

REPORT TO COUNCIL

City of Sacramento

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CONSENT
February 23, 2010

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

Title: Agreement: Reimbursement to Sacramento City Unified School District for Building Move

Location/Council District: Alice Birney Elementary School, 6251 13th Street, District 4; and John Cabrillo Elementary School, 1141 Seamas Avenue, District 4.

Recommendation: Adopt a **Resolution: 1)** suspending competitive bidding for this project in the best interests of the City; **2)** authorizing the City Manager to execute an agreement and any extensions, amendments, or other related documents with the Sacramento City Unified School District (District) as necessary for the District to move a City-owned portable modular classroom building from Alice Birney Elementary School (Birney) to John Cabrillo Elementary School (Cabrillo), to install and rehabilitate the building, and for the building to remain at Cabrillo; **3)** establishing a new Capital Improvement Project (CIP) (L19803200) for the building move and its installation and rehabilitation at Cabrillo; and **4)** appropriating \$119,892 from the Sacramento START Fund (2501) fund balance to the Cabrillo CIP.

Contact: David Mitchell, Operations Manager, 808-6076; Alan Tomiyama, Recreation Manager, 808-8958

Presenters: Not applicable

Department: Parks and Recreation

Division: Recreation

Organization No: 19001631

Description/Analysis

Issue: In 2009 the City of Sacramento owned a portable modular classroom building on the Alice Birney Elementary School campus that was being used for the Sacramento START (Students Today Achieving Results for Tomorrow) after-school literacy and enrichment program. During the year the District began discussions with its Board and the community to close several school campuses. Once the District made the decision to close Birney in June 2009, the District offered to manage a project to move the portable building to one of its other school campuses and to rehabilitate it at the new location. Sacramento START had a need for a portable building at John Cabrillo Elementary School to accommodate the additional students that were being transferred from Birney

starting in September 2009. To ensure that the project was completed before school resumed in September, the District began work before an agreement with the City was in place with the City's assurance that funds were available. An agreement is needed to reimburse the District for the work that was performed and to ensure that the building will remain on the school property for at least 20 years.

Policy Considerations: Continued participation in after-school programs is consistent with the City's strategic plan to enhance livability.

Environmental Considerations:

California Environmental Quality Act (CEQA): This project is exempt from the California Environmental Quality Act (CEQA) because it involves the addition of a portable classroom to the school grounds of an existing school [CEQA Guidelines (Title 14 Cal. Code Reg. § 15000 et seq.) section 15314].

Sustainability Considerations: Approval for the signature of the agreement is not applicable to the goals, policies and targets of the Sustainability Master Plan or the 2030 General Plan.

Commission/Committee Action: None

Rationale for Recommendation: Based on a good working relationship with the City, the District began work to relocate the portable building from Birney to Cabrillo before an agreement was in place. The District had to work quickly because of the need to close Birney and shift most of the students to Cabrillo prior to the upcoming school year. Executing the agreement now will allow the City to reimburse the District and will ensure that the portable building remains on the Cabrillo campus where an additional 75 elementary school children participate in the Sacramento START program.

Section 3.60.170D of the City Code allows for the suspension of competitive bidding if the City Council finds, on a two-thirds vote, that it is in the best interests of the City to do so. In this case the District owned both the site from which the building was moved and the site to which it was moved and preferred to manage the project itself. The District was moving a number of its own buildings at the same time so there were economies of scale and efficiencies available by having the District manage this project. In addition, the District has managed other similar projects for the City and has a good track record.

Financial Considerations: The cost for moving the City-owned portable building from Birney and installing and making improvements to it at Cabrillo is \$119,892. Funding for the project will come from the Sacramento START Fund (2501) fund balance. Adequate funds exist in the fund balance for the CIP project. No General Fund dollars will be used for this project. The agreement allows for the portable building to be located at Cabrillo for at least twenty years.

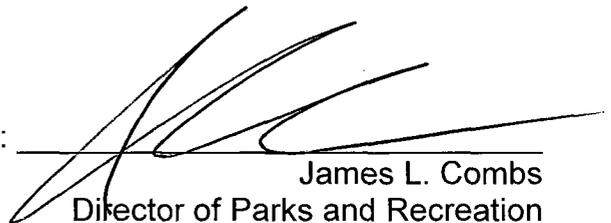
Emerging Small Business Development (ESBD): The Sacramento City Unified School District is a public agency not subject to certification as an emerging or small business.

Respectfully submitted by:



David Mitchell
Operations Manager

Approved by:



James L. Combs
Director of Parks and Recreation

Recommendation Approved:



for Ray Kerridge, City Manager

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Attachment 1

Background

For more than twenty years the City has maintained portable modular classroom buildings on school campuses in several school districts. The buildings have allowed City programs to operate on the campuses in a facility that is designed and equipped for the City and is available to the City when needed. As population and community preferences change, City programs adjust program locations. When schools are closed or when City programs change at or move from schools at which portable buildings are located, often the City buildings are moved to where they can be put to better use.

