

**SECOND AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL SERVICES**

THIS SECOND AMENDMENT TO AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and FCS International, Inc., a California Corporation, whose address of record is 250 Commerce, Suite 250, Irvine, California 92602 (“Consultant”).

WHEREAS, City is undertaking a project to evaluate the environmental impacts of a proposed commercial and residential use of approximately 77 acres on the north and south sides of Campus Parkway, east of Coffee Road (the “Project”); and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated August 17, 2015 and a First Amendment to Agreement dated January 19, 2016; and

WHEREAS, City and Consultant desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 24, “ADDITIONAL WORK,” is hereby added to the Agreement to read as follows:

“SECTION 24. ADDITIONAL WORK. Consultant shall perform the additional work outlined in the proposal from Consultant to City attached hereto as Exhibit “1”.

2. Section 25, “ADDITIONAL COMPENSATION,” is hereby added to the Agreement to read as follows:

“SECTION 25. ADDITIONAL COMPENSATION. City shall pay to Consultant an amount not to exceed additional sum of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00) for the additional work described in

the proposal attached hereto as Exhibit "1" and in accordance with the rates set forth on Exhibit "1."

3. Except as herein amended, the Agreement dated August 17, 2015, and First Amendment dated January 19, 2016 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED  
A California Charter Municipal  
Corporation

BY: \_\_\_\_\_  
City Manager

ATTEST:  
CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: Ken Rygel C/M/16  
City Attorney Date

ACCOUNT DATA:

BY: \_\_\_\_\_  
Verified by Finance Officer

CONSULTANT  
FCS International, Inc.,  
A California Corporation

BY: \_\_\_\_\_  
Jason Brandman  
Vice President

Taxpayer I.D. No. 95-3782289

ADDRESS: 250 Commerce, Suite 250  
Irvine, CA 92602

TELEPHONE: 714-508-4100

FAX: 714-508-4110

E-MAIL: [jbrandman@fcs-intl.com](mailto:jbrandman@fcs-intl.com)



## Background

FirstCarbon Solutions is currently under contract to the City of Merced to prepare the EIR for the Merced Gateway project. We submitted an Administrative Draft EIR to City on February 26, 2016. Subsequently, based on a meeting with the applicant on April 4, 2016, at which new project design elements were discussed, the City has indicated that they require revisions to the Administrative Draft EIR to incorporate changes in project description and accompanying environmental analysis.

## Revised Project Description

The Circulation Plan for the Merced Gateway project is revised as follows:

- 1) Coffee Street will remain in its current configuration as non-continuous in two sections, one north of Parsons Avenue and not connected to Parsons Avenue, and one connected to and south of Parsons Avenue.
- 2) Extension of Parsons Avenue east of Coffee Street to the project's eastern boundary.

## Additional Scope of Work

### Task 1: Noise

Revise the traffic noise modeling runs to incorporate changes anticipated to the intersection turning volumes with this revision to the project. The traffic noise impact analysis of the DEIR will be revised and mitigation measures added as needed.

### Task 2: Traffic/Circulation

#### Subtask 2.1—Attend Project Team Meeting

KDA traveled to and participated in the April 4, 2016 meeting as requested. Meetings were not included in their current scope of work.

#### Subtask 2.2—Identify Project Characteristics

KDA will not change the project trip generation and distribution assumptions.

**Trip Assignment.** The routes used by project trips to reach identified destinations will be selected based on the relative travel time among competing routes with Coffee Street closed and Parsons Avenue extended.

KDA will revise the local area TRAFFIX model to allocate traffic to the study area based on these assumptions. This information will be employed to identify the "Project Alone" vehicle trip forecast presented in a Figure in the report. Information will be created for study intersections and for the major intersections created by the project.



### **Subtask 2.3—Evaluate Existing Plus Project Traffic Impacts**

KDA will re-analyze the new “Existing Plus Project” condition using the methodologies and scenarios addressed in the draft TIA report. Since Coffee Street remains closed the adequacy of Pioneer ES school access will be not be evaluated.

### **Subtask 2.4—Evaluate EPAP Plus Project Traffic Impacts**

KDA will superimpose project trips onto the EPAP background condition to create a new “EPAP Plus Project” condition. KDA will re-analyze the condition using the methodologies contained in the draft TIA.

### **Subtask 2.5—Identify Long Term Cumulative Traffic Volumes**

KDA will prepare traffic volume forecasts for long-term future year Cumulative conditions under a scenario that assumes proposed land use plan and proposed Circulation Element amendment with Coffee Street closed and Parson Avenue extend to the project’s eastern boundary.

### **Subtask 2.6—Evaluate Cumulative Plus Project Traffic Impacts**

The new Cumulative plus Project condition will be evaluated using the methodologies contain in the draft TIA.

