



**Item #09-9-2  
Action**

## **Land Use & Housing Committee**

August 27, 2009

### **Request to Extend City of Sacramento's MOU for 65<sup>th</sup> Street Station Area Circulation Study**

**Issue:** The city of Sacramento requested an extension of the MOU with SACOG for its 65<sup>th</sup> Street Station Area Circulation Study Community Design project.

**Recommendation:** Staff recommends that the Land Use & Housing Committee recommend that the Board authorize the Executive Director to sign an extension through August 30, 2010.

**Discussion:** The city of Sacramento received Community Design Program funding for its 65<sup>th</sup> Street Station Area Circulation Study during the 2005-07 funding cycle (Round 2). Round 2 was an unusual funding cycle in that SACOG was able to offer SACOG-managed funds instead of exclusively offering federal aid funding sources (CMAQ, RSTP and STIP-TE). Because the city received SACOG-managed funding, the only requirement was for it to sign an MOU with SACOG (instead of federalizing the project). SACOG set the expiration of the MOU to be six months after the recipient stated it could finish the project. That expiration date, September 20, 2009, is approaching, and the city has requested additional time.

The Community Design Program requires that if a grant recipient cannot complete the project within the timeline originally negotiated with SACOG, then the recipient would have to seek an extension directly from the SACOG Board of Directors. The city is requesting a one-time extension to allow reimbursable activities for this project until June 30, 2010. The reasons cited for the delay include the coordination needed with the updated General Plan, additional public outreach, and the unanticipated length of the environmental review process.

SACOG staff concurs with the city's request, and recommends an additional 60 days to allow the city time to submit its invoicing for the project, thus making the MOU extension through August 30, 2010. SACOG staff has been directly engaged in this project from the beginning and the delays are considered by staff to be beyond the control of the city's project staff.

Approved by:

Mike McKeever  
Executive Director

Attachments

MM:GC:sb

Key Staff: Rebecca Sloan, Director of External Affairs & Member Services, (916) 340-6224  
Greg Chew, Senior Planner, (916) 340-6227

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**AMENDMENT NO. 1**  
**MEMORANDUM OF UNDERSTANDING BETWEEN THE SACRAMENTO AREA**  
**COUNCIL OF GOVERNMENTS AND**  
**THE CITY OF SACRAMENTO**

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This Amendment No1 to the **November 20, 2006** Memorandum of Understanding (“MOU” or “Agreement”) between the Sacramento Area Council of Governments (“SACOG”) and **the City of Sacramento** (“Recipient”) for the 65<sup>th</sup> Street Station Area Circulation Study project is entered into effective **September 17, 2009**.

**WHEREAS**, at its September 17, 2009 meeting, the SACOG Board of Directors approved the Recipient’s request for additional time to perform under the terms of the MOU; and

WHEREAS, SACOG and Recipient wish to amend the MOU as it relates to the **timeline for completion**.

NOW, THEREFORE, SACOG and Recipient agree as follows:

1. Section 4.a of the MOU is amended to read as follows:  
4.a. Agreement Expiration Date: The expiration date of this Agreement is August 30, 2010. All reimbursable expenses must be incurred and invoiced to SACOG at least 60 days prior to the expiration date of this Agreement. Reimbursement will be made as outlined in Section 1.a. and Section 3.

2. Except as expressly amended herein, all terms and conditions of the MOU shall remain in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AGREEMENT AS OF THE DATE HEREIN ABOVE APPEARING:

**SACRAMENTO AREA COUNCIL OF GOVERNMENTS**

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MIKE MCKEEVER  
Executive Director

**APPROVED AS TO FORM:**

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MILLER, OWEN & TROST  
Legal Counsel to SACOG

**RECOMMENDED BY:**

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KAREN L. WILCOX  
Director of Finance

**THE CITY OF SACRAMENTO:**

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[NAME]  
[Title]

## Attachment B

>>> "Fedolia Harris" <FHarris@cityofsacramento.org> 8/3/2009 10:27 AM >>>

Mr. Chew:

Please consider this our official request to amend the "Memorandum of Understanding Between the Sacramento Area Council of Governments and the City of Sacramento for the Project known as '65 Street Station Area Circulation Study'". (see attachment)

Section 4(a) of this agreement sets the expiration date at 34 months from the time that the agreement was executed. The City of Sacramento, as the final party, signed the agreement on November 20, 2006. This would put the expiration of the agreement at September 20, 2009. Several factors have contributed to the City's inability to meet this deadline thereby necessitating an extension:

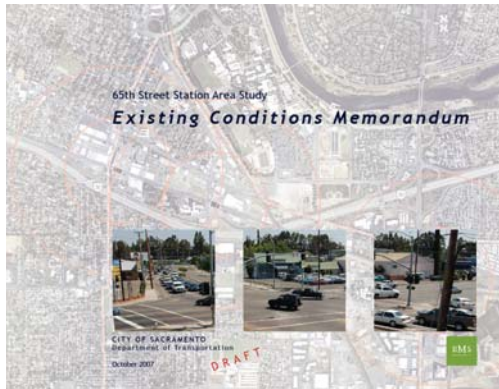
- 1.Enhanced public outreach was agreed upon subsequent to the original contract
- 2.The environmental impact report was delayed in order to wait for revised standards for significance for traffic with the adoption of the 2030 General Plan
- 3.Housing reallocation was necessary to fix an error discovered with the 2030 General Plan
- 4.Traffic, air, and noise quality analysis was required to be rerun due to the housing reallocation
- 5.The draft environmental impact report had to be revised based on the new traffic, air, and noise quality analysis

A project summary including a revised timeline for completion is also attached for your consideration per section 4(b) of the MOU. Based upon the revised schedule, an extension to June 30, 2010 should be sufficient to satisfy our obligations under the Community Design Grant for this project.

