

RESOLUTION NO. 2010-099

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.

Adopted by the City of Sacramento City Council on February 23, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

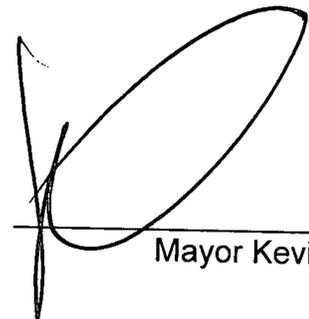
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson