



**REPORT TO THE
REDEVELOPMENT AGENCY
AND CITY COUNCIL
of the City of Sacramento**

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

Staff Report
July 15, 2008

**Honorable Mayor and Members of the City Council
Honorable Chair and Members of the Board**

Title: Docks Promenade Parkway Mitigated Negative Declaration, Grant Funds and Bidding

Location/Council District: Sacramento Riverfront from O Street to R Street, District 1

Recommendation:

- 1) Adopt a City Resolution:** Approving and authorizing the City Manager to execute an amendment to the Proposition 40 River Parkway Program Grant agreement with the California Resources Agency to reprogram \$1.5 Million in grant funds to Phase 1 of the Docks Promenade Parkway Project, 2) authorizing the City Manager or his designee to execute amendments to the agreement(s) and accept the grant award.
- 2) Adopt a City Resolution:** 1) Approving the Mitigated Negative Declaration for the Docks Promenade Parkway; 2) adopting the Mitigation Monitoring Plan; 3) reaffirming adoption of the Docks Promenade Parkway Plan; 4) suspending competitive bidding for the future construction of the Docks Promenade Parkway – Phase I, as in the best interests of the City.
- 3) Adopt a Redevelopment Agency Resolution:** Authorizing the transfer of Merged Downtown Tax Increment Funds to the Docks Promenade Construction project (B18430000) in the amount of \$307,206.

Contact: Beth Tincher, Senior Project Manager, 808-7730; Leslie Fritzsche, Downtown Division Manager; 808-5450; Camille Wise, Program Specialist, 808-8830, J.P. Tindell, Park Planning and Development Manager, 808-1955

Presenters: Not applicable

Department: Economic Development

Division: Downtown Development

Organization No: 4451

Description/Analysis:

Issue: On October 16, 2007, the City Council approved the design concept for the Docks Promenade Parkway and approved the submittal of a Proposition 50 River Parkway Grant application for the construction of Phase I – Docks Promenade (Attachment 1). The City did not receive a Proposition 50 Grant award this year, but has an opportunity to utilize \$1.5 million of Proposition 40 River Parkway Opportunity Funds the City previously received. These funds were previously allocated to Jibboom Street Park development project (L19911002), which was determined to be infeasible within the desired timeframe for expending the grant funds expending on the part of the State. The Proposition 40 funds must be spent by June 2010 (realistically December 2009 to accommodate close out) or they will be lost. Since the Docks Promenade did not receive a Proposition 50 River Parkway grant award this year and redevelopment of Sacramento's riverfront remains one of the City's top priorities, Parks and Recreation is supportive of transferring the funds to the Docks Promenade Phase I project. The State Resources Agency has provided positive feedback to the City regarding the transfer of the Proposition 40 Funds to the Docks Promenade Parkway project.

The proposed promenade in its entirety is a mile-long 20-foot-wide pedestrian and bicycle path extending from the existing promenade (Tower Bridge to O Street) to Miller Park (Attachment 3 and 4). City Council comments on the design of the shade structures, creating a series of special spaces for celebration and romance, and a potential for major regional recreational opportunities along the entire stretch of the promenade will be incorporated as the design of each phase progresses. Before proceeding with 60–100% design of the first Phase of the Promenade Parkway, staff is requesting approval of the Mitigated Negative Declaration, adoption of the Mitigation Monitoring Plan, and reaffirmation of City Council approval of the Docks Promenade Parkway Plan (concept plan from O Street to Miller Park).

The proposed Docks Promenade Parkway Phase I project extends from O Street to R Street. It is important to build this portion of the promenade as it provides an additional connection to Downtown via the R Street Bridge, will begin to create an activity node through the development of the R Street Park, and will be a catalyst at the front door of the Docks Redevelopment project. The description of elements contained in Phase I is outlined in more detail in Attachment 4. The detailed design features of the promenade and park elements will be presented to the Parks and Recreation Commission and City Council for adoption in October 2008.

Policy Considerations:

City of Sacramento 2005-2010 Parks and Recreation Master Plan – Applying for grant funding for these projects is consistent with the policies in the City's 2005-2010 Parks and Recreation Master Plan including:

Policy 6.6: Actively pursue grants, donations and sponsorships from the public, private, and nonprofit sectors.

Policy 6.12: Base budget priorities on timely issues or needs, and the Parks and Recreation Master Plan and Parks and Recreation Programming Guide (PRPG) as adopted by the City Council.

Constructing the Promenade is also consistent with the City's strategic plan to achieve sustainability and livability and to expand economic development throughout the City.

Sacramento Riverfront Master Plan - The recommended actions are consistent with prior City Council direction related to the implementation of the 2003 Sacramento Riverfront Master Plan. In addition, City Council provided direction to staff in May 2006 to issue a Request for Proposals for the Promenade. Walker Macy was awarded the promenade design contract in August 2006. The preliminary concept options were presented at a community workshop in April 2007. Refined concepts were presented to the public in June 2007.

Redevelopment Agency of the City of Sacramento – The recommended actions are consistent with the Amended Merged Downtown Redevelopment Plan, the 2005-2009 Merged Downtown Redevelopment Plan and the 2005-2007 Docks Area Community Planning Process. Redevelopment of the Docks Area will eliminate blight by: 1) eliminating environmental deficiencies in the Merged Project Area, including mixed uses, small and irregular lots, obsolete, aged and deteriorated buildings, inadequate public improvements, and uneconomic land uses; and 2) strengthening retail and other commercial functions in the downtown area by the installation of needed site improvements either inside or outside the Merged Project Area to stimulate new commercial expansion, employment and economic growth.

Environmental Considerations: In accordance with the California Environmental Quality Act (CEQA) Guidelines and Title 14, Section 15070 of the California Code of Regulations, Gail Ervin Consulting prepared an Initial Study for the project. Redevelopment Agency and Development Services Department staff determined that a Mitigated Negative Declaration could be prepared. The Initial Study and Mitigated Negative Declaration (IS/MND) was released on February 12, 2008, for a 30-day review period (ending March 12, 2008). A Notice of Availability (NOA) was published in the Daily Recorder newspaper on February 12, 2008, and distributed to property owners within 500 feet of the

project. The Initial Study informed responsible agencies and the public of potentially significant environmental impacts. The IS/MND identified biological resources, hazards and cultural resources as items that would potentially be affected by the project. All potential impacts, when mitigation measures were applied, were determined to be less than significant.

Copies of the IS/MND were available for review at the City of Sacramento Development Services Department, City of Sacramento, New City Hall, 915 I Street, 3rd Floor, Sacramento, California 95814; and at the North Permit Center, 2101 Arena Boulevard, 2nd Floor, Sacramento, California 95834.

The City received three comment letters, which are listed below and included as Attachment 5.

- State of California Department of Transportation: Supports the project and its ability to fill gaps in the bikeway network. A lease to build the promenade under Pioneer Bridge will be required for future phases of the promenade.
- California State Lands Commission: The state has ownership over tidelands, submerged lands and navigable waterways. A boundary line between state lands and upland parcels has been established for the area included in Phase I, but an agreement between State Lands and the City establishing the ordinary high water mark will be required for future phases. In addition, leases will be required for any promenade features that extend over the water side of the levee (like the overlooks).
- State of California Water Resources Agency: This letter informs the City that an encroachment permit may be required through the Central Valley Flood Protection Board (CVFPB) since the Promenade will be built on top of the levee. Staff intends to submit a formal permit application to the CVFPB in early July 2008.

Findings of fact and a Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures was prepared and is attached (Attachment 6). Staff is recommending that City Council approve the MND, and adopt Findings of Fact and approve the MMP for the Docks Riverfront Promenade Parkway.

Rationale for Recommendation: Approval will allow the City to continue the momentum to attain its vision outlined in the Sacramento Riverfront Master Plan (SRMP) to regain and redevelop the waterfront into a vibrant mixed use neighborhood adjacent to a regional recreational facility along the Sacramento Riverfront. Two key elements outlined in the SRMP for the Docks Area are:

- Connecting the Central Promenade to Miller Park: Provide a combined pedestrian/bicycle path connecting the existing promenade at O Street to Miller Park;
- Provide public access to the water's edge: Provide additional public access to the river. Access may include boat docks or fishing piers.

Development of the Promenade and R Street Park will be a catalyst for the Docks redevelopment and meets the following project goals:

- Redevelopment of the Docks Area as a mixed-use neighborhood that provides public access to the riverfront; pedestrian and bicycle linkages that integrate the area with the adjacent waterfront and downtown; and high-quality public space, including a riverfront promenade;
- Continued improvement of bicycle and pedestrian access throughout the city, including creation of a bike trail and walking path across the R Street Bridge over I-5;
- Development of a place for gatherings, celebrations and events at the entrance of the Docks project area through the development of the R Street Park; and
- Allows the City to retain and maximize the use of \$1.5 million of Proposition 40 funds.

Bidding

While reprogramming the Proposition 40 Funds will assist the City in accomplishing its goal to build the first phase of the Promenade, there are time limits associated with the use of these funds. Funds must be closed out by June 2010. Practically speaking, the funds must be spent by the end of December 2009. It would be beneficial to the project to retain a Construction Manager/General Contractor (CMGC) to provide construction services that would include advising on constructability, providing technical review, assisting with value engineering and providing advice on cost issues that may impact the design of the project that could cause future delays.

Because of the sensitive timeline related to the use of funds, staff is recommending that the City Council suspend competitive bidding for the general contract to construct the project pursuant to Section 3.60.170 D of the Sacramento City Code, which allows competitive bidding to be suspended if the City Council determines, on a two-thirds vote, that it is in the best interests of the City to do so. Suspension of competitive bidding will allow the City Council either to award the construction contract for the project to the CMGC that will be retained by the City to provide pre-construction services, or to award the contract to such other qualified general contractor as may be agreed upon by the City Council. This would be in the City's best interest because utilizing a general contractor selected through a qualifications-based selection process assures the retention of a general contractor with the necessary experience and

qualifications to successfully construct the Project. Sub consultant selection by the CMGC would be required to meet all City bidding and contracting policies.

Upon approval of this action, the City intends to release an RFQ in mid-July 2008, receive bids and establish a selection committee by mid August, 2008, interview companies mid-September 2008 and come back to City Council to approve 60% design and select the CMGC by the end of September 2008. The City anticipates that 100% design drawings will be complete in November 2008 and that construction will begin in January/February 2009. The suspension of the proposed CMGC selection process allows for the selection of the CMGC while development of schematic design drawings are being developed, versus selecting the CMGC once schematic design is complete. This reduces the overall project schedule by approximately 3 months.

Financial Considerations: On October 16, 2007, the City Council established a Capital Improvement Project and an initial budget of \$6,252,775 for the Docks Promenade Parkway Phase I Project. This initial budget included an assumption that the City would receive an award of \$3 million from the Proposition 50 River Parkway Grant Program. Since the difference between the Proposition 40 River Opportunity Grant (\$1.5 million) and the expected \$3 million grant is \$1.5 million, staff re-evaluated the project to determine the feasibility of the scope of work and project budget. Staff proposes that two key factors are critical to the success of this project:

- R Street Bridge Project is obtaining an easement from the State Department of Parks and Recreation this year and will more than likely start construction concurrent with Phase I – Docks Promenade. Building two blocks of the promenade from O Street to R Street will provide another public access from Downtown Sacramento to the waterfront and will provide additional recreational opportunities to City residents and the region.
- The development of R Street Park will provide an event space for gatherings and celebrations along Sacramento's waterfront.

Elements that were eliminated to save costs include:

- Cantilever over the river in the narrowest part of the promenade
- One overlook and shade structure (two overlooks and shade structures are included in the plan)
- Narrowing of Front Street required less movement of Front Street
- Only one fog vessel (art feature) instead of two

Staff is requesting approval of the proposed budget, reprogramming of Proposition 40 River Opportunity Grant Program funds of \$1.5 million from the Jibboom Street Park Project (L19911002) to the Docks Promenade Phase I Project, and reallocation of additional funds to the Docks Promenade Construction Project (B18430000) to support a revised budget of \$5.1 million. The total Docks Promenade Parkway Phase I project costs

are anticipated to be \$5,359,971. The project budget based on requested Council actions in this report will be \$5,059,971 as summarized below. An additional \$200,000 in park impact fees from another project in the Central City Planning Area may be available and will be brought forward as a separate action once the City receives confirmation on resolution of a grant funding issue. The Department of Transportation will also be providing an additional \$100,000 to the project, which will be programmed in a separate action in August 2008. Staff will provide an update on the project budget with the award of the project contract.

The major line items in the previous and current cost estimate/revised budget include:

	Previous Budget	Project Cost
O to R Street Promenade:	\$4,836,596	\$4,192,971
R Street Park	422,179	430,000
Rail Realignment	171,000	179,000
Front Street Realignment	823,000	82,000
Construction Mgmt and Studies		348,763
Total Cost	<u>\$6,252,775</u>	<u>\$5,359,971</u>

Docks Promenade Phase I Construction Budget Summary

	Approved Funding	Funding Changes	Revised Budget
Proposition 50 Funds	\$3,000,000	(\$3,000,000)	
Proposition 40 Funds		\$1,500,000	\$1,500,000
Downtown Tax Increment (Docks)	2,602,775	307,206	\$2,909,971
Park Development Impact Fees	500,000		500,000
Quimby in Lieu Fees	150,000		150,000
Total Budget	<u>\$6,252,775</u>		<u>\$5,059,971</u>

Staff is also analyzing alternatives to finance the long term maintenance and operations of new regional waterfront improvements along the Sacramento River and potentially a portion of the American River in the Downtown area, as there are currently no Parks and Recreation funds available for the ongoing operations and maintenance of R Street Park and the Promenade. Staff will return to City Council within six months with suggested alternatives and recommendations.

Emerging Small Business Development (ESBD): The selection of consultants during the RFQ process for the CMGC and for any subsequent subcontractors for the project named in this report will follow City established guidelines for inclusion of ESBD firms.

Respectfully Submitted by: Leslie Fritzsche
Leslie Fritzsche
Downtown Development Manager
on behalf of the Redevelopment Agency
of the City of Sacramento

J.P. Tindell
J.P. Tindell
Park Planning and Development Manager
Department of Parks and Recreation

Approved by: David L. Spaur
David L. Spaur, CEcD, EDFP
Director, Economic Development Department

Recommendation Approved:

Ray Kerridge
Ray Kerridge
City Manager

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ATTACHMENT 1

Map of the Docks Area Promenade Parkway and Promenade Phase I Project



ATTACHMENT 2

Background Information

Promenade and R Street Park Design

In August, 2006, Walker Macy was awarded a contract for the Docks Promenade design. On October 26, 2006, the sixth Docks Area Community Workshop was held. This workshop introduced Ned Kahn, a prominent public artist who was selected to complete the art plan for the Docks Promenade.

On April 11, 2007, the design team met with the City's project Technical Advisory Committee (TAC), neighborhood groups, outside agencies and organizations to discuss the development of Promenade concept plans.

On April 18, 2007, the Redevelopment Agency held the seventh Docks Area Community Workshop. Wallace Roberts and Todd presented refined land use plans for the Docks Area plan and Walker Macy presented design options for the Promenade. This workshop also served as an additional scoping meeting for environmental documents.

