



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE: MAY 2, 2019
MEETING DATE: MAY 6, 2019**

**SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLER SINCLAIR/PAUL ANTHONY**

SUBJECT: P17-095 SELECTION OF CONSULTANT FOR LDR UPDATE FOR CHARACTER DISTRICT 1 (TOWN SQUARE) AND HISTORIC PRESERVATION TOOLS AND FOR EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH WINTER AND COMPANY.

STATEMENT/PURPOSE

To 1) select a code consultant for the update to the Land Development Regulations (LDRs) for Character District 1 (Town Square) and to consider Historic Preservation tools, and 2) to execute a Professional Services Contract with Winter and Company of Boulder, Colorado, as the selected consultant to complete both updates to the LDRs.

BACKGROUND/ALTERNATIVES

The Town intends to begin its last major LDR update since adoption of the 2012 Comprehensive Plan. The only remaining LDR update after completion of Character District 1 and Historic Preservations tools will be to the Business Park standards for the Gregory Lane area. The District 1 update will address new development, design, and pedestrian standards for the Town Square area. This will include a focused discussion on what the boundary of the Town Square area should be and what "Western Character" means to the community and how it should be preserved or enhanced in the Town Square area. The second component of the update will be to consider the role of historic preservation throughout the Town and to decide whether additional historic preservation tools and incentives should be adopted in the LDRs to meet the community's goals.

Related to this effort, the Teton County Historic Preservation Board (TCHPB) has already hired a consultant, Winter and Company, to conduct a historic preservation study that details existing local regulations and programs for historic preservation, summarizes preservation tools in peer communities, and conducts a public outreach process to gauge the public's interest in and support for historic preservation tools. The TCHPB's intent is to use this information to provide recommendations to the Town for specific LDR changes that could be used to help protect the community's historic resources. The TCHPB recently approached the Town to help fund this final step of their study (i.e., LDR recommendations) under the assumption that their final product would overlap substantially with the Town's upcoming historic preservation LDR update.

Planning staff agrees that the TCHPB study and the Town's study share significant procedural and substantive goals. Thus, partially "merging" the two projects would lead to savings in time, money, and create a much more coherent and unified public process. Toward this end, Planning staff met with representatives of the TCHPB and we agreed that a good approach would be for the TCHPB and Town to jointly fund the public meetings and survey work (intended to be completed this summer) but to then have the Town take over full funding and management of the remainder of project until completion. Using the

submitted proposed budget as a reference, this would mean that the TCHPB and Town would split the cost of Step 2: Assess Community Opinions about 50/50 but that the Town would then fully fund and manage the final two phases of the project, Step 3: Develop the Strategy and Step 4: Develop the Regulatory Tools, until the project is completed in the Spring of 2020.

Staff has also concluded that using TCHPB's same consultant, Winter and Company, for the Town's portion of the study is the best approach because 1) they are a nationally known firm with expertise in historic preservation and context-sensitive design guidelines; 2) they are already familiar with the community through their work for the TCHPB, and 3) the Town could more easily use the data already gathered for the TCHPB than if we hired a different consultant. Winter and Company also has worked extensively with Code Studio, the Town's previous consultant on Districts 2 – 6, and so they have included a small but important role for Code Studio to ensure that any new adopted LDR standards are properly incorporated into the current LDR format. This approach would mean that the Town would be sole sourcing this project to Winter and Company without a competitive bid process. According to the Town Attorney, Wyoming State Statute 15-1-11, which deals with contracts for public improvements and bid requirements, specifically excludes contracts for professional services from competitive bid requirements. So, there is no statutory requirement to bid out this proposed contract.

In the interest of time Town staff would like the Council to approve both the selection of Winter and Company as the consultant for Character District 1/Historic Preservation LDR update and the Professional Services Contract with Winter and Company at this one meeting. If the Council is not comfortable with this combined approach, it can direct staff to present a contract for review and consideration at a later date.

The professional services contract includes labor and expenses and it is a **fixed-fee, not-to-exceed amount of \$138,835.00**. Please note that Teton County would be responsible for 10% of this fee per the approved Work Plan. This fee includes \$15,000 for an Economic Feasibility Study in Step 3 that will analyze the financial feasibility of various historic preservation tools/incentives based on local real estate conditions. The proposed scope also includes three trips in which the consultant would travel to Jackson to facilitate public workshops and meet with the Council.

