



# REPORT TO COUNCIL

## City of Sacramento

14

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

Consent  
January 6, 2009

Honorable Mayor and  
Members of the City Council

**Title: Agreements/Supplemental Agreement: I-5/Cosumnes River Boulevard  
Extension and Interchange Project (T15018000)**

**Location/Council District:** Along Interstate 5, one mile south of Pocket  
Road/Meadowview Road in the Pocket and Airport Meadowview Planning Areas.  
Location Map – Exhibit A of Resolution. (District 7 and 8).

**Recommendation:** Adopt a **Resolution** 1) authorizing the City Manager to execute an agreement with the United States Fish and Wildlife Service and the Center for Natural Land Management to mitigate for impacts on the giant garter snake in the amount of \$195,807; 2) authorizing the City Manager to execute an agreement with Wetland Resources LLC to buy credits for Swainson's Hawk habitat in its Elsie Gridley Mitigation Bank in the amount of \$104,000; 3) authorizing the City Manager to execute an agreement with Wildlands, Inc. to buy credit for vernal pool preservation in its Laguna Terrace East Conservation Bank in the amount of \$175,000; 4) authorizing the City Manager to execute an agreement with Wildlands, Inc. to transplant elderberry shrubs in its River Ranch VELB Conservation Bank in the amount of \$16,390; 5) authorizing the City Manager to execute an agreement with Sacramento River Ranch, LLC to buy valley elderberry longhorn beetle credits in its River Ranch VELB Conservation Bank in the amount of \$35,000; 6) authorizing the City Manager to execute Utility Agreement with SMUD to relocate a 20 inch gas pipeline in the amount of \$3,663,450; 7) authorizing the City Manager to execute Supplemental Agreement No. 2 to City Agreement No. 2007-0406 with Mark Thomas and Company, Inc. in the amount of \$486,582; and 8) resetting the City Manager's authority for the design agreement.

**Contact:** Tim Mar, Supervising Engineer (916) 808-7531

**Presenters:** None

**Department:** Transportation

**Division:** Engineering Services

**Organization No:** 15001131



## **Description/Analysis**

**Issue:** Executing agreements required for environmental mitigation, relocation of a gas pipeline, and supplemental agreement is necessary to meet the City's commitments to mitigate project environmental impacts and conclude the project design for the I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000).

**Policy Considerations:** The proposed City Council action is consistent with the City's Strategic Plan goals of improving the transportation system, enhancing livability, and expanding economic development throughout the city. The proposed payments for mitigation banks are consistent with mitigations identified in the approved Project's Environmental Impact Report. The Agreement with SMUD is consistent with the Facilities Relocation Agreement between the City and SMUD that was approved by City Council on February 21, 2007 (Agreement # 2007-0149).

### **Environmental Considerations:**

**California Environmental Quality Act (CEQA):** The Project's mitigations and design are consistent with the Project's final approved Environmental Impact Statement/Final Environmental Impact Report (EIS/EIR). The Project final Environmental Impact Report was approved by City Council on May 15, 2007.

**Sustainability Considerations:** The Project will improve access, provide route continuity, and reduce overall vehicle miles traveled in the south area of Sacramento. The Project will construct new sidewalks and bike lanes which will increase the use of alternate modes of commuting. The Project will also increase the City's urban forest canopy, and create an environment more conducive to pedestrian and bicycle trips, thereby encouraging the use of alternate modes of transportation. All of these considerations and improvements are consistent with City sustainability goals.

**Other:** None.

**Commission/Committee Action:** None.

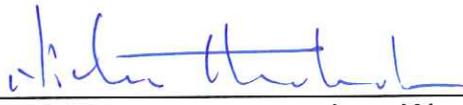
**Rationale for Recommendation:** The City approved the EIR for the I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000) and through the EIR committed to mitigate for impacts created by the project on giant garter snake, Swainson's Hawk, vernal pool, elderberry shrubs, and valley elderberry longhorn beetle. Relocating the gas pipe line is necessary to eliminate conflicts with the construction of the Project. The agreement with SMUD to relocate the gas pipeline will clear the way for obtaining right of way certification required for federally funded

projects. Amending the contract with Mark Thomas and Company, Inc. is necessary to complete the project design and allow for bid advertisement of the Project.

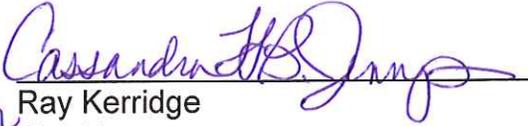
**Financial Considerations:** The current project budget is \$12,862,630 consisting of state, federal, and local transportation funds. There are no general funds planned or allocated for this project. As of December 2, 2008, the I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000) has an unobligated balance of \$7,493,512, which is sufficient to fulfill the City's financial obligations under the proposed agreements in the amount of \$4,675,770.

