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DEPARTMENT  
OF UTILITIES  
  
ENGINEERING  
SERVICES DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

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July 2, 2001

CO 2001-122

City Council  
Sacramento, California

Honorable Members in Session:



**SUBJECT: ELKHORN PIPELINE PROJECT (PN:49AD) - AWARD CONTRACT TO YUBACON, INC., FOR AN AMOUNT NOT TO EXCEED \$851,199 AND ADOPT THE MITIGATION REPORTING PLAN**

**LOCATION AND COUNCIL DISTRICT:**

The Elkhorn Pipeline Project is located in Council District 1. See attached Exhibit 1.

**RECOMMENDATION:**

Staff recommends that the City Council accept the low bid from Yubacon, Inc., and award the contract for an amount not to exceed \$851,199, and adopt the Mitigation Reporting Plan.

**CONTACT PERSON:** Gary Reents, Engineering Services Manager, 264-1433  
Andrew Hunt, Supervising Engineer, 264-1408

**FOR COUNCIL MEETING OF:** July 18, 2001

**SUMMARY:**

Bids were received from six (6) contractors and opened by the City Clerk on June 20, 2001. The low bidder was Yubacon, Inc., with a bid of \$851,199. Yubacon, Inc., met the Emerging and Small Business Enterprise (ESBE) goals. It is therefore proposed to award the contract to Yubacon, Inc., for \$851,199.



CITY OF SACRAMENTO  
DEPARTMENT  
OF UTILITIES

*Making a Difference in Your Neighborhood*

City Council  
July 2, 2001  
Elkhorn Pipeline Project (PN:49AD)

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

- This project is part of the North Natomas Comprehensive Drainage Plan approved by City Council in June 1997, required to remove the internal flood plain and provide necessary drainage capacity.
- The project proposes to construct approximately 6,000 feet of pipeline to divert drainage and flood water away from developed and developing property and discharge the water into the East Drainage Canal.

This project was advertised and bids were received from six contractors on June 20, 2001, and are summarized below:

<b>Contractor</b>	<b>Bid Amount</b>
Yubacon, Inc.	\$851,199
Teichert Construction	\$933,734
Jaeger Construction	\$1,022,028
Navajo Pipelines, Inc.	\$1,031,662
Civil Engineering Construction	\$1,075,770
Sierra National Construction	\$1,257,900

- The engineer's estimated construction cost was \$861,130. Yubacon, Inc. submitted the only bid that does not exceed this estimate.
- The estimated completion date is October 2001.
- Very recently, information has come to the attention of the Utilities Department indicating that approximately \$7,000 worth of Aggregate Baserock material may have been misappropriated by Yubacon, Inc. on another City project being administered by the City's Public Works Department. City staff is investigating this matter, but desires to proceed with the award of this contract prior to the completion of such investigation, so that this project can be completed during this construction season. If the investigation results in a determination that construction materials were misappropriated, City staff will recommend appropriate actions at that time, such as the initiation of contractor debarment proceedings (under Sacramento City Code sections 3.60.320 et seq.) or other appropriate measures.

City Council  
July 2, 2001  
Elkhorn Pipeline Project (PN:49AD)

**FINANCIAL CONSIDERATIONS:**

The funds necessary for this project are provided by bond proceeds. Council approved the North Natomas Community Facilities District 97-01, Series B Revenue and Expenditure Budget on May 16, 2000, in the amount of \$8,755,000. The available funds for the Elkhorn Pipeline portion (673-ASD-49AD-4820) are \$1,452,800.

The total project cost including design, construction, inspection, and contingency is \$996,840. There are sufficient funds in the project to award the contract.

**ENVIRONMENTAL DETERMINATION:**

On June 20, 2000, the City Council ratified a Negative Declaration for the North Natomas 97-01 Series B Elkhorn Pipeline project. Project specific mitigation measures were incorporated into the document addressing impacts relating to: air quality; U.S. Army Corps permitting and Water of the U.S. impacts; biological resources; construction-related traffic control; and cultural resources. (See Exhibit 2 - Mitigation Reporting Plan (MRP)). The current request is for approval to carry out work on the project previously evaluated. Proposed work involves the construction of the pipeline which was previously evaluated in the Negative Declaration (SCH# 1999052045). Section #15162 of the CEQA Guidelines provides that an additional Negative Declaration need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. As none of the items listed above relating to Section #15162 exist, additional environmental review is not required. Therefore, the analyses and mitigation measures in the adopted Negative Declaration are reaffirmed.

