

**WORK ASSIGNMENT NO. 2, AMENDMENT NO. 2 PURSUANT TO
THE MAY 26, 2015, AGREEMENT BETWEEN THE
CITY OF VENICE, FLORIDA AND
KIMLEY-HORN AND ASSOCIATES, INC.**

WHEREAS, on May 26, 2015, the City of Venice, Florida (“CITY”) and Kimley-Horn and Associates (“CONSULTANT”) entered into an Agreement whereby the CONSULTANT would perform professional services for the CITY pursuant to an executed Work Assignment; and

WHEREAS, on January 23, 2018 the CITY and CONSULTANT entered into Work Assignment No. 2 (the “Work Assignment”) authorizing the CONSULTANT to perform professional services concerning the update of the CITY’s Land Development Code as set forth in a Scope of Services attached thereto; and

WHEREAS, on November 6, 2018, under the terms of Article VII of the Agreement, the CITY extended the contract to May 25, 2020; and

WHEREAS, on May 14, 2019, the CITY and the CONSULTANT entered into Amendment No. 1 to Work Assignment No. 2 authorizing the CONSULTANT to perform additional professional services to update the CITY’s Land Development Code; and

WHEREAS, the CITY has now determined that Amendment No. 2 is necessary to provide additional services by the CONSULTANT to the CITY to address Sarasota County zoned properties within the City of Venice, and, more specifically, to provide an update to the corresponding project schedule and fees necessary to incorporate the additional services into the scope of services, provide for an update to the overall project schedule, and provide for changes to the project fees.

NOW THEREFORE, in consideration of the premises and mutual covenants contained in the May 26, 2015, Agreement and the Work Assignment, the parties hereby agree to amend the Work Assignment as follows:

1. Scope of services to be performed. CONSULTANT shall perform the services described in the amended scope of services attached as **Exhibit A** to this Amendment No. 2. This revised Scope of Services shall replace the Scope of Services previously attached as Exhibit A to the Work Assignment, as amended, including Exhibit B-Schedule to the Work Assignment and Task 7-Zoning Map/County Zoned Properties Analysis and Update.
2. Schedule completion date shall be no later than July 31, 2020, as detailed in **Exhibit B** to this Amendment No. 2.

3. CITY shall pay CONSULTANT an additional not-to-exceed fee of forty-eight thousand and 00/100 dollars (\$48,000) for the additional services authorized under this Amendment No. 2, providing for an overall Work Assignment fee for this project, as detailed in **Exhibit A**, of the not-to-exceed total of four hundred seventy-nine thousand and 00/100 dollars (\$479,000.00).
4. The terms and conditions of the May 26, 2015, Agreement shall remain in full force and effect until the completion of the Work Assignment as amended.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to Work Assignment No. 2 on the ____ day of _____, 2019.

KIMLEY-HORN AND ASSOCIATES, INC.



Seth Schmid, P.E.
Assistant Secretary

CITY OF VENICE, FLORIDA

By: _____
John Holic, Mayor

ATTEST:

City Clerk

EXHIBIT A
SCOPE OF SERVICES

Work Assignment No: 2 (LDR Update), Amendment No. 2

Pursuant to the provisions contained in the "continuing services agreement" between City of Venice and Kimley-Horn and Associates, Inc. ("KIMLEY-HORN" or the "CONSULTANT") dated May 26, 2015 are pleased to submit this Scope of Services (the "Scope of Services") to the City of Venice (the "CITY") to provide professional consulting additional services to assist with the update of the CITY's Land Development Code ("Code"). Specifically, KIMLEY-HORN has been requested perform those services identified as the project will consist of updates to the data and analysis and the goals, objectives, and policies and the scope of services below. The following details the scope of services for the Land Development Regulations (LDR), Subpart B of the City of Venice Code of Ordinances update. This scope of services combines the original scope of services, the revisions as a result of Amendment No. 1, and the proposed revisions to incorporate Amendment No. 2. Amendment No. 2 specifically, adds a new task as identified in Section 7 below as well as an adjustment to the overall project schedule as a result of the additional task and further review of the project status to date.

Scope of Services

TASK 1 -- PROJECT KICK-OFF/DATA COLLECTION/COORDINATION

- A. KIMLEY-HORN will attend one kick-off meeting with CITY staff to begin the project. The kick-off meeting will be used to identify needs, responsibilities of KIMLEY-HORN and the CITY (CITY departments and staff), and preliminary schedules. Prior to the meeting, KIMLEY-HORN will identify data and information needs for the update of the City's Code. It is understood the following Sections will be evaluated for the Code update. It is understood that Sections 106, 118 and 122 are to be reformatted and inserted into other sections of the Code. It is further understood that Section 90 specific to Buildings and Building Regulations and Section 98 will include general references and update of language and that CITY staff will provide KIMLEY-HORN with language to be inserted:
- 86. LDC
 - 90. Buildings and Building Regulations
 - 94. Concurrency Management
 - 98. Floods
 - 106. Natural Resources
 - 118. Vegetation
 - 122. Zoning
- B. KIMLEY-HORN will meet with Staff to refine the initial approach. Based on preliminary review with the Planning Commission and CITY staff, it is understood the Code update will be undertaken consistent with the Tentative Schedule included as Exhibit B, Proposed Outline and Proposed Task Assignments included as Exhibit C and Mixed Use Code Identification and Examples identified as Exhibit D.

