



Land Use and Housing Committee

November 25, 2009

Community Design Funding Programming Recommendations and Clean Up Actions

Issue: Should the Community Design “clean-up” items as proposed by staff be approved?

Recommendation: Staff recommends that the Land Use & Housing Committee recommend that the Board approve these six Community Design “clean-up” items.

Discussion: The fourth round of funding for the Community Design Program will be brought to the Board in January 2010, and six items to help the program work more effectively are recommended. The program was established in 2003 to provide financial incentives to local jurisdictions for specific projects that implement the Blueprint principles. Every two years, a new round of funding is available on a competitive basis to local governments in Sacramento, Sutter, Yuba and Yolo counties (El Dorado and Placer have their own programs).

The most important of these are clean-up items #1 and #2 to shift funding from completed or deprogrammed projects into projects that are recommended for Round 4 funding. In June of this year, the Board approved the release of the program and application guidelines and allowed a minimum of \$12 million for Round 4 (2009-11). In the event the Community Design Program Selection Committee recommended a package of projects above the allotted amount, staff was directed to propose how to pay for the additional projects that are above the original amount. The funding recommendations (in the next Committee item) include \$17.1362 million in project recommendations.

Of the \$5.1362 million to fund the extra recommendations, staff is proposing a way to fund \$3.072 million by using “recycled” program funds (items #1 and #2). The Committee is asked to give input on allowing the “recycled” funds in December so that staff can prepare a program funding recommendation in January to the Board. The remaining funds would come from a transfer of the Regional/Local Funding Program. In addition, the Committee may take action on four other “clean-up” items. These six items, described in detail in Attachment A, are:

- 1) Deprogramming the city of Wheatland’s Round 2 (2005-07) Downtown Arterials Project and reprogramming the \$100,000 towards the Round 4 supplemental projects. The city has formally forfeited the grant award (Attachment B).
- 2) Reprogramming the unused Community Design funds from past awarded projects that have been completed but whose recipients used less of the funds than awarded. The city of West Sacramento’s West Capital Avenue project had construction bids come in \$2.45 million less than the project was awarded; the city of Folsom’s Glenn Drive TOD project had \$119,000 remaining after that project was completed. In addition, two other projects that the Board already de-programmed because of lack of performance (RT’s Stockton Blvd BRT study, and Paratransit’s Arika’s Village) represent \$403,000 eligible to be re-programmed towards Round 4 projects.
- 3) Allowing the city of Rancho Cordova’s City Center Project to proceed with the change in the scope of work and funding clean-up matters.
- 4) Allowing the city of Sacramento’s Dock Area Alternative Mode project to extend its MOU to receive funding by six months (Attachment C)
- 5) Adopting automatic de-programming dates on all incomplete projects from Rounds 1, 2 and 3(2004, 2006 and 2008) listed in Attachment D. These dates are based are self-reported deadlines by the recipients and reviewed by the staff for reasonableness. Any project not complete by the deadline would lose any unspent funds unless the recipient receives an extension.
- 6) Officially affirming that the SACOG/Caltrans Review Team is allowed administrative authority to adjust projects’ de-programming deadlines if the reason for the recipient’s delay is caused by SACOG, state or federal activities. Recipient requests for major substantive changes in the scope of work or timeline extensions would still need approval directly from the SACOG Board.

Approved by:

Mike McKeever
Executive Director

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

Community Design Program

MISCELLANEOUS CLEAN-UP ITEMS BACKGROUND REPORT (November 23, 2009)

This documents provides more information about six items related to the Community Design Program.

Issue #1: Deprogram Wheatland Streetscape Project

Background: In Round 2 of the Program (2005-07) the city of Wheatland applied for and was awarded \$100,000 for its Streetscape Enhancement Plan for Downtown Arterials project. Since the award, the city has not been able to utilize the program funds because of city budget issues. The city has formally forfeited the award (see Attachment B).

Proposed Staff Recommendation: That the project be officially de-programmed and that the unused \$100,000 be reprogrammed to be used towards the Round 4 funding cycle.

Issue #2: “Recycled” Program Funds

Background: Four past awarded Community Design projects have unspent funds that the project recipients are no longer allowed to use. Two of these projects have been completed, and two projects were de-programmed by the SACOG Board for lack of performance. The city of West Sacramento’s West Capital Avenue project had construction bids come in \$2.45 million less than the project was awarded; the city of Folsom’s Glenn Drive TOD project had \$119,000 remaining after that project was completed. Regional Transit’s Stockton Boulevard Bus Rapid Transit Project (\$100,000) and Paratransit’s Arika’s Village (\$303,000) were both deprogrammed for lack of performance in October 2008.

