

RESOLUTION NO. 2013-168

RESOLUTION OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING THE THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH DUDEK FOR BIOLOGICAL AND PERMITTING SERVICES IN CONNECTION WITH THE DOWDELL AVENUE EXTENSION PROJECT

WHEREAS, the City of Rohnert Park Municipal Code Title 3 Chapter 3.04 provides that the city's purchasing functions shall be governed by the city's purchasing policy;

WHEREAS, City and Dudek are parties to that certain agreement entitled "*Consultant Services Agreement*" dated October 15, 2012 ("Agreement"), for the amount of \$37,000.00 authorized per Rohnert Park Municipal Code Chapter 3.04 Purchasing Program.

WHEREAS, On March 23, 2013, the First Amendment to the Agreement was authorized through the Purchasing Ordinance for an additional amount of \$2,500.00 there by increasing the total cost of the agreement to \$39,500.00.

WHEREAS, On September 18, 2013, the Second Amendment to the Agreement was authorized through the purchasing ordinance for an additional amount of \$8,940.00 there by increasing the total cost of the Agreement to \$48,440.00.

WHEREAS, City and Consultant now desire to enter into this Third Amendment to provide for additional work for the preparation of the appropriate CEQA environmental documents to satisfy the requirements of the California Department of Fish and Wildlife and the Regional Water Quality Control Board and provide for issuance of permits required from these agencies for the Dowdell Avenue Extension roadway project (City Project 2011-11).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AS FOLLOWS:

Section 1. Recitals. That the above recitations are true and correct and material to this Resolution.

Section 2. Environmental Clearance. That the adoption of this Resolution and accompanying Amendment is exempt from review under the California Environmental Quality Act because the activity in question is not a project as defined under CEQA Guidelines Section 15378 in that there is no potential that the activity will result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Section 3. Agreement. That the Third Amendment to the Agreement between Dudek and the City of Rohnert Park is hereby authorized and approved in an amount not to exceed an additional ten thousand dollars (\$10,000.00).

Section 4. Authorization. That the City Manager is hereby authorized and directed to take all actions to effectuate the Amendment for and on behalf of the City of Rohnert Park, including execution if necessary, in substantially similar form to the Third Amendment attached hereto as Exhibit "A," subject to minor modifications by the City Manager or City Attorney.

DULY AND REGULARLY ADOPTED this 10th day of December, 2013.

CITY OF ROHNERT PARK

Pam Stafford
Pam Stafford, Mayor

ATTEST:

JoAnne Buergler
JoAnne Buergler, City Clerk

Attachment (Exhibit "A") – Third Amendment with Amendment Exhibits

AHANOTU: AYE BELFORTE: AYE MACKENZIE: AYE CALLINAN: AYE STAFFORD: AYE
AYES: (3) NOES: (0) ABSENT: (0) ABSTAIN: (0)



**THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH
DUDEK FOR BIOLOGICAL AND PERMITTING SERVICES IN CONNECTION WITH
THE DOWDELL AVENUE CONSTRUCTION-BUSINESS PARK DRIVE TO 850' S OF
BUSINESS PARK DRIVE; CITY PROJECT NO. 2011-11**

This Third Amendment to the Agreement between the City of Rohnert Park ("City") and Dudek ("Consultant") for additional services ("Third Amendment") is entered into as of the _____ day of _____, 20____, ("Effective Date"), by and between City and Consultant.

RECITALS

- A. City and Consultant are parties to that certain Agreement entitled "*Consultant Services Agreement*" dated October 15, 2012, for the amount of \$37,000.00 authorized per Rohnert Park Municipal Code Chapter 3.04 Purchasing Program.
- B. On May 23, 2013, the First Amendment to the Agreement was authorized through the Purchasing Ordinance for an additional amount of \$2,500.00 there by increasing the total cost of the agreement to \$39,500.00.
- C. On September 18, 2013, the Second Amendment to the Agreement was authorized through the purchasing ordinance for an additional amount of \$8,940.00 there by increasing the total cost of the agreement to \$48,440.00
- D. City and Consultant now desire to enter into this Third Amendment to provide for additional work as described below.

