

Colleagues,

As was discussed during our worksession, I believe it critical that we approve the proposed CodeNEXT contract amendment today so our staff and consultants can continue work on our new land development code. However, I remain concerned with the lack of participation of minority sub-consultants on the project.

I appreciate our staff and consultants' efforts to create opportunities for additional community outreach performed by minority sub-consultants within the scope of this contract amendment in accordance with the City's MBE/WBE program. I think this is a positive step, but not sufficient to fully address the concern. With respect to the CodeNEXT outreach process, like many of you, I have also heard concerns generally about the perceived lack of outreach and engagement in the minority community. I think this action to approve a contract amendment presents us the opportunity to potentially address both these issues.

I propose that Council approve the contract amendment as recommended by the Manager this Thursday, and also provide additional direction to the Manager to quickly bring back for Council consideration of another appropriate vehicle, that would include a scope of work creating additional opportunities for CodeNEXT outreach and engagement in our minority community that would be executed in compliance with our MBE/WBE ordinances.

In addition, I believe the Council should consider ways we could prevent this situation from occurring on future professional services contracts. I plan to work with Council colleagues, community, and city staff to consider introduction of a resolution directing the City Manager to recommend improvements to our MBE/WBE program oversight process. Improvements could include (1) regular compliance reporting to the Council Audit and Finance Committee, (2) recommended options for appropriately revisiting professional services contract goals for MBE/WBE utilization when contract amendments may impact the likelihood to achieving the overall contract MBE/WBE goals and, (3) any suggested revisions to the overall contract goals based on changes to the scope of work and available certified firms be reported to council for decision and to (4) address structural issues associated with our current MBE/WBE program.

I will work with our city staff to develop specific language for this additional direction and resolution, and I appreciate the Council's consideration of both these actions.