

PLACER COUNTY
REDEVELOPMENT AGENCY

MEMORANDUM

TO: Honorable Members of the Redevelopment Agency Board
FROM: Thomas M. Miller, Director
James LoBue, Deputy Director
DATE: December 6, 2011
SUBJECT: North Auburn Highway 49 Streetscape Design Contract

ACTION REQUESTED

Adopt a resolution authorizing the Redevelopment Director or designee to execute an agreement with Bennett Engineering Services, Inc. (BEN/EN) for engineering design services for the Highway 49 Streetscape for a new term to now expire on September 30, 2012 in a not to exceed previously authorized amount of \$149,995.

BACKGROUND

Highway 49 has grown from a two lane arterial between Placerville and Nevada City to a four and six lane highway within the North Auburn Redevelopment Project Area (see attached map). Due to the high volume of through and local traffic, Highway 49 is a highly visible and desirable business location, and supports a relatively dense business community ranging from local services to national retail chains. Access by pedestrians and vehicles is critical to retail demand and the physical environment, including beautification, is integral to supporting a viable retail community. In 2008, the Redevelopment Agency (Agency) initiated design for streetscape improvements for the Highway 49 Corridor within the North Auburn Redevelopment Project Area. The Agency is now prepared to complete design and begin construction on Phase I of the Project. Phase I is planned to include new sidewalks, landscape, curb and gutter, and retaining walls as needed on the east side of Highway 49 between New Airport Road and Education Street.

On November 23, 2010, your Board approved a construction design services agreement with BEN/EN in a not to exceed amount of \$124,995 to provide civil engineering and professional services oversight of their sub-contractors to finalize plans and provide bidding and construction support. On the same date, your Board also authorized future amendments to the agreement, as needed, to allow for an additional 20% contingency (\$25,000) to cover unforeseen expenses and the Redevelopment Director or designee was authorized to sign the amendments to draw upon that contingency amount. To date, the Agency Director has authorized the expenditure of \$13,593 of the total \$25,000 contingency fund. The term of the original contract expired on June 30, 2011 and the need for BEN/EN's services continues. Therefore, the Agency proposes to enter into a new contract with BEN/EN for a new term that will expire on September 30, 2012. The Agency does not propose an increase in the total amount of the agreement (\$149,995), as it was authorized by your Board on November 23, 2010.

Allocation of funds for payment of these services is included in the Agency's FY 2011-12 Proposed Budget as approved by your Board on June 21, 2011. Payment of these services is considered an "enforceable obligation" as defined in CA Health & Safety Code section 34167(d).

As noted above, your Board approved the original third-party contract with BEN/EN on November 23, 2010 and it was fully executed as of November 24, 2010. This contract falls under the category of a "legally binding and enforceable agreement" as defined in CA Health & Safety Code section 34167(d)(5). This total contract payment obligation is included in the Agency's Enforceable Obligation Payment Schedule (EOPS) as approved by your Board on August 26, 2011. While the Agency is proposing a new contract, the purpose of this new agreement is solely to extend the term of BEN/EN's services beyond the expiration date in the original contract. No new or increased financial obligations are proposed and, as a result, the proposed agreement does not conflict with the provisions of AB x1-26 which were not stayed by the Supreme Court in the current litigation concerning AB x1-26.

ENVIRONMENTAL STATUS

A Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA) for Phase I and submitted to the California State Clearing House on March 23, 2010, and adopted by your Board on July 13, 2010. The Agency also undertook review pursuant to the National Environmental Policy Act which resulted in a determination of Categorically Excluded from consideration and the review was certified May 17, 2010.

FISCAL IMPACT

Phase I design costs will be financed with already budgeted tax increment and tax allocation bond proceeds from the North Auburn Redevelopment Project Area. The agreement amount is included in the EOPS as approved by your Board on August 26, 2011.

Attachments: Resolution
Location Map
Consultant Services Agreement

**Before the Placer County
Redevelopment Agency Board of Directors
County of Placer, State of California**

In the matter of:

Authorizing the Redevelopment Director or designee to execute an agreement with Bennett Engineering Services, Inc. for engineering design services for the Highway 49 Streetscape for a new term to now expire on September 30, 2012 in a not to exceed previously approved amount of \$149,995

Resol. No:.....

Ord. No:.....

First Reading:

The following Resolution was duly passed by the Redevelopment Agency Board of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

**Attest:
Clerk of said Board**

Chair, Agency Board

WHEREAS, the Redevelopment Plan for the North Auburn Redevelopment Project Area (Project Area) was adopted by the Placer County Board of Supervisors on June 24, 1997 by Ordinance No. 4832-B and as subsequently amended from time to time;

WHEREAS, the Redevelopment Agency (Agency) is responsible for administering the Redevelopment Plan to effectuate redevelopment efforts within the Project Area;

WHEREAS, the Agency Board has determined the proposed Highway 49 Streetscape Master Plan (Plan) would contribute to the Agency's achievement of the redevelopment goals including the removal of blight, improvement of substandard infrastructure, and support for the local business community;

WHEREAS, without redevelopment assistance, the proposed improvements would not occur or be significantly delayed;

