

**AMENDMENT NO. 5
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 20-50**

This **AMENDMENT NO. 5** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Dekker/Perich/Sabatini, Ltd.**, a New Mexico corporation ("Consultant"), to be effective for all purposes October 18, 2023.

WHEREAS, County and Consultant entered into Agreement No. AGR20-50 dated May 27, 2019, Amendment No. 1, AGR20-50-A1, dated June 1, 2022, Amendment No. 2, AGR20-50-A2 dated July 27, 2022, Amendment No. 3, AGR20-50-A3 dated January 25, 2023, and Amendment No. 4 dated June 1, 2023 (as amended, the "Agreement") for Downtown Master Plans and Development Code Update Services; and

WHEREAS, the County Council approved this Amendment at a public meeting held on October 17, 2023; and

WHEREAS, additional code amendments related to Canyon Rim Trail were requested by County Council at the May 2, 2023 Council meeting; and

WHEREAS, the Planning and Zoning Commission at the September 13, 2023 meeting, requested a "clean-up" of Chapter 16 be conducted to correct issues and make necessary clarifications that have emerged; and

WHEREAS, the Services are ongoing, and County and Consultant wish to amend the Agreement in accordance with Section A(6)(d) of the Agreement, restated in Amendment No. 3, and as requested by County Council and the Planning and Zoning Commission, to add additional services and deliverables, and to provide for additional compensation related to the requests by County Council and the Planning and Zoning Commission; and

WHEREAS, the Services performed as described herein shall conclude the work performed under the Agreement and its subsequent Amendments.

NOW, THEREFORE, for good and valuable consideration, County and Consultant agree as follows:

I. Add **SECTION A. SERVICES subparagraph 19.**, as follows:

19. Chapter 16 Code Amendments for Canyon Rim Trail:

Consultant, in collaboration with County staff, shall assist County with necessary revisions and amendments of the County Code related to Chapter 16 ordinances governing Canyon Rim Trail. In furtherance of this service, Consultant shall, in collaboration with County staff, draft necessary revisions and amendments, review and confer over materials utilized in any meeting or hearing presentations, facilitate biweekly Steering Committee sessions, and conduct one (1) joint Council and Planning and Zoning work session to present draft amendments and obtain input on the proposed amendments prior to formal review/adoption hearings.

Deliverables

- a. Develop and draft code amendments to establish possible access easements along Los Alamos Canyon edge along new developments south of Trinity Drive in Downtown Los Alamos and establish possible connection with existing Canyon Rim trail along 20th Street.
- b. Conduct one (1) joint Council and Planning and Zoning Commission work session to present and discuss draft amendments.
- c. Develop and deliver work session content, presentation, and exhibits.
- d. Participation in hearings, including: Delivering presentations, as required; providing testimony, including expert testimony, if needed; addressing comments and questions; preparation of any hearing materials or demonstrative aides. Final digital Chapter 16 Code Amendments for Canyon Rim Trail work product shall be delivered as PDFs, along with accompanying source files, such as MS Word, and PowerPoint.
- e. Develop and deliver final, revised code content incorporating work session comments and direction from Council and Planning and Zoning Commission.

II. Add **SECTION A. SERVICES subparagraph 20.**, as follows:

20. Chapter 16 Development Code Revisions and Amendments

Consultant shall draft amendments to Chapter 16 Development Code based on issues identified by County Staff from the first several months of implementation. The revision process for each issue, as well as any others that may be identified in the process shall be documented and tracked in a revisions matrix that defines the proposed change, the rationale, and tracks progress towards resolution. Consultant shall conduct one (1) Planning and Zoning Commission work session to present all pertinent aspects of the revision process and gather input on the proposed revisions and amendments prior to formal review/adoption hearings by Planning and Zoning Commission and County Council. Consultant shall draft an updated overall version of the Chapter 16 Development Code to include new amendment language that is adopted.

Deliverables

- a. Confer with County to develop and utilize a revisions matrix for the purpose of identifying issues, revisions, clarifications, or needed amendments related to the Development Code. One (1) joint Council and Planning and Zoning work session to present and discuss draft amendments.
- b. Develop and deliver work session content, presentation, and exhibits.
- c. Participation in hearings – Delivering presentations, as required; providing testimony, including expert testimony, if needed; addressing comments and questions; preparation of any hearing materials or demonstrative aides. Final digital amended Chapter 16 Code update work product shall be delivered as PDF's, along with accompanying source files, such as MS Word, and PowerPoint.
- d. Develop and deliver final, revised code content based on work session comments and direction from Council and Planning and Zoning Commission.

III. Delete **SECTION C. COMPENSATION** in its entirety and replace with the following:

SECTION C. COMPENSATION:

1. **Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed FIVE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED DOLLARS (\$542,300.00), which amount does not include applicable New Mexico gross receipts taxes (NMGR). Compensation shall be paid in accordance with the rate schedule set out in Exhibit A, attached hereto and made a part hereof for all purposes.
2. **Monthly Invoices.** Consultant shall submit itemized invoices to County's Project Manager showing amount of compensation due, amount of any NMGR, and total amount payable. Payment of undisputed amounts shall be due and payable thirty (30) days after County's receipt of the invoice.