Tasks to be completed:

- Attendance at one (1) kick-off meeting with City staff.
- Identify data and information needs for the update of the Code.

TASK 2 -- CURRENT CODE ANALYSIS & PROCEDURES

KIMLEY-HORN will review the CITY's current Code, limited to the Sections identified in Task 1A above and identify strengths and opportunities weaknesses of the current Code. KIMLEY-HORN will as part of this initial task specifically perform the following tasks:

- A. Review the Code for consistency with the adopted 2017-2027 Comprehensive Plan including the Transitional Items identified during the Comprehensive Plan's review and development.
- B. It is understood, the City will provide KIMLEY-HORN with a list of items for review, consideration and or conflict based on their use of the current Code including staff review procedures and review boards including identification of needed amendments. KIMLEY-HORN will utilize the City's information as the basis for amending the review procedures and boards.
- C. KIMLEY-HORN will develop a review "Matrix" of recommended Code provisions for amendment including justification(s). This task Includes review up to two (2) times with staff and presentation up to two (2) times to the Planning Commission for approval; this matrix will serve as the basis for the future considerations along with information obtained from Task 3. Additional meetings with staff and or the Planning Commission in support of this task will be provided as an additional service.
 - a. KIMLEY-HORN will review one (1) additional time with staff to review and revise the Matrix.

Tasks to be completed:

- Prepare a review matrix of the existing Code including recommendations for amendment.
- Present the review matrix to the Planning Commission up to two (2) times.

TASK 3 -- PROGRESS MEETINGS

KIMLEY-HORN will attend the following meetings in support of this Task as follows:

- A. KIMLEY-HORN will attend up to five (5) progress meetings with the Planning Commission during the course of the Code review and update including quarterly updates with the Planning Commission and the community workshops. These progress meetings will be a hands-on session intended to keep the Planning Commission and CITY staff aware of the project process, outcomes, and anticipated recommendations. KIMLEY-HORN will coordinate with the CITY on the date, time, and venue for each of these progress meetings. The CITY will be responsible for providing the meeting place and meeting advertisement/public notices. The CITY may utilize these meetings for review and presentation of specific topics of the proposed Code amendments. KIMLEY-HORN will provide up to two (2) team members for each meeting; additional staff may participate via teleconference call.
 - a. KIMLEY-HORN will attend up to three (3) additional progress meetings with the Planning Commission to provide updates and receive comments.
- B. KIMLEY-HORN will meet with City staff up to 15 times, assumed to be provided bi-weekly, to review and discuss the Code components separate from the meetings in Task 3.A. It is understood these will be provided via conference call.
 - a. KIMLEY-HORN will attend up to 10 additional progress meetings with Staff to review and discuss the Code components.
- C. Progress meetings, community workshops and similar meetings beyond those listed in the "Tasks to be completed" will be provided as an additional service.

Tasks to be completed:

- Prepare for and attend progress meetings with the Planning Commission and City staff. These progress meetings are understood to occur over the duration of the complete LDC review and adoption process.
- Attend progress meetings with City staff via conference call.

TASK 4 -- UPDATE LAND DEVELOPMENT CODE AND ZONING MAP & REVISIONS

- A. With the recommended amendments from Task 1 and 2, KIMLEY-HORN will update the respective sections of the City's Land Development Code consistent with the Proposed Outline (Exhibit C). The proposed Mixed Use Code is identified and provided for in Task 5: Mixed Use Code. It is understood that simplified graphics, photographs and images may be used to convey certain topics; however, detailed designs, graphics, designs or similar are understood to not be provided. The City staff will be responsible for providing specific language for amendment to the Building and Floodplain portions of the Code.
- B. Upon receipt of the information and recommended Code language from the City including sections 90 and 98, KIMLEY-HORN will format the information and insert it into the draft Code.
- C. Draft Code provisions will be provided to City staff for review and comment. KIMLEY-HORN will respond to up to two (2) rounds of revisions to the draft standards based upon review by Staff. City staff will be responsible for compiling and submitting one set of compiled review comments to KIMLEY-HORN.
- D. KIMLEY-HORN will present the Code provisions developed in this Task up to two (2) times to the Planning Commission as part of a community workshop, and include and solicit public review and input.
 - a. KIMLEY-HORN will present the Code provisions one (1) additional time to the Planning Commission as part of a community workshop.
- E. KIMLEY-HORN will work with the City staff to identify and update the City's Zoning Map based on information obtained from City staff and available through the adoption of the City's 2017-2027 Comprehensive Plan. This task will include the development of a database of parcels within the City limits and identifying their current zoning district and the proposed zoning district. It is understood the City will be responsible for notifying property owners and the processing of zoning (rezoning) requests if Zoning Map Amendments are identified.

