Item No. 12

"To Be Delivered" Material

For

City of Sacramento

City Council
Financing Authority
Housing Authority
Redevelopment Agency

Agenda Packet

Submitted: September 9, 2008

For the Meeting of: September 9, 2008

The attached materials were not available at the time the Agenda Packet was prepared.

Title: Environmental Approval and Various Agreements: School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (L19900100 and L19900101)

Contact Information: Cynthia Kranc, Facilities Manager, 808-2258; Alan Boyd, Recreation Superintendent, 808-6077; Jennifer Hageman, Senior Planner 808-5538

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REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

STAFF REPORT
September 9, 2008

Honorable Mayor and
Members of the City Council

Title: Environmental Approval and Various Agreements: School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (L19900100 and L19900101)

Location/Council District: 7335/7345 Gloria Drive, Council District 7

Recommendation: Adopt: 1) a **Resolution** considering the Environmental Impact Report and adopting the Mitigation Monitoring Program for the School of Engineering and Sciences and Pocket-Greenhaven Library and Sojourner Truth Park Joint-Use Project; and 2) a **Resolution**: a) authorizing the City Manager or the City Manager's designee to execute a ground lease for real property owned by the Sacramento Unified School District ("District") upon which to construct the Pocket-Greenhaven Library contingent upon the District possessing the legal right to lease the real property directly to the City; b) suspending competitive bidding in the best interests of the City; c) and, authorizing the City Manager or the City Manager's designee to execute a three party development and construction contract with Regent Development, Inc. ("Regent") and McCarthy Building Companies, Inc. ("McCarthy") in an amount not to exceed $9,850,354 for construction of the Pocket-Greenhaven Library and related improvements contingent upon the City and District executing the ground lease for the Pocket-Greenhaven Library.

Contacts: Cynthia Kranc, Facilities Manager, 808-2258; Alan Boyd, Recreation Superintendent, 808-6077; Jennifer Hageman, Senior Planner 808-5538

Presenter: Cynthia Kranc, Facilities Manager

Departments: General Services, Parks and Recreation, Developmental Services

Division: Facilities and Real Property Management

Organization No: 13001541

Description/Analysis:

Issue: On May 23, 2006, City Council authorized the issuance of approximately $150 million in 2006 Capital Improvement Revenue Bonds (CIRBs), authorized funding for the Tier I Community Reinvestment Capital Improvement Program (CRCIP) projects, and adopted policy directives. The Pocket-Greenhaven Library project was approved as a Tier I project with an allocation of $12.7 million from the 2006 CIRBs.

City staff has been working with the District and the Sacramento Public Library Authority ("Library Authority") to develop a unique partnership and joint use project at, and adjacent to, Sojourner Truth Park on Gloria Drive in Council District 7. The project will include a 500 student School of Engineering and Sciences ("School") for middle and high school students to be operated by the District, a 15,000 square foot library branch ("Library") to be operated by the Library Authority for use by the students of the School and the community, an expanded park and playfield area, and significant off-street parking to accommodate the varied users.

On October 16, 2007, the Mayor and City Council adopted Resolution 2007-758 approving a Memorandum of Understanding between the City and District to specify the parties' obligations with respect to the design, environmental review, construction, project management, and payment for all construction and improvements associated with the School, Library and related improvements.

The District, as the lead agency for the purposes of the California Environmental Quality Act (CEQA), prepared an Environmental Impact Report (EIR) and Mitigation Monitoring Plan (MMP) for all aspects of the project; the District certified the EIR and adopted the MMP on June 19, 2008. As a responsible agency under CEQA, the City of Sacramento must review and consider the EIR and MMP adopted by the District prior to approving the various agreements required to implement the project.

Additional agreements now need to be executed in order to begin construction of the project. They include the following:

1. A ground lease between the City and District for a portion of District-owned real property upon which the Library will be constructed;

2. An Agreement for Development and Construction between the City Regent and McCarthy to construct the Library and related improvements (requires suspension of competitive bidding).

