



## REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
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CONSENT  
March 17, 2009

Honorable Mayor and  
Members of the City Council

**Title:** Amendment No. 1 to City Agreement No. 2007-1090 - Pocket-Greenhaven Library (B13000500)

**Location/Council District:** 7360 Gloria Drive, Council District 7

**Recommendation:** Adopt a **Resolution** authorizing the City Manager or the City Manager's designee to execute Amendment No. 1 to City Agreement 2007-1090 between the City of Sacramento and the Sacramento Unified School District ("District") regarding the design and construction of the Pocket-Greenhaven Library, and related improvements.

**Contacts:** Jeff Blanton, Associate Architect, 808-8423; Cynthia Kranc, Facilities Manager, 808-2258

**Presenters:** None

**Department:** General Services

**Division:** Facilities and Real Property Management

**Organization No:** 13001541

### **Description/Analysis:**

**Issue:** On October 16, 2007, City Council adopted Resolution No. 2007-758 approving the original Memorandum of Understanding (MOU) between the City and the District 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 library, school and related improvements. The recommended amendment is necessary to clarify the City's and District's defense and indemnity obligations in connection with approval of the construction plans and specifications, the right to effect construction change orders, the right to effect construction schedule changes, and the duty to inspect and approve construction.

**Policy Considerations:** This project 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, the recommendation is consistent with the *2005-2010 Parks and Recreation Master Plan* policies including:

Policy 6.9: Partner with School Districts and other local and regional 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 public facilities for maximum community use.

**Committee/Commission Actions:** None

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** The District was the lead agency in preparation of the Environmental Impact Report (EIR) for the Pocket-Greenhaven Library and School of Engineering and Sciences Joint Use Project. The analysis in the EIR was prepared in compliance with CEQA and the CEQA Guidelines.

The EIR was certified by the City Council on July 15, 2008. This proposal involves a continuing administrative activity. Therefore, as determined by the City's Environmental Services Planning Manager, no environmental review is necessary.

**Sustainability Considerations:** None

**Rationale for Recommendation:** On November 22, 2005, City Council adopted Resolution No. 2005-846, endorsing the development of this project in conjunction with the District and the Library Authority. The unique joint use and partnership aspects of the project have brought three governmental entities together to collaborate on the design and construction, so as to maximize their collective resources and the shared use of facilities on behalf of the overall community.

This amendment is necessary in order to clarify and fairly apportion the City's and District's defense and indemnity obligations in connection with approval of the construction plans and specifications, the right to effect construction change orders, the right to effect construction schedule changes, and the duty to inspect and approve construction.

**Financial Considerations:** The recommendation in this report to authorize the City Manager or the City Manager's designee to execute Amendment No. 1 to City

Agreement 2007-1090 between the City and the District regarding the design and construction of the Pocket-Greenhaven Library, and related improvements does not result in any financial impact to the City.

**Emerging Small Business Development (ESBD) Considerations:** No goods or services are being purchased by the City as a result of this report.

Respectfully Submitted by:   
Cynthia Kranc  
Facilities Manager

Approved by:   
Reina J. Schwartz  
Director, Department of General Services

Recommendation Approved:

  
Ray Kerridge  
City Manager

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**Attachment 1**

**BACKGROUND INFORMATION**

This Joint Use Project will include a 15,000 square foot library branch, a 500 student middle/high School of Sciences and Engineering, an expanded park and playfield area, and significant off-street parking to accommodate the varied users.

The District will be responsible for the construction of all elements of the project. It is appropriate and prudent from a design, coordination and cost effective perspective to utilize the same architect for all elements of the project. The City and the Library Authority will retain oversight responsibilities for their elements of the project to ensure that they are constructed to their appropriate standards. Both City and Library staff have participated in all aspects of the master planning and design process to date.

**RESOLUTION NO. 2009 –XXXX**

Adopted by the Sacramento City Council

**March 17, 2009**

**APPROVING AMENDMENT NO. 1 TO CITY AGREEMENT NO. 2007-1090 -  
POCKET-GREENHAVEN LIBRARY (B13000500)**

**BACKGROUND**

- A. On November 22, 2005, City Council adopted Resolution No. 2005-846 endorsing the development of this joint use project in conjunction with the Sacramento City Unified School District (District) and the Library Authority.
- B. On June 19, 2006, the District, as lead agency for the project under CEQA, Public Resources Code Section 21000, et seq., certified an Environmental Impact Report for the project.
- C. On October 16, 2007, City Council adopted Resolution No. 2007-758 approving the original Memorandum of Understanding (MOU) between the City and the District 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 library, school, athletic fields, and parking lots.
- D. On September 16, 2008, City Council adopted Resolution No. 2008-629 authorizing the execution of an agreement with Regent Development, Inc. and McCarthy Building Companies, Inc. for the construction of the Library and related improvements.
- E. This amendment is necessary in order to clarify and fairly apportion the City's and District's defense and indemnity obligations in connection with approval of the construction plans and specifications, the right to effect construction change orders, the right to effect construction schedule changes, and the duty to inspect and approve construction of the project.

**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 Amendment No. 1 to City Agreement 2007-1090 between the City of Sacramento and the Sacramento Unified School District regarding the design and construction of the Pocket-Greenhaven Library, and related improvements.