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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 300
915 I STREET
SACRAMENTO, CA
95814-2608

ENGINEERING DIVISION

916-449-5307

December 23, 1986

THOMAS M. FINLEY
ENGINEERING DIVISION
MANAGER

Budget and Finance Committee/Transportation and Community Development Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Laguna Creek Assessment District - Engineering and Environmental
Services Agreement Amendments; Assessment District Revolving Account
Increase (JN:9671)

SUMMARY

The Laguna Creek Assessment District requires the U. S. Department Corps of Engineers to issue a 404 permit. Because of complex issues raised concerning vernal pools and seasonal wetlands, additional studies and reports are required to provide information needed for the Corps of Engineers to evaluate the permit issuance. Additional City and private funds are needed to complete this work. An additional \$60,000 loan from the City to the assessment district is necessary to proceed with the project. If the City does not advance the funds, the private sector would need to increase their contributions. The private sector has agreed to increase their matching contributions by \$107,592. The Transportation and Community Development Committee on November 18, 1986, directed staff to prepare this report requesting additional funds.

BACKGROUND

Work on the Laguna Creek Assessment District began in the Spring of 1985. Design and concepts were presented to Council and to the County for consideration and approval. Last Spring final contract drawings were nearing completion and a Federal 404 permit from the Corps of Engineers was requested. Complex issues related to seasonal wetlands and vernal pools, a primary concern of the Federal Environmental Protection Agency, Corps of Engineers, U.S. Fish and Wildlife Service and State Department of Fish and Game, effectively halted design work on the project in June of 1986.

In the ensuing months, City Public Works and Planning staff, working together with the engineering consultant, Raymond Vail and Associates (RVA), and the property owners, have evaluated the problems involved and developed an alternative approach.

The approach to the problem requires the services of two additional consulting firms, Jones and Stokes Associates (JSA) and LSA, a San Francisco firm. Listed below are the items necessary to submit to the Corps for the permit and to complete the engineering plans for the district (the firms responsible for the various items of work are shown in parenthesis).

1. Hydrologic Report for the Laguna Creek Basin (RVA)
2. 404 permit Alternative Analysis (LSA) (RVA)
3. Wetlands Mitigation Program (LSA) (RVA)
4. Engineering Redesign for Laguna Creek Floodway Mitigation Plan (RVA)
5. Preparation of Resubmittal of 404 Application (RVA)
6. Revise Final Supplemental EIR to include Wetlands Mitigation Program (JSA)

Additional design work is also required to address concerns identified during the detailed engineering design stage.

After discussion with the Corps of Engineers staff, it is believed that with the additional information, sufficient mitigation measures can be developed which will allow this project to proceed. Based on the premise that only minor revisions to the engineering plans will be required and that the prompt review and approval of regulating agencies can be obtained, it is expected that project construction can begin during the summer of 1987.

FINANCIAL

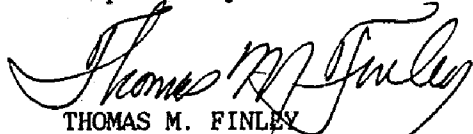
On March 4, 1986, City Council advanced a \$338,000 loan from the General Fund to the Laguna Creek Assessment District by adopting Resolution No. 86-181. An additional \$50,000 was allocated on May 20, 1986 by the adoption of Resolution No. 86-367. Including \$75,000 in staff time, the City has committed a total of \$463,000 to the project to date. Property owners to date have invested over \$450,000. Table A (see attached) outlines the estimated cost and funding to move the project through the final environmental, Federal permitting, and engineering plan revision phases. Table A also outlines the proposed additional funding participation between the City and the property owners. The City's projected share is \$83,500. An additional appropriation of \$60,000 is needed to finance this obligation. The property owners have agreed to increase their matching contributions by \$107,592.

It is expected that all City funds will be recovered upon formation of the Assessment District. If the District is not formed the City will not be able to recover the money previously loaned, or this additional \$60,000 in City funds.

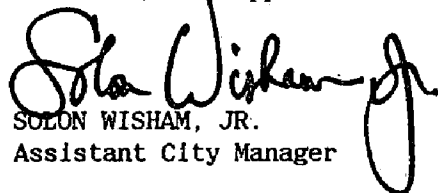
RECOMMENDATION

It is requested that the Budget and Finance and the Transportation and Community Development Committees recommend that the City Council approve the attached Amendments to the Raymond Vail and Associates and the Jones and Stokes Associates Consultant Services Agreements and amend the Revolving Account by the passage of the attached Resolution.

Respectfully submitted:


THOMAS M. FINLEY
Engineering Division Manager

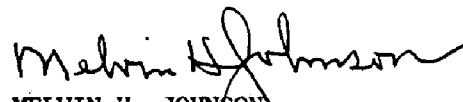
Recommendation Approved:


SOLOON WISHAM, JR.
Assistant City Manager

TMF:KMY:eh
KY3-13.E
12.0586

Attachment

Approved:


MELVIN H. JOHNSON
Director of Public Works

December 23, 1986
District Nos. 1 and 2

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT SERVICES AGREEMENT NOS. AG 85138 AND AG 85123 FOR THE PROPOSED LAGUNA CREEK ASSESSMENT DISTRICT AND ADVANCING ADDITIONAL FUNDS TO THE PROPOSED LAGUNA CREEK ASSESSMENT DISTRICT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That an additional \$60,000 be advanced on behalf of the proposed Assessment District from the General Fund (101-1194) and that Resolution No. 86-181 ("Resolution Creating A Revolving Account For The Purpose of Advancing Funds to the Proposed Laguna Creek Assessment District") be amended increasing the amount in the revolving account to \$448,000. This amount shall be recovered upon district formation in the manner specified in Resolution No. 86-181.
2. That the City Manager and City Clerk are hereby authorized to execute on behalf of the City of Sacramento Amendment No. 2 to Consultant Services Agreement No. 85138 between Raymond Vail and Associates and the City of Sacramento for additional services in an amount of \$151,050 of which the City of Sacramento will fund \$70,500 and third parties will fund \$80,550.
3. That the City Manager and City Clerk are hereby authorized to execute on behalf of the City of Sacramento Amendment No. 2 to Consultant Services Agreement No. 85123 between Jones and Stokes Associates and the City of Sacramento for additional services in an amount of \$8,500 of which the City of Sacramento will fund \$5,908 and third parties will fund \$2,592.

