



County of El Dorado

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Master Report

File Number: 10-1235

***File ID:** 10-1235

Agenda Type: Agenda Item

Status: Department Matters

Version: 8

Reference:

Gov Body: Board of Supervisors

Department: Department of Transportation (DOT)

Created: 11/09/2010

Agenda Title: DOT 11/15/11 Animal Shelter EEA & Arch Agmts

Final Action:

Title: Department of Transportation recommending the Board take the following actions related to the West Slope Animal Shelter Project:

- 1) Find that the property rights to be acquired by the County pursuant to the Easement Exchange Agreement are required for County use and the property rights to be relinquished by the County pursuant to the Easement Exchange Agreement are not required for County use and, based thereon, authorize the Chair to sign the Easement Exchange Agreement with Thomas Edson Shinn, Scott Lawrence Shinn, and Linda Lou Fine, subject to minor modifications by County Counsel (4/5 vote required);
- 2) Authorize the Chair to sign Certificates of Acceptance for the property rights being acquired by the County;
- 3) Authorize the Director of Transportation or his designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees;
- 4) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that the ongoing aggregate of work to be performed under the architectural services amendment is not sufficient to warrant addition of permanent staff; and
- 5) Authorize the Chair to sign Amendment II to Agreement #213-S0711 with Swatt Miers Architects, Inc. in the amount of \$189,399 for a total not-to-exceed amount of \$775,799 for architectural services.

FUNDING: Tobacco Settlement Funds.

Notes: Other Related History - Legistar File 10-1109

Agenda Date: 11/15/2011

Agenda Number:

Sponsors:

Enactment Date:

Attachments: 8A - EEA Approved CRS.pdf, 8B - Easement Exchange Agmt.pdf, 8C - Amnd II Approved CRS.pdf, 8D - Amnd II to Agmt #213-S0711.pdf, 7A - Project Status Update and Budget Summary 10-4-11.pdf, 7B - West Slope Animal Shelter Phase Schedule - FASTER TRACK 9-22-11.pdf, 7C - ISMND Addendum & Blue Route.pdf, 7D - 2006 ISMND.pdf, 6A - Project Status Update Summary 6-21-11.pdf, 5A - Project Timeline Summary 4-26-11 v2, 5B - West Slope Animal Shelter Phase 1 Schedule - STANDARD TRACK 4-20-11.pdf, 5C - West Slope Animal Shelter Phase 2 Schedule -

Time Required:

STANDARD TRACK 4-20-11.pdf, 5D - West Slope Animal Shelter Phase 1 Schedule - FASTER TRACK 4-20-11.pdf, 5E - West Slope Animal Shelter Phase 2 Schedule - FASTER TRACK 4-20-11.pdf, 5F - Letter from Animal Shelter Coalition EDC.pdf, 5G - Letter from Patrick and Diana O'Bryon.pdf, 5H - Letter from D. Beaulaurier.pdf, 5I - Letter from Teri Mizuhara-Smith.pdf, 5J - Letter rcvd from S. Cooke 10-1235.pdf, 4A - Animal Services Workshop 4-11-11.pdf, 4B - Animal Services Budget Worksheets, 4C - WS Animal Shelter Proposed Schedule and Budget.pdf, 4D - Letter from S.Dehnen and J.Mahl.pdf, 4E - 10-1235 - Emails, 4F - Letters from El Dorado Pet Club, 4G - 10-1235 - Additional Emails, 4H - 10-1235 - D. Overmyer email, 4I - 10-1235 - J. Mack letter, 4J - 10.1235 - L. Couper Letter, A - Counsel Routing Sheet, B - Fee Resolution, Executed Resolution 025-2011, C - Fee Comparison, D - Overview of Animal Services Fees, E - Animal Services - Fee Hearing 2-28-11.pdf, F - Power Point Presentation Oct 25 2010, G - FY 9-10 Actuals and 10-11 Adopted Revenues - AS.pdf - Adobe Acrobat Pro.pdf

Same:

Contact: Kris Payne, Ext. 5926

Hearing Date:

Next Meeting Date:

Approval History

Version	Date	Approver	Action
1	12/06/2010	Sharon Elliott	Approved
1	12/06/2010	Neda West	Approved
1	12/07/2010	Agenda Coordinator	Delegate
1	12/08/2010	Terri Knowlton	Approved
Notes	Noticed hearing.		
1	12/08/2010	Theresa R Daly	Approved
2	02/17/2011	Sharon Elliott	Approved
2	02/18/2011	Neda West	Approved
2	02/21/2011	Agenda Coordinator	Delegate
2	02/22/2011	Terri Knowlton	Approved
Notes	Noticed hearing.		
2	02/23/2011	Theresa R Daly	Approved
4	04/07/2011	Neda West	Approved
4	04/07/2011	Agenda Coordinator	Delegate
4	04/07/2011	Terri Knowlton	Approved
4	04/07/2011	Theresa R Daly	Approved
Notes	Laura S. approving for Terri D.		
5	04/19/2011	Agenda Coordinator	Approved
5	04/19/2011	Theresa R Daly	Approved
7	09/27/2011	Theresa R Daly	Approved
Notes	Laura S. approving for Terri. Consent		
8		Matt Smeltzer FYI	
8	11/08/2011	Sherrie Busby	Approved
8	11/08/2011	Ruth Young	Approved
8	11/08/2011	Bob Slater	Approved
8	11/09/2011	Agenda Coordinator	Delegate

Master Report Continued (10-1235)

8	11/09/2011	Laura Schwartz	Approved
Notes	Department matters		
8	11/09/2011	Theresa R Daly	Approved
Notes	Laura S. approving for Terri D.		

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	12/14/2010	Continued				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter to February 22, 2011.					
1	Board of Supervisors	12/14/2010	Amended				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to amend the motion to continue this matter to Monday, February 28, 2011.					
2	Board of Supervisors	02/28/2011	Continued				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Knight to set an additional meeting of the Board for the purpose of holding a workshop in mid-April on the following five items with Animal Services: 1) Discussion of the costs of operating the interim shelter and the costs of operating the new shelter; 2) Consideration of an Agricultural exemption for some of these fees for persons using such animals in the pursuance of their agricultural endeavors; 3) Requirement for micro-chipping animals; 4) Contracts for services with other agencies such as the cities and other counties; and 5) Any other relevant topics the Supervisors believe necessary.					
2	Board of Supervisors	02/28/2011	Adopted				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Knight to adopt Resolution 025-2011.					
	Notes:	<i>PUBLIC COMMENT</i> <i>C. Welty</i> <i>J. Alderink</i> <i>B. Lee</i> <i>C. Louis</i>					
4	Board of Supervisors	04/11/2011	Adopted As Amended				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows: Direct Staff to: 1) Report back to the Board on April 26, 2011 with a schedule showing timelines and all processes necessary for the following regarding the West Slope Animal Shelter project: a) Completion of agreements necessary for the re-alignment of the access road; b) Completion of professional services agreement amendment, engineering, bid documents, contract award and construction of the access road; c) The processes required for advancing the shelter construction project on a parallel track; and 2) Provide monthly updates to the Board on the progress of project activities and status of the project budget including where funds are being expended and saved.					
4	Board of Supervisors	04/11/2011	Adopted				Pass

Action Text: A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:
Direct staff to:
1) Return to Board by June 2011 with proposed ordinance changes addressing:
a) Licensing exemptions for working dogs used for ag endeavors (in ag zoned areas) and for guide/service dogs;
b) Microchipping for impounded dogs/cats;
2) Advise City of Placerville that 100% share will apply in FY 11-12 and that County proposes change in compensation methodology (to workload) upon current contract expiration;
3) Modify compensation clause in new FY 11-12 contract with City of SLT to provide for adjustment based on actuals;
4) Update hourly rate in FY 11-12 contract with Tahoe Conservancy for consistency with Board approved rate; and
5) Continue animal sterilization incentive program, increasing coupons to the following amounts in order to further encourage use: \$25 male cats and \$35 female cats and all dogs.