**Emerging Small Business Development (ESBD):** The agreement and supplements with Mark Thomas and Company, Inc. will be funded mainly through federal funds. Federal funding rules require voluntary Disadvantaged Business Enterprise (DBE) participation and will be applied to the project. ESBE rules are held in abeyance. Mark Thomas and Company, Inc. attained 9.28% DBE participation.

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
for Director of Transportation

Recommendation Approved:

  
for Ray Kerridge  
City Manager

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## Attachment 1

### Background

The I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000) proposes to extend Cosumnes River Boulevard from its westerly terminus at Franklin Boulevard to an at-grade intersection with Freeport Boulevard (in the unincorporated town of Freeport), and construct a new interchange at I-5. As of December 2008, the City has completed 90% of the final design.

On May 15, 2007, the City Council approved the final EIR for the Project. The final EIR identified project impacts and mitigation measures. The I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000) requires the purchase of 3.481 conservation credits for giant garter snake, 16 acres of Swainson's Hawk habitat, 1.0 vernal pool preservation credit, 11 elderberry shrub transplants, and 10 valley elderberry longhorn beetle credits. Approved mitigation banks within the service area of the Project were contacted to provide quotes for the required mitigation. The mitigation banks that provided the lowest quotes were selected for the purchase of the needed credits.

The construction of the Interchange at I-5 requires the relocation of a portion of a 20-inch SMUD high-pressure natural gas pipeline (Pipeline) that currently exists within the vicinity of the future Project. On February 21, 2007 the City and SMUD entered into a Facilities Relocation Agreement that allowed SMUD to relocate this Pipeline and provided a detailed cost sharing methodology and roles and responsibilities. In order to relocate the Pipeline, SMUD must obtain an encroachment permit from Caltrans. In order to issue the encroachment permit, Caltrans requires an executed Utility Agreement between the City and SMUD. The Utility Agreement with SMUD is consistent with the executed Facilities Relocation Agreement and is necessary in order to obtain the overall right of way certification needed for the project prior to project bid advertisement. The City and SMUD are planning to start project construction of the Project and the relocated Pipeline in the summer of 2009.

On April 15 2008, the City executed an Assignment and Assumption Agreement with M & H Realty Partner VI, L.P., SunCal Delta Shores, LLC, and Mark Thomas and Company, Inc. for the Project. The Assignment and Assumption Agreement allowed the City to assume the consultant agreement with Mark Thomas and Company, Inc. from the Developers of Delta Shores in order to complete the engineering design for the Project. Supplemental Agreement No. 2 is needed to comply with new requirements of approving agencies, provide additional services that were not included in the original scope of work, meet project timelines, and compensate for extra efforts needed to coordinate with the development of Delta Shores. The extra work includes providing additional analysis for Morrison Creek, designing a flood wall east of Morrison Creek, performing additional right of way engineering, designing a new fiber optic connection, performing a constructability review, performing comprehensive value analysis, performing additional mitigation analysis and applying for new permits, designing geo-foam to protect existing utilities, designing under drainage facilities for auxiliary lanes,

amending the project report, and paying for certain fees on the City's behalf for certain agencies to review project plans.

**Attachment 2**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**APPROVING AGREEMENTS FOR I-5/COSUMNES RIVER BOULEVARD  
EXTENSION AND INTERCHANGE PROJECT (T15018000)**

**BACKGROUND**

- A. The City approved the final Environmental Impact Report (EIR) for the I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000) on May 15, 2007.
- B. The Final EIR identified impacts and mitigation measures for the giant garter snake, Swainson's Hawk, vernal pools, elderberry shrubs, and valley elderberry longhorn beetle.
- C. The Project requires the relocation of a portion of a 20-inch SMUD high-pressure natural gas line (Pipeline).
- D. On February 21, 2007, the City and SMUD entered into a Facilities Relocation Agreement to relocate the Pipeline.
- E. On April 15, 2008, the City executed an Assignment and Assumption Agreement with the Developers of Delta Shores and Mark Thomas and Company, Inc. The Assignment and Assumption Agreement allowed the City to assume the consultant agreement with Mark Thomas and Company, Inc. to complete the final design for the Project.

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

- Section 1. The City Manager is authorized to execute an agreement with the United States Fish and Wildlife Service and the Center for Natural Land Management to mitigate for impacts on the giant grater snake in the amount of \$195,807.
- Section 2. The City Manager is authorized to execute an agreement with Wetland Resources LLC to buy credits for Swainson's Hawk habitat in its Elsie Gridley Mitigation Bank in the amount of \$104,000.
- Section 3. The City Manager is authorized to execute an agreement with Wildlands, Inc. to buy credit for vernal pool preservation in its Laguna Terrace East

Conservation Bank in the amount of \$175,000.

