



## Legislation Text

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**File #:** 19-622, **Version:** 1

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*Report Prepared by: Julie Nelson, Association Planner, Planning Department*

**SUBJECT:** First Amendment to the Professional Services Agreement with Dudek Consulting and First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC for the Preparation of the Environmental Impact Report (EIR) for the Proposed Annexation at the Northeast Corner of Yosemite Avenue and Gardner Road

### REPORT IN BRIEF

Considers the first amendment to the Professional Services Agreement with Dudek Consulting and the Deposit and Reimbursement Agreement with University Village Merced, LLC for the preparation of the Environmental Impact Report for the proposed annexation at the northwest corner of Yosemite Avenue and Gardner Road.

### RECOMMENDATION

**City Council** - Adopt a motion

- A. Approving the First Amendment to the Professional Services Agreement with Dudek Consulting; and,
- B. Approving the First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC; and,
- C. Approving an increase in revenue in the amount of \$7,044 to account 0017-0804-360-1-02 and appropriation the same to account 017-0804-512-17-001 Professional Services for payment to Dudek Consulting for planning services; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

### ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve, subject to modifications as conditioned by Council; or,
- 3. Deny the request; or,
- 4. Refer back to staff for reconsideration of specific items as requested by Council; or,
- 5. Continue to a future meeting (date and time to be specified in Council motion).

### AUTHORITY

Charter of the City of Merced, Section 200

## **DISCUSSION**

The City is processing an application for annexation of approximately 70 acres located at the northeast corner of Yosemite Avenue and Gardner Road (Attachment 1). Dudek Consulting has been contracted to prepare the Environmental Impact Report (EIR) for this project. The project applicants, Cliff Caton and University Village Merced, LLC, have modified the project since the initial application which has resulted in the need to modify the work done on the EIR. In order to cover the cost of the additional work, the Professional Services Contract with Dudek needs to be modified. The proposed First Amendment to the Professional Services Agreement with Dudek Consulting would add an additional \$7,044 to the original contract amount of \$193,286. The First Amendment to this contract is provided at Attachment 2 with the additional scope of work provided at Exhibit 1 of the First Amendment.

The developer is required to pay the costs associated with the Environmental Review. As such, the Deposit and Reimbursement Agreement entered into by University Village Merced, LLC, needs to be amended to reflect the additional costs in order for the City to be reimbursed. The First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC, agreeing to pay the addition \$7,044 is provided at Attachment 3.

## **IMPACT ON CITY RESOURCES**

The cost of the Environmental Impact Report will be completely reimbursed to the City by the developers. Actions to appropriate the revenue to the corresponding Accounts in the Development Services Department budget are included in the recommendation.

## **ATTACHMENTS**

1. Location Map
2. First Amendment to Professional Services Agreement with Dudek
3. First Amendment to the Deposit and Reimbursement Agreement with University Village, Merced, LLC