This Task does not include the preparation and/or update of the Airport Master Code or specific utility plans and analysis, including but not limited to the water supply facilities plan, sanitary sewer master plan and or stormwater master plan. It is also understood specific to Concurrency, the City will continue to utilize the Mobility Fee and Standards adopted by the City Council and consistent with Sarasota County standards.

TASK 5 -- MIXED USE CODE & REVISIONS

It is understood the CITY desires to develop and implement a Form Based Code (FBC) or similar for portions of the City specifically limited to the Mixed Use Future Land Use designated areas excluding the Mixed Use Residential and Mixed Use Airport designated areas.

Specifically, KIMLEY-HORN will prepare the following items specific to the Mixed Use Code:

- A. Draft the preliminary regulating plan identifying the respective Mixed Use districts ("Districts") identified in Exhibit D limited to a maximum of five (5) sub-districts.
 - a. KIMLEY-HORN will develop Mixed Use district standards for an additional three (3) sub-districts. The Districts/Sub-districts are identified as follows: Mixed Use Downtown (Center/General/Waterfront), Mixed Use Seaboard (Center/General Waterfront), Mixed Use Corridor-Tamiami Trail North/Tamiami Trail South, Airport Boulevard, Gateway North, Gateway Fisherman's Wharf, Laurel Road East/West, Knights Trail.
- B. Development Standards for each will be based on the Mixed Use Code Identification Examples (Exhibit D). It is assumed the information will be presented in simplified graphics (black and white) and tables. KIMLEY-HORN will prepare summary graphics illustrating up to four (4) topic/subject graphics for the following: roadway types, lot configurations including frontage and build-to-zone, typical landscape buffers, pedestrian/active use areas (up to a maximum of 25 total graphics). It is understood graphics may be used (applied) to more than one Mixed Use area. An example of the Code format and graphics is provided as Exhibit D.
- C. KIMLEY-HORN will, based on the agreed upon schedule, assist the City to present the draft Code as part of up to three (3) public workshops. It is understood the sessions would be provided as part of the Planning Commission update & progress meetings and not in addition to. KIMLEY-HORN will prepare a PowerPoint Presentation including preliminary graphics to illustrate key portions of the proposed Code and questionnaire in support of this task, and summarize the results of the workshops. The CITY will be responsible for providing the meeting place and meeting advertisement/public notices.
 - a. KIMLEY-HORN will present the Mixed Use Code at two (2) additional Planning Commission workshops.
- D. KIMLEY-HORN will revise the Code section including supporting graphics up to two (2) times based on CITY directed comments. City staff will be responsible for compiling and submitting one set of compiled review comments to KIMLEY-HORN.

TASK 6 -- LOCAL PLANNING AGENCY (LPA) AND CITY COUNCIL HEARING

KIMLEY-HORN will present the revised and updated Code in cooperation with CITY staff to the Planning Commission two (2) times sitting as the Local Planning Board (LPA) for review and comment at a publicly noticed hearing. The CITY will be responsible for providing the meeting place and meeting advertisement/public notices.

KIMLEY-HORN will revise the draft Code (Code as identified in Task 1 as a whole, not respective, individual sections) up to two (2) times total per Planning Commission comments. Upon completion of the revisions as directed, KIMLEY-HORN will present the Code to the CITY COUNCIL for review and approval up to two (2) times.

TASK 7 -- ZONING MAP/COUNTY ZONED PROPERTIES ANALYSIS AND UPDATE

KIMLEY-HORN will analyze County zoned properties currently located within the City of Venice and make recommendations for amending the zoning for consistency with current and proposed City zoning districts. KIMLEY-HORN will research readily available data sets including the historical zoning maps of both the City of Venice and Sarasota County. KIMLEY-HORN will utilize the map prepared by the City and prepare a summary of maps and excel spreadsheet identifying the zoning district as currently recognized by the City, zoning district of the property (County zoning) at the time of annexation,

identification of currently adopted Future Land Use designation (as adopted by the City as part of the 2017-2027 Comprehensive Plan), and identification of other source data used in the analysis. It is understood, KIMLEY-HORN will review the findings of the analysis with staff up to three (3) times. Based on CITY directed comments, KIMLEY-HORN will revise the maps and spreadsheet up to two (2) times. Kimley-Horn will prepare a final spreadsheet with the information noted above including property owner information for use by the CITY. KIMLEY-HORN will present the findings at one (1) workshop with the Planning Commission, separate from the workshops and public hearings identified in Task 4. It is understood, the CITY will be responsible for notifying the affected property owners, establishing the meeting date, location and preparing the advertisement/public notices. It is understood the adoption of the Zoning Map developed as part of this Task would be included within the hearings provided for in Task 6.