The proposed project is located within the Natomas Basin Habitat Conservation Plan (HCP) area. Based on a federal court ruling on August 15, 2000, the HCP and Incidental Take Permit (ITP) were invalidated. In light of the federal court ruling, the City Manager's Office issued a memo on 9/14/00 to clarify the status of development proposals in the City's portion of the Natomas Basin which stated that development projects not be issued grading permits, building permits or Notices to Proceed unless the following was completed prior to 8/15/00: HCP mitigation fees have been paid; a biological survey has been completed; and habitat destruction has been completed in accordance with prior city-issued grading permits, building permits or Notices to Proceed.

On 5/15/01, in a federal court ruling, a Settlement Agreement was attained which granted a motion modifying the Order to allow incidental take protection for limited development within the City of Sacramento with the provision of mitigation land in specific areas of the Natomas Basin. Development of 1,068 acres of land in both North and South Natomas will be allowed to proceed provided the project meets the following requirements: a pre-construction survey must be completed; all HCP fees must be paid; grading must be accomplished during the grading season of May 1 to September 30; and the developer must comply with all applicable mitigation measures.

City Council  
July 2, 2001  
Elkhorn Pipeline Project (PN:49AD)

**POLICY CONSIDERATIONS:**

This action is consistent with Title 3, Section 3.60 of the City Code concerning award of contracts.

**ESBD CONSIDERATIONS:**

This project included participation goals of 20% for emerging and small business enterprises as required by Ordinance 99-007 and Resolution 99-055, relating to ESBD participation goals and policies, adopted by the City Council on February 9, 1999. The responsive low bidder, Yubacon Construction, exceeded the ESBE goals with a participation level of 100.00%.

Respectfully submitted,



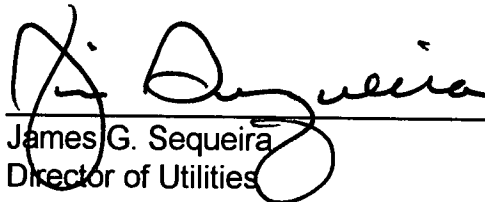
\_\_\_\_\_  
Gary A. Reents  
Engineering Services Manager

**RECOMMENDATION APPROVED:**



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Robert P. Thomas  
City Manager