### **Subtask 2.7—Evaluate/Identify Mitigation Measures**

If significant traffic impacts are identified KDA will evaluate improvements that may be installed to reduce those impacts to a less than significant level. Potential improvements may include roadway widening that is consistent with the General Plan Circulation Element, alternative traffic control, auxiliary lanes, etc. Mitigated Levels of Service will be calculated.

### **Subtask 2.8—Prepare Revised Draft Traffic Study Report**

KDA will prepare a complete revised TIA report, based on the updated project description, including all of the previous components, and changes in response to relevant City comments on the Draft study. Supporting technical materials will be included in the technical appendix.

#### *Deliverables*

- Revised Traffic Study

**Subtask 2.9 – Response to Comments/Attend Public Hearings.** KDA will respond to comments on the Draft EIR (6 hours) and attend up to two (2) public meetings.

### **Task 3: Phasing Improvement Analysis**

The Phasing Improvement Analysis is intended to determine the level of site development that can proceed prior to investing in major improvements to Campus Parkway and other project roadways assuming that reasonable possible baseline improvements are made. The analysis is not intended to identify triggers for all mitigations that may eventually be required of the project. By definition the major improvements involve widening Campus Parkway.

### **Subtask 3.1—Identify Baseline Improvements**

The baseline improvements that will be assumed will be identified by City staff in consultation with the developer and are expected to include:

- All-way stop at Campus Parkway/Coffee Street
- Restripe Coffee Street north of Campus Parkway to create three lanes (i.e., southbound right turn lane, southbound through and left turn lane and northbound lane)

The extent to which access to Campus Parkway shall be assumed to occur with this initial development, as well as baseline frontage improvements will be determined in consultation with the City staff.

In order to assure the analysis necessary to address development under the three improvement scenarios listed in Subtask 3.6, the baseline improvements will assume an existing all-way stop at Coffee Street and Campus Parkway. Scenario.

### **Subtask 3.2—Identify Phased Project Characteristics**

We will work with the City and the developer to identify an initial land use scenario that involves limited development in the areas both north and south of Campus Parkway that will occur with an All-Way Stop at Campus / Coffee. While the scenario is to be determined, development may include:

South side development:

- Gasoline Station with Convenience Market Hotel Fast Food Restaurant(s) Sit Down Restaurant(s)

North side development:

- Multiple Family Residential Supermarket 50 ksf general retail Trip Generation.

Trip generation estimates will be made for initial development based on the rates employed for the DEIR traffic study.

#### ***Trip Distribution***

The trip distribution assumptions made for the DIER will be re-used.

#### ***Trip Assignment***

The routes used by project trips to reach identified destinations will be selected based on the circulation system that is available (i.e., with or without connections to Campus Parkway) and relative travel time among competing routes with Coffee Street closed.

### **Subtask 3.3—Identify Traffic Volumes**

We will revise the local area TRAFFIX model to allocate initial Phase traffic to the study area based on these assumptions. This information will be employed to identify the “Initial Phase Project Alone” vehicle trip forecast

presented in the report. Information will be created for study intersections and for the major access driveway created by the project on Campus Parkway.

### **Subtask 3.4—Evaluate Existing Plus Initial Phase Project Traffic Impacts**

KDA will analyze one “Existing Plus Initial Phase Project” scenario under p.m.–Existing Plus Phase 1 Project conditions. KDA will superimpose project trips onto the Existing background condition to create a “Existing Plus Initial Phase Project” scenario that will disclose the condition resulting solely from this development.

To test the conditions with the All-Way stop at Coffee/ Campus, Resulting Level of Service will be calculated at that location using 2010 HCM methodology.

Level of Service will be compared to minimum City standards or to adopted standards of significance (i.e, LOSD or better).

### **Subtask 3.5—Evaluate All-Way Stop with One Refined Alternative**

It is possible that the results of Task 3.4 reveal that additional Merced Gateway development may proceed prior to triggering the need for a traffic signal at the Campus / Coffee intersection, or conversely, that the identified development level may result in Levels of Service in excess of minimum standards. In either case a refined initial Phase project will be identified that is intended to more closely capture the maximum amount of development that is permissible before the All-Way stop exceeds LOS D. . Working with City staff, the refined land use assumptions will be identified and Tasks 2 thru 4 will be repeated.

### **Subtask 3.6 – Evaluate Traffic Signal.**

Once the land use that cannot be supported by the all-way stop is identified, then additional land use scenario will be identified with City staff and develop for testing the capacity of a signalized Coffee/ Campus intersection. Traffic volumes will be identified for this scenario, and the following locations using SimTraffic simulation:

9. Coffee Street/Parsons Avenue
10. Mission Avenue/SB SR 99 ramps
11. Mission Avenue/NB SR 99 ramps
12. Campus Parkway/Coffee Street

Level of Service will be compared to minimum City standards or to adopted standards of significance. The extent to which traffic signal warrants would be satisfied will be reviewed at Coffee Street/Parsons Avenue.