An overview of the project is as follows, but please see the attached, scope of work, budget, and timeline for full details:

	Actions/Deliverables	Schedule	Cost
Step 1: Assess Existing Conditions	<ul style="list-style-type: none"> Peer community analysis, Tour of local conditions, Review of existing HP tools, Summary of existing conditions 	Complete	TCHPB: \$21,355.00 Town: \$00.00 Total: \$21,355.00
Step 2: Assess Community Options	<ul style="list-style-type: none"> Public workshop Stakeholder meetings Public survey/visitor survey Draft #1 summary of community input 	May, 2019 - July, 2019 Workshop #1 (early June)	TCHPB: \$25,405.00 Town: \$22,435.00 Total: \$47,840.00
Step 3: Develop the Strategy	<ul style="list-style-type: none"> Develop draft Strategy Paper Get comments from staff, stakeholders, and Council on Strategy Paper Public workshop to review final strategy Paper Economic Feasibility Study Finalize Strategy Paper 	July, 2019 – Oct. 2019 Workshop #2 (October)	TCHPB: \$00.00 Town: \$55,885.00 Total: \$55,885.00
Step 4: Develop the	<ul style="list-style-type: none"> Develop Draft Regulatory Tools 	Oct. 2019 – April, 2020	TCHPB: \$00.00

Regulatory Tools	document, including Design Guidelines <ul style="list-style-type: none"> • Get comments from staff, stakeholders, and Council on Regulatory Tools Paper • Public open house • Joint PC/Council session • Prepare adoption draft of Regulatory Tools 	Open House #1 (Feb. '20)	Town: \$60, 515.00 Total: \$60,515.00
<p>TOTAL Project Cost with TCHPB Tasks: \$185,595.00</p> <p>TOTAL Project Cost without TCHPB Tasks: \$138,835.00</p> <p>Total Town Cost: \$124,952.00 (approx. \$40,000 FY19; \$85,000 FY20) Total County Cost: \$13,884.00 (10% of project cost)</p>			

Staff notes that the County will be involved in the initial 2 phases of this project looking at the role Historic Preservation plays in the community and what planning tools may be appropriate for consideration by the County at a later date. As proposed the County would be responsible for 10% of the total project cost with the remainder being funded by the Town and the Teton County Historic Preservation Board.

[ATTACHMENT](#)

1. Draft Contract with Winter and Company, including:
 - a. Exhibit A: Scope of Work;
 - b. Exhibit B: Schedule; and
 - c. Exhibit C: Budget
 - d. Winter & Company Experience

[FISCAL IMPACT](#)

The Town Planning Department has funding in its (FY19) and requested in its (FY20) professional services budget for the project as follows:

- FY19 - \$40,000
- FY 20 - \$85,000 (NOTE: The proposed FY20 budget allocates \$50,000 to this project, so a budget amendment will be needed to allocate approximately another \$35,000 for this project)

The total project cost would be \$185,595.00, with funding being cost shared as follows:

- Town \$124,952
- Teton County Historic Preservation Board \$46,760
- Teton County \$13,884

[STAFF IMPACT](#)

Staff estimates that the proposed project will take a total of 1,000 hours (1/4 FTE) of staff time primarily by the Principal Planner and Planning Director but will include other departments as needed. The Town Planning Department will manage the contract.

LEGAL REVIEW

Staff has obtained a draft Professional Services Contract from the Legal Department should Council direct staff to proceed, it would be subject to final review and approval by the Town Attorney.

RECOMMENDATION

The Planning Director recommends the selection of Winter and Company to assist with the update to the Land Development Regulations (LDRs) for Character District 1 (Town Square) and Historic Preservation tools and to enter into a Professional Services Contract for a not to exceed amount of \$138,835.00 including labor and expenses to complete said work.

SUGGESTED MOTION

I move to authorize the Mayor to execute a Professional Services Contract between the Town and Winter and Company with a fixed-fee, not-to-exceed amount of \$138,835.00 for the completion of the LDR updates for Character District 1 and Historic Preservation LDR, subject to any final review and approval by the Town Attorney.