



Metropolitan Water Planning

1.12

August 26, 1999

City Council
Sacramento, California

APPROVED
BY THE CITY COUNCIL

SEP 7 1999

OFFICE OF THE
CITY CLERK

Sacramento City-County
Office of Metropolitan
Water Planning

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Honorable Members in Session:

SUBJECT: APPROVAL OF SUPPLEMENT NO. 5 TO CITY AGREEMENT NO. 92-068 WITH SHUTE, MIHALY & WEINBERGER FOR THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING (\$50,000).

LOCATION/COUNCIL DISTRICT: City/County

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing the execution of Supplement No. 5 to City Agreement No. 92-068 with Shute, Mihaly & Weinberger for an amount not to exceed \$50,000 for legal services associated with the *Water Forum's* Final Environmental Impact Report (EIR) during Fiscal Year 1999-00.

COUNCIL MEETING DATE: September 7, 1999

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

SUMMARY:

This report identifies the need for continued professional environmental legal consulting services for the *Water Forum* and the City-County Office of Metropolitan Water Planning (CCOMWP) as related to the development and completion of a *Water Forum* Environmental Impact Report (EIR).

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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- Supplemental agreements to that original agreement (CA No. 92-068) include:
 - Supplement No. 1 approved on March 13, 1996
 - Supplement No. 2 approved on August 20, 1996
 - Supplement No. 3 approved on February 3, 1998
 - Supplement No. 4 approved on August 6, 1998

The scope of work under Supplement No. 5 of the City Agreement No. 92-068 with Shute, Mihaly & Weinberger, includes:

- Assist in Final EIR preparation and production.
- Participate with **Water Forum** staff and EIR consultants to coordinate legal, environmental, and negotiation issues.
- Draft CEQA findings.
- Draft mitigation monitoring plan for adequacy and implementation issues.
- Assist in drafting and review of the **Water Forum's** implementation documents.
- Provide legal research and advice regarding the **Water Forum's** environmental documents, and implementation of the Agreement.

FINANCIAL CONSIDERATIONS:

The current agreement with Shute, Mihaly, & Weinberger is for a "not to exceed amount" of \$316,000. Supplement No. 5 to City Agreement No. 92-086 is for \$50,000. This would bring the new "not to exceed" amount to \$366,000. The 1999-00 operating budget for the CCOMWP has an unobligated amount of \$109,000 in line-item 4251 for professional legal consulting services.

Funding for the CCOMWP during the 1990-00 Fiscal Year is being provided by a number of local government entities which have agreed to cost-share this period of the **Water Forum** process. The CCOMWP is supported by a cost-sharing partnership among the City's Water Fund (34.7%), the County's Water Agency (Zone 13) (50%), the cities of Folsom (2.8%), Galt (0.7%), and Roseville (6.5%), the Placer County Water Agency (2.7%), and the San Juan Water District (1.6%). The funding amount attributed to each of the cost-sharing partners is based upon the number of water customer's connections served by each entity. The El Dorado County Water Agency also contributes to the **Water Forum** process on behalf of the El Dorado Irrigation District and the Georgetown Divide Public Utility District.

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ENVIRONMENTAL CONSIDERATIONS:

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

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.

ESBD EFFORTS:

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

Respectfully submitted,



JONAS MINTON
Executive Director

RECOMMENDATION APPROVED:



Robert P. Thomas
City Manager

RESOLUTION NO. 99-511

APPROVED
BY THE CITY COUNCIL

ADOPTED BY THE SACRAMENTO CITY COUNCIL

SEP 7 1999

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK
TO EXECUTE SUPPLEMENT NO. 5 TO CITY AGREEMENT NO. 92-068
WITH SHUTE, MIHALY & WEINBERGER
TO PROVIDE PROFESSIONAL LEGAL SERVICES
TO THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING
FOR AN AMOUNT NOT-TO-EXCEED \$50,000**

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

That the City Manager and City Clerk are hereby authorized to execute Supplement No. 5 to City Agreement No. 92-068 with Shute, Mihaly & Weinberger to provide professional legal services as related to the development and certification of a Final Environmental Impact Report for the Water Forum Agreement to the City-County Office of Metropolitan Water Planning for an amount not to exceed \$50,000.

MAYOR

ATTEST:

CITY CLERK

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____