Additional stakeholder and TAC meetings were held on June 13, 2007 to allow for additional input as refinements to the promenade design concepts were developed. As a result of these meetings, the current alternative was selected for development of design drawings.

On June 13, 2007, prominent public artist Ned Kahn presented refined concepts for the promenade art program to the Art in Public Places/Sacramento Metropolitan Arts Commission and received additional input for refinements to the art program for the promenade.

On October 18, 2007, a presentation was made to the City's Disabilities Advisory Commission to receive input on and supported the proposed design. On December 6, 2007, the Parks and Recreation Commission supported 30% design drawings for the entire promenade.

From December, 2007 through March, 2008, staff met with special interest groups to discuss and receive input on the design prior to preparation of 60% design. Staff met with the Downtown Development Group, Southside Park Neighborhood Group, Old Sacramento, the Greater Broadway Association, and the NAG 1.

In April, 2008, the Final Arts Plan was presented to the SMAC for review and comment. On June 9, 2008, the SMAC approved the Docks Promenade Arts Plan and selected Ned Kahn to be the first artist to build a piece of art to be incorporated into Phase I of the Promenade.

Detailed design features of promenade and park elements will be presented to the Parks and Recreation Commission and City Council in September 2008.

City of Sacramento Promenade Funding Sources

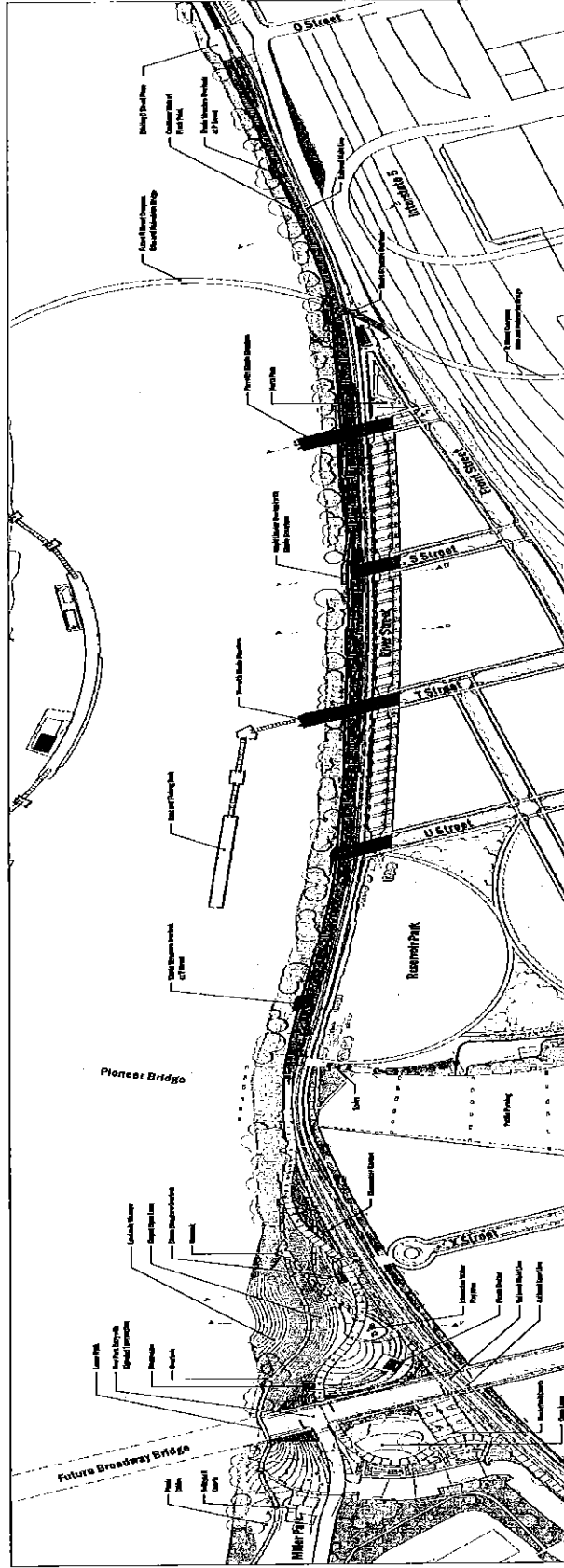
The Parks and Recreation Programming Guide (PRPG) identifies and prioritizes unfunded parks and recreation capital project needs. There are insufficient resources to implement all the projects identified through the PRPG process. Park Development Impact Fees, Quimby In Lieu Fees are the major funding sources for park and recreation development, repair and renovation. City Council previously approved \$500,000 of Downtown Park Development Impact Fees (Fund 3204) be used for the development of the Promenade and \$150,000 of Quimby In Lieu Fees (Fund 2508) toward the construction of the R Street Park to provide recreational opportunities to the adjacent neighborhood and to the region.

The Department of Transportation (DOT) identifies and prioritizes projects through the Transportation Programming Guide Process (TPG). The Promenade does not currently fit into a TPG category and is not included in the 2006 TPG, but the provision of bike paths are within DOT's purview. The portion of the project from O Street to R Street is listed in the City's Bicycle Master Plan. There will be opportunities to apply for State Bicycle Transportation Account Funds (BTA) once the R Street Bridge funds have been spent.

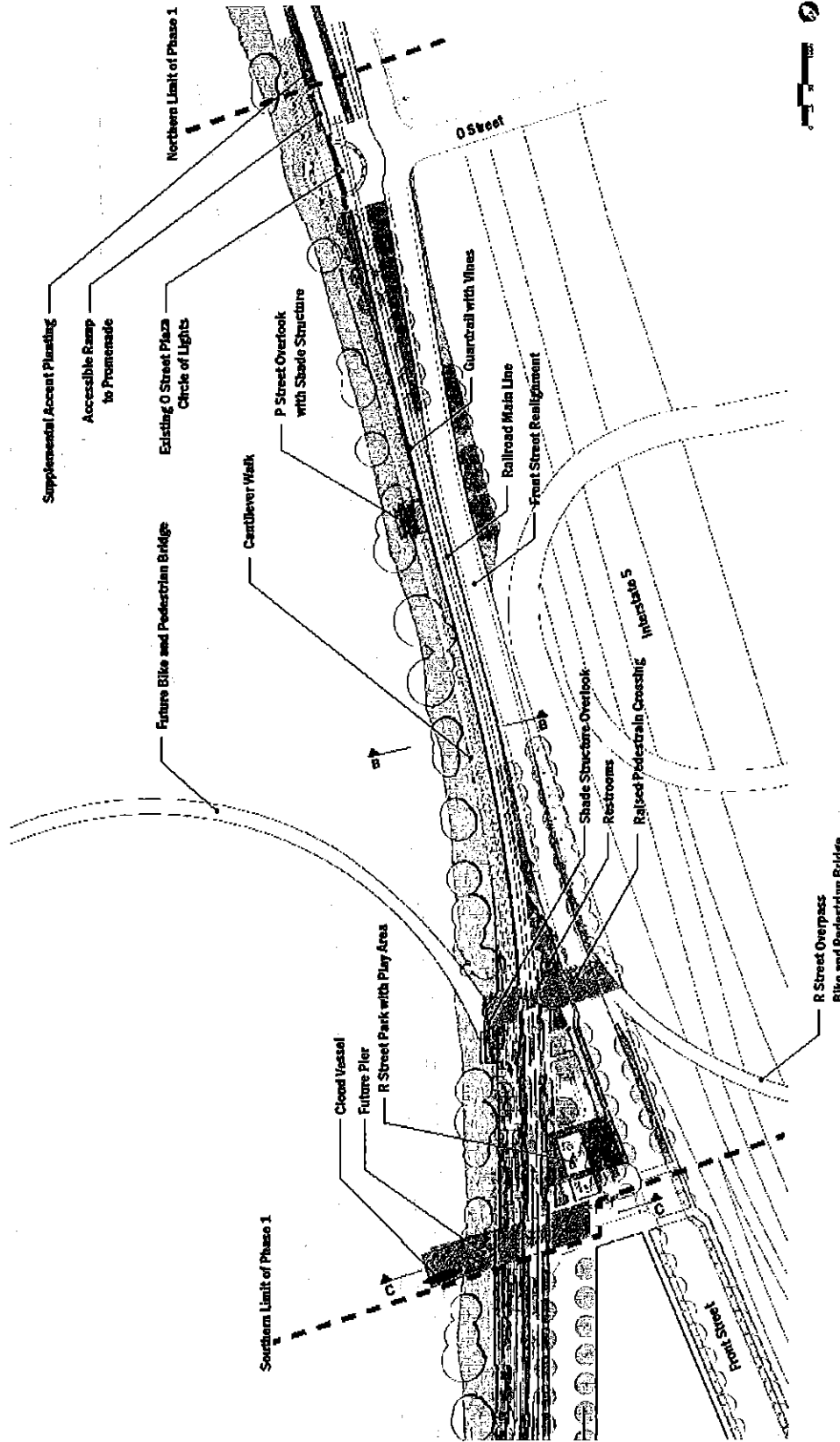
Proposition 40 California River Grant Program