Staff will return to City Council at a later date requesting approval of a memorandum of understanding between the City, District, and Library Authority regarding the rights and responsibilities of the parties with respect to the

maintenance, operation, and joint use of the various improvements constructed as part of the project so as to maximize the community's enjoyment of these resources.

Policy Considerations: This joint use project and partnership is consistent with the City's strategic plan to enhance livability in Sacramento's neighborhoods by expanding park, recreation and cultural facilities throughout the City. Further, this project and the associated recommendations are consistent with the 2005-2010 Parks and Recreation Master Plan policies including:

Policy 6.9: Partner with School Districts and other local agencies to maximize funding opportunities.

Policy 12.1: Actively pursue and formalize partnership agreements with a broad range of public and private entities, including but not limited to schools, for the purpose of building or improving facilities for maximum community use.

Suspension of competitive bidding in the best interests of the City (on a 2/3 vote) is authorized by section 3.60.170(D).

Committee/Commission Actions: The Parks and Recreation Commission reviewed and supported this joint use project on August 2, 2007.

Environmental Considerations:

California Environmental Quality Act: The District was the lead agency in preparation of the EIR for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint Use Project. The analysis in the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The document evaluated the construction and operation of a public school, public library, and joint-use school/city park. This document is considered complete and in compliance with the provisions of CEQA.

With reference to CEQA, the District is the Lead Agency and has the primary responsibility to implement the project. The City's Department of Development Services, in coordination with the District, determined that the City of Sacramento is a responsible agency for the project. As a responsible agency, the City must consider the EIR prepared and certified by the lead agency in making a decision on whether and how to approve the portion of the project for which the City has authority.

The EIR for the project was circulated for a 45-day public review period and distributed through the State Clearinghouse (SCH#2007102124). Comments were received from the Sacramento Metropolitan Air District (SMAQMD), the City of Sacramento, Development Engineering Division (City DED), City of Sacramento Development Services Department (City DSD), and Pamela Yu

(an individual).
The comments requested typographical revisions to the text. These revisions were made and the revised text shown in Chapter 3 of the Final EIR for the project. Therefore, in accordance with CEQA (Section 15073.5), recirculation of the document is not required.

Sustainability Considerations: None

Rationale for Recommendation: On November 22, 2005, the City Council adopted Resolution No. 2005-846 which endorsed the development of this joint use project in conjunction with the District and the Library Authority on the specific parcels of land identified in that report. The key elements of this project are:

1. The unique joint use and partnership aspects of the project have brought three governmental agencies together to collaborate on the planning, construction, and financing of the project so as to maximize their collective resources and the shared use of the facilities on behalf of the overall community.

2. In order to achieve maximum flexibility and efficiency in the design and construction of both the School and the Library, the District will lease a portion of the District's property to the City for 40 years with three 10-year options so that the Library may be constructed on that portion of the District's property. Pursuant to the lease, the City will own the Library building and related improvements. The City's consideration for the lease is its significant financial contribution to fund the construction of a joint use library.

3. The District will serve as the construction project manager and developer of the entire project for its cost and time effective strategies. The District has an enviable track record, through its lease/lease-back process of construction, of bringing in projects on time and within budget. It is appropriate and prudent from a design, coordination and budgetary perspective to utilize the same architect and contractor for all elements of the project. It is especially critical to have one contractor construct all aspects of this consolidated project because it will minimize the potential disruption to the neighborhood surrounding the project by reducing the amount of construction equipment present at the site, it will result in completion of all of the required infrastructure and off-site work at one time, and it will result in a significant time savings by shortening the overall construction schedule by approximately six months.

The District used an RFP process to select Regent as the contractor; City staff also participated in that process. Regent has selected McCarthy to perform the construction work while Regent will perform the development work for both the District and the City. The City's contract with Regent and McCarthy would have a guaranteed maximum price of $9,850,354.

It is in the City's best interest to take advantage of this time effective strategy, therefore, City staff recommends suspending competitive bidding and awarding the construction contract to Regent and McCarthy This is consistent with section 3.60.170 (D) of the Sacramento City Code, which allows the City Council to suspend competitive bidding when, upon a two thirds vote, if Council determines that it is in the City's best interest to do so.

