

RESOLUTION NO. ____-2018

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. TO RESPOND TO PUBLIC COMMENTS ON THE HARE CREEK CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) AND COMPLETE THE EIR FOR THE HARE CREEK CENTER DEVELOPMENT APPLICATION AND AUTHORIZING CITY MANAGER TO EXECUTE SAME (AMOUNT NOT TO EXCEED \$48,350; ACCOUNT NO. 110-4320-3415)

WHEREAS, on January 28, 2015, the Fort Bragg Planning Commission considered an application by Group II Commercial Real Estate, Inc. for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center at 1250 Del Mar Drive, Fort Bragg (APN: 018-450-40, 018-450-41), approved a Mitigated Negative Declaration (MND), and on a 2-2 vote, effectively denied the application; and

WHEREAS, on February 4, 2015, Group II filed an appeal of the Planning Commission's denial with the Fort Bragg City Council; and

WHEREAS, on February 9, 2015, Edward Oberweiser, et al. filed an appeal of the Planning Commission's approval of the MND; and

WHEREAS, on March 23, 2015, the Fort Bragg City Council upheld the Oberweiser appeal and denied the Group II appeal and directed staff to work with the Coastal Commission staff and the applicant to redesign the project to address Coastal Commission and City Council concerns about the project design; and

WHEREAS, at the March 23, 2015 meeting, City Council further directed that a consultant be retained to prepare an Environmental Impact Report for the project; and

WHEREAS, on April 4, 2016, Group II Commercial Real Estate, Inc. submitted a new application for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center; and

WHEREAS, the City is the lead agency for the completion of the environmental review for the proposed project under the California Environmental Quality Act (CEQA); and

WHEREAS, Group II Commercial Real Estate has established a Developer Deposit Account to fund City staff activities associated with the review of the Hare Creek Center application and related activities including the completion of the Environmental Impact Report (EIR); and

WHEREAS, the City of Fort Bragg released a Request for Proposals on December 17, 2015 to obtain the professional services of a consulting firm to prepare an EIR for the project; and

WHEREAS, on July 25, 2016 the Fort Bragg City Council adopted a resolution to enter into a Professional Services Agreement with Michael Baker International to prepare an EIR for the project; and

WHEREAS, Michael Baker International completed a Draft EIR for the project, which was made available for public review on March 22, 2018; and

WHEREAS, the original Professional Services Agreement with Michael Baker International did not include an adequate scope to cover the quantity of public comment received on the Draft EIR and subsequently expired; and

WHEREAS, Municipal Code Section 32.230.030(B) exempts contracts for professional services of environmental firms from requiring a formal Request for Proposals and firms may be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required; and

WHEREAS, utilization of the same firm that completed the Draft EIR to complete the final EIR is necessary for the timely and satisfactory completion of the project; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. Michael Baker International is qualified to provide necessary professional services to complete the Environmental Impact Report for the Hare Creek Center application.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the attached professional services agreement with Michael Baker International for completion of the Hare Creek Center Environmental Impact Report and authorizes the City Manager to execute same (Amount Not to Exceed \$48,350; funded by Developer Deposit Account 110-4320-3415).

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13th day of November, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LINDY PETERS
Mayor

ATTEST:

June Lemos, CMC
City Clerk