In 2002, the California voters passed Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act., which provides \$2.6 billion to conserve natural resources (land, air, and water), to acquire and improve state and local parks, and to preserve historical and cultural resources. The act authorized the Legislature to appropriate funds for the acquisition, restoration, protection and development of river parkways, conserve natural resources, improve parks, and preserve historic and cultural resources.

Attachment 3 Promenade Design



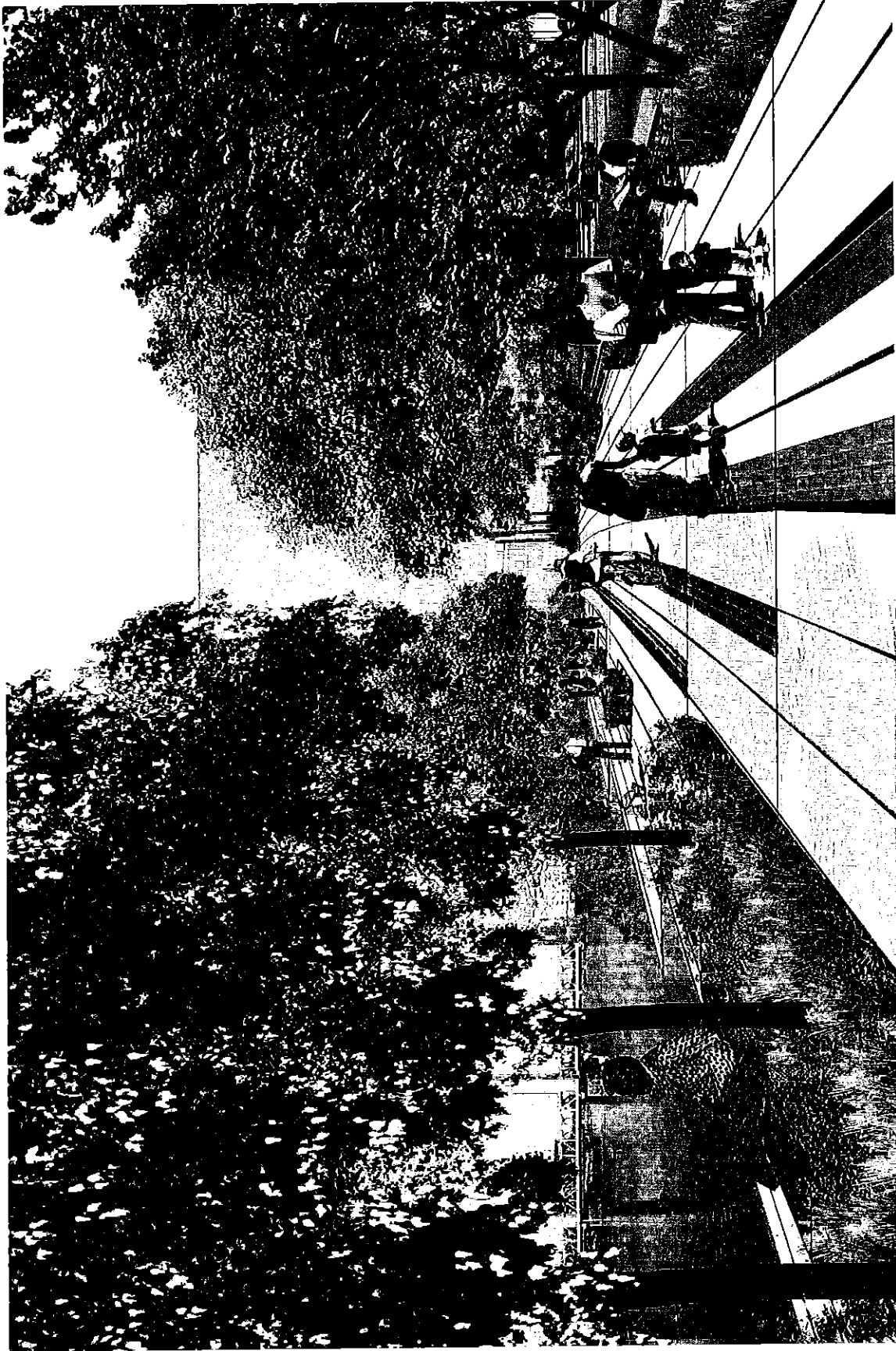
Preferred Concept
The Docks Street Parking
08/07/07



Phase 1 Promenade Plan

The Docks Riverfront Parkway - Phase 1
The City of Sacramento | October 26, 2007

Walker Waxy
Michael Consulting | Jones & Chow
Ned Nash | Lums/Park | SAGE | Roll Pro



Walker Macy
Nichols Consulting | James S. Stokes
Needham | Lamy/PAE | GACE | Balf Beers

Promenade

The Docks Riverfront Parkway
The City of Sacramento | June 13, 2007

Attachment 4

Letters responding to the Docks Promenade Parkway Initial Study/ Mitigated Negative Declaration

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

AGENCIJA ZA PROMET I PROMETNE PROMETNE USTANOVE

DEPARTMENT OF TRANSPORTATION
DISTRICT 1 – Sacramento Area Office
VENTURE OAKS, MS 15
P. O. BOX 942874
SACRAMENTO, CA 94274 0021
PHONE (916) 274-8514
FAX (916) 274-5648
TTY (530) 741-4501



*Prezimo potrat
za razvoj države!*

March 7, 2008

08SAC0028
03-SAC-50 PM 0.350
The Docks Riverfront Parkway Promenade Project
Negative Declaration
SCH#: 2008022059

Ms. Beth Tischer
City of Sacramento
21030 15th Street, Suite 250
Sacramento, CA 95814

Dear Ms. Tischer:

Thank you for the opportunity to review and comment on the Docks Riverfront Parkway Promenade project. Our comments are as follows:

- Caltrans continues to enjoy working with the City of Sacramento through the Community Based Transportation Planning Grant for the conceptual design of the Promenade. We also support the continued efforts to fill any gaps in the bike network in this area.
- Approval from Caltrans to lease Caltrans fee-owned area under the Pioneer Bridge structure for Parkway/Promenade use will be required. Please contact Lee Ann Lambirth at (530) 741-5140 for more information.

We look forward to a continued dialogue on this project. If you have any questions regarding these comments, please contact Gabriel Corley at (916) 274-0611.

