

RESOLUTION NO. 3215-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR RATIFYING PRIOR EXPENDITURES FOR CONSULTING SERVICES BY AQUATIC DESIGN GROUP, APPROVING AMENDMENT NO. 1 TO THE STANDARD SERVICES AGREEMENT, AMENDING THE FISCAL YEAR 2014-15 BUDGET AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS AMENDMENT ON BEHALF OF THE TOWN

WHEREAS, the Lytton Rancheria of California, a federally-recognized Indian tribe (Tribe), desires to extend the Town's water, sewer, and wastewater treatment services to the Tribe's proposed residential development in the unincorporated area of Sonoma County; and

WHEREAS, the Tribe is proposing a public benefit project for the community to be funded by the Tribe; and

WHEREAS, the public benefit project is identified as the design and construction of the Keiser Park Master Plan – Phase II Aquatics Complex; and

WHEREAS, in September of 2012, the Town hired Aquatics Design Group (ADG) to serve as the Town's aquatics expert; and

WHEREAS, ADG is reviewing a potential aquatic complex design and functionality based on current trends and industry standards; and

WHEREAS, ADG is utilizing Sports Management Group (SMG) to project and analyze revenue and operational costs based on various plan designs; and

WHEREAS, the Town and ADG would like to amend the scope and not-to-exceed amount of their original services agreement, to add supplemental financial analysis in the amount of \$5,330; and

WHEREAS, increasing the Town Manager's contract authorization by \$35,330, from \$50,000 to \$85,330, will provide the Town Manager contract authorization for additional financial analysis as well as future consulting services that may become necessary.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby ratifies the expenditure of \$5,330 in May of 2015 for supplemental financial analysis by ADG; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor approves the attached amendment to the Standard Services Agreement with Aquatic Design Group, increasing the Agreement amount to \$85,330; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor authorizes the Town Manager to execute the amendment and any additional increases up to a total not to exceed amount of \$85,330; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor hereby approves amending the fiscal year 2014-15 budget as follows:

Section I – Increase in Appropriations:

220-74-00-0000-4450-000 Professional Services \$5,330

Purpose: To cover the cost of amendment

Section II – Source of Funding

Park Development Fund Unappropriated fund balance \$5,330

Impact: Decreases the fund balance.

PASSED, APPROVED, AND ADOPTED this 15th day of July 2015, by the following vote:

**AYES: COUNCILMEMBERS FOPPOLI, FUDGE, SALMON, VICE MAYOR
MILLAN, AND MAYOR OKREPKIE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment: Exhibit A - Amendment No. 1 to Services Agreement

**AMENDMENT / CHANGE ORDER NO. 1
TO
STANDARD SERVICES AGREEMENT
FOR:**

That certain agreement (“Agreement”) entered into and effective as of February 3, 2015, (“Effective Date”), between the Town of Windsor (“Town”) and AQUATIC DESIGN GROUP (“Consultant”) for AQUATIC CONSULTING SERVICES AS NEEDED INCLUDING PEER REVIEW, SITE EVALUATION AND COST ANALYSIS OF POOL DESIGNS (“Services”) in the Town of Windsor, is hereby amended as follows:

- 1. The Scope of Work is amended to include \$85,330 per the attached outline.

Original Agreement	\$ 50,000.00
Change Order No. 1	<u>\$ 35,330.00</u>
Amended Agreement Amount	<u>\$ 85,330.00</u>

Executed on _____, 2015 at Windsor, California.

For Town of Windsor:

For Consultant:

Linda Kelly
Town Manager

Name:
Title:

Recommended for Approval:

Donna Legge
Parks and Recreation Director

Camille Kararian
Administrative Services Director

Approved as to Form:

Robin Donoghue
Town Attorney

In accordance with the written Agreement dated as of 3 February 2015 between the parties designated below for the PROJECT:

Windsor Aquatic Center Consulting Services

The CLIENT hereby authorizes the CONSULTANT to:

- Proceed with Additional Services
- Proceed with revised Scope of Services
- Incur Reimbursable Expenses
- _____

as follows:

1.0 Aquatic Design Group and our sub-consultants shall provide consulting services as required to perform the following:

1. Peer review of design documents.
2. Peer review of site features.
3. Peer review of site layout.
4. Capital cost evaluation for proposed new aquatic center.
5. Maintenance and operations analysis of proposed new aquatic center.
6. Lifecycle cost estimates for new proposed aquatic center.
7. Operational programs served by the proposed aquatic center.
8. Program revenue potential of proposed aquatic center.
9. Program expenses for proposed aquatic center.
10. Off-site improvements required for proposed aquatic center.

2.0 CLIENT shall compensate CONSULTANT for services rendered as follows:

- 2.1.1 Basic Services: The Scope of Services described above shall be compensated for on an hourly basis (in conformance with rates outlined in Article 4.3, below), including reimbursable expenses, not-to-exceed: THIRTY FIVE THOUSAND THREE HUNDRED THIRTY AND 0/100 DOLLARS (\$35,330.00).
- 2.1.2 Additional Services: If requested, additional services will be billed for on an hourly basis, in conformance with the rates outlined in Article 5.3, below.

2.1.3 Reimbursable Expenses: All reimbursable expenses shall be authorized in advance by CLIENT. Reimbursable expenses will be billed at CONSULTANT's direct cost, and shall include the following:

- .1 Special delivery and handling of documents and correspondence such as courier and overnight delivery services.
- .2 Travel and lodging expense associated with out-of-town travel in connection with the Project.

2.2 Terms of Payment:

2.2.1 Payments for Basic Services shall be made based upon percentage of completion in not less than monthly installments.

2.3 Hourly Rates:

2.3.1 Compensation for basic and additional services (when requested and authorized in advance by CLIENT) shall be provided in conformance with the following hourly rates:

.1	Principal.....	\$ 195.00 per hour
.2	Project Architect / Engineer.....	\$ 165.00 " "
.3	Project Manager.....	\$ 135.00 " "
.4	Construction Manager.....	\$ 125.00 " "
.5	CAD Technician.....	\$ 100.00 " "
.6	Graphics Technician	\$ 85.00 " "
.7	Clerical.....	\$ 50.00 " "

Upon return of a fully executed authorization, this service shall become a part of the Agreement identified above.

APPROVED BY:
AQUATIC DESIGN GROUP, INC.
Consultant

APPROVED BY:
TOWN OF WINDSOR
Client

Signature

Signature

Date

Date