Financial Considerations: City funds currently available for this project (L19900100 and L19900101) total $15 million. This amount includes the following sources: 2006 Capital Improvement Revenue Bonds (CIRB) Tax Exempt funds in the amount of $2 million; 2006 CIRB Taxable funds in the amount of $10.9 million which includes a $196,667 allocation from the District 7 Improvement funding; Freeport Regional Water Authority (FRWA) Mitigation funds in the amount of $1.5 million; and an accumulation of Council District 7 discretionary funds in the amount of $0.6 million. The total projected costs to the City for construction and the City/Library direct costs are $14.7 million. The projected surplus of $300,000 provides for an added contingency for unforeseen costs.

Emerging Small Business Development (ESBD) Considerations: Every effort will be made to comply with the City's ESBD goals.

Respectfully Submitted by: _____
CYNTHIA KRANC
Facilities Manager

Approved by: _____
REINA J. SCHWARTZ
Director, Department of General Services

Approved by: _____
JAMES L. COMBS
Director, Parks and Recreation

Approved by: _____
ANNE MARIE GOLD
Director, Sacramento Public Library

Recommendation Approved:

for RAY KERRIDGE
City Manager

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RESOLUTION NO. 2008 -

Adopted by the Sacramento City Council

September 9, 2008

CONSIDERING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT (L19900100 and L19900101)

BACKGROUND

A. On September 9, 2008, the City Council held a public meeting at which it considered the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

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

Section 1. As Lead Agency, the Sacramento City Unified School District Board of Education certified the Environmental Impact Report for SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") on June 19, 2008 by Resolution Number 2524.

Section 2. Pursuant to CEQA section 21069, the City is a Responsible Agency for the Project in that the City has responsibility for carrying out and approving the Project. A Responsible Agency complies with CEQA by considering the EIR prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved.

Section 3. The City Council certifies that the EIR was presented to it, that the City Council considered the environmental effects of the project as shown in the EIR prior to acting on the proposed Project.

Section 4. Pursuant to CEQA Guidelines sections 15091 and15096 and in support of its approval of the Project, the City Council adopts the attached Findings of Fact in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines sections 15091 and 15096, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to mitigate the environmental effects of those parts of the project that the City Council decides to approve and finance. The City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth

in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Table of Contents:

Exhibit A - CEQA Findings of Fact for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

Exhibit B – Mitigation Monitoring and Reporting Program for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

Exhibit A

CEQA Findings of Fact for the
SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT

Description of the Project

City staff worked with the Sacramento City Unified School District (District) and the Sacramento Public Library Authority (Library Authority) to develop a partnership and joint use project, through a memorandum of understanding (MOU), at, and adjacent to, the Sojourner Truth Park on Gloria Drive.

The purpose of the MOU between the City and District is to specify the parties' proposed obligations with respect to the design, environmental review, construction, project management, and payment for all construction and improvements associated with the School, Library, athletic fields, and parking lots.

This proposed joint use project will include a 15,000 square foot library branch (Library) to be operated by the Library Authority, a 500 student middle/high School of Engineering and Sciences (School) to be operated by the District, an expanded park and playfield area, and off-street parking to accommodate the varied users. The total playfield area will be seven acres not including hard surface basketball courts and parking areas.

The City will finance all, or a portion of, the library construction, shared parking lots, shared playfield/park, and related improvements. The City will carry out design and construction of the Project.

Findings Required Under CEQA

1. Procedural Findings

The City Council of the City of Sacramento finds as follows:

a. On February 25, 2008, the District mailed to the City a Notice of Circulation for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (Project).

b. The City of Sacramento provided comments to the District on April 8, 2008 and April 15, 2008. The comments were limited to those project activities that will be carried out or approved by the City.

c. Following closure of the public comment period, the District prepared written responses to the City's comments on the Draft EIR. These responses were included in the Final EIR.

d. As Lead Agency, the Sacramento City Unified School District Board of Education certified the Environmental Impact Report for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") on June 19, 2008 by Resolution Number 2524.

2. Record of Proceedings

The following information is incorporated by reference and made part of the record supporting these findings:

a. The Draft and Final EIR and all documents relied upon or incorporated by reference;

b. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.

c. Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987 and all updates.