AGREEMENT

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

- 1. Scope of Services. In addition to the services provided under the Agreement, Consultant shall provide additional services, including but not limited to, the preparation of necessary reports and documents and additional meetings as described in the attached Exhibits A-B Scope and Compensation which are incorporated herein by this reference.
- 2. Compensation. Consultant shall perform the services described in this Third Amendment for a total not-to-exceed amount of \$ 10,000.00 thus increasing the total cost of the Agreement to \$58,440.00.
- 3. Agreement in Effect. Except as amended by this Third Amendment, the Agreement shall remain in full force and effect.
- 4. Counterpart Signatures. This Third Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this Amendment as of the date first written above.

CITY OF ROHNERT PARK:

By: _____ / _____
Darrin Jenkins, City Manager (Date)
Per Resolution No. 2013 _____ adopted by the Rohnert
Park City Council at its meeting of December 10, 2013.

ATTEST:

City Clerk
APPROVED AS TO FORM:

City Attorney

CONSULTANT:

By: _____ / _____
Name: _____ (Date)
Title: _____

By: _____ / _____
Name: _____ (Date)
Title: _____

DUDEK

853 LINCOLN WAY, SUITE #208
AUBURN, CALIFORNIA 95603
T 530.887.8500 F 530.865.8372

Exhibit A

November 20, 2013

Marilyn Ponton, AICP
Planning and Building Manager
City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928

Subject: Proposal to Prepare CEQA Documentation for the Dowdell Avenue Extension Project

Dear Ms. Ponton:

Thank you for the opportunity to provide a scope-of-work and cost estimate to prepare CEQA documentation for the proposed Dowdell Avenue Extension roadway project. Dudek has conducted technical studies for this project and is currently working to secure resources permitting from state and federal resource agencies. This scope of work will provide the appropriate CEQA environmental review to satisfy the requirements of the California Department of Fish and Wildlife and the Regional Water Quality Control Board and provide for issuance of permits required from these agencies for the project.

The attached scope of work outlines the work program to complete CEQA compliance. The estimated cost to complete the proposed work program is **\$10,000**. Please contact me if you have any questions about the work program or cost estimate.

Sincerely,



Project Manager

I PROPOSED SCOPE OF WORK

Project Understanding and Approach

The City prepared an Environmental Impact Report for the Stadium Area Master Plan project, which provided an initial analysis of the proposed Dowdell Avenue roadway extension north of the Master Plan area. Because project details were unknown at the time, the Master Plan EIR did not provide project level analysis necessary to meet CEQA compliance requirements to support permitting through the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB).

Dudek's Work Program will rely on the technical studies prepared to date for cultural and biological resources and hazardous materials, as well as pertinent information contained in the Master Plan EIR, to prepare an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring Plan that provide a project level analysis of the proposed roadway extension project. The document will be prepared to meet agency requirements for CEQA compliance and will support permitting by State agencies for the project. This work program assumes that no additional technical studies will be required.

The following is a brief overview of the work program necessary to prepare the appropriate documents, assumptions related to the work program, and a cost estimate for completion of the described tasks.

Work Program

The following Task Outline describes each specific task the Dudek team will complete in providing environmental review services to the City of Rohnert Park for the Dowdell Roadway Extension Project. The proposed Schedule and Cost Estimate are presented at the end of this section.

TASK 1: PROJECT INITIATION/SITE RECONNAISSANCE/ DATA COLLECTION

Upon authorization to proceed, Dudek will collect data and review pertinent project documentation and other environmental information relevant to the project site and vicinity. This will include technical studies, the Master Plan EIR, and the City's General Plan and other relevant adopted planning guidance documents. A site visit is not necessary, as visits were conducted for surveys of the site for other studies, and it is assumed that no formal kickoff meeting will be required.

TASK 2: PROJECT DESCRIPTION

The development of a thorough project description is the critical first step in preparing a legally adequate environmental document. Using information provided by the City, Dudek will prepare a detailed Project Description to support the CEQA analysis. Much of this information has already been provided by the City to support permitting efforts. The project description will include a description of:

- The existing environmental setting
- The land uses surrounding the site
- Project components and construction techniques and phasing based on plans and information provided by the City.