IV. Delete **Exhibit A** in its entirety and replace it with the following Exhibit A attached hereto to include charges for additional Services.

Except as expressly modified by this Amendment, the terms and conditions of the Agreement remain unchanged and in effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

By: _____
STEVEN LYNNE **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

DEKKER/PERICH/SABATINI, A NEW MEXICO
CORPORATION

By: _____
WILL GLEASON **DATE**
PRINCIPAL IN CHARGE

Exhibit A
Compensation Rate Schedule
AGR20-50-A5

LOS ALAMOS AND WHITE ROCK DOWNTOWN MASTER PLANS AND CHAPTER 16 DEVELOPMENT CODE UPDATE		
Phase I: Downtown Master Development Plans		
	Project Initiation/Existing Conditions Assessment	
	Data Gathering, Kick-Off Meeting	\$7,160
	Existing Conditions Assessment	\$7,840
	Subtotal	\$15,000
	Public Engagement	
	Visioning Workshop/Design Charrette	\$20,800
	Open House /Council Session	\$13,780
	Subtotal	\$34,580
	Master Plan Concepts/Report	
	Concepts for White Rock Master Plan	\$16,860
	Concepts for Los Alamos	\$16,860
	Preferred Alternative White Rock	\$15,160
	Preferred Alternative Los Alamos	\$15,160
	Master Plan Report -Draft	\$14,140
	Master Plan Report - Final	\$9,120
	Subtotal	\$87,300
	Review and Approvals	
	Planning and Zoning	\$5,680
	County Council	\$5,680
	Final Revisions	\$6,960
	Subtotal	\$18,320
	Subtotal Phase I: Downtown Master Development Plans	\$155,200
	Expenses	\$3,500
	Total Phase I with Expenses	\$158,700
Phase II: Chapter 16 Development Code Update		
	Project Initiation/Code Diagnosis/Revisions	
	Code Diagnosis	\$24,720
	Module One: Use Regulations	\$22,000
	Module Two Development Standards	\$26,080

	Module Three: Admin /Procedures	\$22,000
	Subtotal	\$94,800
	Public Engagement	
	Visioning /Code Diagnostic	\$7,800
	Public Open House /Council Working Session	\$7,800
	Website	\$6,440
	Subtotal	\$22,040
	Approval Process	
	Planning and Zoning	\$7,500
	County Council	\$7,500
	Subtotal	\$15,000
	Subtotal for Phase II: Chapter 16 Development Code Update	\$131,840
	Expenses	\$2,500
	Total Phase II with Expenses	\$134,340
Phase 1 and Phase 2 Total		\$293,040

Additional Meetings & Analysis		
	Thirty-Two (32) Meetings (Work Sessions, Public Hearings, Comment Review, and Response).	\$35,000
	Three (3) Additional Council Sessions and Open House Meetings	\$27,000
	Project Website Updates in Support of Additional Meetings	\$7,500
	Subtotal	\$69,500
	Exterior Lighting Analysis	\$33,000
	Accessory Dwelling Units Analysis	\$15,000
	Wireless Telecommunication Facilities	\$15,500
	Subtotal	\$63,500
	Expenses	\$2,800

	Total Additional Meetings & Analysis with Expenses	\$135,800

Additional Meetings & Analysis Per Council Action December 13, 2022		
	Up to 3 site development concepts to test height maximums south of Trinity Drive	
	Recommendation for revisions to Chapter 16 for DTLA zoning development standards for the area south of Trinity Drive	
	Summary results of parking study for Mixed-Use developments and recommendations for revisions to parking ratios	
	Up to 3 meetings, including Planning and Zoning, County Council, and staff	
	Subtotal	\$25,500

Additional Meetings & Analysis Per Council Action May 2, 2023 and Planning and Zoning Action September 13, 2023		
	Canyon Rim Trail Amendments (Not to Exceed)	\$15,000
	Chapter 16 Code Revisions / Amendments (Not to Exceed)	\$55,000
	Travel and Supplies (Not to Exceed)	\$1,000
	Subtotal	\$71,000
	Contingency*	\$16,960

*Any work needed, authorized by County, and performed against the contingency amount shall be in conformance with the rates provided below under Hourly Rates and may not exceed the total Not-to Exceed amount in SECTION C. Compensation.

Total Not-to-Exceed Amount	\$542,300
-----------------------------------	------------------

Expenses include all meals, lodging, travel, and production.

Dekker Perich Sabatini Standard Hourly Rates	
<u>Position</u>	<u>Hourly Rate</u>
Principal I	\$180.00
Planner II	\$100.00
Planner III	\$80.00