MAYOR

ATTEST:

CITY CLERK

KY:sm
KY3-13.E

LAGUNA CREEK ASSESSMENT DISTRICT

TABLE A

ESTIMATED ADDITIONAL COST AND FUNDING

	404 Permit & Environmental		Misc. Extra Work ³		Total		Total Additional Costs
	City	Owners	City	Owners	City	Owners	
RVA	53,000	40,550	17,500	40,000	70,500	80,550	151,050
LSA	0	24,450	0	0	0	24,450	24,450
JSA	5,908	2,592	0	0	5,908	2,592	8,500
Contingencies	1,092	0	6,000	0	7,092	0	7,092
TOTAL	60,000 ¹	67,592	23,500 ²	40,000	83,500	107,592	191,092

(1) Additional city funding requested

(2) To be paid from May 20, 1986 appropriation (Resolution No. 86-367)

(3) See attached Amendment No. 2 to Consultant Services Agreement

AMENDMENT NO. 2
TO CONSULTANT SERVICES AGREEMENT
BETWEEN CITY OF SACRAMENTO AND RAYMOND VAIL AND ASSOCIATES
DATED MARCH 5, 1986

CITY AGREEMENT 85138

Amend Exhibit A, Laguna Creek Assessment District Services to include the following proposed items of work.

13. Environmental Development Program (EDP)
 - a. Hydrologic Report for the Laguna Creek Basin
 - b. 404(b) (1) Alternatives Analysis
 - c. Wetlands Mitigation Program
 - d. Engineering Redesign for Laguna Creek Floodway Mitigation Plan
 - e. Preparation of Resubmittal of 404 Application
 - f. Prior Consultant Time on Environmental Issues Outside Laguna Creek Assessment District Contract

14. Miscellaneous Extra Work
 - a. Assessment spread methodology
 - b. Landscape redesign
 - c. Bicycle bridge redesign
 - d. Parklands Drive (Street "A") extension
 - e. Maintenance district formation
 - f. Franklin Blvd. & Bruceville Rd. alignment studies
 - g. County drainage east of Bruceville Rd.

Amend Exhibit B, Laguna Creek Assessment District Payment to delete paragraph numbers 1, 3 and 4 and add the following paragraphs:

The services to be provided as detailed in Exhibit A as amended will be performed on a time and material basis according to the attached billing schedule for a not to exceed figure of \$849,550. RVA will submit to the City monthly invoices for payment.

RVA agrees to provide the complete services specified in this contract. RVA specifically understands and agrees that the fee of \$418,550 shall be contingent upon successful formation of the assessment district and sale of the bonds. If, for whatever reason, the bonds are not sold, RVA agrees its compensation from the City will not exceed \$431,000, and it specifically waives as to the City of Sacramento and the assessment district any and all claims it may have for the balance of compensation, whether based on this contract or legal or equitable basis for compensation.

Amendment No. 2 to Consultant Services Agreement
Between the City of Sacramento and Raymond Vail & Associates
Dated March 5, 1986 (Cont'd)

RVA agrees to enter into private agreements with third parties for the private funding of \$418,550 of the fee and for the reimbursement to those private parties after sale of assessment district bonds of the funds advanced. RVA and third parties shall be reimbursed for funds advanced by joint check from sale of assessment district bonds. RVA will provide list of amounts and parties to whom joint checks shall be made out. RVA shall furnish City copies of these amended private agreements. The parties acknowledge that third parties will fund and pay to RVA an amount not to exceed \$418,550 for the work.

City Clerk

City Manager

Raymond Vail and Associates

Melvin H. Johnson

Duane T. Thompson, Vice President

AMENDMENT NO. 2
TO CONSULTANT SERVICES AGREEMENT
BETWEEN THE CITY OF SACRAMENTO AND JONES AND STOKES ASSOCIATES
DATED JANUARY 2, 1986

CITY AGREEMENT 85123

Refer to paragraph titled Task 7: Prepare Final EIR, III. Work Program:
Amend Exhibit A by adding the following:

Upon receipt of LSA's vernal pool mitigation plan Consultant shall incorporate the findings of the plan into the Final EIR for the Laguna Creek Floodway. This item of work does not include agency coordination, additional research or field work, or extensive coordination with LSA staff. If the above is required an additional amendment will be required.

Refer to paragraph titled Vegetation and Wildlife, Scope of Work:
Amend Exhibit A, by adding the following:

Consultant shall conduct a rare plant vernal pool survey on City and Sacramento Regional County Sanitation District (SRCSD) bufferlands, quantify the number of acres of vernal pool habitat available pre-project and post-project on City and SRCSD bufferlands, conduct wildlife reconnaissance of City and SRCSD bufferlands, and coordinate with the California Department of Fish and Game, U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency.

Refer to sentence number 2 - payment: Amend Exhibit B fee estimate as follows:

City shall pay Consultant a sum total not to exceed \$26,500 for actual hours worked and travel expenses related to this project.

City Clerk

City Manager

Jones and Stokes Associates

Melvin H. Johnson