



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

July 9, 2019

SUBJECT: Council Adoption of Memorandum of Understanding (MOU) #2 between City of Wheatland and Bishop Pumpkin Farm regarding 2019 Dust and Gravel Control, and Safety Measures

PREPARED BY: Jim Goodwin, City Manager; Dane Schilling, City Engineer

Recommendation

Staff recommends:

1. Adopt MOU as presented.
2. Direct the City Engineer to use a modified bid process for awarding a contract to complete paving projects included in the MOUs

Background/Discussion

City and Bishop Pumpkin Farm previously entered into a Developer Agreement on January 11, 2011 that specified a fee to be paid to city as a percentage of fees paid by visitors for use of attractions at Bishop Pumpkin Farm. That Developer Agreement was amended on September 26, 2017. The terms of the agreement, as amended, state that Bishop Pumpkin Farm and City will agree on the use of funds from the Pumpkin Farm Joint Admission Fund for any public project.

Dust and gravel caused by traffic during operation of Bishop Pumpkin Farm causes numerous complaints each season. In order to address the dust and gravel concerns during the 2019 season, Bishop Pumpkin Farm is agreeing to pave the entry road at the end of Main Street. In addition, in 2018 the City contracted for street sweeping on those streets affected by ingress and egress to the farm as a dust control measure and plans to implement street sweeping again in 2019.

In May, Council approved an MOU regarding dust and gravel control for 2019. Since that time, staff has identified the need for additional paving to control dust and gravel and improve safety. Bishop Pumpkin Farm agrees with the need to complete the additional work. As a result, it is prudent to complete the paving work as one contract.

The new project will include three areas of work:

1. New asphalt paving on the Pumpkin Farm access road between Main Street and Roddan Lane;
2. Asphalt overlay of damaged pavement on Main Street from E Street to the westerly terminus;
3. Asphalt overlay of damaged pavement on Wheatland Road between the high school and middle school near the secondary access for the Pumpkin Farm.

The anticipated costs (including bidding, construction, contract administration and inspection) for the project is \$81,500.

In order to complete the project prior to the 2019 Pumpkin season, staff recommends using a modified bid procedure that allows for informal bid procedures that conform to the State of California Uniform Construction Cost Accounting Act. This process is competitive and transparent but allows for some flexibility with regard to advertising and the length of the bid period.

MOU #2 recognizes the need for the additional work and the agreement to proceed with all paving work as one project.

The 2019 Dust and Gravel Control and Safety Measures as described are considered exempt under the California Environmental Quality Action (CEQA) Section 15303 (d). This CEQA section provides categorical exemption for New Construction or Conversion of Small Structures, with subsection (d) referencing the extension of utility services, including street improvements of reasonable length, to serve the project. Therefore, the approval of the MOU does not require any additional CEQA review.

Fiscal Impact

No General Fund Impact as the projects and services will be paid for from the Pumpkin Farm Joint Admission Fund.

Attachments

1. Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING #2
REGARDING DUST AND GRAVEL CONTROL AND SAFETY FOR THE 2019
OPERATING SEASON OF BISHOP PUMPKIN FARM**

This MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into by and between the City of Wheatland hereinafter referred to as "City" and BISHOP PUMPKIN FARM, hereinafter referred to as "Bishops," to specify certain dust and gravel control and safety measures to be paid for from the Pumpkin Farm Joint Admission Fund.

WHEREAS City and Bishops previously entered into a Developer Agreement on January 11, 2011 that specified a fee to be paid to city as a percentage of fees paid by visitors for use of attractions at Bishop Pumpkin Farm; and

WHEREAS the Developer Agreement was amended on September 26, 2017; and

WHEREAS, the terms of the agreement, as amended, state that Bishops and City will agree on the use of funds from the Pumpkin Farm Joint Admission Fund for any public project; and

WHEREAS, dust and gravel caused by traffic during operation of Bishop Pumpkin Farm causes numerous complaints each season; and

WHEREAS, traffic generated by operation of Bishop Pumpkin Farm causes focused damage to City pavement and safety concerns on routes that serve the Pumpkin Farm; and

WHEREAS, City and Bishops wish to address public concerns and maximize dust and gravel control and safety during the 2019 season; and

WHEREAS, City and Bishops entered into an MOU previously regarding dust and gravel control on May 25, 2019; and

WHEREAS, both parties agree an additional MOU is necessary for approval of additional paving for dust and gravel control and safety, for maintenance of existing streets and for combining all paving efforts into one project managed, constructed and inspected by the City; and

WHEREAS, Bishops has entered into a lease agreement with the property owner of 1500 Roddan Lane, Wheatland, California (Assessor's Parcel Number 015-490-014) for construction and maintenance of an access road that connects the westerly end of Main Street with Roddan Lane and has provided evidence of said lease to the City.

WHEREAS, the agreement includes the minor construction to improve the access to the Bishop Pumpkin Farm, the approval of this minor construction is exempt under CEQA Section 15303 (d) and additional CEQA review is not required.

NOW, THEREFORE, in consideration of the mutual agreement City and Bishops agree as follows:

1. City will construct an asphalt overlay on Main Street from E Street to the western terminus, and construct an asphalt overlay on Wheatland Road between the high school and middle school; and construct asphalt paving on the existing gravel road connecting Main Street and Roddan Lane.
2. City agrees to combine all three paving projects included in this MOU and the prior MOU for dust and gravel control and safety improvement into one project and provide project management and inspection of the project not to exceed 20% of the estimated construction costs.
3. City will use a modified bid process to award to the project to the lowest, responsive bidder and will seek to complete all work prior to September 18, 2019.
4. All work described above will be paid for from the Pumpkin Farm Joint Admission Fund.
5. Bishops is responsible for securing and maintaining any property rights, and insurances needed for the use of the private access road between the westerly end of Main Street and Roddan Lane.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date set forth beneath their respective signatures.

Bishop Farm

Signature: _____

Print Name: _____

Title: _____

Date: _____

City of Wheatland

Signature: _____

Print Name: _____

Title: _____

Date: _____