Additional Services

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Meetings, workshops, public hearings and similar beyond those identified above.
- Post Code adoption comprehensive plan amendments (scope and fee to be provided post adoption based on the agreed upon amendments).
- Infrastructure analysis beyond that referenced in the above scope of services.
- GIS information creation, analysis or manipulation of data, or the creation of infrastructure information from non-GIS sources.
- Developing a TCEA mobility Code, mobility fee, or mobility strategies as part of the Code amendments not required by Florida Statutes.
- Additional revisions beyond those referenced in the above scope of services.
- Any additional community Planning, urban design, economic and engineering studies and Codes other than prescribed in this scope.
- Community Planning, urban design, economic and engineering studies.
- Development review including the review of “test cases”.
- Transportation analysis and modeling.
- Development of design and or architectural standards.
- Additional reproduction needs for draft/final documents referenced in the above scope of services.

Information Provided by City

KIMLEY-HORN shall be entitled to rely on the completeness and accuracy of all information provided by the CITY or the CITY’s consultants or representatives. The CITY shall provide all information requested by KIMLEY-HORN during the project as necessary and in support of the project including the GIS database including the zoning layers, floodplains/floodplain management.

Schedule

This Task Assignment shall commence upon Notice to Proceed by the CITY of Venice. Our anticipated (tentative) schedule for the project will be mutually agreed upon but is anticipated to be completed based on the schedule provided in Exhibit B as amended consistent with Amendment No. 2 to this work assignment; meeting dates are subject to CITY schedule.

In the event of unforeseen conflicts or delays, schedule modifications will be made with CITY approval. This schedule does not constitute KIMLEY-HORN attendance at all events, but acknowledgement of the timeline.

Fee and Expenses

The CONSULTANT will perform the services in TASKS as outlined below:

TASK	DESCRIPTION	FEE
1	PROJECT KICK-OFF/DATA COLLECTION/COORDINATION	\$ 7,000
2	CURRENT CODE ANALYSIS & PROCEDURES	\$ 90,000
3	PROGRESS MEETINGS	\$ 22,500
4	UPDATE LAND DEVELOPMENT CODE AND ZONING MAP & REVISIONS (INCLUDES CONCURRENCY)	\$140,000
5	MIXED USE CODE & REVISIONS	\$ 65,500
TOTAL FEES AND EXPENSES		\$325,000
Amendment No. 1		
6	LOCAL PLANNING AGENCY (LPA) AND CITY COUNCIL HEARING (AMENDMENT NO. 1)	\$ 18,500
a.	2.C.a, 3.A.a, 3.B.a, 4.D.a, 5.A.a, 5.C.a (AMENDMENT NO. 1)	\$ 87,500
TOTAL FEES AND EXPENSES		\$106,000
<u>Amendment No. 2</u>		
<u>7</u>	<u>ZONING MAP/COUNTY ZONED PROPERTIES ANALYSIS AND UPDATE (AMENDMENT NO. 2)</u>	<u>\$ 48,000</u>
TOTAL FEES AND EXPENSES AMENDMENT NO.1		\$48,000
GRAND TOTAL FEES & EXPENSES (ALL TASKS INCLUDING <u>AMENDMENT NO. 2</u>)		<u>\$479,000</u>

EXHIBIT B
SCOPE OF SERVICES
Work Assignment No. 2 (LDR Update), Amendment No. 2
Amended Project Schedule
September 26, 2019

Amended Schedule

Because of the additional task and assessment of the project to date, it is necessary to adjust and amend the overall project timeline and schedule to incorporate Amendment No. 2. The overall project schedule is amended as follows:

Remaining Project Milestones (Commencing with the current Draft Code Status):

- Planning Commission Workshops: October – January/February 2020
- Public Workshops: January 2020 – March 2020
- Final LDR Draft: March/April 2020
- Public Hearings/Adoption of LDR April – July 2020

In the event of unforeseen conflicts or delays, schedule modifications will be made with CITY approval. This schedule does not constitute KIMLEY-HORN attendance at all events, but acknowledgement of the timeline.

The detailed Project Schedule, Page 2, Exhibit B, is attached as follows:

Page 2, Exhibit B: Detailed Project Schedule