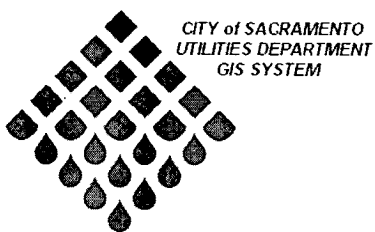
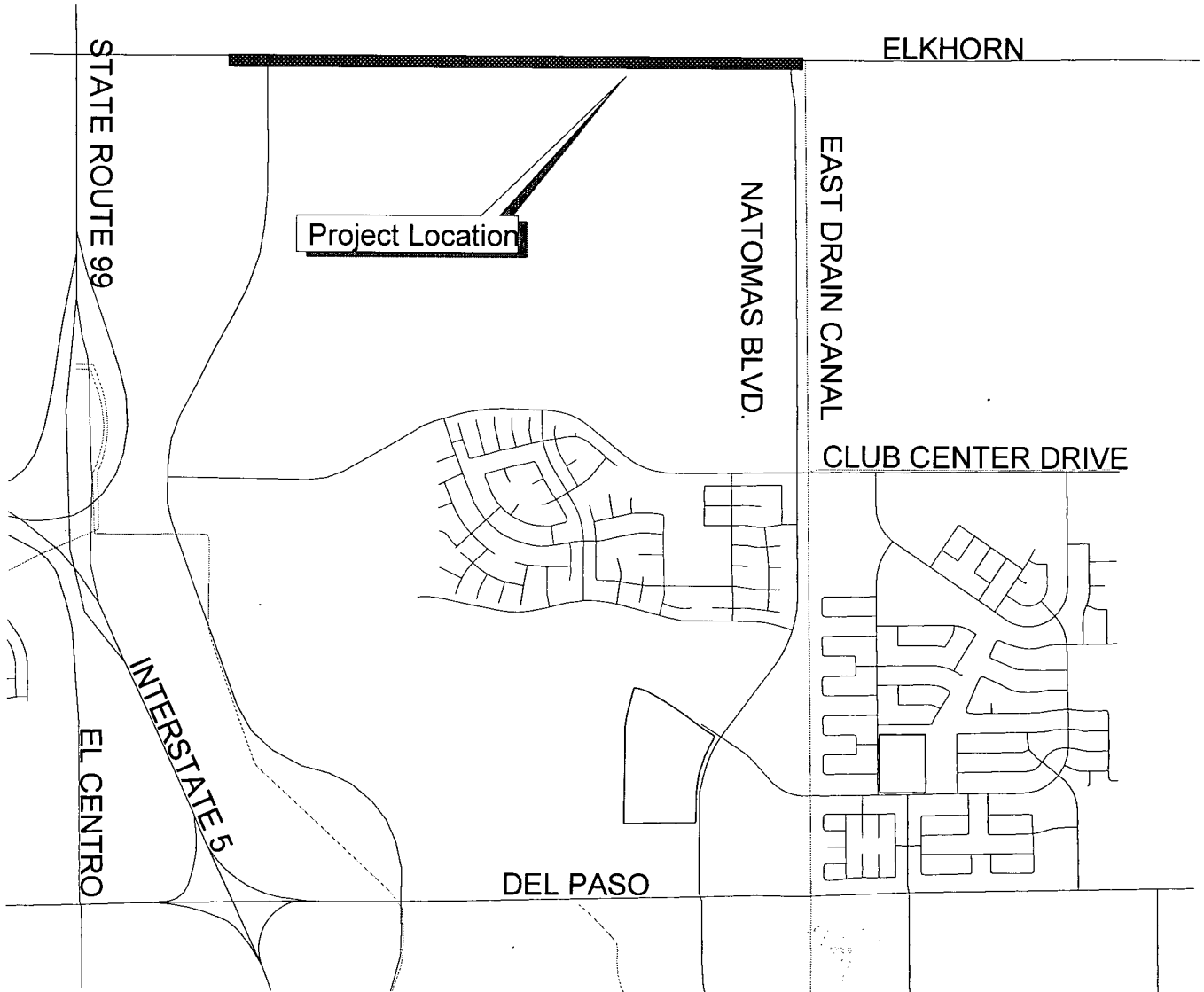
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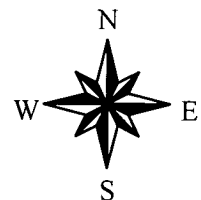
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James G. Sequeira  
Director of Utilities

# Exhibit 1

NORTH NATOMAS CFD 97-01 SERIES B  
ELKHORN PIPELINE PROJECT  
PN: 49AD



Map Prepared  
June 2001



## EXHIBIT 2

### MITIGATION REPORTING PLAN FOR ELKHORN PIPELINE RELOCATION PROJECT NEGATIVE DECLARATION

In January, 1989, Assembly Bill 3180 went into effect requiring the City of Sacramento (City) to monitor all mitigation measures included in a negative declaration adopted by the City. For this project, mitigation reporting will be performed by the Department of Utilities in accordance with the monitoring and reporting program being developed by the City to implement AB 3180.

This Mitigation Reporting Plan is being prepared by the Department of Utilities, 1395 35th Avenue, Sacramento, CA 95822, (916) 264-1400, pursuant to California Environmental Quality Guidelines Section 21081.

The Department of Utilities will submit their completed Reporting Plan to the Environmental Services Division for inclusion in the Environmental Service Division's annual report to City Council.

**Project Name:** Elkhorn Pipeline Relocation Project

**Project Location/Description:**

The proposed project is located in the northern portion of the North Natomas Planning Area along Elkhorn Boulevard. Relocation of the pipeline is a component of the North Natomas Comprehensive Drainage Plan.

The proposed Elkhorn Pipeline relocation project is part of the North Natomas Comprehensive Drainage Plan flood control improvements. Currently, 380 acres of farmland north of Elkhorn Boulevard and 7,000 feet west of the East Drainage Canal drains into the Reclamation District No. 1000 C-2 drain, which discharges into the East Drainage Canal south of Del Paso Road. Three alternative drainage systems are evaluated in the IS and are described below.

