concerns about technical compatibility now that we will have two vendors dealing with multiple parking lots?

Staff response: INDECT is the equipment supplier for the recently completed California Ave Parking Garage. There is no technical compatibility issue since the new contractor is required to install the INDECT equipment and operating system per the project specifications.

3. Why is it a “budget amendment” for CIP Project PL-15002? It seems it is only a replacement vendor for the same budgeted CIP.

Staff response: A budget amendment is required since the existing funding in the CIP is not adequate to award the new contract. The proposed contract pricing came in higher than the earlier, unsuccessful contract, and additional scope (Civic Center Garage) was added to this contract.

Item 8: Approval of Amendment No. 3 with RossDrulisCusenbery Architecture, Inc. (Contract No. C17165953) to add \$687,500, increasing the not to exceed amount to \$9,725,108, for additional Professional Services for the Public Safety Building Capital Improvement Program Project (PE15001); CEQA: Environmental Impact Report for the PSB and New California Avenue Area Parking Garage (Resolution No. 9772) (Requested by Councilmember Tanaka)

1. How much of the additional \$687,500 included in Amendment No. 3 is allocated to each of the five significant additional scopes of work?

Staff response: The following table provides the allocation of additional scopes of work and contingency replenishment.

#	ADDITIONAL SCOPE ITEM	FEE AMOUNT
1.	Extended Contract Duration	\$125,000
2.	Additional Construction Phase BIM Coordination Services	\$200,000
3.	Accommodation of COVID-Related Construction Phase Impacts	\$125,000
4.	Resolution of Construction Related Issues	\$125,000
5.	Storm-Related Damage Assessment	\$50,000
6.	SUB-TOTAL SUPPLEMENTAL SERVICES	\$625,000
7.	Contingency Replenishment	\$62,500
8.	TOTAL SUPPLEMENTAL FEE	\$687,500

2. **The 4th scope of work for this amendment (resolution of construction errors) highlights implementation and design flaws of the PSB done by Swinerton. Although some of the costs associated with these mistakes are being back charged to Swinerton, why must the City pay for the cost of errors done by the general contractors?**

Staff response: As a matter of professional ethics for a design-bid-build project, the Architect of Record (AOR) refuses to be paid directly by the contractor for project-related work. To the greatest extent possible, the City will back-charge the Contractor for costs incurred by the design team that are directly caused by construction errors via deductive Change Orders to the construction contract.