



# Metropolitan Water Planning

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January 22, 1998 OFFICE OF THE CITY CLERK

City Council  
Sacramento, California

Sacramento City-County  
Office of Metropolitan  
Water Planning  
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Honorable Members in Session:

**SUBJECT: APPROVAL OF SUPPLEMENT NO. 3 TO CITY AGREEMENT NO. 92-068 WITH SHUTE, MIHALY & WEINBERGER FOR THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING (\$75,000).**

**LOCATION/COUNCIL DISTRICT:** City/County

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing the execution of Supplement No. 3 to City Agreement No. 92-068 with Shute, Mihaly & Weinberger for an amount not to exceed \$75,000 for the "EIR Completion and Stakeholder Approval Phase" of the Water Forum process.

**COUNCIL MEETING DATE:** February 3, 1998

**CONTACT PERSON:** Susan Davidson, Senior Administrative Officer, 433-6287.

**SUMMARY:**

This report identifies the need for continued professional legal consulting services for the *Water Forum* and the City-County Office of Metropolitan Water Planning (CCOMWP) as related to the development of the Water Forum's Final Environmental Impact Report (FEIR), Memorandum of Understanding (MOU), and Agreement.

**COMMITTEE/COMMISSION ACTION:** None.

**BACKGROUND INFORMATION:**

- On May 5, 1992, the City Council approved a Legal Services Agreement with Shute, Mihaly & Weinberger for \$55,000 to provide legal consulting services to the CCOMWP for the development of an Environmental Impact Report.

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- On March 13, 1996, the City Council approved Supplement No. 1 to the City Agreement No. 92-068 with Shute, Mihaly, & Weinberger for legal consulting services to the CCOMWP for an amount of \$33,000.
- On August 20, 1996, the City Council approved Supplement No. 2 to the City Agreement No. 92-068 with Shute, Mihaly, & Weinberger for legal consulting services to the CCOMWP for an amount of \$53,000.

The scope of work under Supplement No. 3 of the City Agreement No. 92-068 with Shute, Mihaly & Weinberger, includes:

- Review comments on the Draft Environmental Impact Report, assist in drafting responses prepared by others, and draft CEQA findings.
- Perform legal review of the draft mitigation monitoring plan for adequacy and implementation issues.
- Assist in drafting and review of the Water Forum Memorandum of Understanding (MOU), implementation documents, and other legal matters.
- Legal advice and consultation with Water Forum staff and Stakeholder attorneys regarding Water Forum EIR, MOU, and other matters.

#### **FINANCIAL CONSIDERATIONS:**

The current agreement with Shute, Mihaly, & Weinberger is for a "not to exceed amount" of \$141,000. Supplement No. 3 to City Agreement No. 92-086 is for \$75,000. This would bring the new "not to exceed" amount to \$216,000. Based upon the recently approved augmentation to the CCOMWP budget, the 1997-98 operating budget for the CCOMWP has an unobligated amount of \$75,000 in line-item 4251 for professional legal consulting services.

Funding for the CCOMWP during this "EIR Completion and Stakeholder Approval Phase" is being provided by a number of local government entities which have agreed to cost-share this "transition period" for the Water Forum process.

#### **ENVIRONMENTAL CONSIDERATIONS:**

This report recommends no action that would constitute a project under the California Environmental Quality Act (CEQA).

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**POLICY CONSIDERATIONS:**

Section V of the Interagency Agreement requires that all contracting procedures shall follow the procedures used by the City. The rationale for hiring the services of a consultant is the need for specialized professional legal services as a continuation of the specific tasks being performed by the consultant for the **Water Forum** and CCOMWP.

**MBE/WBE EFFORTS:**

The consultant Shute, Mihaly, and Weinberger does not qualify as a MBE/WBE firm. They are however, uniquely qualified to continue to provide the specific services for the CCOMWP on behalf of the **Water Forum**.

Respectfully submitted,

  
MELVIN JOHNSON  
Executive Director

RECOMMENDATION APPROVED:

  
WILLIAM H. EDGAR  
City Manager

for:

**APPROVED**  
BY THE CITY COUNCIL

**FEB 3 1998**

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 98-037**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK  
TO EXECUTE SUPPLEMENT NO. 3 TO CITY AGREEMENT NO. 92-068  
WITH SHUTE, MIHALY & WEINBERGER  
TO PROVIDE PROFESSIONAL LEGAL SERVICES  
TO THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING  
IN AN AMOUNT NOT TO EXCEED \$75,000.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

That the City Manager and the City Clerk are hereby authorized to execute Supplement No. 3 to City Agreement No. 92-068 with Shute, Mihaly & Weinberger to provide professional legal services to the City-County Office of Metropolitan Water Planning as related to the development and certification of an Environmental Impact Report for the Water Forum for an amount not to exceed \$75,000.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_