



County of El Dorado

Legislative File Number 08-1264 (version 4)

Transportation Department recommending Chairman be authorized to sign the following Funding Agreements in a total amount of \$1,006,551 in support of the Diamond Springs Parkway - Phase 1 Project 72334:

- (1) AGMT 08-52496 with GGV Missouri Flat, LLC in the amount of \$609,521;
- (2) AGMT 08-1778 and Consultant Agreement with Kimley-Horn and Associates, Inc. in the amount of \$42,030;
- (3) AGMT 08-1838 with Michael Brandman Associates and Consultant Agreement in the amount of \$180,000; and
- (4) AGMT 08-1748 with Cooper, Thorne & Associates, Inc., dba CTA Engineering & Surveying and Consultant Agreement in the amount of \$175,000.

**FUNDING:** Traffic Impact Mitigation Fee Program - West Slope (TIM).

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$1,006,551
Funding		
Budgeted	\$1,006,551	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$1,006,551	
Change To Net County Cost		\$0.00

**Fiscal Impact/Change to Net County Cost:**

The total not-to-exceed cost of this agenda item is estimated at \$1,006,551. The cost associated with the Funding Agreement is estimated at \$609,521 and the three consultant agreements are estimated to total \$397,030. Funding for this project is through the TIM. There is no cost to the County General Fund associated with this agenda item.

**Background:**

Diamond Springs Parkway, previously known as the Missouri Flat/Pleasant Valley Connector, is included as a new road in the 1996 and 2004 General Plan. The approved 2008 Five-Year CIP and the proposed draft 2009 Five-Year CIP listed the Diamond Springs Parkway - Phase 1 (Project #72334) for project delivery through FY 11/12 with future funding necessary for right of way and construction. See the "Conceptual Right of Way Exhibit" for the general alignment of the Parkway and the involved right of ways.

The project is currently budgeted in the CIP for planning and design only, not for construction. Completion of the environmental document allows the County to adopt the

route and identify the right of way. Additionally, having a completed CEQA document allows the project to be eligible for potential grant and/or economic stimulus funding for construction.

In 2007, GGV Missouri Flat, LLC (GGV) began planning a commercial development, Diamond Dorado Retail Center (DDRC), adjacent to the proposed Diamond Springs Parkway. As Diamond Springs Parkway was currently scheduled in the CIP for planning and design by the County, GGV concurrently proposed to advance the Diamond Springs Parkway project to provide a bid-ready package with the anticipation of County reimbursement from TIM fees. GGV retained the services of Michael Brandman Associates (MBA) for environmental services, Cooper, Thorne & Associates, Inc., dba CTA Engineering & Surveying (CTA) for civil engineering and Kimley-Horn and Associates, Inc. (KHA) for traffic engineering services. Under contract to GGV and in cooperation with the Department, the team held formal Environmental Impact Report (EIR) scoping meetings, prepared draft technical environmental reports and project description, prepared the draft traffic report, and prepared 20% design plans (for planning purposes) for Diamond Springs Parkway.

On April 29, 2008, the Board authorized the Department to negotiate an agreement with GGV for the advancement of planning, design and construction costs for Diamond Springs Parkway. During negotiations of the proposed funding agreement, it was determined, by the County, that the County should now lead the project delivery effort. GGV retained their consultants to deliver the first administrative draft environmental impact report, during which time the County completed negotiations with these consultants for direct contracts with the County.

Reason for Recommendation:

The Department requests the Board to authorize the Funding Agreement for Diamond Springs Parkway Design and Environmental Costs, in an amount not-to-exceed \$609,521. The deliverables provided in this Agreement include the deliverables set forth in Exhibit A to the Funding Agreement. The costs associated with the work through May 24, 2008 have been reviewed against the value of work, acceptance of deliverables, and applicability to delivering the Diamond Springs Parkway. The Department concurs that the value of the completed work is \$464,321. The additional work between May 24, 2008 and November 1, 2008 will be subject to the same criteria. The costs associated with the additional work shall not exceed \$145,200.

It should be noted that this is a departure from the County's adopted TIM fee reimbursement guidelines. The reimbursement guidelines address the conventional situation when a developer is conditioned to provide design/build improvements necessary for development which are regional in nature and included in the TIM Fee Program, therefore, subject to reimbursement by the County. In this case, GGV offered to expeditiously advance a project necessitated by the General Plan and currently budgeted for project delivery. Since GGV has completed work required for the project that the County is scheduled to deliver now, the Department supports this early reimbursement. Without the authorization of this Funding Agreement, the County will have to start the planning process again and redo the work to date.