It is possible that the initial results reveal that additional Merced Gateway development may proceed prior to exceeding LOS D, or conversely, that the identified development level may result in Levels of Service in excess of minimum standards. In either case a refined project development level will be identified that is intended to more closely capture the maximum amount of development that is permissible before a study intersection exceeds LOS D. Working with City staff, refined land use assumptions will be identified and simulation repeated.

**Subtask 3.7—Prepare Summary Technical Memo**

The results of our analysis of the Refined Alternative will be documented in a technical memo that identifies total project area trip generation as an “permitted threshold” that can be drawn against as site development proceeds:

- Development before exceeding LOS D capacity of all-way stop at Campus Parkway and Coffee
- Development before triggering need for Parson / Coffee signal based on warrants
- Development before exceeding LOS D capacity of traffic signal at Campus Parkway and Coffee.

**Task 4: Revise Administrative Draft EIR**

**Subtask 4.1—Revise Project Description**

The project description section of the document will be revised to reflect the configuration of Coffee Street and Parsons Avenue in both the text and the exhibits (revised exhibit to be provided by RRM.)

**Subtask 4.2—Revise EIR Sections/Appendix**

The Revised Draft EIR Air Quality, Noise and Traffic sections will be compiled for a separate Administrative review by the City. They will then be edited in response to any city comments and re-integrated into the Screencheck version of the Draft EIR for final city review as a whole. The Alternatives and Cumulative Impacts sections of the Screencheck Draft EIR will be revised as necessary to reflect the new project description.

*Deliverables*

- Administrative Draft EIR Air Quality, Noise, and Transportation Sections
- Screencheck Draft EIR

**Task 5: Project Management**

FCS will require additional time to perform a variety of project management duties to ensure that the EIR meets the City’s standards of quality, and that it is delivered on time and within budget. These duties will continue to include team supervision and coordination, oral and written communications with City staff, project accounting, and quality assurance review by FCS’s Project Director and Technical Editor of all deliverable products. This task is budgeted for 15 hours of staff time.

**Schedule and Fees**

**Schedule**

FCS has prepared the following schedule outlining the anticipated timing of each task.

Task	Week
Receive Notice to Proceed/Began Technical Studies	Complete
Submit Administrative Draft Notice of Preparation to City	Complete

Task	Week
City provides Comments on Administrative Draft Notice of Preparation	Complete
Release Notice of Preparation for public review	Complete
Close of Public Review Period	Complete
Submit Administrative Draft EIR and Technical Studies to City	(2/26/16)
Receive City Comments on Administrative Draft EIR and Technical Studies	3/18/16
Begin Traffic Study Revisions	4/26/16
Submit Incremental Screencheck Draft EIR	4/29/16
Receive City Comments on Incremental Screencheck Draft EIR	5/13/16
Submit Revised Traffic Study	5/26/16
Submit Noise, Transportation, Cumulative, Alternatives and Executive Summary Revised Administrative Draft EIR Sections	6/2/16
Receive City Comment on Noise, Transportation, Cumulative, Alternatives and Executive Summary Revised Administrative Draft EIR Sections	6/16/16
Submit Screencheck Draft EIR Noise, Transportation, Cumulative, Alternatives, and Executive Summary Sections to City	6/23/16
Receive City Comments on Screencheck Draft EIR Noise, Transportation, Cumulative, Alternatives, and Executive Summary Sections	6/30/16
Release Draft EIR for Public Review	7/7/16
Submit Improvement Phasing Analysis	7/13/16
Close of Public Review Period	8/22/16
Submit Administrative Final EIR and MMRP to City	9/12/16
Receive City Comments on Administrative Final EIR and MMRP	9/26/16
Submit Screencheck Final EIR, MMRP, and Draft Findings of Fact to City	10/3/16
Receive City Comments on Screencheck Final EIR, MMRP, and Draft Findings of Fact	10/10/16
Release Final EIR, MMRP, and Findings of Fact	10/17/16
Public Meetings	To Be Determined
File Notice of Determination (City Staff)	Within 5 Business Days of Project Approval

**Fees**

The proposed fees are based upon the scope of work described above; they include all labor and direct costs.

<b>Task</b>	<b>Fees</b>
Task 1: Noise	\$1,500
Task 2: Traffic/Circulation	\$14,500
Task 3: Phasing Improvement Analysis	\$8,000
Task 4: Revise Administrative Draft EIR	\$5,500
Task 5: Project Management	\$2,500
<b>Total FCS Professional Labor</b>	<b>\$32,000</b>
<b>Total Direct Costs</b>	
Reprographics, Mileage, Deliveries, etc.	\$500
<b>Total FCS Professional Fee</b>	<b>\$32,500</b>