*Alternative 1A*

Alternative 1A consists of diverting flow from the C-2 drain on the north side of Elkhorn Boulevard east into an earthen channel that would be constructed for this alternative on fallowed land. The channel would be approximately 25 feet wide (with a 6 foot width at the bottom of the channel). Additionally, a road would be constructed on the north side of the channel for maintenance activities. This channel would connect to an existing channel (approximately 2,600 feet long) that may be widened depending on the condition of the channel at the time construction begins. The drainage would then be contained in a pipe crossing beneath Elkhorn Boulevard, west of the Natomas Mutual Water Company (NMWC) offices, and continue east along the south side of Elkhorn Boulevard approximately 4,400 feet to the East Drainage Canal. Placement of the pipeline along the south side of Elkhorn Boulevard would require moving approximately 400 feet of the NMWC's irrigation highline ditch to the south so that the pipeline would be located between Elkhorn Boulevard and the irrigation highline ditch. Additionally, the existing culverts for the C-2

drain beneath Elkhorn Boulevard would be abandoned and filled with concrete, thus the remainder of the C-2 drain that continues south toward Del Paso Road would be abandoned. .

### *Alternative 1B*

Alternative 1B is similar to Alternative 1A except that the ditch proposed at the west end of the alignment under Alternative 1A would be located on the south side of Elkhorn Boulevard instead of the north side of the road. The placement of the ditch on the south side of Elkhorn Boulevard would require moving approximately 1,200 feet of the Natomas Mutual Water Company irrigation high-line ditch.

### *Alternative 2*

Alternative 2 consists of intercepting the C-2 drain on the north side of Elkhorn Boulevard. A pipeline would be installed on the north side of Elkhorn Boulevard that would cross Elkhorn Boulevard at the same location of the existing C-2 drain culvert and continue approximately 7,000 feet east along the south side of Elkhorn Boulevard to the East Drainage Canal. As described above under Alternative 1, Alternative 2 also would require the relocation of 400 feet of NMWC highline ditch and the existing culverts for the C-2 drain beneath Elkhorn Boulevard would be abandoned.

### *Traffic Control*

Each alternative would require the partial closure of Elkhorn Boulevard for one day during pipeline installation across the road. Only one lane of the road would be closed at a time. Traffic would be rerouted to the open lane of the road to allow traffic in both directions to continue to travel on the road.

### *Right-of-Way Acquisition*

Alternative 1A would require the acquisition of additional right-of-way for activities conducted on the north side of Elkhorn Boulevard. The City is currently in the process of securing this additional right-of-way. Activities conducted on the south side of Elkhorn Boulevard for Alternative 1A and all activities for Alternatives 1B and 2 would be located within the existing right-of-way of Elkhorn Boulevard.

### *Construction Schedule*

The City plans to construct the proposed project in the Spring of 2000. Construction is estimated to last approximately three months.

AIR QUALITY

MITIGATION:

*Reduce construction-related PM10 and ozone precursors.*

- *Construction equipment will be maintained so that engines are operating at maximum efficiency.*
- *Soil piles will be watered twice daily.*
- *Exposed surfaces, such as graded surfaces, will be watered twice daily.*
- *During grading, all exposed soil will be watered with adequate frequency to keep soil moist at all times.*
- *At least two feet of freeboard will be maintained on all haul trucks.*

TIMING:

During Construction

ENTITIES RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Utilities, City of Sacramento

VERIFICATION OF COMPLIANCE:

The required monitoring of this mitigation measure has been performed and the measure was found to be successfully implemented.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Title/Department: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



WATER QUALITY

MITIGATION:

*Obtain permit from Corps and mitigate other waters of the U.S. impacts (if necessary).*

*Before the start of any construction for the project, the City shall consult with the Corps to determine if any permits are required for diversion of flow from the C-2 drain under Section 404 of the Clean Water Act. The applicant will have the Corps determine what permits and compensation for impacts, if any, would be required to construct the channel modifications.*

TIMING:

Before Construction

ENTITIES RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Utilities, City of Sacramento

VERIFICATION OF COMPLIANCE:

The required monitoring of this mitigation measure has been performed and the measure was found to be successfully implemented.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Title/Department: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## ANIMAL LIFE