The Funding Agreement includes a provision that requires GGV to assign the prior planning and design work provided through GGV's contracts to the County. The fully executed Consent to Assignment and Assignment of Consultant Work for each consultant is attached to this agenda item.

In addition to the work products provided under the Funding Agreement, GGV will secure and provide Irrevocable Offers of Dedication (IOD) for right of way in fee and appurtenant easements for Diamond Springs Parkway, Lime Kiln Road and SR-49/Diamond Road (Funding Agreement, Exhibit C) as a precondition to the reimbursement. These dedications will only involve the properties associated with DDRRC (Funding Agreement, Exhibit B). Other right-of-way owned by third parties necessary for the Project will still need to be acquired after an environmental document is approved and a route adopted. Per the IOD's, the landowners waive any right to compensation for the property conveyance. The IOD's are required to be executed prior to any disbursement of funds as stated in the Funding Agreement.

The Department recommends the approval of this Funding Agreement. The amount of reimbursement is for completed work required for the project which the County is currently scheduled to complete. Additionally, the Department supports this approach in light of the IOD's being granted to the County for the roadway.

The Department recommends the approval of this Funding Agreement allowing for two progress payments: one for work completed prior to May 24, 2008 and the other upon completion of the remaining planning and design work. It should be noted that this is a departure from the County's adopted TIM fee reimbursement guidelines; however, the Department supports this approach in light of the IOD's being granted to the County for the road project.

On April 29<sup>th</sup>, the Board directed the Department to negotiate contracts with KHA, MBA and CTA to continue the work started by GGV. At this time, the Department has completed negotiations with KHA for the Preparation of Final Traffic Impact Analysis for the Diamond Springs Parkway Project, in the amount of \$42,030, with MBA for environmental services for Diamond Springs Parkway to complete the EIR, for the ultimate four-lane road, in the amount of \$180,000, and with CTA for engineering services to further develop 30% roadway geometrics, cost estimates, plats for required right of way acquisitions, in the amount of \$175,000. Additional engineering design will be needed to complete the plans, specifications and estimates for construction. DOT will assess funding and budget issues after the certification of the EIR to determine how to proceed with the final bid documents and schedule for construction. KHA, MBA and CTA Agreements have been reviewed and approved by County Counsel.

The Department has developed potential funding scenarios for the right-of-way and construction of the Diamond Springs Parkway (Attachment 1). The County will continue to advance the project, contingent on available funding. All mechanisms for advancing the project through construction will be considered, including discretionary review conditions with adjacent development projects (e.g. DDRRC).

The Department is recommending that the Board make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under these Agreements that are not expressly identified in County classifications.

Concurrences:

The Purchasing Agent has determined that it is appropriate to enter into the consultant contracts based on prior action taken by the Board of Supervisors. The Purchasing Agent concurs that the Department's request is in compliance with Board of Supervisors Policy C-17, Sections 7.5 and 7.10.

The El Dorado County Employees Association, Local #1 has been informed of these proposed Agreements.

Action to be taken following Board approval:

1. The Chairman will sign two originals of Funding Agreement, # AGMT 08-52496, for Diamond Springs Parkway Design and Environmental Costs with GGV Missouri Flat, LLC.
2. The Chairman will sign two originals of Agreement, # AGMT 08-1778, for Preparation of Final Traffic Analysis Report for the Diamond Springs Parkway with Kimley-Horn and Associates, Inc.
3. The Chairman will sign two originals of Agreement, # AGMT 08-1838, for Environmental Services for the Diamond Springs Parkway - Phase 1 with Michael Brandman Associates
4. The Chairman will sign two originals of Agreement, # AGMT 08-1748, for Engineering Services for the Diamond Springs Parkway with Cooper, Thorne & Associates, Inc., dba CTA Engineering & Surveying.
5. The Board Clerk will forward one original of each of the above fully executed Consultant Agreements, one original of their associated Consent to Assignment and Assignment of Consultant Work and one fully executed original Funding Agreement to the Department for further processing.
6. The Department will process Irrevocable Offers of Dedication for Diamond Springs Parkway, Lime Kiln Road and SR-49/Diamond Road and return to the Board for action.
7. The Department will review the additional work completed between May 24, 2008 and November 1, 2008 for reimbursement.
8. The Department will prepare and submit the claims for reimbursement to the Auditor's Office for payment after receiving executed IOD's and required deliverables per the Funding Agreement.

Contact:

Richard W. Shepard, P.E.  
Director of Transportation  
X5981