

**COUNTY OF SONOMA  
AGENDA ITEM  
SUMMARY REPORT**

Clerk of the Board Use Only

Meeting Date

\_\_\_\_/\_\_\_\_/\_\_\_\_

Agenda Item No: \_\_\_\_\_

Department: Permit and Resource Management Department

( ) 4/5 Vote Required

Contact:  
Scott Briggs

Phone:  
x8351

Board Date:  
June 9, 2009

Deadline for Board Action:

**AGENDA SHORT TITLE:**

Dutra Haystack Landing Asphalt Plant and Recycling Facility; EIR Contract Amendment No. 3.

**REQUESTED BOARD ACTION:**

Authorize the Board Chair to sign a contract amendment that would increase the amended Christopher A. Joseph and Associates (CAJA) Agreement for Professional Services by \$18,816.92 to \$479,424.48, including contingencies.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

<b>EXPENDITURES</b>		<b>ADD'L FUNDS REQUIRING BOARD APPROVAL</b>	
<b>Estimated Cost</b>	\$ \$18,816.92	<b>Contingencies</b>	\$
		(Fund Name: )	
<b>Amount Budgeted</b>	\$ \$18,816.92	<b>Unanticipated Revenue</b>	\$
		(Source: )	
<b>Other Avail Approp</b>	\$	<b>Other Transfer(s)</b>	\$
(Explain below)		(Source: )	
<b>Additional Requested:</b>	\$	<b>Add'l Funds Requested:</b>	\$

**Explanation (if required):**

**Prior Board Action(s):**

September 28, 2005: Approve contract with CAJA for the Dutra Haystack Landing Asphalt Plant and Recycling Facility EIR.

May 13, 2008: Approve first contract amendment with CAJA for preparation of the EIR for the Dutra Asphalt Plant and Recycling Facility project.

February 3, 2009: Approve second contract amendment with CAJA to provide PRMD with technical assistance regarding comments received on the Final EIR.

**Alternatives - Results of Non-Approval:**

CAJA will not be available to assist staff with unanticipated level of effort required to complete the Dutra Haystack Landing Asphalt Plant and Recycling Facility Final EIR and attend the Board hearings regarding the document.

**Background:** On file with the Clerk: Original CAJA contract, first contract amendment and second contract amendment.

On September 28, 2005 your Board authorized a contract with CAJA for \$227,654.00 with a contingency of \$56,914.00 to prepare a Draft and Final EIR on the proposed Dutra Haystack Landing Asphalt Plant and Recycling Facility. On January 14, 2008, a Draft EIR for the project was prepared and published by CAJA for public review.

During the preparation of the Final EIR, CAJA incurred additional costs resulting from the expanded analysis of numerous comments received on the Draft EIR, including preparing the data necessary for a detailed Health Risk Screening Assessment at the request of the Bay Area Air Quality Management District (BAAQMD) and additional travel to compare other asphalt facilities with the proposed project at the request of the County Planning Commission. Accordingly, on May 13, 2008, your Board approved the first contract amendment to increase the original CAJA Agreement for Professional Services by \$158,765.56 to \$443,333.56, including contingencies, to provide funding for the completion of the Final EIR.

On October 16, 2008, the Planning Commission recommended certification of the EIR and approval of the Dutra Haystack Landing project, as conditioned. A December 9, 2008 date was then set to bring this project/project EIR to your Board for consideration. However, on December 8, 2008 a 240-page document was submitted by Lozeau-Drury, LLC, on behalf of the Petaluma River Council, which raised numerous concerns about the project and project EIR. Given the number and complexity of comments contained in this submittal, and the last-minute timing of this submittal, the applicant requested that your Board delay its consideration of the Dutra Haystack Landing project/project EIR to February 3, 2009, in order to afford time for PRMD, County Counsel, and CAJA to consider and prepare responses to any substantive issues raised.

On February 3, 2009, the Board approved the second CAJA contract amendment, took several public comments, closed the public hearing, directed staff to make a number of modifications to the Conditions of Approval, cast a straw vote and continued the item to March 24, 2009 for deliberation. The item was subsequently continued to May 12, 2009 and then again to June 9, 2009. On March 5, 2009, the Planning Commission continued to April 16, 2009, its consideration of staff's recommended General Plan Text Amendment that would allow the project to exceed noise standards in the General Plan Noise Element. The Planning Commission received public comments on the proposed amendment to the General Plan Noise Element at that time, closed the public hearing and continued the item to May 21, 2009 for deliberation. During the course of the Planning Commission and Board hearings, comments were received requiring substantially more work to be performed by CAJA. This additional work includes clarifying and refining technical issues discussed in the EIR including potential impacts on air quality, noise exposure to birds, and statements made in the Draft EIR regarding possible growth inducement that could be caused by the proposed project.

Background continued on next page

**Attachments:** None

**On File With Clerk:**

Third contract amendment  
Second contract amendment  
First contract amendment  
Original Agreement for Professional Services with CAJA

**CLERK OF THE BOARD USE ONLY**

**Board Action** (If other than "Requested")

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\_\_\_\_\_  
\_\_\_\_\_

Vote:

**Background: (Continued)**

Given the technical nature of the issues raised, PRMD hereby requests that your Board approve a third contract amendment to the CAJA EIR contract so that the CAJA team can assist PRMD with the preparation of the responses to the comments received. Although the CAJA cost estimate to provide this technical assistance is \$12,544.61, PRMD is requesting that a 50% contingency be added to the CAJA estimate, resulting in a total requested contract amendment in the amount of \$18,816.92. Although this contingency is larger than is typical (contingencies typically range between 10% and 25%), staff believes that this additional cushion is prudent given the nature and complexity of the issues raised, and is hopeful that this will preclude the need for yet another amendment should additional, unanticipated issues arise at your Board. Please note that prior approval must be obtained from PRMD before any portion of these contingency dollars can be used by CAJA. Also please note that this contract amendment, including the proposed 50% contingency, has been fully discussed with the applicant, the Dutra Group, which has agreed to provide these additional funds to PRMD immediately upon approval of this contract amendment by your Board.

Recommendations: Authorize the Board Chair to sign a contract amendment with CAJA increasing the contract by \$18,816.92 to \$479,424.48, including contingencies.