



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
April 15, 2008

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

**Title: Agreement: I-5/Cosumnes River Boulevard Extension and Interchange
Project (PN: T15018000)**

Location/Council District: Along Interstate 5, one mile south of Pocket
Road/Meadowview Road in the Pocket and Airport Meadowview Planning Areas.
Location Map – Exhibit A of Resolution. (District 7 and 8)

Recommendation: Adopt a **Resolution** authorizing the City Manager to execute
Assignment and Assumption Agreement with M & H Realty Partner VI, L.P., SunCal Delta
Shores, LLC, and Mark Thomas and Company, Inc. for the project.

Contact: Saed Hasan, Senior Engineer, (916) 808-7923; Jon Blank, Supervising
Engineer, (916) 808-7914

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 3434

Description/ Analysis

Issue: The City desires to assume the consultant agreement with Mark Thomas
and Company, Inc. from the Developers of Delta Shores in order to complete the
engineering design for the I-5 Cosumnes River Boulevard Extension and
Interchange Project (Project). This is consistent with the Design Reimbursement
Agreement that the City executed on May 1, 2007 with the Developers of the
Delta Shores and will allow seamless continuation of the project design toward
completion.

The project proposes to extend Cosumnes River Boulevard from its westerly
terminus at Franklin Boulevard to an at-grade intersection with Freeport Boulevard
(in the unincorporated town of Freeport), and construct a new interchange at I-5.

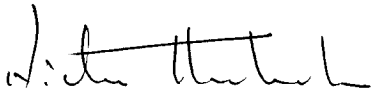
Policy Considerations: The proposed City Council action is consistent with the City's Strategic Plan goals of improving the transportation system, and enhancing livability, and expanding economic development throughout the city. Also, this council action is consistent with the Design Reimbursement Agreement that was approved by City Council on May 1, 2007.

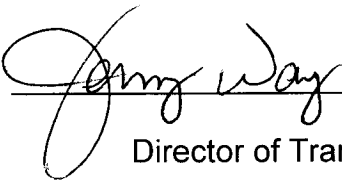
Environmental Considerations: The requested action is not subject to the provisions of the California Environmental Quality Act (CEQA) under the general rule (Section 15061(b)(3)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The project's final design will be consistent with final approved Environmental Impact Statement/Final Environmental Impact Report (EIS/EIR).

Rationale for Recommendation: The Department of Transportation advertised a Request for Proposals to perform final design for the project in July 2006. Mark Thomas and Company, Inc. emerged as the top ranked firm for this project. On May 1, 2007, the City entered into a Design Reimbursement Agreement with Developers of the Delta Shores that allows the City to assume the project design contract with Mark Thomas and Company, Inc. Preparation of final project design will lead to the preparation of bid documents for project construction.

Financial Considerations: The current project budget is \$6,855,254. As of March 21, 2008, the I-5/Cosumnes River Boulevard Extension Project (PN: T15018000) has an unobligated balance of \$4,693,167. This amount is sufficient to fulfill the City's financial obligations under the proposed Assignment and Assumption Agreement for the amount of \$2,930,117 and cover City staff costs.

Emerging Small Business Development (ESBD): The agreement with Mark Thomas and Company, Inc. will be funded mainly through federal funds. Federal funding rules require voluntary Disadvantaged Business Enterprise (DBE) participation and will be applied to the project. ESBE rules are held in abeyance. Mark Thomas and Company, Inc. attained 9.28% DBE participation.

Respectfully Submitted by: 
Nicholas Theocharides
Engineering Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:



RAY KERRIDGE
for City Manager

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Attachment 1**Background Information:**

In June 2006, the City released a Request for Proposal (RFP) to perform project final design of the I-5 Cosumnes River Boulevard Extension and Interchange Project (Project). Three firms responded to the RFP. The three firms were Carter Burgess, HDR, and Mark Thomas and Company, Inc. A consultant selection panel reviewed and rated the written proposals and oral presentations of the three firms. Mark Thomas and Company, Inc. was selected as the top ranked firm for the project. The selection panel was comprised of one member from the City Department of Transportation, two members from City Council Office staff, and one member from Caltrans. The following table summarizes results of selection process:

Firm	Selection Rank	DBE participation
Mark Thomas and Company, Inc.	1	9.28%
HDR	2	11.73%
Carter Burgess	3	11.03%

On May 1, 2007, Delta Shores, M & H Realty Partners VI, California limited partnership, and SunCal Delta Shores, LLC, a Delaware limited liability company (Developers), entered into an agreement with the City to fund the final design of the project (Design Reimbursement Agreement), pursuant to which the Developers agreed to contract for the design of the Project in order to expedite its completion. The City agreed to grant the Developers credits against future impact fees (Fair Share Credits) for the project costs for payments made by the Developers to Mark Thomas and Company, Inc.

The Developers have provided written notice to the City dated February 26, 2008 of their desire to assign their rights to the Design Services Contract to the City, and City staff has provided written notice to developers dated March 4, 2008 of the City's intent to accept such assignment, subject to certain conditions. The conditions include approval of the remaining tasks and costs under the Design Services Contract by City and Caltrans, and subject to City Council approval of this Assignment of the Design Services Contract.

RESOLUTION NO.