### MITIGATION:

#### *Protect giant garter snakes during project construction.*

*To protect giant garter snakes during construction and other ground disturbances, the City shall implement the giant garter snake mitigation measures to reduce take presented in the Natomas Basin HCP. These measures are summarized below. Whenever practical, canals and ditches shall be avoided by constructing around these habitats or boring under them. Construction activities on levees, levee slopes, and ditch banks shall be limited to the active period for the snake (May 1-September 30). Spoils shall be placed in a designated location outside of the canals and ditches.*

*If dewatering a canal is required, such as C-2 drain and High line canal, it shall occur after November 1 but must begin by April 1 and be completed by April 15. The habitat must remain dry for 15 consecutive days after April 15 before construction or excavation activities in the canals. Any giant garter snake surveys required by DFG or U.S. Fish and Wildlife Service (USFWS) shall be completed to the satisfaction of the agencies before dewatering. The surveys shall comply with USFWS/DFG survey guidelines. DFG and USFWS shall be notified when the dewatering begins and when it is completed, after which DFG and USFWS will inspect the area to determine when the 15-day period will start.*

*Monitoring shall be conducted during construction activities in potential giant garter snake habitat. A qualified biologist, authorized to handle giant garter snakes, shall be present to identify and protect any giant garter snakes encountered. Any giant garter snakes found during construction shall be unharmed. If a giant garter snake is encountered in an area of active construction, DFG and USFWS shall be notified immediately. The biologist shall hand-capture the snake and move it to a safe habitat nearby.*

### TIMING:

Before and During Construction

### ENTITIES RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Utilities, City of Sacramento

### VERIFICATION OF COMPLIANCE:

The required monitoring of this mitigation measure has been performed and the measure was found to be successfully implemented.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Title/Department: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CIRCULATION

MITIGATION:

*Prepare a traffic control plan.*

*The Department of Utilities will prepare a traffic control plan that identifies when the lane closure along Elkhorn Boulevard will occur, the expected duration of the lane closure, flagperson requirements, and other related issues. This plan will be submitted to law enforcement and fire control agencies 2 weeks before the lane closure is expected to occur to ensure adequate emergency access in the project area during construction.*

TIMING:

Before Construction

ENTITIES RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Utilities, Engineering Services

VERIFICATION OF COMPLIANCE:

The required monitoring of this mitigation measure has been performed and the measure was found to be successfully implemented.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Title/Department: \_\_\_\_\_

Notes: \_\_\_\_\_

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## CULTURAL RESOURCES

### MITIGATION:

*Stop work if subsurface cultural resources are encountered.*

*The possibility for unknown buried cultural resources sites exists even in areas that have been surveyed because cultural resources surveys can only examine the ground surface. If, during construction, any artifacts or an unusual amount of wood or building materials or bone, shell, or non-native stone are uncovered, a professionally qualified archaeologist should be consulted immediately. Work should stop in the area until the find has been examined and evaluated. If the bone appears to be human bone, the county coroner should be notified immediately. If the coroner determines that the human bone may be that of a Native American, the coroner will contact the Native America Heritage Commission.*

### TIMING:

During Construction

### ENTITIES RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Utilities, Engineering Services

### VERIFICATION OF COMPLIANCE:

The required monitoring of this mitigation measure has been performed and the measure was found to be successfully implemented.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Title/Department: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPROVED**

JUL 18 2001

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 2001-499**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

**RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO SIGN AND EXECUTE A CONTRACT WITH YUBACON, INC. FOR AN AMOUNT NOT TO EXCEED \$851,199, AND ADOPT THE MITIGATION REPORTING PLAN FOR THE NORTH NATOMAS 97-01 SERIES B ELKHORN PIPELINE PROJECT (PN: 49AD)**

**WHEREAS**, the City Council ratified a Negative Declaration for the proposed project on June 20, 2000;

**WHEREAS**, a Mitigation Reporting Program (Exhibit 2) has been prepared which is designed to ensure compliance with the mitigation measures incorporated into the Project Negative Declaration;

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

1. The City Manager and City Clerk are authorized to sign and execute a contract with Yubacon, Inc. for the Elkhorn Pipeline Project (PN:49AD) for an amount not to exceed \$851,199.
2. The City Council hereby adopts the Mitigation Reporting Program.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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

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

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