

**AMENDMENT NO. 1 TO WORK ASSIGNMENT NO. 2 PURSUANT TO
THE MAY 26, 2015, AGREEMENT BETWEEN THE
CITY OF VENICE, FLORIDA AND
KIMLEY-HORN AND ASSOCIATES**

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

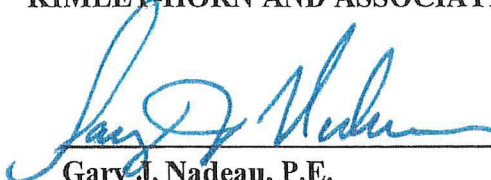
WHEREAS, the CITY and CONSULTANT have now determined that some revisions to the Scope of Services attached to the Work Assignment are necessary.

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 revised Scope of Services, which includes a fee schedule and project schedule, attached hereto as Exhibit “A.” This revised Scope of Services (Amendment No. 1) shall replace the Scope of Services, which was attached as Exhibit “A” to the Work Assignment.
2. All other terms and conditions of the Work Assignment shall remain in full force and effect.
3. 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.
4. The CONSULTANT is to be paid a Lump Sum amount of \$325,000.00 previously approved in the Work Assignment. CITY and CONSULTANT agree, the services included under this Amendment No. 1 to the Work Assignment, shall be for additional compensation not-to-exceed \$106,000, as detailed in Exhibit “A,” bringing the total compensation for this Work Assignment to the not-to-exceed total of \$431,000.00.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to Work Assignment No. 2 on the _____ day of _____, 2019.

KIMLEY HORN AND ASSOCIATES, INC.



Gary J. Nadeau, P.E.

Senior Vice President

CITY OF VENICE, FLORIDA

By: _____

John Holic, Mayor

ATTEST:

City Clerk

EXHIBIT A
SCOPE OF SERVICES

Amendment No. 1 - Work Assignment 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 Code update (Note: items included in Amendment No. 1 are underlined for reference).

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 a 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.

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; 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 1-5 identified above for the lump sum fees of \$325,000 as outlined below. [It is understood items identified as "a." above (2.C.a, 3.A.a, 3.B.a, 4.D.a, 5.A.a, 5.C.a) are to be provided as part of this Amendment No. 1; and TASK 6 will be provided as part of a subsequent Task Assignment/Task Amendment as outlined below for a total lump sum fees (inclusive of all TASKS) of \$431,000.]

For the services and tasks requested through this scope of services, KIMLEY-HORN proposes the following fees:

| 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 |
| FUTURE TASK/TASK AMENDMENT | | |
| 6 | <u>LOCAL PLANNING AGENCY (LPA) AND CITY COUNCIL HEARING</u> | <u>\$ 18,500</u> |
| a. | <u>2.C.a, 3.A.a, 3.B.a, 4.D.a, 5.A.a, 5.C.a</u> | <u>\$ 87,500</u> |
| <u>TOTAL FEES AND EXPENSES AMENDMENT NO.1</u> | | <u>\$106,000</u> |
| GRAND TOTAL FEES & EXPENSES (ALL TASKS INCLUDING ASSIGNMENT #3) | | \$431,000 |