For example, in 2007 City Council authorized City portable modular classroom buildings in the Sacramento City Unified School District (District) at Bear Flag and Marian Anderson Elementary Schools to be moved to Caroline Wenzel and Genevieve Didion Elementary Schools, respectively. The cost for these building moves was \$180,000 for Wenzel and \$160,000 for Didion. As school districts consider closing additional schools, the City expects to have discussions about moving other portable modular classroom buildings to support City programs for shifting student populations.

The District closed Alice Birney Elementary School (Birney) in June 2009. At the time of closure the Sacramento START program was providing after-school services on the campus. Many of the District's students who had attended Birney were transferred to John Cabrillo Elementary School (Cabrillo). The Sacramento START program previously had been operating at Cabrillo in existing District classrooms, serving approximately 75 children each day. START had grant funding to accommodate an additional 75 students at Cabrillo. However, additional classroom space was not available. By moving a vacated City-owned portable modular classroom building from Birney to Cabrillo, the need for additional classroom space at Cabrillo was resolved.

The District managed all aspects of the project. The District moved one 24' x 40' modular classroom building from Birney to Cabrillo, made some site modifications at Cabrillo, installed a concrete walkway and ramp, rehabilitated the moved modular building, connected the moved modular building to utilities and restored the Birney site.

The City and District did not conclude negotiations on an agreement and submit it for City Council approval before the project began. Based on its good working relationship with the City, the District moved the portable building and completed the project in order to provide adequate space for the expanded START program at Cabrillo for the upcoming school year. A signed agreement is required to reimburse the District and to allow the building to remain at Cabrillo for at least 20 years. An agreement has now been negotiated and staff is recommending approval by City Council.

The agreement is available for review in the City Clerk's Office.

RESOLUTION NO. 2010-
Adopted by the Sacramento City Council

February 23, 2010

**APPROVING A BUILDING MOVE AND USE AGREEMENT
WITH SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
FOR A PORTABLE MODULAR CLASSROOM BUILDING
AT JOHN CABRILLO ELEMENTARY SCHOOL**

BACKGROUND

- A. The City owned a portable modular classroom building on the campus of Alice Birney Elementary School (Birney), where the Sacramento START (Students Today Achieving Results for Tomorrow) after-school literacy and enrichment program operated at the time that the Sacramento City Unified School District (District) closed the school.
- B. The City operated the Sacramento START program at John Cabrillo Elementary School (Cabrillo), where most of the students from Birney were transferred. Sacramento START could accommodate additional after-school students at Cabrillo but only if additional classroom space were made available.
- C. The District offered to move the City-owned portable modular classroom building from Birney to Cabrillo. The move was done during the summer of 2009 while both schools were closed. The District managed all aspects of the building move and installation project.
- D. The City and District did not conclude negotiations on an agreement and submit it for City Council approval before the project began. Based on its good working relationship with the City, the District moved the portable modular building and completed the project in order to provide adequate space for the expanded START program at Cabrillo for the upcoming school year. A signed agreement is required to reimburse the District and to allow the building to remain at Cabrillo for at least 20 years.
- E. An agreement with the District has now been negotiated. This agreement covers the move of the building from Birney and the installation and rehabilitation at Cabrillo and its continued location at Cabrillo.
- F. Sacramento City Code section 3.60.170D 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. In this case the District owned both the site from which

the building was moved and the site to which it was moved and preferred to manage the project itself. The District was moving a number of its own buildings at the same time so there were economies of scale and efficiencies available by having the District manage this project. In addition, the District has managed other similar projects for the City and has a good track record.

- G. Under the terms of the agreement, the City will pay the District up to \$119,892 for the Birney-Cabrillo project when a written notice of completion and copies of paid invoices are received.
- H. The Sacramento START program is a grant-based, self-sufficient program. No General Fund dollars will be used to support the move of the building from Birney to Cabrillo and its rehabilitation. Funding for the project will come from the Sacramento START Fund (2501) fund balance.
- I. The project is exempt from the California Environmental Quality Act (CEQA) because it involves the addition of a portable classroom to the school grounds of an existing school [CEQA Guidelines (Title 14 Cal. Code Reg. § 15000 et seq.) section 15314].

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

- Section 1. Competitive bidding for this project is suspended in the best interests of the City.
- Section 2. The City Manager is authorized to execute an agreement and any extensions, amendments, or other related documents with the Sacramento City Unified School District (District) as necessary for the District to move a City-owned portable modular classroom building from Alice Birney Elementary School (Birney) to John Cabrillo Elementary School (Cabrillo), to install and rehabilitate the building, and for the building to remain at Cabrillo.
- Section 3. A new Capital Improvement Project (CIP) (L19803200) is established for the building move and its installation and rehabilitation at Cabrillo.
- Section 4. \$119,892 is appropriated from the Sacramento START Fund (2501) fund balance to the Cabrillo CIP.