

## **FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019 , by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Dudek, a California corporation, whose address of record is 605 Third Street, Encinitas, California 92024, (“Consultant”).

WHEREAS, City is undertaking a project to evaluate the environmental impacts of a proposed commercial and residential project of approximately 70 acres on the northeast corner of Yosemite Avenue and Parsons Avenue/Gardner Road (the “Project”); and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated November 7, 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 22, “ADDITIONAL WORK,” is hereby added to the Agreement to read as follows:

“SECTION 22. ADDITIONAL WORK. Consultant shall perform the additional work outlined in the ‘Revised Scope of Work’ dated September 3, 2019, attached hereto as Exhibit “1”.

2. Section 23, “ADDITIONAL COMPENSATION,” is hereby added to the Agreement to read as follows:

“SECTION 23. ADDITIONAL COMPENSATION. City shall pay to Consultant the not to exceed additional sum of Seven Thousand Forty-Four Dollars (\$7,044.00) for the additional services described in Exhibit “1.”

3. Except as herein amended, the Agreement dated November 7, 2016, shall remain in full force and effect.

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

CITY OF MERCED  
A California Charter Municipal  
Corporation

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

ATTEST:  
STEVE CARRIGAN, CITY CLERK

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

APPROVED AS TO FORM:

BY: Shirley A. Duke 9-16-19  
City Attorney Date

ACCOUNT DATA:

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

CONSULTANT  
DUDEK,  
A California Corporation

BY: Christine Moore  
~~Frank Dudek~~ Christine Moore  
~~President~~ CPD

Taxpayer I.D. No. 95-3873865

ADDRESS: 605 Third Street  
Encinitas, CA 92024

TELEPHONE: 916-438-5314

FAX: 916-443-5113

E-MAIL: [ckronenberg@dudek.com](mailto:ckronenberg@dudek.com)

September 3, 2019

Julie Nelson  
City of Merced  
678 West 18th Street  
Merced, California 95340

***Subject: Revised Scope of Work to prepare the University Village Merced Student Housing Project and Annexation EIR for the City of Merced, California***

Dear Julie:

As requested, we have revised our scope of work for the University Village Merced Student Housing Project and Annexation Project EIR (proposed project) to address changes to the project. It is our understanding the applicant has submitted revised plans and is requesting work on the EIR resume. The project would still annex approximately 70 acres from Merced County into the City. This includes the approximately 30-acre site on the northeast corner of E. Yosemite Avenue and N. Gardner Avenue, and an additional 40 acres located to the west and east. The proposed project has been modified to increase the number of units from 330 to 540-student housing units on the 30-acre parcel that includes 20 residential buildings (a decrease in two residential buildings from the original project), along with a clubhouse, outdoor recreational space, and a community bus stop. Consistent with the original project, a retail village located around a central community square and a 1.1-acre detention basin is still proposed. The status of the residential Extended Stay units and market-rate apartments is not known. No new development is proposed on the remaining 40 acres, consistent with the previous project description.

The scope of work included in our contract with the City dated November 7, 2016, is unchanged with the exception of the following tasks that have been updated/revised to address changes to the project or changes to CEQA that have occurred since 2016/2017. Only those tasks that were either previously completed or require updating based on the change to the project are included in this scope of work. Table 1 summarizes the cost estimate to complete these tasks and includes factoring in a reallocation of the contingency budget into the labor tasks.

## Task 2: Prepare NOP and Attend Scoping Meeting

Because the project includes over 500 units, the lead agency (City of Merced) is required to hold a scoping meeting (CEQA Guidelines § 15082[c] and 15206). Based on this, it is recommended a revised NOP be prepared and circulated for agency and public review and comment on the scope of the EIR. We assume only one round of internal review would be required before finalizing the document. We assume city staff would oversee noticing and distribution of the NOP (Dudek will deliver the NOP to the State Clearinghouse). It is assumed City staff will arrange the meeting space, coordinate public noticing. The same as the prior scoping meeting, this meeting will be structured in an "Open House" format and would be held in a large room at City Hall. Dudek's project manager will attend this meeting and will prepare a sign-in sheet and mailer for submitting written comments. Dudek will work with City staff to coordinate and run the scoping meeting.

