

Meeting Date: 6/14/2016

Report Type: Consent

Report ID: 2016-00631

Title: Agreement Amendment: Sacramento Area Flood Control Agency (SAFCA) Cost Sharing

Location: District 8

Recommendation: Pass a Resolution authorizing the City Manager or the City Manager's designee to: 1) sign an amendment to the Cost Share Agreement with SAFCA for the Florin Creek Encroachment Project to increase SAFCA's maximum cost share from \$99,999 to \$121,653; and 2) adjust revenue and expenditure budgets in the Florin Creek Encroachment Project.

Contact: Dan Sherry, Engineering & Water Resources Manager, (916) 808-1419; Brett Grant, Supervising Engineer (916) 808-1413; Stu Williams, Senior Engineer (916) 808-1410, Department of Utilities

Presenter: None

Department: Department Of Utilities

Division: Development Services

Dept ID: 14001341

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Agreement
- 4-Resolution

City Attorney Review

Approved as to Form
Joe Robinson
6/1/2016 6:11:07 PM

Approvals/Acknowledgements

Department Director or Designee: Bill Busath - 5/27/2016 3:33:27 PM

Description/Analysis

Issue Detail: Staff recommends Council approve an amendment to the cost share agreement entered into with the Sacramento Area Flood Control Agency (SAFCA) in September 2014 (C2014-0942) for fencing relocation as part of the Florin Creek Encroachment Project, to receive additional payment from SAFCA for its share of increased costs.

Policy Considerations: The amendment is consistent with the City's General Plan goals of improving and expanding public safety and achieving sustainability and livability. SAFCA's Board, on November 19, 2015, authorized its Executive Director to execute an amendment to the cost sharing agreement.

Economic Impacts: None

Environmental Considerations: SAFCA, as lead agency under the California Environmental Quality Act (CEQA), prepared and adopted a mitigated negative declaration and mitigation reporting program for the project. The City, as a responsible agency under CEQA Guidelines Section 15096, reviewed the mitigated negative declaration prepared by SAFCA and considered the environmental effects of the project prior to approving the cost share agreement.

Sustainability: SAFCA's project is consistent with the Sustainability Master Plan goal to improve flood protection in the region.

Commission/Committee Action: None.

Rationale for Recommendation: The improvements to the Florin Creek channel will provide increased flood protection to City residents in the south area and remove properties from the current AH flood zone designation. The fence installation incurred additional construction costs because it was necessary to add a wood retaining wall along the fence line behind two parcels which was not part of the original scope. These walls plus as-built quantity adjustments represented about half the increased shared costs. In addition, DOU performed right-of-way clearing for the fence and channel improvement projects and SAFCA agreed to share these additional project costs. The increased construction costs of approximately \$43,400 make it necessary to increase the cost sharing amount in the agreement.

Financial Considerations: The contract provides for SAFCA to reimburse City for 50% of the costs incurred by City for installation of the fencing. This amendment for the Florin Creek Encroachment Project (W14130400) will increase the amount SAFCA will reimburse the City by \$21,654, for a new total not to exceed amount of \$121,653.

Local Business Enterprise (LBE): The City's LBE program requirements do not apply to this cost share agreement.

Background

From 2005 through 2013, the U.S. Army Corps of Engineers (USACE) constructed portions of the federally authorized South Sacramento County Streams Project (the project), including Florin Creek channel improvements downstream of Franklin Boulevard. This year, the USACE is constructing improvements to Florin Creek upstream from Franklin Boulevard to US Highway 99. In 2014, the City entered into a cost sharing agreement with Sacramento Area Flood Control Agency (SAFCA) to clear the right-of-way and relocate fencing along Florin Creek channel within the City.

The cost share agreement (C2014-0942) between the City and SAFCA addressed clearing encroachments along the Florin Creek Channel and relocating all fences to the property lines. The City owns the property or has easements for the Florin Creek Channel, but over time many adjacent residents have encroached onto the channel right-of-way. The City's encroachment clearance and fence relocation work facilitated the current USACE construction. Originally, SAFCA agreed to reimburse the City for half of the fence relocation costs, up to a cost share amount of \$99,999. However the final cost for encroachment clearing and fence relocation was approximately \$244,000. SAFCA has agreed to increase its reimbursement amount by \$21,654 to a total not to exceed amount of \$121,653.

**FIRST AMENDMENT TO AGREEMENT FOR COST
SHARING OF FLORIN CREEK FENCE INSTALLATION**

This First Amendment is made and entered into on _____, 2016 by and between the **City of Sacramento**, a charter city ("City"), and the **Sacramento Area Flood Control Agency**, a joint powers authority ("SAFCA").

RECITALS

WHEREAS, on September 24, 2014, the City and SAFCA entered into an Agreement for Cost Sharing of Florin Creek Fence Installation (the "Agreement"), identified as City Agreement No. 2014-0942, to cost-share the installation of chain link security fencing (the "Fencing") adjacent to Florin Creek;

WHEREAS, the Agreement provides for SAFCA to reimburse City for 50% of the costs incurred by City for installation of the Fencing, provided that SAFCA's reimbursement obligation will not exceed \$99,999.00 unless the parties agree in writing to increase this maximum reimbursement amount; and

WHEREAS, the parties now desire to increase SAFCA's maximum reimbursement amount to authorize SAFCA's payment of 50% of the actual costs incurred by City to install the Fencing.

AGREEMENT

NOW, THEREFORE, THE PARTIES agree as follows:

1. Subsection B of Section 2 of the Agreement is amended to read as follows:
 - B. SAFCA's reimbursement obligation hereunder shall not exceed \$121,652.47.
2. All terms and provisions of the Agreement, as amended by this First Amendment, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed as of the day and year first written above.

**SACRAMENTO AREA FLOOD
CONTROL AGENCY,**
a joint powers agency

By: 
Richard M. Johnson
Executive Director

CITY OF SACRAMENTO,
a charter city

By: _____
William O. Busath
Director of Utilities
For: John F. Shirey,
City Manager

APPROVED AS TO FORM:

By 
M. Holly Gilchrist
Agency Counsel

By _____
Joe Robinson
Senior Deputy City Attorney

ATTEST:

By _____
City Clerk

RESOLUTION NO. 2016-

Adopted by the Sacramento City Council

AUTHORIZATION OF AMENDMENT TO COST-SHARING AGREEMENT WITH SACRAMENTO AREA FLOOD CONTROL AGENCY FOR THE SOUTH SACRAMENTO COUNTY STREAM PROJECT

BACKGROUND

- A. The City, U.S. Army Corps of Engineers (USACE), and the Sacramento Area Flood Control Agency (SAFCA) are collaborating on the South Sacramento County Streams Project. This Project will remove over one hundred City residents from the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area.
- B. The City and SAFCA entered into a cost sharing agreement to clear the right-of-way and relocate fencing along Florin Creek channel within the City.
- C. Due to increased construction costs of the fencing installation an amendment is required for the cost sharing agreement.

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:
 - A. Execute an amendment to Cost-Share Agreement No. 2014-0942 with SAFCA to increase SAFCA's maximum cost share amount from \$99,999 to \$121,653;
 - B. Augmenting the revenue and expenditure budgets for the Florin Creek Encroachment Project (W14130400) (Fund 6211) by \$21,654, for the total budget amount of \$121,653.