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

e. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.

f. The Mitigation Monitoring Program for the Project.

g. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Findings

CEQA requires that the Responsible Agency adopt mitigation to avoid the environmental effects of those parts of the project that it decides to carry out, finance, and approve.

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures.

The City finds that changes or alterations are required for the project, as certified by the District, that would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects of the Project identified in the EIR pursuant to section 21080 of CEQA and section 15091 of the CEQA Guidelines:

A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

Visual Resources

Impact 3.1.1 The Project would include outdoor lighting, primarily for safety and security purposes.

Constructing the Project would create night lighting at the Project site, which presently has no night lighting. This would increase night lighting in the Project vicinity. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.1.1 identified in the DEIR would orient outdoor lighting to not create glare or cast night lighting onto residences located along Swale River Drive, Gloria Drive and across the Havenside Canal.

Finding: Mitigation Measure 3.1.1 will avoid Project-related adverse affects of night lighting on nearby residences (DEIR page 3.1-4). The impact is reduced to a less-than-significant level.

Impact 3.1.2 The Project would include signage which may not be compatible with the neighborhood.

The Project will include school facilities, a public library and park all requiring signage for public information purposes. As the site is located in a residential neighborhood, a variety of sizes, colors and visibility of signs to serve the Project may not be compatible with the surrounding neighborhood. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.1.2 identified in the DEIR will require the Project Sponsors to prepare a signage plan to ensure signage is in scale with the neighborhood, is visually attractive and compatible with the residential neighborhood.

Finding: Mitigation Measure 3.1.2 will avoid the installation of incompatible signage (DEIR pages 3.1-4 through 3.1-5). The impact is reduced to a less-than-significant level.

Traffic and Circulation

Impact 3.3.1 During Project construction, temporary and intermittent transportation effects would result from truck movements as well as construction worker vehicles traveling to and from the Project site.

Project construction activities will result in a temporary reduction to the capacities of Project area streets because of the slower movements and larger turning radii of construction trucks in comparison with passenger vehicles. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.3.1 identified in the DEIR requires preparation of a construction management plan to address the temporary effects of construction traffic on Project area streets and notification of adjacent property owners.

Finding: Mitigation Measure 3.3.1 will substantially lessen the temporary effects of construction traffic (DEIR pages 3.3-22 through 3.3-23). The impact is reduced to a less-than-significant level.

Air Quality

Impact 3.4.1 Potential to expose sensitive receptors to substantial additional pollutant concentrations.

Fugitive dust from Project construction activities is expected although it is not anticipated to increase the Sacramento County PM_{10} ambient air concentration by five percent or more (level of significance).

Mitigation Measure (From MMP): The following mitigation measure has been adopted to further reduce construction-related emissions.

Implementation of Mitigation Measure 3.4.1 identified in the FEIR will further reduce construction-related emissions through requirements for the type of fuel in construction equipment, use of construction equipment, and measures to reduce the amount of dust generated during construction.

Finding: Mitigation Measure 3.4.1 will substantially lessen temporary construction related air emissions (FEIR pages 3.4-10 through 3.4-18). The impact is reduced to a less-than-significant level.

Noise

Impact 3.5.1 Exposure of residences to construction noise.

Project construction activities will temporarily increase the noise level at the Project site. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.5.1 identified in the DEIR will reduce construction related noise generated at the Project site.

Finding: Implementation of Mitigation Measure 3.5.1 will substantially lessen temporary construction noise impacts and reduce potential inconveniences to nearby residents (DEIR pages 3.5-5 through 3.5-7). The impact is reduced to a less-than-significant level.

Hydrology and Water Quality

Impact 3.6.1 The Project would result in increased runoff at the Project site due to Project development.

With build out of the Project, there will be an increase in impervious surface at the site resulting in an estimated peak flow increase of 3.5 cfs compared to existing conditions. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.6.1 identified in the DEIR will establish appropriate design criteria and, if necessary, construct improvements so that the Project does not contribute to downstream flooding.