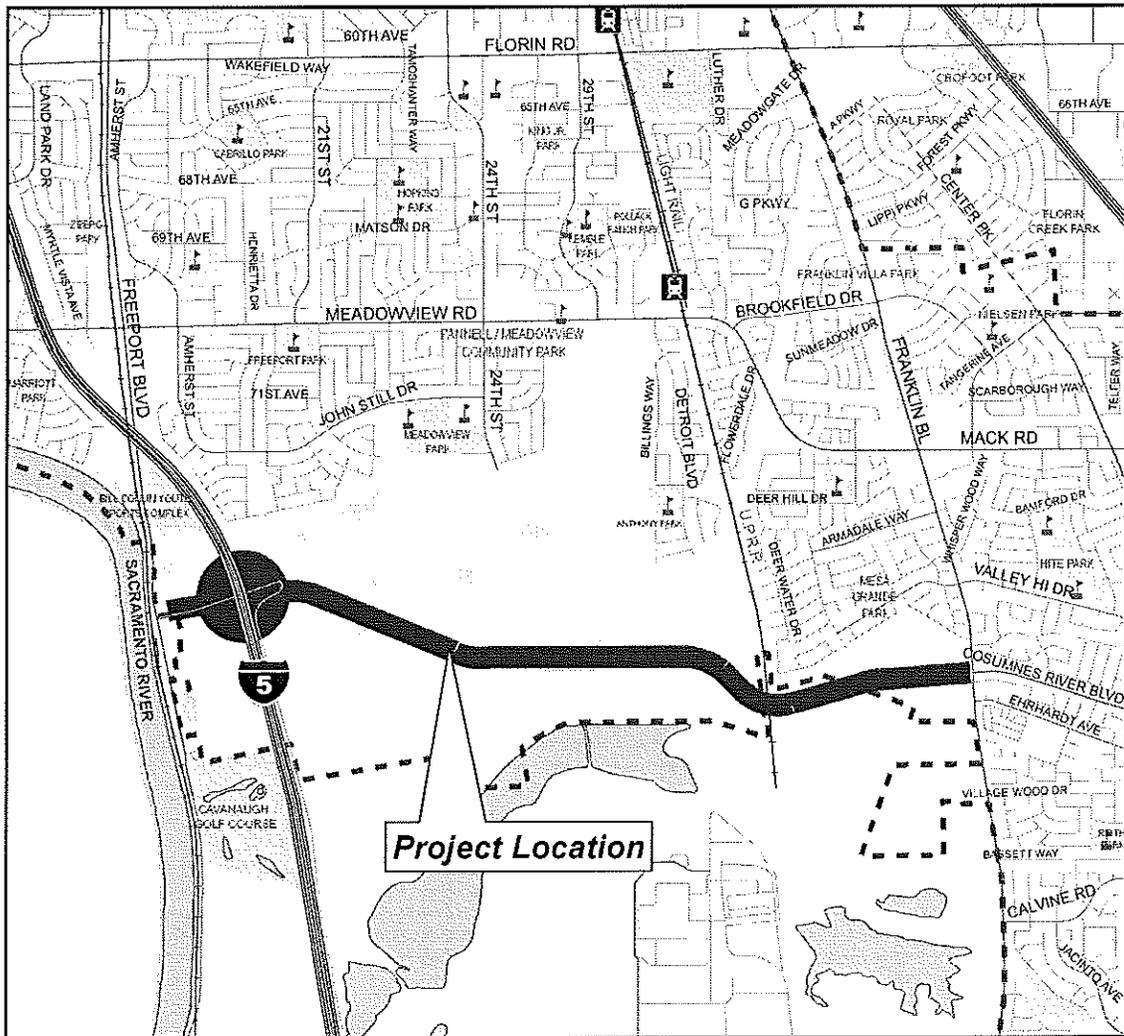
- Section 4. The City Manager is authorized to execute an agreement with Wildlands, Inc. to transplant elderberry shrubs in its River Ranch VELB Conservation Bank in the amount of \$16,390.
- Section 5. The City Manager is authorized to execute an agreement with Sacramento River Ranch, LLC. to buy valley elderberry longhorn beetle credits in its River Ranch VELB Conservation Bank in the amount of \$35,000.
- Section 6. The City Manager is authorized to execute a Utility Agreement with SMUD to relocate a 20 inch gas pipeline in the amount of \$3,663,450.
- Section 7. The City Manager is authorized to execute Supplemental Agreement No. 2 with Mark Thomas and Company, Inc. in the amount of \$486,542.
- Section 8. The City Manager's authority for the agreement with Mark Thomas Inc. (Agreement No. 2007-0406) in the amount of \$2,930,117 is hereby met.

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Exhibit A: Map of I-5/Cosumnes River Boulevard Extension and Interchange Project  
(T15018000)

EXHIBIT A

Location Map for  
I-5/COSUMNES RIVER BOULEVARD EXTENSION  
AND INTERCHANGE PROJECT  
(PN: T15018000)



Department of  
**TRANSPORTATION**  
City of Sacramento

Map Contact: S. Tobin  
Map Date: March, 2008

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Feet