Proposed Staff Recommendation: That the “recycled” or unused funds for all for of these projects, which total \$2.972 million be re-programmed back into the program for the Round 4 funding.

Issue #3: Rancho Cordova City Center Project

Background: The city of Rancho Cordova was awarded \$1.691 million in Round 1 (2003-05) for it City Center project. The project was to provide a number of streetscape improvement projects along Folsom Boulevard and fund a portion of a public use parking garage associated with the Mather Mills light rail station. The garage would be located on private property along with proposed high density senior housing. Since then, the turn in the real estate market caused the private proposed housing development to be delayed at first, and then permanently shelved. Because of the location across the street from the light rail station, the city has pursued the Los Rios Community College District to building an educational facility on the subject private property. The city is currently working with the District to do so and both have expended considerable resources to fulfilling this plan. The city is now requesting to use the program funds for all streetscape improvements along Folsom Boulevard, including the portion of the funds that would have been used for the parking garage. The city has requested that it be given until December 31, 2011 to complete the project. This issue will need to go the Board because of the

substantive nature of the change in the scope of work, and the extended nature of the project completion.

Proposed Staff Recommendation: that the city is allowed until the end of 2011 to complete the revised proposed project.

Issue #4: Sacramento Docks Area Alternatives Modes Parkway MOU Extension

Background: The city of Sacramento was awarded \$1.239 million in Round 2 (2005-07) to aid in the development of bicycle and pedestrian riverfront parkway in downtown. The grant would fund the paving of the levee surface that will lead into the Parkway, allowing for access into the Docks area from the rest of downtown. In Round 2, many projects that were awarded were not eligible to use federal funding because of the nature of the scope of work. These projects received SACOG-managed funds which required the recipient to sign an MOU with SACOG to receive the funds. This project signed an MOU that will expire on June 30, 2010. The city is requesting that the MOU be extended until December 31, 2010 (Attachment C). This requires SACOG Board approval.

Proposed Staff Recommendation: that the MOU be extended until the requested date.

Issue #5: Establish Deprogramming Dates for Past Awarded Project

Background: Rounds 1 and 2 of the program did not establish firm deadlines when the grant recipients were to complete their projects. SACOG has a policy of "Use It or Lose It" that generally served to ensure that the projects were completed in a timely manner. The projects in Round 1 are entering into their seventh year, and those from Round 2 are almost in their fifth year. This is longer than originally envisioned when the program was established. SACOG staff required that recipients for any remaining projects from these two rounds provide a project status update, including major accomplishments to date, remaining timeline and a firm, final deadline when the project was to be completed. The Board is being asked to approve these self-reported deadlines to serve as the date of de-programming. Any unused funding after these dates for incomplete projects would be deprogrammed from them. The list of incomplete projects and the self-reported deadlines by the applicants are shown in Attachment D.

For Round 3 projects, all applicants were informed during the application process that if awarded funding, the projects would have to be completed or made "substantial progress towards completion" by September 30, 2010. The SACOG/Caltrans Review Team will evaluate if "substantial completion" is made, and the evaluation can be appealed by the recipient to the Board of Directors if a deprogramming recommendation is made. In Round 4, the program guidelines required all projects to be completed by September 30, 2013. This deadline could be extended administratively if the SACOG/Caltrans Review Team determines that the project was delayed based on funding not being available in a timely manner to meet the deadline, or if the actions related to funding by SACOG, Caltrans or the federal government delay the projects. The recipient could also receive an extension or major change of scope of work if approved directly by the SACOG Board.

Proposed Staff Recommendation: that the deprogramming dates shown in Attachment 3 are approved.

Issue #6: Affirming Staff Authority on Administrative Matters

Background: This relates to Issue #5 above. The authority of the SACOG staff in negotiating changes in scopes of work and de-programming deadlines was inconsistently established. The scope of work negotiated between the recipient and SACOG are generally done before the project is brought to the Board for approval. As projects are undertaken, awarded recipients have requested such changes over time. Staff has generally held that any proposed changes in the scope of work that are insubstantial but consistent with the spirit of the application were negotiable by the SACOG staff. Otherwise any proposed major changes in scope or timeline would require Board approval.

Staff also recognized that there are instances when the scope or timeline require changes because of actions related to programming by SACOG, Caltrans, or federal agencies. A common example is SACOG not having programming capacity in the funding years the recipients need to perform the project activities; thus the program funding is not available.