Sincerely,

DAWN CHESER, Chief
Office of Transportation Planning South

cc: State Clearinghouse

MAY-28-2008 THU 09:38 AM CA STATE LANDS COM. DEPM

FAX NO. 916 574 1885

P. 02

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 HOWE AVENUE, SUITE 100-SOUTH
SACRAMENTO, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact FAX: (916) 574-1888

May 9, 2008

File Ref: SCH# 2008022059

City of Sacramento
Downtown Development Group
Beth Tincher, Project Manager
21030 15th Street, Suite 250
Sacramento, CA 95814

Subject: Docks Riverfront Parkway Promenade Project

Dear Ms. Tincher:

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust Easement. Both the easement and fee-owned lands are under the jurisdiction of the State Lands Commission (Commission). The locations of the ordinary high and low water marks are often related to the last natural conditions of the river, and may not be apparent from a present day site inspection.

The Sacramento River at this location is State-owned sovereign land under the jurisdiction of the Commission and is subject to the Commission's leasing jurisdiction. The State-owned sovereign lands between the Tower Bridge and the Pioneer Bridge are leased to the city of Sacramento under PRC 7234.9. Staff of the Commission is currently working with the City on this project to enter into an "Agreement Between the California State Lands Commission and the City of Sacramento to Establish a Boundary Line Between Public Properties and State Sovereign Lands in the Sacramento River, Sacramento County." Any activities waterward of the State's sovereign interests will require either an amendment to Lease PRC 7234.9 or a separate lease from the Commission.

Beth Tincher

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May 9, 2008

In addition, the alteration or modification of a Federal project levee will require a Central Valley Flood Protection Board (CVFPB) encroachment permit. The CVFPB is the State regulatory authority for encroachments of the Federal Flood Protection system and recognized designated floodways within the State. This regulatory authority is covered under the CFR Title 33 Section 208.10. Any alteration to the federal project will also require additional permits and permission from local, state and federal agencies.

If you have any questions regarding Commission jurisdiction, please contact Diane Jones, Public Land Manager, at (916) 574-1843 or by e-mail at jonesd@slc.ca.gov. If you have any questions regarding environmental issues, please contact Christopher Huitt at (916) 574-1938 or by e-mail at huittc@slc.ca.gov.

Sincerely,



Gail Newton, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse

C. Huitt, CSLC
D. Jones, CSLC

CALIFORNIA STATE WATER RESOURCES AGENCY

ARNOLD SCHWARZENEGGER GOVERNOR

DEPARTMENT OF WATER RESOURCES

1415 NINTH STREET, P.O. BOX 942832
SACRAMENTO, CA 95828-0001
(916) 653-5747

March 10, 2008

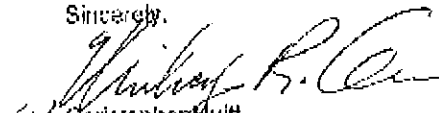
Bela Tinsler, Project Manager
City of Sacramento Downtown Development Group
21030 15th Street, Suite 250
Sacramento, California 95814

Docks Riverfront Parkway Promenade Project
State Clearinghouse (SCH) Number: 2008022059

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an accepted flood control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,


Christopher Milt
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Attachment 5

THE DOCKS RIVERFRONT PARKWAY PROJECT

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the Downtown Development Group, New City Hall, 915 I Street, 3rd Floor, Sacramento, California 95814, pursuant to Public Resources Code of California, Statute, 21081.6.

SECTION I – PROJECT IDENTIFICATION

<u>File Number, Project Name:</u>	The Docks Riverfront Parkway Project
<u>Owner/Developer/Applicant:</u>	City of Sacramento New City Hall 915 I Street, 3rd Floor Sacramento, California 95814 Phone: (916) 808-8645
<u>Project Manager:</u>	Beth Tincher Senior Project Manager City of Sacramento Economic Development Department / Downtown Development Group 915 I Street, 3rd Floor Sacramento, CA 95814-2604 Phone: (916) 808-7730 btincher@cityofsacramento.org
<u>City of Sacramento Environmental Staff:</u>	Scott Johnson Associate Planner Environmental Planning Services 300 Richards Boulevard, 3rd Floor Sacramento, CA 95811-0218 Phone: 916-808-5842 SRJohnson@cityofsacramento.org

Project Location: The project area is located along the Sacramento River levee from O Street to the Sacramento Marina and Miller Park (Marina/Miller Park), in the Docks Area of Downtown Sacramento (Figures 1 and 2). The Interstate 80/Highway 50/Pioneer Bridge (Pioneer Bridge) crosses through the property, running east and west in the southern portion of the project area. There are no separate Assessor Parcel Numbers (APNs) for the Parkway, north of Pioneer Bridge, since the levee is included in the adjacent parcels. South of Pioneer Bridge, APNs include 009-0012-030, 009-0012-038, 009-0012-064, 009-0012-065, and 009-0012-069. The City of Sacramento (City) either will own the property in fee title or will have an easement for the development operation and maintenance of the promenade.

Proposed Project: The proposed project encompasses a total of 13.14 acres along the Sacramento River levee and includes the construction of a riverfront parkway, R Street Park, and a Lowlands Park that would provide park-like open space south of Pioneer Bridge. The riverfront parkway would extend approximately 4,300 linear feet (lf; 0.8 miles) from O Street, at the current terminus of the

existing promenade at the "Plaza of Lights," to the Marina/Miller Park, just south of Broadway. The parkway is intended to provide public access to the river as well as link the riverfront area to adjacent neighborhoods and public space, including the Old Sacramento Historic District to the north and the Marina/Miller Park to the south. Art and interpretive signage for historic, riparian/wildlife, and public art is proposed to be included along the parkway. As identified in the SRMP, the promenade is also intended to improve public access to the riverfront for recreation, fishing, picnics, and river viewing opportunities, and convert former industrial areas to open space for public trails and observation points.

The project would be constructed in four phases:

- Phase I: promenade from O Street to R Street, the re-alignment of the main rail line, the re-alignment of Front Street, and construction of R Street Park
- Phase II: promenade from R Street to T Street
- Phase III: promenade from T Street to Pioneer Bridge
- Phase IV: promenade from Pioneer Bridge to the Marina/Miller Park, the new siding track for the train, and Lowlands Park

Project Components: The proposed project includes the components outlined below.

1. Promenade improvements that travel the length of the parkway and range in width from 20-28 ft. The promenade would provide enhanced pedestrian and bicycle access along the riverfront with paving, furniture, signage, water fountains, trash/recycling receptacles, and lighting. The promenade, while linear, would be a total of 3.37 acres.
2. Rail line improvements, including the realignment of the existing main line from Q Street to Pioneer Bridge and the removal of the existing siding track and spur line. The realignment is being completed in order to allow the promenade to provide pedestrian access along the waterfront, while maintaining the clearance and safety features necessary for the main line to continue to operate. In addition, a new siding track would be added from Pioneer Bridge to Broadway. The rail line improvements include the tracks and a five-ft clearance on either side of the tracks for a consistent width of 20 ft and a total right-of-way of 2.43 acres.
3. Waterside overlooks and shade structures would be incorporated into the promenade providing viewing opportunities and shade at the end of lettered streets (i.e., P, R, S, T, U, V, and X streets) that terminate at the promenade, including two cloud vessel shade structures at the R and T street overlooks, simple shade structures at P, S, U, V and X streets, and amphitheater seating at the S Street overlook.
4. R Street Park, providing improved access to the water front and recreational amenities for a total of 0.55 acres of a pocket park. R Street Park would be constructed between the levee and Front Street, and the conceptual extension of R Street to the "pinch point" where Front Street comes close to the rail line.
5. Lowlands Park, providing improved access to the water front and recreational amenities for a total of 6.79 acres of open space south of Pioneer Bridge. Lowlands Park also includes a riparian habitat section, featuring replanted riparian vegetation, including native grasses.

