



Legislation Details (With Text)

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**Type:** Consent Item      **Status:** Passed

**File created:** 3/9/2023      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

**On agenda:** 3/20/2023      **Final action:** 3/20/2023

**Title:** SUBJECT: Approval of an Agreement for Services with Crawford and Bowen Planning Inc., for Environmental Services and a Deposit and Reimbursement Agreement with OP Development, Inc., Relating to the Annexation of the Branford Point Project to the City of Merced

REPORT IN BRIEF

Considers entering into an agreement for services with Crawford and Bowen Planning Inc., in the amount of \$163,190 to perform environmental services for the annexation of the Branford Point project (48 acres on the west side of Lake Road between Bellevue Road and La Loma Road) to the City of Merced, and entering into a deposit and reimbursement agreement with OP Development, Inc., in the amount of \$179,509 to fund the Crawford and Bowen contract and to reimburse for City staff time to manage the contract.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving an Agreement for Services with Crawford and Bowen Planning Inc., in the amount of \$163,190 to perform environmental services for the annexation of the Branford Point project to the City of Merced; and,
- B. Approving a Deposit and Reimbursement Agreement with OP Development, Inc., in the amount of \$179,509 to cover the cost of the consultant contract (\$163,190) and staff time (\$16,319) for the administration of the environmental review process and contract; and,
- C. Approving an increase of revenue in the amount of \$63,190 to Fund 3000-Development Services-Other Revenue Developers account line and appropriating \$63,190 to the Professional Services account line for payment to Crawford and Bowen Planning Inc.; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the agreements.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Branford Point Project, 2. Crawford and Bowen Statement of Qualifications, 3. Agreement for Services with Crawford and Bowen Planning, Inc., 4. Deposit and Reimbursement Agreement with OP Development, Inc.

Date	Ver.	Action By	Action	Result
3/20/2023	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by: Kim Espinosa, Planning Manager, Development Services Department*

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## REPORT IN BRIEF

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## RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving an Agreement for Services with Crawford and Bowen Planning Inc., in the amount of \$163,190 to perform environmental services for the annexation of the Branford Point project to the City of Merced; and,
- B. Approving a Deposit and Reimbursement Agreement with OP Development, Inc., in the amount of \$179,509 to cover the cost of the consultant contract (\$163,190) and staff time (\$16,319) for the administration of the environmental review process and contract; and,
- C. Approving an increase of revenue in the amount of \$63,190 to Fund 3000-Development Services-Other Revenue Developers account line and appropriating \$63,190 to the Professional Services account line for payment to Crawford and Bowen Planning Inc.; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the agreements.

## ALTERNATIVES

1. Approving the Services and Reimbursement Agreements as recommended by staff; or,
2. Amending the Services and Reimbursement Agreements (with specific amendments to be specified in Council motion); or,
3. Direct staff to make changes and return to Council at a later date; or,
4. Deny; or,
5. Continue the matter to a future Council meeting (date and time to be specified in motion).

## AUTHORITY

The Cortese-Knox-Hertzberg Act of 2000 establishes procedures for city annexations and other local government changes in organization. Merced Municipal Code Title 19 spells out environmental review procedures for the City.

## CITY COUNCIL PRIORITIES

On September 19, 2022, the City Council indicated general support for moving forward with an application for the annexation of the Branford Point project to the City of Merced.

## DISCUSSION

Background

On July 18 and September 19, 2022, the City Council reviewed Preliminary Annexation Application #22-01 for Branford Point, a 48-acre mixed use development on the west side of Lake Road between Bellevue Road and La Loma Road (Attachment 1). The project would include an estimated 650 dwelling units along with 760,000 square feet of commercial development over the course of approximately 10 years. After failing to receive general support on July 18, 2022, the applicants provided additional information on affordable housing and local hiring to the City Council on September 19, 2022. After reviewing the information in the application and hearing from the applicants, the City Council voted unanimously to offer general support for the project moving forward with an official annexation application.

### Recommended Consultant Selection

Although the applicants have yet to submit for an official annexation application given that their annexation will need to wait until the annexation of the UC Merced campus to the City of Merced per the terms of AB 3312, the applicants are anxious to get started with the environmental process.

The applicants have worked with Crawford and Bowen Planning Inc., in the past and indicated that they had the skills and experience to handle such a complex project. City staff reviewed Crawford and Bowen's qualifications (Attachment 2) and concur with that opinion. After discussing the project with the applicants and City staff, Crawford and Bowen prepared a scope of work for the preparation of an Environmental Impact Report (EIR) for the Branford Point Project.

The scope of work (Exhibit A of Attachment 3) includes project management, preparation of an initial study, the preparation of the Notice of Preparation (NOP), the preparation of the Draft EIR for circulation for public review, the preparation of the Final EIR and Responses to Comments on the Draft EIR, and participation in public hearings on the project. The project team includes Crawford and Bowen as well as JJM Air Quality Consulting Services for air quality, greenhouse gas emissions and health risk analysis; Colibri Ecological Consulting for biological studies; ASM Affiliates for cultural resources; WJV Acoustics for noise; Reuttgers & Schuler for transportation analysis, and Akel Engineering Group, Inc., for the water supply assessment. The budget for the scope of services is \$163,190 and the work is expected to take approximately 24-36 weeks to complete.

The City Attorney's office has prepared an Agreement for Services with Crawford and Bowen at Attachment 3 for \$163,190 and a Deposit and Reimbursement Agreement with OP Development, Inc., at Attachment 4 for a total of \$179,509. The \$163,190 for the consultant contract will be paid in four equal installments within 30 days, 90 days, 120 days, and 180 days of execution of the contract respectively; and the \$16,319 for staff time will be paid in one installment within 30 days of execution.

### City Council Action

City staff is recommending that the City Council award the contract at Attachment 3 in the amount of \$163,190 to Crawford and Bowen Planning Inc., to perform the environmental services for the Branford Point annexation to the City of Merced. The City Council should also approve the Deposit and Reimbursement Agreement at Attachment 4 with OP Development, to cover the costs of the contract (\$163,190) as well as City staff time involved in managing the contract (\$16,319).

## **IMPACT ON CITY RESOURCES**

OP Development, through the Deposit and Reimbursement Agreement at Attachment 4 will fund the

entire cost of Crawford and Bowen's contract (\$163,190) as well as paying for City staff time to manage the contract (\$16,319 or ten percent of the contract amount per the Planning and Development Fee Schedule).

The Fiscal Year 2022-23 adopted budget, there is \$100,000 budget appropriation in the Other Revenue-Developers account line and Professional Services account line which can be used for this contract. The \$16,319 is also budgeted under the cost recovery account. Therefore, staff is asking Council to accept and appropriate the additional revenue above the budgeted amount of \$63,190.

## **ATTACHMENTS**

1. Branford Point Project
2. Crawford and Bowen Statement of Qualifications
3. Agreement for Services with Crawford and Bowen Planning, Inc.
4. Deposit and Reimbursement Agreement with OP Development, Inc.