Finding: Implementation of Mitigation Measure 3.6.1 will avoid Project contribution to downstream flooding (DEIR pages 3.6-13 through 3.6-16). The impact is reduced to a less-than-significant level.

Impact 3.6.2 Proposed construction activities and post-construction operations of Project facilities would result in the degradation of surface water quality in downstream receiving waters.

Project grading and excavation activities will temporarily disturb surface soils potentially causing erosion and entrainment of sediment in the runoff and there is the potential for chemical releases during construction activities. Sedimentation and chemical releases could be transported to nearby surface waterways or groundwater potentially reducing the quality of receiving waters. Increased use of the Project site with post-construction operation will increase the potential for discharge of pollutants associated with vehicle use and runoff from landscaped and turf areas may contain residual pesticides and nutrients contributing to long term degradation of water runoff from the Project site. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.6.2 identified in the DEIR will establish Best Management Practices to manage construction and post-construction water quality impacts.

Finding: Implementation of Mitigation Measure 3.6.2 will substantially lessen potential water quality impacts (DEIR pages 3.6-16 through 3.6-18). The impact is reduced to a less-than-significant level.

Impact 3.6.3 The Project would contribute to cumulative impacts to surface water hydrology and water quality.

The Project has the potential to contribute to cumulative water quality impacts. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.6.3 identified in the DEIR will establish Best Management Practices to manage cumulative water quality impacts.

Finding: Implementation of Mitigation Measure 3.6.3 will substantially lessen the Project's contribution to cumulative water quality impacts (DEIR pages 3.6-18). The impact is reduced to a less-than-significant level.

Geology and Soils

Impact 3.7.1 The Project would be subject to potentially significant hazards associated with seismic ground shaking.

The Project site is subject to strong ground shaking which can result in potential damage to Project buildings. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.7.1 identified in the DEIR requires that design recommendations included in the project geotechnical report be incorporated into the Project buildings.

Finding: Implementation of Mitigation Measure 3.7.1 will substantially lessen the potential for damage of Project buildings during a seismic event (DEIR page 3.7-4). The impact is reduced to a less-than-significant level.

Impact 3.7.2 The Project sites' soil is not suitable without some form of ground improvement for support of conventional spread or continuous footing foundations.

The Project site contains soils that will not support conventional spread or continuous footing foundations. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.7.2 identified in the DEIR requires that design recommendations included in the project geotechnical report be incorporated into the Project buildings.

Finding: Implementation of Mitigation Measure 3.7.2 will substantially lessen the potential for damage of Project buildings due to unsuitable soils at the site (DEIR page 3.7-4). The impact is reduced to a less-than-significant level.

Public Services

Impact 3.9.1 The existing sewer system may not have capacity to serve the proposed Project.

The Project will generate wastewater which will result in more wastewater entering the existing sewer system serving the Project area. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.9.1 identified in the FEIR requires the completion of a sewer capacity study to determine if the existing sewer system has adequate capacity or will require improvements to serve the Project.

Finding:: Implementation of Mitigation Measure 3.9.1 will avoid adverse effects to the City of Sacramento sewer system (FEIR pages 3-4 through 3-5). The impact is reduced to a less-than-significant level.

Impact 3.9.2 The existing storm sewer system may not have capacity to serve the Project.

The Project would generate an increase in storm water from the site which will result in more storm water entering the existing storm sewer system serving the Project area. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.9.2 identified in the FEIR requires the completion of a drainage study to determine if the existing storm drain system has adequate capacity or will require improvements to serve the Project.

Finding: Implementation of Mitigation Measure 3.9.2 will avoid adverse effects to the City of Sacramento storm sewer system (FEIR page 3-5). The impact is reduced to a less-than-significant level.

Impact 3.9.3 The Project would contribute to an increase in solid waste processed by the City of Sacramento.

The Project will increase the amount of solid waste generated at the Project site. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 3.9.3 identified in the FEIR requires preparation of a recycle program to recycle a minimum of 30 percent of Project generated solid waste including construction waste.

Finding: Implementation of Mitigation Measure 3.9.3 will substantially lessen the amount of solid waste transported to the landfill (FEIR page 3-6). The impact is reduced to a less-than-significant level.