Required Actions, Approvals, and Permits:

The City Council of the City of Sacramento proposes to:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan; and
2. Approve the Parkway Design

Additional permits and/or approvals are required from the following state and federal agencies:

- CWA Section 404 (discharge, dredge, or fill) from the US Army Corps of Engineers
- Rivers and Harbors Act Section 10 from the US Army Corps of Engineers
- 1600 Streambed Alteration Agreement for the State Department of Fish and Game
- CWA Section 401 (effects on water quality) and 402 (National Pollution Discharge Elimination System) from the Central Valley Regional Water Quality Control Board (CVRWQCB)
- Biological Opinions (BOs), issued by the US Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration (NOAA) in response to Biological Assessments (BAs)
- Take Authorization from the Department of Fish and Game
- The Central Valley Flood Protection Board, State of California
- State Office of Historic Preservation
- State Lands Commission
- The California Public Utilities Commission

SECTION II – GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Hazards, and Cultural Resources. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study/Mitigated Negative Declaration for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer/applicant identified above; in this case, the City of Sacramento. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken verbatim from the Mitigated Negative Declaration/Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The City will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento, along with other applicable local, state, or federal agencies, will be responsible for ensuring compliance.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>Mitigation Measure BIO-MM-1: Perform preconstruction and postconstruction surveys for elderberry shrubs for phases initiated after March 2009</p>	<p>BIO-MM-1a. Prior to pulling grading permits for phases initiated after March 2009, the City shall perform a preconstruction survey to ensure that additional elderberry shrubs have not become established within or adjacent to the project area since the fall 2007 survey. The biologist shall field stake the locations of elderberry shrubs and shrub clusters, if present, before construction begins. All surveys shall be performed according to the USFWS VELB compensation guidelines (USFWS 1999). During the preconstruction and post-construction surveys, the following information shall be recorded for each shrub or shrub cluster:</p> <ul style="list-style-type: none"> ▪ The number of stems greater than 1 inch in diameter ▪ The number of stems less than 1 inch in diameter ▪ The approximate height and width of the elderberry shrub or shrub cluster; ▪ The presence of VELB exit holes ▪ The dominant vegetation that is associated with the elderberry shrub or shrub 	<p>Conduct preconstruction survey, map any elderberry plants, perform a post-construction evaluation and consult with USFWS</p>	<p>City of Sacramento Economic Development Department for Phase I City Department of Parks and Recreation or Economic Development for subsequent phases.</p>	<p>Prior to pulling grading permits issued after March 2009</p>	<p>City Development Services Department US Fish and Wildlife Service</p>
<p>7. Biological Resources</p>					

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>Mitigation Measure BIO-MM-2: Implement minimization and avoidance measures for elderberry shrubs</p>	<p>cluster</p> <p>BIO-MM-1b. The location of each elderberry shrub shall be mapped using GPS, and a site map shall be prepared that identifies the location and size of each shrub and shrub cluster. The City shall use this site map to determine vehicle and equipment haul routes and work areas.</p> <p>BIO-MM-1c. Following completion of each Phase, the City shall perform a post-construction evaluation of elderberry shrubs to determine whether any shrubs were damaged by construction activities. If unanticipated damage occurs to elderberry shrubs, the Authority shall consult with USFWS on appropriate additional mitigation.</p> <p>BIO-MM-2a. The City shall implement the following measures to minimize and avoid impacts on elderberry shrubs that provide suitable habitat for VELB. These measures include:</p> <ol style="list-style-type: none"> 1. Avoid disturbance to VELB by establishing and maintaining, to the maximum extent feasible, a 20-ft (or wider) buffer around elderberry plants identified as suitable habitat. 2. Fence and flag all buffer areas and place signs every 50 ft along the edge of the avoidance area. <p>The signs shall be clearly readable</p>	<p>Based on preconstruction survey, if warranted, establish necessary construction procedures in construction contractor requirements</p>	<p>City Department of General Services Contractor</p>	<p>During construction initiated after March 2009</p>	<p>City Development Services Department US Fish and Wildlife Service</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>from a distance of 20 ft and shall be maintained for the duration of the construction period. The signs shall display the following information: "This area is habitat for the valley elderberry longhorn beetle, a threatened species, and shall not be disturbed. This species is protected by the Federal Endangered Species Act, as amended. Violators are subject to prosecution, fines, and imprisonment."</p> <p>3 Train construction personnel to recognize elderberry plants and to determine the presence of VELB from exit holes on stems. All construction personnel shall receive USFWS-approved environmental awareness training before beginning work at construction sites.</p>				
<p>Mitigation Measure BIO-MM-3: Compensate for unavoidable impacts on elderberry shrubs</p>	<p>BIO-MM-3. Where elderberry plants cannot be avoided, the City shall compensate for the loss and potential take by transplanting or replacing such elderberry plants in a USFWS approved conservation area or mitigation bank. Transplanting shall comply with USFWS-approved transplanting procedures, as defined in the conservation guidelines for VELB (USFWS 1999). Elderberry plants that are transplanted or destroyed by construction shall be replaced and protected in perpetuity in a</p>	<p>Replace and protect any elderberry plants that are transplanted or destroyed by construction in perpetuity in a conservation area that is approved by USFWS.</p>	<p>City Department of General Services City Department of Parks and Recreation or the Economic Development Department</p>	<p>Prior to issuing building permits</p>	<p>City Development Services Department USFWS</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>conservation area that is approved by USFWS. The level of replacement shall range from 1:1 to 8:1, depending on the affected shrub's location, stem diameter, and the presence or absence of exit holes, as defined in the conservation guidelines for VELB (USFWS 1999). Site-specific mitigation ratios may be determined by USFWS on the basis of overall habitat value and location of habitat within the proposed project area. The elderberry compensation plantings shall be incorporated into an on-site mitigation area, an off-site mitigation area, or VELB mitigation credits may be purchased from a USFWS-approved mitigation bank.</p>				
<p>Mitigation Measure BIO-MM-4: Perform preconstruction surveys for Swainson's hawk and other nesting raptors prior to construction during nesting season</p>	<p>BIO-MM-4. If construction occurs during the nesting season, preconstruction surveys for Swainson's hawk and other nesting raptors shall be conducted at and adjacent to all locations to be disturbed by construction, including haul routes, to ensure that raptors are not nesting at or in the vicinity of the project area. Preconstruction surveys shall consist of surveying all potential nest sites within ½ mile of project area. Surveys shall be performed several times during the breeding season to avoid and minimize impacts on late-nesting birds. Nest sites shall be marked on an aerial photograph, and the position shall be recorded using GPS.</p>	<p>Conduct preconstruction surveys during nesting/breeding season</p>	<p>City Department of General Services City Department Economic Development or the Department of Parks and Recreation</p>	<p>Prior to pulling grading permits</p>	<p>City Development Services Department</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>Mitigation Measure BIO-MM-5: Avoid and minimize construction-related disturbances within 1/2 mile of active nest sites if construction would occur during the summer and will overlap with the breeding season for Swainson's hawk and other raptors</p>	<p>BIO-MM-5. The City shall provide the locations of active nest sites identified during the preconstruction surveys, if present, to DFG and shall coordinate with DFG on appropriate avoidance and minimization measures on a case-by-case basis. To the greatest extent practicable, major construction activities that will occur within 1/2 mile of an active Swainson's hawk and other raptor nests shall be avoided during the breeding season. However, because of the linear nature of the project and the project's proximity to riparian vegetation, a 1/2 mile buffer will not be possible in most areas, if any. If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, the City shall monitor the nest site. Monitoring shall be performed by a qualified wildlife biologist. The biological monitor shall notify DFG if the nest or nestlings are abandoned and the nestlings are still alive to determine the appropriate recovery and hacking (controlled release) of the nestlings.</p>	<p>If nests are identified in preconstruction surveys, coordinate with DFG to establish appropriate construction and mitigation protocols</p>	<p>City Department of General Services City Department Economic Development or the Department of Parks and Recreation</p>	<p>Prior to and During construction</p>	<p>City Development Services Department Department of Fish and Game</p>
<p>Mitigation Measure BIO-MM-6: Perform preconstruction surveys to determine if nesting migratory birds are present</p>	<p>BIO-MM-6. Whenever possible, the City shall remove potential nesting habitat prior to the nesting season. The City shall attempt to remove all woody and herbaceous vegetation in the fall through early spring to reduce effects</p>	<p>Schedule demolition and grading for each phase between late summer and early spring</p>	<p>City Department of General Services City Department Economic Development or the Department of Parks</p>	<p>Prior to pulling demolition and grading permits</p>	<p>City Development Services Department</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>Mitigation Measure BIO-MM-7: Protected tree resources</p>	<p>on nesting songbirds. The nesting period for most birds is March 1 through August 15. Whenever feasible, sediment and vegetation management activities, including terrestrial and vegetation removal shall be restricted to late summer through early spring to reduce effects on breeding and nesting habitat.</p> <p>BIO-MM-7a. The special provisions of the construction specifications shall include prescriptive measures regarding tree resources. These specifications shall be developed specifically for this project as a synthesis of City standards, as well as standards of arboriculture practice.</p> <p>BIO-MM-7b. All tree work, including pruning and grading within the drip line of trees to be protected, shall be performed by a licensed tree service firm under the direction of a certified arborist. The cutting of roots greater than 2-inches in diameter shall be performed under the direction of a certified arborist.</p> <p>BIO-MM-7c. To the greatest extent feasible, protective fencing shall be installed to demarcate the drip line of protected trees. If work will occur within the drip line, protective fencing shall be installed to maximize the avoidance zone around the trunk.</p> <p>BIO-MM-7d. To avoid the potential for soil compaction and subsequent</p>	<p>Include prescriptive measures regarding tree resources in the special provisions of the construction specifications</p>	<p>City Department of General Services City Department Economic Development or the Department of Parks and Recreation</p>	<p>During construction initiated after March 2009</p>	<p>City Development Services Department US Fish and Wildlife Service</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>damage to tree roots, vehicle traffic within the drip line of tree canopies shall be avoided or minimized to the greatest extent feasible. If vehicular or equipment access must occur within the drip line, it shall be restricted to a temporary access road.</p> <p>BIO-MM-7e. To avoid the potential for root damage, grading or other soil disturbing activities shall be minimized to the greatest practicable degree, particularly within the drip line of the tree canopies.</p> <p>BIO-MM-7f. Pruning may be required for equipment access and to facilitate construction activities. Pruning shall be minimized to the greatest extent feasible. All tree pruning shall be performed by a licensed tree service firm under the direction of a certified arborist.</p> <p>BIO-MM-7g. To avoid the potential for root damage within the drip line of the tree canopies, grading to restore site grades following construction shall be minimized and performed under the direction of a certified arborist.</p>				
9. Hazards					
<p>Mitigation Measure HAZ-MM-1: Exposure to contaminated soils and groundwater</p>	<p>HAZ-MM-1a. Prior to Phase IV construction, the City shall ensure the Conoco Phillips and Chevron properties have been fully characterized and remediated to levels consistent with recreational uses, and a</p>	<p>Review site closure letter and Health and Safety Contingency Plan for construction</p>	<p>Contractor City Department of General Services City Department Economic</p>	<p>Prior to pulling demolition and grading permits for Lowlands Park</p>	<p>City Development Services Department</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>site closure letter is in the project file from the appropriate oversight agency. HAZ-MM-1b. A thorough examination of past property uses has been conducted for the project area and adjacent properties. This examination, and subsequent follow-up investigations, have identified the potential for encountering impacted soils during demolition, grading, or construction activities. Therefore, the contractor shall develop an approved Health and Safety Contingency Plan (HSCP) to address how potential environmental contaminants shall be addressed during construction. The HSCP shall address known and potential constituents of concern, as well as proposed control and mitigation measures, and shall include provisions for the proper handling and disposal of undocumented waste materials and contaminated soil and/or water (including groundwater and contaminated rainwater), in accordance with federal, state, and local requirements. The HSCP shall also incorporate measures to safeguard worker health and safety and minimize public exposure. The HSCP shall be prepared under direction of the appropriate regulatory agencies and shall be in conformance with all applicable laws and regulations, including California Code of Regulations (CCR), Title 8, General Industry Safety Orders – Control of</p>		<p>Development or the Department of Parks and Recreation</p>		

