

**Meeting Date:** 2/2/2016

**Report Type:** Consent

**Report ID:** 2016-00122

**Title:** Second Amendment to Operation and Maintenance Agreement for Two Rivers Trail – Phase II

**Location:** District 3

**Recommendation:** Pass a Motion approving the Second Amendment with the American River Flood Control District to the Operation and Maintenance Agreement for Two Rivers Trail – Phase II in the amount of \$166,243.

**Contact:** C. Gary Hyden, Park Planning and Development Manager, (916) 808-1949; Tin-Wah Wong, Associate Landscape Architect, (916) 808-5540, Department of Parks and Recreation

**Presenter:** None

**Department:** Parks & Recreation Department

**Division:** Park Development Services

**Dept ID:** 19001121

**Attachments:**

1-Description/Analysis

2-Location Map

3-Second Amendment to Two Rivers Trail Operation and Maintenance Agreement

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### **City Attorney Review**

Approved as to Form  
Sheryl Patterson  
1/20/2016 10:17:51 AM

### **Approvals/Acknowledgements**

Department Director or Designee: Pamela Sloan - 1/15/2016 7:16:50 AM

## Description/Analysis

**Issue Detail:** The City was awarded a grant from the State of California under the Proposition 84 California River Parkways Grant Program for the development of the Sutter's Landing Park American River Parkway Enhancements project, which is a multi-use trail, with interpretive displays, and native vegetation plantings.

During the design review process, the American River Flood Control District (ARFCD) rejected the proposed levee top alignment for the multi-use trail and required the trail to be developed using a lower alignment along the toe of the levee. ARFCD agreed to grade the new trail alignment because they have regulatory authority for the levee.

On May 5, 2015, the First Amendment to Operation and Maintenance Agreement for Two Rivers Trail - Phase II was executed to define the requirements for ARFCD to grade the trail alignment and for the City to construct and maintain the trail at the lower alignment. ARFCD designed and constructed a gravel service road along the lower alignment.

Now that ARFCD's costs to design and grade the new trail alignment are known, the City can reimburse ARFCD for its work. Also, the City needs ARFCD to make further improvements to the trail alignment and the ramps that lead to the trail to meet ADA accessibility requirements. The Second Amendment to Operation and Maintenance Agreement for Two Rivers Trail - Phase II will reimburse the ARFCD in the amount of \$166,243.23 for the construction of the trail at the lower alignment along the water side of the levee and re-grading the trail for ADA compliance.

**Policy Considerations:** Providing parks and recreation facilities is consistent with the City's strategic plan to enhance livability in Sacramento's neighborhoods by expanding park, recreation, and trail facilities throughout the City. This is also part of the Park Development Process for park planning as stated in the *2005-2010 Parks and Recreation Master Plan*.

**Economic Impacts:** Not Applicable.

**Environmental Considerations:** ARFCD has the authority to make changes to the levee as part of its maintenance activities and previously filed a Notice of Exemption for the lower trail service road grading project. The trail construction is exempt from CEQA review pursuant to CEQA Guidelines section 15304, minor alterations to land. No significant effects would occur as a result of the agreement or covered work.

**Sustainability:** Not Applicable.

**Commission/Committee Action:** Not Applicable.

**Rationale for Recommendation:** There are sufficient grant funds available to reimburse ARFCD for its cost to grade the alignment for the trail extension project.

**Financial Considerations:** There are adequate funds in L19167200 to fund ARFCD's costs in the amount of \$166,243.23 as set forth in the Second Amendment to Operation and Maintenance Agreement for Two Rivers Trail – Phase II (American River Parkway Enhancements at Sutter's Landing Park).

**Local Business Enterprise (LBE):** Not Applicable.

**City of Sacramento**  
**Department of Parks and Recreation**  
**SUTTER'S LANDING REGIONAL PARK**



0 1,000 2,000 4,000 Feet

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 July 14, 2003 smc

SECOND AMENDMENT TO OPERATION AND MAINTENANCE  
AGREEMENT FOR TWO RIVERS TRAIL - PHASE II

THIS SECOND AMENDMENT (the "Amendment") is made as of \_\_\_\_\_, 2016, by and between the CITY OF SACRAMENTO ("City") and the AMERICAN RIVER FLOOD CONTROL DISTRICT ("ARFCD").

RECITALS

WHEREAS, on April 4, 2006, the City and ARFCD entered into the Agreement for the Operation and Maintenance of Two Rivers Trail (City Agreement No. 2006-0324), the "Principal Agreement," which allowed for ARFCD to issue an easement or permit to City for the purpose of "constructing, operating, maintaining, repairing, rehabilitating, and replacing" a paved recreational trail on the south American River levee which is managed and maintained by ARFCD. Pursuant to the Principal Agreement, City paved this trail, known as the Two Rivers Trail, which extends from the confluence of the Sacramento River along the American River eastward to Hwy 160.

WHEREAS, on May 5, 2015, City and ARFCD entered into the First Amendment to the Agreement for the Operation and Maintenance of Two Rivers Trail to allow for implementation of the second phase of the Two Rivers Trail project to extend the trail eastward along the south American River levee from Sutter's Landing Regional Park to within 100 feet from the western side of the existing railroad bridge. Under the terms of the First Amendment, ARFCD agreed to design and grade the preferred lower trail alignment, which would also serve as a second maintenance road for ARFCD's operations and levee inspections.

WHEREAS, the purpose of this Second Amendment is to reimburse ARFCD for its costs to design and grade the lower trail alignment now that the total amount of such costs is known, and for ARFCD to undertake additional work to insure that the grades of the trail alignment and access ramps meet the accessibility standards under the American with Disabilities Act (ADA).

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, ARFCD and the City agree as follows:

AGREEMENT

1. Lower Trail Alignment:  
ARFCD will undertake further grading work for the lower trail alignment to insure that the grades comply with the ADA accessibility standards based on the City survey provided to ARFCD.
2. Compensation:  
City will pay ARFCD its cost to design and grade the lower trial alignment, including making further alterations to comply with ADA, in an amount not to exceed \$166,243.23.

3. Principal Agreement:  
All of the terms and conditions set forth in the Principal Agreement, as amended under the First Amendment, shall remain unchanged.
4. Entire Agreement:  
This Second Amendment constitutes the entire agreement and supersedes any prior written or oral agreements with regard to compensation for ARFCD's costs to design and grade the lower trail alignment.

IN WITNESS WHEREOF, this Second Amendment has been executed by City and ARFCD as of the day and year first stated above.

CITY OF SACRAMENTO,  
a municipal corporation

By: \_\_\_\_\_  
Pamela Sloan, Interim Director  
Department of Parks and Recreation  
For: John F. Shirey, City Manager

Approved as to form:

By: \_\_\_\_\_  
Sheryl Patterson, Senior Deputy City Attorney

Attest:

By: \_\_\_\_\_  
Assistant City Clerk

AMERICAN RIVER FLOOD CONTROL DISTRICT,  
a municipal corporation

By: \_\_\_\_\_  
Tim Kerr, General Manager

Approved as to form:

By: \_\_\_\_\_  
David R.E. Aladjem, ARCFD Counsel