Cultural Resources

Issue 5 in Initial Study: Potential discovery of archaeological resources. Construction activities may cause adverse effects to unknown archaeological resources. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.1 identified in the Initial Study requires that a qualified archaeologist be contacted if archaeological materials are discovered during Project construction activities to assess the situation and, if necessary, undergo further review and recommendations.

Finding: Implementation of Mitigation Measure 5.1 will avoid adverse effects to unknown archaeological resources discovered on the Project site (Initial Study page 13). The impact is reduced to a less-than-significant level.

Issue 5 in Initial Study: Potential discovery of human remains.

Construction activities may cause adverse effects to unknown burial sites containing human remains. **Without mitigation, this is a *significant impact.***

Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.2 identified in the Initial Study requires that the Sacramento County Coroner be contacted if human remains are discovered during Project construction activities to assess the situation, determine if the remains are Native American and, if so, notify the Native American Heritage Commission.

Finding: Implementation of Mitigation Measure 5.2 will avoid adverse effects to unknown human remains discovered on the Project site (Initial Study page 13).
The impact is reduced to a less-than-significant level.

RESOLUTION NO. 2008 –

Adopted by the Sacramento City Council

September 9, 2008

AUTHORIZING CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A GROUND LEASE OF DISTRICT REAL PROPERTY FOR THE POCKET-GREENHAVEN LIBRARY; SUSPENDING COMPETITIVE BIDDING IN THE BEST INTERESTS OF THE CITY; AND, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A DEVELOPMENT AND CONSTRUCTION AGREEMENT WITH REGENT DEVELOPMENT, INC. AND MCCARTHY BUILDING COMPANIES, INC. IN AN AMOUNT NOT TO EXCEED $9,623,848 FOR CONSTRUCTION OF THE POCKET-GREENHAVEN LIBRARY AND RELATED IMPROVEMENTS.

BACKGROUND

A. On November 22, 2005, the Mayor and City Council adopted a Resolution (Resolution No. 2005-846) endorsing the development of this joint use project in conjunction with the District and the Library Authority.

B. On May 23, 2006, City Council authorized the issuance of approximately $150 million in 2006 Capital Improvement Revenue Bonds (CIRBs), authorized funding for the Tier I Community Reinvestment Capital Improvement Program (CRCIP) projects, and adopted policy directives. The Pocket-Greenhaven Library project was approved as a Tier I project with an allocation of $12.7 million from the 2006 CIRBs.

C. On October 16, 2007, the Mayor and the City Council adopted Resolution No 2008-742 to identify the specific obligations of each party with respect to the design, environmental review, construction, project management, and payment for all construction and improvements associated with the School, Library, athletic fields, and parking lots.

D. Sacramento City Code section 3.60.170(D) allows the City Council to suspend competitive bidding when it finds, by a two-thirds vote, that suspension is in the best interests of the City. Suspending competitive bidding will allow the City to award the construction contract for the City's portion of the project to the same contractor selected by the District for its portion of the project. Utilizing the same contractor will minimize the potential disruption to the neighborhood surrounding the project by reducing the amount of construction equipment present at the site, it will result in completion of all of the required infrastructure and off-site work at one time,

and it will result in a significant time savings by shortening the overall construction schedule by approximately six months.

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

Section 1. The City Manager or the City Manager's designee is authorized to execute a ground lease for real property owned by the Sacramento Unified School District upon which to construct the Pocket-Greenhaven Library contingent upon the District having the legal right to lease the property directly to the City.

Section 2. It is in the best interests of the City to suspend competitive bidding, and competitive bidding is hereby suspended to award the development and construction agreement for the Pocket-Greenhaven Library to Regent Development, Inc. and McCarthy Building Companies, Inc.

Section 3. The City Manager or the City Manager's designee is authorized to execute a three party development and construction agreement with Regent Development, Inc. and McCarthy Building Companies, Inc. in an amount not to exceed $9,850,354 for construction of the Pocket-Greenhaven Library and related improvements contingent upon the City and District executing the ground lease for the Pocket-Greenhaven Library.

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____