Adopted by the Sacramento City Council

AUTHORIZING THE CITY MANAGER TO EXECUTE THE ASSIGNMENT AND ASSUMPTION AGREEMENT WITH M & H REALTY PARTNER VI, L.P., SUNCAL DELTA SHORES, LLC, AND MARK THOMAS AND COMPANY, INC. FOR THE I-5 COSUMNES RIVER BOULEVARD EXTENSION AND INTERCHANGE PROJECT (PN: T15018000)

BACKGROUND

- A. In June 2006, the City released a Request for Proposal (RFP) for the I-5 Cosumnes River Boulevard Extension and Interchange Project (Project) and three firms responded to the RFP. Selection results are summarized in the following table:

Firm	Selection Rank	DBE participation
Mark Thomas and Company, Inc.	1	9.28%
HDR	2	11.73%
Carter Burgess	3	11.03%

- B. On May 1, 2007, the Developers of Delta Shores entered into a Design Reimbursement Agreement with the City. The Agreement allowed the Developers to contract for the design of the Project.
- C. Under the Design Reimbursement Agreement, the Developers of Delta Shores have the right to terminate, and the City has the right to assume the Design Services Contract.
- D. On February 26, 2008, the Developers provided written notice to the City expressing their desires to assign their rights to the Design Services Contract with Mark Thomas and Company, Inc. to the City.

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

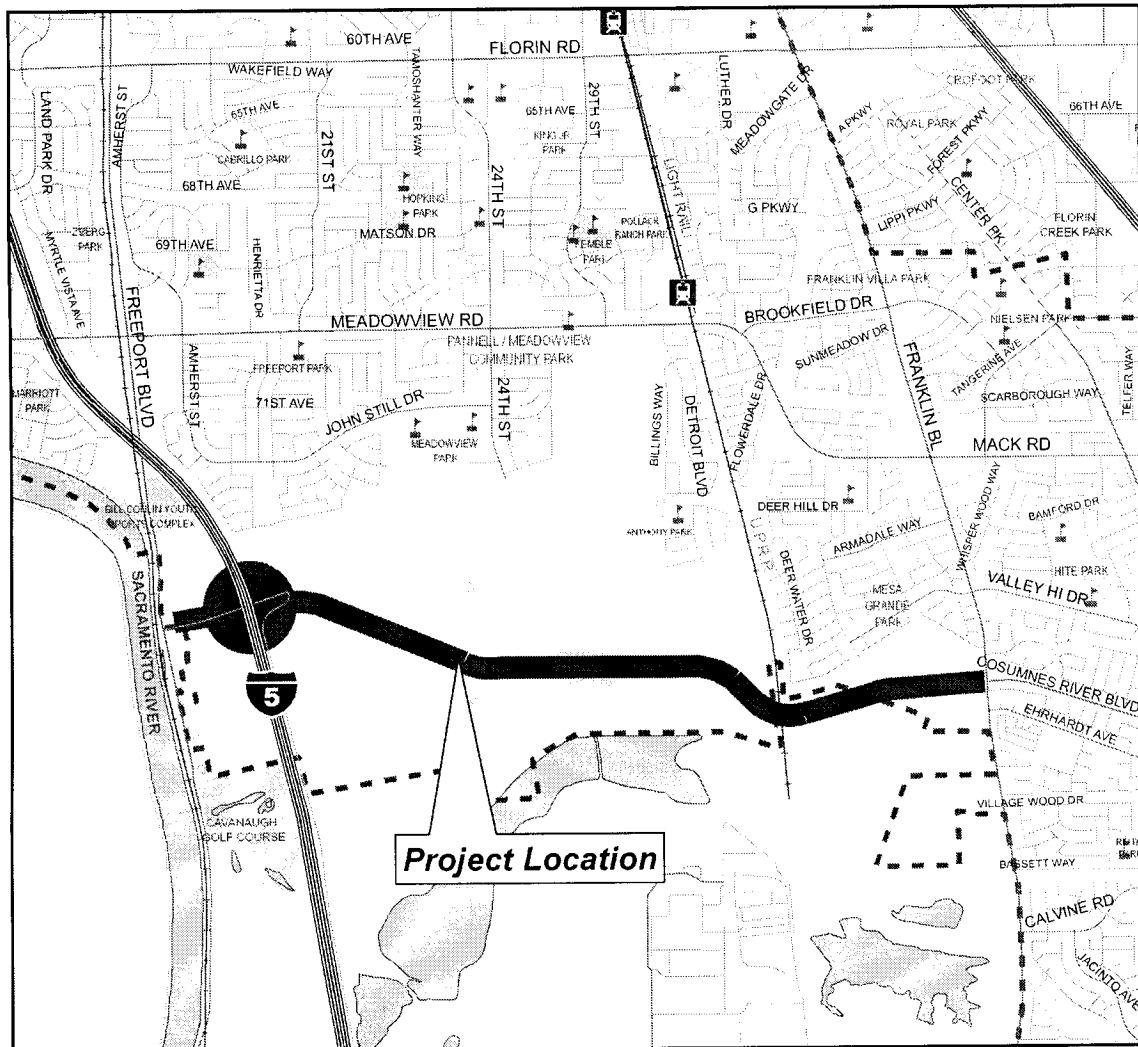
- Section 1. The City Manager is authorized to sign the Assignment and Assumption Agreement with M & H Partners VI, L.P., SunCal Delta Shores, LLC and Mark Thomas and Company, Inc. for assignment and assumption of the Professional Services Agreement for design of the I-5 Cosumnes River Boulevard Extension and Interchange Project (PN: T15018000) in an amount not to exceed \$2,930,117.

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Exhibit A: Map of I-5/Cosumnes River Boulevard Extension and Interchange Project
(PN: T15018000)

EXHIBIT A

Location Map for
I-5/COSUMNES RIVER BOULEVARD EXTENSION
AND INTERCHANGE PROJECT
(PN: T15018000)



Department of
TRANSPORTATION
City of Sacramento

Map Contact: S. Tobin
Map Date: March, 2008

0 750 1,500 3,000 4,500 6,000
Feet

