



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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CONSENT
October 20, 2009

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

Title: Agreement: Troutman Sanders Public Affairs Group LLC to Secure Federal Appropriations and Authorizations for Flood Control Projects (W14000500)

Location/Council District: Citywide

Recommendation: Staff recommends that the City Council approve the attached Resolution authorizing the City Manager to sign a Professional Services Agreement with Troutman Sanders Public Affairs Group LLC (Troutman Sanders), for a one year term in an annual amount not to exceed \$187,350, with the option to extend the term for up to two additional one year terms.

Contact: Marty Hanneman, Director of Utilities, (916) 808-7508; David L. Brent, Engineering Services Manager, (916) 808-1420

Presenters: Not applicable

Department: Utilities

Division: Engineering Services

Organization No: 14001331

Description/Analysis

Issue: The federal appropriations cycle is critical to funding Sacramento's flood control projects and requires constant input and close coordination by a legislative strategy team in Washington, D.C. Staff recommends that the services of Troutman Sanders be retained to represent the City's interest as part of the legislative team. The firm will also represent the City on Water Resources Development Act (WRDA) legislation and other flood control issues as they develop.

Policy Considerations: Troutman Sanders has proved to be a valuable as a team member in augmenting and supporting the City's and SAFCA's efforts to obtain federal authorizations and appropriations. They have worked well with our congressional representatives and assist congressional staff on a regular basis with City related flood legislation. This report's recommendation is consistent with the City's Strategic Plan Goals of enhancing and preserving the neighborhoods, supporting the economic vitality

of the area, and establishing and strengthening community and regional partnerships to enhance the quality of life.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from environmental review.

Sustainability Considerations: The adoption of this resolution is consistent with the City's sustainability Master Plan goal of advancing flood protection in the City.

Rationale for Recommendation: The federal appropriations cycle is critical to funding Sacramento's flood control projects and requires constant input and close coordination by a legislative strategy team in Washington D.C. John Freshman, with Troutman Sanders, has effectively represented the City's flood control interests in Washington DC for almost 10 years. He is very well acquainted with the City's flood control system and issues. He has worked effectively with the City's US Congressional representatives and his fees are comparable to those being charged by others for like services. Engaging in an RFQ or RFP process in this instance would be inefficient and wasteful of City resources.

Financial Considerations: The estimated cost of this Professional Services Agreement is \$187,350. The agreement will be funded in the Floodplain Management Project W14000500, which has sufficient Storm Drainage (Fund 6011) funding.

Emerging Small Business Development (ESBD): Troutman Sanders does not meet the City's ESBD consideration requirements. In order to be effective, it is imperative that the City of Sacramento's federal congressional consultant be located in the Washington, D.C. area. Because John Freshman, with Troutman Sanders, has represented the needs of the City of Sacramento for almost 10 years, and because he is extremely knowledgeable of Sacramento's complex flood control system and its challenges, it would be detrimental for the City to solicit another federal congressional consultant at this time.

Respectfully Submitted by: 
David L. Brent
Engineering Services Manager

Approved by: 
Marty Hanneman
Director of Utilities

Recommendation Approved:


Ray Kerridge
City Manager

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Attachment 1

Background Information:

A contract was originally signed with John Freshman Associates, Inc. (now known as Troutman Sanders Public Affairs Group LLC) on November 9, 1999, to assist the City and the Sacramento Area Flood Control Agency (SAFCA) in obtaining federal authorizations for flood control projects in the City and in obtaining appropriations for previously authorized flood control projects for fiscal years 2000 and 2001. Subsequent contracts have been executed with the firm yearly since December 2001 in order to continue the City's efforts to garner federal support and secure funding for critical flood control projects.

Legislative consultants are a critical part of Sacramento's flood control strategies. John Freshman, who is the firm's lead for the City agreement, has a presence, credibility, and an access to congressional staff that greatly enhances the City's ability to obtain favorable federal legislation. The firm's expertise is also valuable in coordinating with various federal agencies such as the office of the Chief of Engineer, the Department of the Interior, the Office of Management and Budget, and other branches of the Administration in gaining their support for our flood control projects.

Troutman Sanders also works closely with SAFCA's Washington consultants in carrying forward Sacramento's flood control projects and making key Washington officials more aware of our particular needs. The firm has played an integral role in approval and funding of the common Features Project, the South Sacramento Streams Group Project, the Folsom Dam Modifications Project and other Key flood control legislation. Their latest efforts on behalf of the City is to work with FEMA and legislators to clarify the requirements for the A99 and AR flood zones so that they better serve their intended purposes and to obtain federal authorization for the Natomas Levee Improvement project. All of the aforementioned projects are valued at more than \$1 Billion.

With this new project, Troutman Sanders will continue assisting the City in securing funding for ongoing flood control projects. Priorities for the upcoming year include the following areas:

- Outline and participate in development and implementation of 5-year strategic plan for funding for flood control projects;
- Develop and implement overall congressional strategy to maximize the appropriations effort;
- Develop and implement a strategy for including Sacramento area flood control projects in the President's FY 2010 budget and beyond;
- Monitor and report on the Administration's budget and advocate Sacramento's need for full funding;
- Develop and implement strategies to obtain funding for projects authorized by Congress as well as funding for ongoing, previously authorized projects;
- Develop and implement legislative strategies for approaching WRDA;
- Work with the area congressional delegation on all aspects of the effort;

- Work with the City, SAFCA, and the Sacramento area congressional delegation on legislative language;
- Develop documents for use with the House Transportation and Infrastructure Committee, Senate Environment and Public Works Committee, and the entire House and Senate;
- Monitor and report on Senate consideration of WRDA legislation and advocate Sacramento's position;
- Monitor and report on House development of the WRDA bill and advocate Sacramento's position
- Frequent conversations with City staff on FEMA issues;
- Actively working with congressional delegation to develop legislation on flood insurance and to pursue existing legislation to direct FEMA to take a flexible approach on mapping and zoning;
- Advising on strategy and direction for legislative and regulatory efforts; and
- Briefing congressional staff on history and issue for FEMA issues.

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVING AN AGREEMENT WITH TROUTMAN SANDERS PUBLIC AFFAIRS GROUP LLC FOR 2009/2010 LEGISLATIVE CONSULTANT SERVICES (W14000500)

BACKGROUND

- A. Troutman Sanders provides the City of Sacramento with a constant legislative presence in Washington D.C. to foster federal support and secure funding for critical flood control projects.
- B. Their services include developing and implementing legislative strategies vital for the success of the City's flood control plans.

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

- Section 1. The City Manager is authorized to execute a Professional Services Agreement with Troutman Sanders Public Affairs Group LLC for an amount not to exceed \$187,350 per year.
- Section 2. The agreement provides for an initial term of one year, with the option to extend the term for up to two additional one year terms. The City Manager is authorized to exercise the City's option to extend the term for the additional one year terms for the annual not to exceed amount specified above, provided that sufficient funds are available in the budget adopted for the applicable Fiscal Year(s).