Thank you in advance for your consideration of this very important request and please do not hesitate to contact me for addition information required to make your decision.

Sincerely,

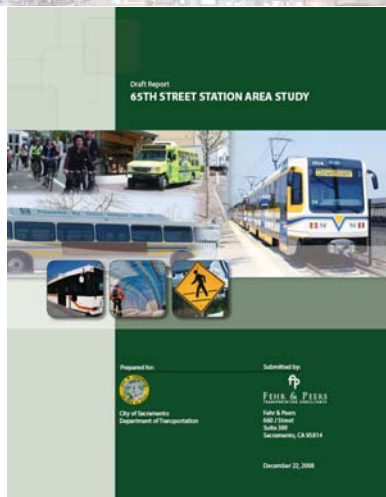
Fedolia "Sparky" Harris  
Senior Planner  
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The 65<sup>th</sup> Street Station Area Study has been a huge success in terms of bringing the community and stakeholders together to develop a shared consensus for the future circulation system in the area. The project is in its final task; environmental analysis, with adoption of a preferred alternative anticipated in the first quarter of 2010. The following are highlights of the project and its progression:

### Completed:

1. Outreach Strategy
2. Existing Conditions Report
3. Infrastructure Analysis
4. Community Workshops
5. Stakeholder Interviews
6. Draft Final Report/Study
7. Traffic Modeling and Traffic Report
8. Screencheck Draft EIR
9. Sac State Housing Reallocation
10. Additional Traffic Modeling



### Pending Completion:

1. Final Traffic Report
2. Revised Screencheck Draft EIR
3. 45 Day Public Review Period
4. Responses to Comments
5. Final EIR
6. Final Adoption



### Funding (000's):

1. Community Design Grant \$885
2. Tax Increment \$114.7

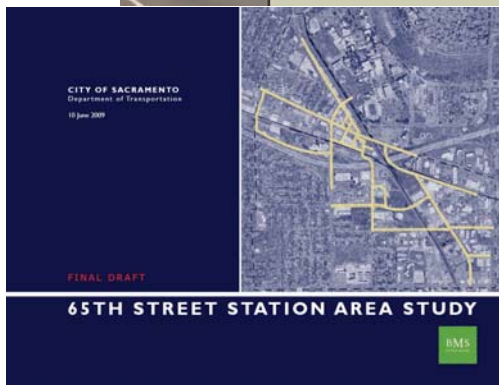
### Issues:

1. Enhanced public outreach was agreed upon subsequent to the original contract
2. EIR delayed in order to wait for revised standards for significance for traffic with the adoption of the 2030 General Plan
3. Housing reallocation was necessary to fix an error discovered with the 2030 General Plan
4. Traffic, air, and noise quality analysis was required to be rerun due to housing reallocation
5. Draft EIR had to be revised based on new analysis



### Final Deliverables:

1. 65<sup>th</sup> Street Station Area Study (Done)



## 2. Environmental Impact Report

### Scope of Work with Timeline for Completion

Task	Date Begin Task*	Date Task Complete*
Fehr & Peers prepares revised traffic modeling per new land uses	6/15/2009	7/21/2009
Fehr & Peers prepares revised traffic report	6/15/2009	8/4/2009
PBSJ reviews traffic report	8/4/2009	8/11/2009
PBSJ prepares Screencheck 2	8/11/2009	8/18/2009
City reviews Screencheck 2	8/18/2009	9/8/2009
PBS&J prepares DEIR	9/8/2009	9/22/2009
City to publish/mail notices	9/15/2009	9/22/2009
<b>Circulate DEIR (45 days)</b>	9/22/2009	11/3/2009
PBS&J prepares AFEIR	11/3/2009	12/15/2009
City reviews AFEIR	12/15/2009	1/5/2010
PBS&J prepares Screencheck FEIR	1/5/2010	1/19/2010
City reviews Screencheck FEIR	1/19/2010	2/9/2010
PBS&J finalizes FEIR	2/9/2010	2/16/2010
Planning Commission hearing(s)		3/2010
City Council meeting(s)		3/2010
City files Notice of Determination (within 5 days of approval)		3/2010
Statutory limit on court challenges		4/2010
<p><b>*Variables:</b></p> <ol style="list-style-type: none"> <li>1. Extent of public comments and time necessary to respond</li> <li>2. Environmental Planning Services workload due to staff reductions</li> </ol>		