Proposed Staff Recommendation: that, for all funding rounds of Community Design, the SACOG staff is authorized to administratively (1) extend de-programming deadlines if recipients are delayed by programming or funding related actions by SACOG, Caltrans or federal agencies; (2) approve modifications to scopes of work changes if they are deemed “in the spirit of the original funding application”.



SEP 30 2009

City of Wheatland

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September 29, 2009

Mr. Greg Chew, Senior Planner
SACOG
1415 L Street, Suite 300
Sacramento, CA 95814

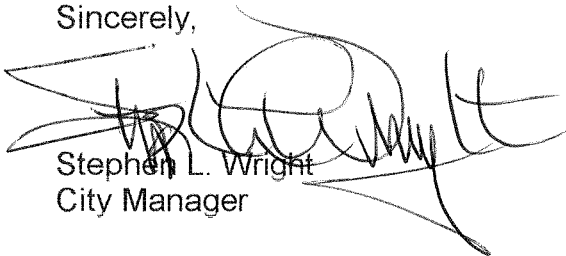
Subject: Streetscape Grant

Dear Mr. Chew,

The City of Wheatland has decided to discontinue pursuit of the Streetscape Grant for which we previously applied. As the economy rebounds and circumstances change we look forward to continuing to work on this planning tool as well as others. We sincerely appreciate the cooperation of you and other SACOG staff make to improve this community and region.

If additional information is needed, please do not hesitate to give me a call.

Sincerely,



Stephen L. Wright
City Manager

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

This Amendment No1 to the **August 25, 2006** Memorandum of Understanding (“MOU” or “Agreement”) between the Sacramento Area Council of Governments (“SACOG”) and **the City of Sacramento** (“Recipient”) for the Docks Area Alternative Modes Parkway is entered into effective **January 17, 2010**.

WHEREAS, at its January 17, 2010 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 December 31, 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

MIKE MCKEEVER
Executive Director

APPROVED AS TO FORM:

MILLER, OWEN & TROST
Legal Counsel to SACOG

RECOMMENDED BY:

REBECCA SLOAN
Director of External Affairs & Member Services

THE CITY OF SACRAMENTO:

[NAME]
[Title]

Round 1 and 2 Non-Completed Funded Projects
Self-Reported Timelines for Completion as Date of Deprogramming
SACOG COMMUNITY DESIGN PROGRAM
 (Updated November 24, 2009)

Non-Completed Round 1 Projects: 2003-05

Agency	Project Name	AWARDED	Self Reported Deprogramming Deadline
City of Rancho Cordova	Cordova City Center	\$1,691,910	December 31, 2011
City of Sacramento/SHRA	Broadway/MLK, Jr. Intersection Enhancement Project	\$600,930	April 30, 2010
City of Sacramento/RT/CA DA	13th and 16th St. Light Rail Station Connectivity Improvements	\$1,683,000	June 30, 2010
Sacramento County	Freedom Park Drive Corridor Pedestrian Improvements	\$1,089,000	December 31, 2011
City of Yuba City	Bridge Street (formerly Downtown Cinema 14 and Mixed-use Retail Complex Transportation Improvements)	\$613,800	June 30, 2010

Non-Completed Round 2 Projects: 2005-07

Primary Sponsor	Project Title	AWARDED AMT	Self Reported Deprogramming Deadline
City of Folsom	Folsom Railroad Block Public Plaza	\$500,000	February 1, 2011
Regional Transit	Station Enhancements for Four Two Downtown Light Rail Stations (12th and I; Akali Flat)	\$550,000	October 30, 2010
City of Sacramento	65th Street/University Transit Village Circulation Plan	\$885,000	August 30, 2010
City of Sacramento	Docks Area Alternative Modes Parkway	\$1,239,000	December 31, 2010
City of Sacramento	R Street Market Pedestrian Walkway and Plaza	\$630,000	April 29, 2010
City of Sacramento	Redding Ave. Alternative Mode Improvements	\$745,000	May 31, 2011
Sacramento County	47th Avenue Transportation Improvements/Victoria Station Development Project	\$1,082,000	December 31, 2010*
Sacramento County	Marconi Ave. Improvement Project - Fair Oaks Blvd to Walnut Ave.	\$500,000	September 30, 2010
Sacramento County	Watt Ave. at Roseville Road Pedestrian and Bicycle Access Improvements	\$130,000	April 30, 2010
City of Woodland	Casa del Sol Public Transportation and Streetscape Improvements	\$494,000	December 31, 2009
City of Yuba City	Defining the Urban-Rural Edge Project	\$300,000	September 30, 2010

* = subject to change before submitted to the SACOG Board of Directors