**Cost Estimate**.....\$3,505

### Task 3: Initial Study

In December 2018, the State adopted revisions to Appendix G of the CEQA Guidelines (Environmental Checklist or Initial Study). The IS prepared previously needs to be updated to reflect the changes to Appendix G and to reflect the revised project. Dudek will prepare an Administrative Draft Initial Study for internal review. Dudek will respond to one set of consolidated City comments and provide the final Initial Study for inclusion as an appendix to the Draft EIR.

**Cost Estimate**.....\$4,420

### Task 4: Draft EIR

Dudek's Project Manager will re-initiate work on the EIR and re-engage staff. The first task requires reviewing the prior technical studies prepared for the project. Dudek completed a Biological Resource Assessment of the project site in December 2016 and a Cultural Resources Letter report in February 2017. To ensure both reports reflect current existing conditions and regulatory requirements the following updates are required.

- Because the Biological Resource Assessment is 3 years old Dudek's biologist will conduct a new literature search of the regulatory databases and review aerial imagery of the project site to document existing conditions. No site visit or fieldwork will be undertaken. The Biological Resource Assessment will be updated based on the new literature search and review of aerial imagery.
- Dudek's cultural resources staff will review the Cultural Resources Letter report to ensure it still accurately reflects the local, state and federal regulatory requirements. A new records search will not be conducted for the project. It is recommended the City re-initiate tribal consultation pursuant to SB 18 and AB 52 processes.
- Dudek has received a drainage report and flood study prepared by the applicant in April 2018 that will be peer reviewed by Dudek to ensure it provides the evidence necessary to complete the hydrology and storm drain analysis. It is our understanding the City will provide updated information on sewer conveyance capacity for use in the EIR.

*Administrative Draft EIR:* The Project Description will be updated to describe the new project and any new information. A draft of the project description will be provided to City staff for review prior to commencing work on the technical sections to ensure the project description accurately represents the project. This scope of work assumes Dudek will provide City staff with only one draft version of the project description for review and comment. If additional versions are required, this may necessitate a request for a budget augment.

- Work completed previously on the Administrative Draft EIR will need to be reviewed and updated based on the new project description, including updates to existing graphics previously prepared and updating all the EIR thresholds with the new Appendix G questions. Specifically, the following sections previously drafted require updating: Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Land Use, Public Services and Utilities.

- We assume that, as the project now includes 500 or more housing units, a water supply assessment in compliance with SB 610 will be provided by an approved third party for review and incorporation into the Administrative Draft EIR.

**Cost Estimate**.....\$25,070

## Task 6: Project Management

The re-initiation of the project, including a new scoping period, and revision of certain technical work, will require additional management time. The overall length of time to complete the EIR would not change from the original scope of work that calls for a 10 to 12 month process. An updated schedule with specific dates will be provided at project initiation.

**Cost Estimate**.....\$2,400

**Table 1 Estimated Cost**

Task	Cost
Task 2 Revise NOP/ Scoping Meeting	\$3,505
Task 3 Revise Initial Study	\$4,420
Task 4 Draft EIR (only includes ADEIR)	\$22,070
Task 4a Update Biological Assessment/Review Cultural Report	\$3,000
Task 6 Project Management	\$2,400
<i>Labor Subtotal</i>	<i>\$35,395</i>
Direct expenses (mileage, hard copies)	\$100
<i>Reallocate Existing Contingency Budget</i>	<i>(\$28,451*)</i>
<i>Remaining Project Total</i>	<i>\$7,044</i>

**Note:**

\* Reallocated \$6,613 in 15% markup in original budget to augment Bio Report (\$2,100) and moved remaining \$4,513 into contingency budget.

We are happy to work with the City and the applicant team to complete preparation of the EIR for this project and look forward to hearing from you should you have any questions about our revised proposal. Please contact me at 916.438.5314 or at [ckronenberg@dudek.com](mailto:ckronenberg@dudek.com) at your earliest convenience.

Sincerely,



Christine Kronenberg, AICP  
Senior Project Manager

Attachments: Dudek 2019 Billing Rates