WHEREAS, the Agency is proposing a new contract, for Design Services with Bennett Engineering Services Inc; the dollar amount of the contract will not increase from that approved by the Board on November 23, 2010 (a not to exceed amount of \$149,995). The purpose of this new agreement is solely to extend the term of Bennett's services beyond the expiration date in the original contract. No new or increased financial obligations are proposed and, as a result, the proposed agreement does not conflict with the provisions of AB x1-26 which were not stayed by the Supreme Court in the current litigation concerning AB x1-26;

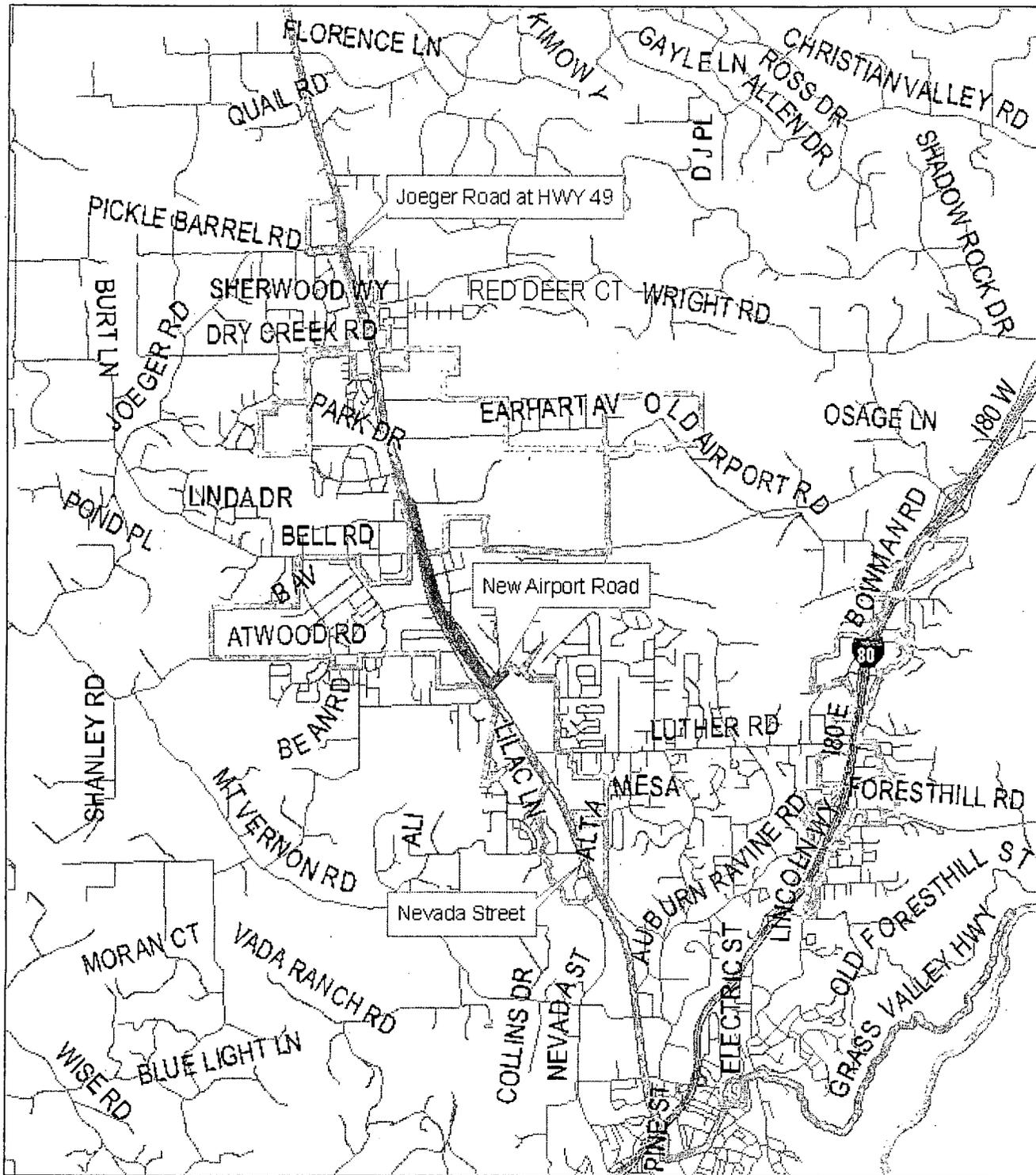
WHEREAS, the Board approved the original third-party contract with Bennett Engineering Services Inc. on November 23, 2010 and it was fully executed as of November 24, 2010. This contract therefore falls under the category of a "legally binding and enforceable agreement" was such is defined in CA Health & Safety Code section 34167(d)(5);

WHEREAS, this total payment obligation is included in the Agency's Enforceable Obligation Payment Schedule (EOPS) as approved by the Agency Board on August 26, 2011; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), on July 13, 2010, the Agency Board adopted a Mitigated Negative Declaration for the proposed physical improvements. A Determination of Categorical Exclusion under the National Environmental Policy Act (NEPA) was certified on May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Director or designee is authorized to execute a Construction Design Services Agreement with Bennett Engineering Services Inc., in a not to exceed previously authorized amount of \$149,995 for a new term to now expire on September 30, 2012.

BE IT FURTHER RESOLVED by the Agency Board that this Resolution shall become effective immediately upon adoption.



Phase 1 

Highway 49 Streetscape Project
Master Plan Boundaries
Joeger Road to Nevada Street
Phase 1 of Project
Education Street to New Airport Road