Docks Promenade Project Mitigated Negative Declaration

July 15, 2008

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>Hazardous Substances. The HSCP shall be prepared as a supplement to the contractor's Site Specific Health and Safety Plan, which shall be prepared to meet the requirements of CCR Title 8, Construction Safety Orders.</p>				
<p>Mitigation Measure HAZ-MM-2: Testing and disposal of railroad ties</p>	<p>HAZ-MM-2a. Before removal of the main line rail ties, the ties shall be tested to determine if they contain contaminants or hazardous substances. If the tests are positive, the City shall identify and designate the proper disposal facility for the rail ties. In addition, construction workers shall be trained and prepared for how to properly handle and dispose of the rail ties.</p>	<p>Conduct tests of rail ties, identify appropriate disposal, and include training measures regarding in the special provisions of the construction specifications</p>	<p>Contractor City Department of General Services City Department Economic Development or the Department of Parks and Recreation</p>	<p>Prior to pulling demolition permits</p>	<p>City Development Services Department</p>
<p>Mitigation Measure HAZ-MM-3: Gas Transmission Lines</p>	<p>HAZ-MM-3a. The location of the PG&E natural gas pipelines shall be identified and flagged prior to the initiation of construction activities during Phase II. HAZ-MM-3b. If during construction of the proposed project, the PG&E natural gas pipelines are encountered, construction activities shall stop immediately and the contractor shall contact PG&E to determine measures to ensure that there are no impacts to the pipelines and no release of natural gas into the environment. HAZ-MM-3c. The City shall implement HAZ-MM-1(b) in all areas of construction to address the potential</p>	<p>Map gas lines and coordinate with PG&E during construction. Create a Health and Safety Contingency Plan for construction</p>	<p>Contractor City Department of General Services City Department Economic Development or the Department of Parks and Recreation</p>	<p>Prior to pulling grading and construction permits for Phase II, and during construction</p>	<p>City Development Services Department</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	for encountering impacted soils during demolition, grading, or construction activities.				
14. Cultural Resources					
<p>Mitigation Measure CULT-MM-1: Archeological Resources</p>	<p>CULT-MM-1a. Prior to implementation of any project that could include subsurface disturbance, a detailed archaeological research design shall be prepared for the Area of Direct Impact that identifies past land use (including geological history, preparation of an historic context), assesses the potential of encountering significant deposits based on the past land use, provides research themes and questions relevant to types of land use (industrial, commercial, residential, etc.), and identifies features, components and materials necessary to address on-going research themes. If the research design concludes that there is a high potential within a specific project area to encounter significant deposits, then a test excavation and data recovery plan shall be prepared and implemented prior to construction.</p> <p>CULT-MM-1b. Foremen and key members of major excavation, trenching, and grading for site preparation shall be instructed to be wary of the possibility of destruction of buried cultural resource materials. They shall be instructed to recognize signs of prehistoric use and their</p>	<p>Retain qualified archaeologist to conduct research and any necessary test excavation and data recovery prior to construction. Include training measures regarding the discovery of cultural resources in the special provisions of the construction specifications</p>	<p>Contractor City Department of General Services City Department Economic Development of the Department of Parks and Recreation</p>	<p>Prior to the start of demolition and construction</p>	<p>City of Sacramento Preservation Director</p>