Dudek will submit a draft project description to the City for review and comment and will make any necessary revisions prior to moving forward with the environmental analysis. The Project description graphics will include a site and vicinity map, an aerial photograph displaying project-area boundaries, and photographs as necessary.

TASK 3: TECHNICAL STUDIES AND MODELING

The CEQA analysis will rely on studies previously prepared for biological and cultural resources, as well as the Phase I ESA prepared by Dudek. It is anticipated that no new technical studies will be required for preparing the CEQA analysis. Dudek will consult with the Bay Area Air Quality Management District (BAAQMD) to determine the appropriate level of analysis for the roadway project. As necessary, emissions from the project will be modeled using the CalEEMod emissions modeling program. Modeling inputs will be obtained from the operational- and construction phase equipment-use information provided by the City. Modeling outputs will include estimates of greenhouse gas emissions to support the analysis of air quality and climate change impacts in the IS.

TASK 4: ADMINISTRATIVE DRAFT INITIAL STUDY AND MITIGATION MONITORING PLAN

Upon the City's approval of the Project Description, Dudek will prepare an Administrative Draft Initial Study (IS) following the latest version of CEQA Guidelines Appendix G. The IS will identify potential environmental impacts and mitigation measures necessary to reduce project impacts to less-than-significant levels.

The Administrative Draft Mitigation Monitoring Plan (MMP) will be submitted to the City with the IS and will provide a plan for implementing the mitigation measures identified in the IS. The MMP will identify:

- The party(ies) responsible for implementation of mitigation measures
- The party(ies) responsible for monitoring of mitigation measures
- Time frames for implementation and monitoring of mitigation measures
- Performance criteria to be used in the monitoring actions
- Funding sources for each mitigation measure, where available.

RESOURCE AREAS ADDRESSED IN THE INITIAL STUDY

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Geology/Soils
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utility/Service Systems

The Administrative Draft IS and MMP will be submitted to the City in electronic format for review and comment.

TASK 5: DRAFT IS / MITIGATION MONITORING PLAN/ MITIGATED NEGATIVE DECLARATION/NOTICE OF INTENT

Dudek will revise the Administrative Draft IS and MMP to incorporate comments provided by City staff and prepare the Draft Mitigated Negative Declaration (MND) and MMP along with a Notice of

Intent to adopt an MND. This work program assumes that revisions required will not be substantial and that only one round of comments and revisions will be necessary. Dudek will provide the City with one electronic copy of the Draft MND and MMP.

This work program assumes the City will be responsible for public noticing, document reproduction and distribution, and required filing and fees associated with filing the document with the City Clerk-Recorder's office, including the California Department of Fish and Wildlife (CDFW) CEQA review fee (currently \$2,156.25 for an MND).

TASK 6: RESPONSE TO PUBLIC COMMENTS, REVISED (FINAL) INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

After the close of the public circulation period, Dudek will review any comments received on the draft document and consult with the City regarding any substantive comments. Dudek will prepare written responses to each comment. Any changes to the text of the IS as a result of comments received will be made. Dudek will submit the responses to comments and revised IS (if applicable) to the City in electronic format for review. The budget for this task assumes responses to no more than 10 individual comments.

EXHIBIT B

COMPENSATION

Fee Schedule for Consultant Services Agreement

	Title	Hourly Rate
PLANNING	Principal Planner	155.00
	Senior Planner	130.00
	Associate Planner	110.00
	Assistant Planner	85.00
	Resource Specialist	100.00
NATURAL RESOURCES	Senior Biologist	130.00
	Associate Biologist	110.00
	Assistant Biologist	85.00
PROJECT SUPPORT	CAD/GIS/Mapping Specialist	95.00
	Project Administrator/Editor	95.00
	Word Processing/Production/Admin	65.00
	Support	

REIMBURSABLE EXPENSES

Subcontractors include a 10% administration charge.

Mileage is charged at the IRS approved rate.