

RESOLUTION NO. 2019-0170

Adopted by the Sacramento City Council

May 21, 2019

Agreement, Budgetary Adjustments and Closure of Related Project: Sacramento River Parkway Project (K15185000)

BACKGROUND

- A. The City's proposed Sacramento River Parkway Project (K15185000) (the "Project") will provide a 1.85-mile segment of paved bicycle and pedestrian trail between the Pocket Canal Trail network at the Garcia Bend Park and Arabella Way. This segment is a key piece in the ultimate plan to create a continuous riverfront trail network through the City of Sacramento, beginning at the Freeport Water Tower and ending at Watt Avenue. The bike trail will continue east and become part of the larger American River Parkway bike trail. The Project will create both commute and recreational opportunities, enhance public safety, and encourage active transportation by expanding the off-street trail network.
- B. In 2014, the California Department of Transportation (Caltrans) entered into a Settlement Agreement with the Environmental Council of Sacramento wherein Caltrans agreed to provide to the City of Sacramento, from the New Measure A Funds the amount of \$210,000 to be used towards the project development, construction, maintenance, or improvement of the extension of the Sacramento River Bike Trail to the Pocket and Little Pocket Areas.
- C. In July 2015, the Garcia Bend Trail Study (K15165000) Capital Improvement Project (CIP) was established to perform preliminary engineering, scoping, environmental, public outreach and design for a Class I bike trail connection from Pocket Road through the Pocket Canal pump station, and along the top of the Sacramento River Levee south to Garcia Bend Park.
- D. In July 2017, the Bikeway Improvement and Alternative Modes Project (K15185100) included \$274,830 set aside for the Garcia Bend Path Crossing.
- E. In July 2017, the Sacramento River Parkway Bike Trail (K15185000) Capital Improvement Project (CIP) was established to complete environmental documentation and acquire necessary easement rights for the Central Pocket Levee Trail Project segment.

- F. Staff is now seeking City Council authorization to adjust the Project budget and scope based on the above-mentioned facts to more efficiently move ahead with 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 an agreement with Caltrans accepting \$210,000 (CIP Reimbursable Fund, Fund 3702) as a portion of the settlement for litigation brought against Caltrans by the Environmental Council of Sacramento.
- Section 2. The City Manager or the City Manager's designee is authorized to:
- a) increase the revenue and expenditure budgets of the Sacramento River Parkway Project (K15185000) by \$210,000 (CIP Reimbursable Fund, Fund 3702) to reflect the terms of the agreement with Caltrans;
 - b) transfer \$369,655 (Measure U Fund, Fund 2401) from the expenditure budget of the Garcia Bend Bike Trail Study Project (K15165000) to the expenditure budget of the Sacramento River Parkway Project (K15185000); and
 - c) transfer \$274,830 (General Fund, Fund 1001) allocated for the Garcia Bend Path Crossing from the expenditure budget of the Bikeway Improvements and Alternative Modes Project (K15185100) to the expenditure budget of the Sacramento River Parkway Project (K15185000).
- Section 3. The project scope of the Sacramento River Parkway Project (K15185000) is amended to include the project scope of the Garcia Bend Bike Trail Study Project (K15165000) and the Garcia Bend Bike Trail Study Project (K15165000) is closed.
- Section 4. The project scope of the Sacramento River Parkway Project (K15185000) is amended to include environmental documentation, right of way activities, design, and construction for the entire Sacramento River Parkway within the Pocket Neighborhood.
- Section 5. The City Manager or the City Manager's designee is authorized to execute an agreement with Robert Thomas Dias, Sr. and Betty L. Dias, Trustees, UDT dated April 5, for the acquisition of certain real property interests within parcel 031-0040-039 in the amount of \$136,000.

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Exhibit A - Caltrans Funding Agreement

Adopted by the City of Sacramento City Council on May 21, 2019, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer,
Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest:

Mindy Cuppy

Digitally signed by Mindy Cuppy
Date: 2019.06.04 10:23:15
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

AGREEMENT

This AGREEMENT, entered into effective on _____, is between the State of California, acting by and through its Department of Transportation, referred to as CALTRANS, and the

City of Sacramento, a body politic and municipal corporation and chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. On July 29, 2013, Environmental Council of Sacramento (ECOS) filed a petition for writ of mandate in Sacramento Superior Court, Case No. 34-2013-80001579 challenging the adequacy of CALTRANS' environmental review under the California Environmental Quality Act (CEQA) for the Interstate 5 Bus/Carpool Lanes Project (PROJECT).
2. CALTRANS and ECOS entered in a Settlement Agreement and Release (Settlement Agreement) on June 6, 2014, for a settlement of litigation regarding CALTRANS' approval and certification of the Final Environmental Impact Report for PROJECT.
3. Under the Settlement Agreement reached between CALTRANS and ECOS, CALTRANS agreed to pay CITY the amount of \$210,000 prior to the awarding of the construction contract for PROJECT.
4. CITY will utilize said funds toward the project development, construction, maintenance, or improvement of the extension of the Sacramento River Bike Trail to the Pocket and Little Pocket areas (CITY PROJECT).
5. CALTRANS and CITY will define the terms and conditions of CALTRANS' satisfying the condition of the Settlement Agreement in this Agreement.

IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

8. All obligations of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
9. Upon execution of this Agreement, CITY will submit an invoice to CALTRANS in the amount of \$210,000.
10. CALTRANS will pay, using Sacramento Transportation Authority (STA) Measure A funds, the sum amount of \$210,000 upon receipt of CITY's invoice, and within 60 days of CALTRANS' receipt of funds from STA.
11. CITY will use funds towards CITY PROJECT costs.
12. Upon CALTRANS' payment of \$210,000, CALTRANS' obligation of the Settlement Agreement will be complete and satisfied.
13. Upon completion of CITY PROJECT, CITY will submit a final accounting of costs associated with CALTRANS contribution. Parties will retain all cost-related records for three (3) years after the final accounting. CITY will require that any consultants hired to participate in CITY PROJECT will comply with this Article.
14. This Agreement will terminate upon completion of each parties' obligations made herein.

However, document retention and audit provisions will remain in effect until terminated or modified in writing by mutual agreement.

SIGNATURES

Parties declare that:

1. The people signing this agreement have the authority to do so on behalf of their public agencies.

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

By: _____
Thomas L. Brannon
Deputy District Director
District 3 Program / Project Management

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Brandon S. Walker
Deputy Attorney

VERIFICATION OF FUNDS AND
AUTHORITY:

By: _____
Stacey Salazar
District Project Control Officer

CERTIFIED AS TO FINANCIAL TERMS AND
POLICIES:

By: _____
Tamara Warren
HQ Accounting Supervisor

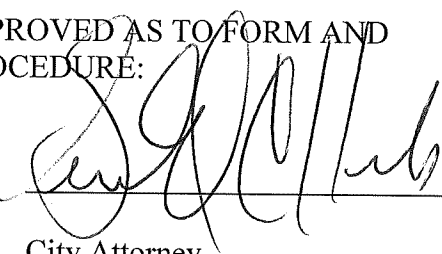
CITY OF SACRAMENTO

By: _____
Hector Barron
Director of Public Works

ATTEST:

By: _____
Mindy Cuppy
City Clerk

APPROVED AS TO FORM AND
PROCEDURE:

By: _____

City Attorney