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>responsibility to report any such finds (or suspected finds) immediately – so damage to such resources may be prevented.</p> <p>CULT-MM-1c. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during any development activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues. Such measures could include – but are not limited to – researching and identifying the history of the resource(s), mapping the location(s) and photographing the resource(s).</p> <p>CULT-MM-1d. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC)</p>				

Impact	Mitigation Measure	Action	Implementing Party	Funding	Monitoring Party
	<p>Section 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ol style="list-style-type: none"> 1. The coroner of the county has been informed and has determined that no investigation of the cause of death is required 2. If the remains are of Native American origin, <ol style="list-style-type: none"> a. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or b. The Native American Heritage Commission (NAHC) was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (section 8100) and</p>				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>disturbance of Native American cemeteries is a felony (section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner shall contact the California NAHC.</p>				

Attachment 6

RESOLUTION NO. 2008 -

Adopted by the Sacramento City Council

**APPROVING THE REPROGRAMMING OF GRANT FUNDS
FOR THE CALIFORNIA RIVER PARKWAY GRANT PROGRAM UNDER THE
CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS,
COASTAL PROTECTION ACT (Proposition 40)**

BACKGROUND

- A. The Legislature and Governor of the State of California have provided funds for the program shown above; and
- B. The Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and
- C. Said Procedures established by the State Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and
- D. The applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. Approves the filing of a request to reprogram funds of \$1.5 million (fund 3702) from the Jibboom Street Park to Phase I - Docks Promenade Parkway Construction project (L19911002).
- Section 2. Certifies that applicant understands the assurances and certification(s) in the formal request and any necessary application, and
- Section 3. Certifies that the applicant or title holder will have sufficient funds to operate and maintain the Project (s) consistent with the land tenure requirements; or will secure the resources to do so, and
- Section 4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Project awarded Proposition 40 Funds, and

- Section 5. Certifies that the Applicant will maintain and operate the property developed pursuant to this grant for a period of 25 years, and
- Section 6. If applicable, certifies that the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and that prior to commencement of construction, all applicable permits will have been obtained, and
- Section 7. Appoints the City Manager, Assistant City Manager, or Director of Economic Development, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests, and so on, which may be necessary for the completion of the aforementioned Project(s).

RESOLUTION NO. 2008 -

Adopted by the Sacramento City Council

APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE DOCKS PROMENADE PARKWAY PROJECT, ADOPTING FINDINGS OF FACT AND THE MITIGATION MONITORING PLAN, REAFFIRMING ADOPTION OF THE DOCKS PROMENADE PARKWAY PLAN, AND REVISES THE RELATED BUDGET FOR THE USE OF STATE OF CALIFORNIA RIVER PARKWAYS OPPORTUNITY GRANT FUNDS (Proposition 40)

BACKGROUND

- A. The California River Parkways Opportunity Program (funded through Proposition 40), a competitive grant program administered by the Office of the Secretary for Resources, awards funds to public agencies and nonprofit organizations to develop river parkways in their communities.
- B. Staff recommends that the City request the reprogramming of \$1.5 million of Proposition 40 funds the City previously received (State Resources Agency Agreement 407022-07) and which are currently allocated to the Jibboom Street Park Project (L19911002).
- C. In July 2003, the City Council of the City of Sacramento accepted the Sacramento Riverfront Master Plan (Master Plan). The Master Plan includes the Docks Area as an opportunity site. The original concept for the Docks Area included a mixed-use neighborhood and a riverfront promenade.
- D. In 2005-2008, the City of Sacramento (City) engaged in an extensive community planning process to further define the Docks Area. The Docks Area community planning process resulted in a Draft Specific Plan for a high-density, mixed-use neighborhood with a riverfront promenade along the Sacramento River.
- E. In August 2006, the City Council awarded a contract to Walker Macy for the Docks Promenade Design.
- F. Proposition 40 Funds must be closed out by June 2010. Since the construction schedule is extremely tight and because of the moratorium on construction on the levees during the winter months, it would be in the City's best interest to suspend the competitive bidding process and retain a General Contractor (CMGC) early in the process to provide expertise that will reduce future change orders and will reduce the overall schedule by several months.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Docks Promenade Parkway Project is approved and the City Manager or his designee is authorized to proceed with schematic design;
- Section 2. The Findings of Fact and Mitigation Monitoring Plans are adopted and the Mitigated Negative Declaration is approved for the Docks Promenade Parkway Project;
- Section 3. The Docks Promenade Construction project (B18430000) budget as approved is \$5,059,971;
- Section 4. The City Manager is authorized to establish a revenue and expenditure budget in the amount of \$1.5 million from Proposition 40 funds (Fund 3702) for the Docks Promenade Construction Project (B18430000).
- Section 5. The City Manager is authorized to establish a revenue and expenditure budget in the amount of \$307,206 from Merged Downtown tax increment funds (Fund 3701) for the Docks Promenade Construction project (B18430000);
- Section 6. The City Council finds and determines that it is in the best interests of the City to suspend competitive bidding for the Docks Promenade Construction Project – Phase I, and hereby suspends competitive bidding for the Project.

Attachment 8

RESOLUTION NO. 2008-

Adopted by the Redevelopment Agency
of the City of Sacramento

**MERGED DOWNTOWN SACRAMENTO REDEVELOPMENT PROJECT AREA
DOCKS AREA CAPITAL IMPROVEMENT PROJECT
GRANT AGREEMENTS AND FUNDING**

BACKGROUND

- A. The California River Parkways Opportunity Program (funded through Proposition 40), a competitive grant program administered by the Office of the Secretary for Resources, awards funds to public agencies and nonprofit organizations to develop river parkways in their communities.
- B. Staff recommends that the City request the reprogramming of \$1.5 million of Proposition 40 funds the City previously received and allocated to the Jibboom Street Park Project.
- C. In July 2003, the City Council of the City of Sacramento accepted the Sacramento Riverfront Master Plan (Master Plan). The Master Plan includes the Docks Area as an opportunity site. The original concept for the Docks Area included a mixed-use neighborhood and a riverfront promenade.
- D. In 2005-2008, the City of Sacramento (City) engaged in an extensive community planning process to further define the Docks Area. The Docks Area community planning process resulted in a draft Specific Plan for a high-density, mixed-use neighborhood with a riverfront promenade along the Sacramento River.
- E. In August 2006, the City Council awarded a contract to Walker Macy for the Docks Promenade Design.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REVELOPMENT
AGENCY RESOLVES AS FOLLOWS:**

- Section 1. After due consideration of the evidence presented, the findings, including the environmental findings regarding this action as stated in the staff report that accompanies this Resolution, are approved.

Section 2. Pursuant to section 33445 of the Health and Safety Code of the State of California, the Agency makes the following findings:

- a) The Docks Area Project, including the construction of promenade improvements are of benefit to the Merged Downtown Redevelopment Project Area because the improvements will be a catalyst for develop of a high-density mixed-use development and the remediation of a Brownfields site.
- b) There are no other reasonable means of financing a portion of the Project and funds must be committed prior to the grant application.
- c) The use of redevelopment area tax increment proceeds for the Project will result in the elimination of blighting influences of inadequate, under-capacity and dilapidated infrastructure inside the Project Area and the Projects is consistent with the implementation plan adopted pursuant to Health and Safety Code of the State of California, section 33490.

Section 3. The Director or his designee is authorized to enter into an Individual Project Agreement to for new Docks Promenade Construction Fund (B18430000).

Section 4. The Director or his designee is authorized to transfer \$307,206 from to via IPA from the Merged Downtown tax increment funds to the Docks Promenade Construction Project.