5 Board of Supervisors 04/26/2011 Approve and Continue Pass

Action Text: A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, as follows:
1) Receive and file;
2) Direct staff to pursue the Faster Track Phase 1 and Phase 2; and
3) Return to the Board on June 7, 2011 with a progress status update.

Notes: PUBLIC COMMENT
C. Bely
T. Georgiadis

6 Board of Supervisors 06/21/2011 Approved Pass

Action Text: This matter was Approved on the consent calendar.

7 Board of Supervisors 10/04/2011 Approved Pass

Action Text: A motion was made by Supervisor Santiago, seconded by Supervisor Knight to approve this matter with the following changes:

- 1) Remove the wording, "Faster Track" in the received and filed portion of Item Number 2 of the recommendations; and
- 2) Include as an option that the site grading be done at the same time that the road grading is being done.

Notes: PUBLIC COMMENT
C. Welty
B. Lee
S. Taylor
C. McCaslin

8 Board of Supervisors 11/15/2011

Text of Legislative File 10-1235

Department of Transportation recommending the Board take the following actions related to the West Slope Animal Shelter Project:

- 1) Find that the property rights to be acquired by the County pursuant to the Easement Exchange Agreement are required for County use and the property rights to be relinquished by the County pursuant to the Easement Exchange Agreement are not required for County use and, based thereon, authorize the Chair to sign the Easement Exchange Agreement with Thomas Edson Shinn, Scott Lawrence Shinn, and Linda Lou Fine, subject to minor modifications by County Counsel (4/5 vote required);
- 2) Authorize the Chair to sign Certificates of Acceptance for the property rights being acquired by the County;
- 3) Authorize the Director of Transportation or his designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees;
- 4) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that the ongoing aggregate of work to be performed under the architectural services amendment is not sufficient to warrant addition of permanent staff; and
- 5) Authorize the Chair to sign Amendment II to Agreement #213-S0711 with Swatt Miers Architects, Inc. in the amount of \$189,399 for a total not-to-exceed amount of \$775,799 for architectural services.

FUNDING: Tobacco Settlement Funds.

BUDGET SUMMARY:

Total Estimated Cost \$189,399

Funding

 Budgeted \$182,399

 New Funding \$

 Savings \$

 Other* \$7,000

Total Funding Available \$189,399

Change To Net County Cost \$0

*To be budgeted in Fiscal Year (FY) 2012/2013.

Fiscal Impact/Change to Net County Cost:

The Department of Transportation (Department) budgeted \$182,399 in FY 2011/2012 and anticipates budgeting the remaining \$7,000 in FY 2012/2013 for Amendment II to Agreement #213-S0711 (Amendment II). Funding for Amendment II will come from Tobacco Settlement Funds.

Background:

Beginning on July 20, 2010 and as recent as October 4, 2011, the Department has been before the Board related to the progress of the West Slope Animal Shelter Project (Project) and to receive direction related to the design, development and construction of the new Animal Shelter Facility at the Pleasant Valley Road location. The Board directed the Department to pursue Phase 1 of the Project, specifically, to finalize a proposed new alignment of the access road to the facility location and to pursue the necessary site

improvements. The Board directed staff to: 1) return to the Board to re-establish the location of the access road, prepare an amendment to the Shinn Purchase and Sale Agreement, and to process the required land rights; 2) return to the Board for authorization to bid the civil work, access road, utilities, and civil site improvements; and 3) pursue the implementation of Phase 2 of the Project, which is the construction of the Shelter.

Agreement #213-S0711 (Agreement) for architectural services was originally approved by the Board on August 26, 2006. On August 9, 2011, the Board approved, by amendment, the contract assignment portion of the Agreement, assigning the architectural services responsibility from George Miers and Associates, Architects and Planners, Inc. to Swatt Miers Architects, Inc. (Architect).

On October 4, 2011, the Board adopted the California Environmental Quality Act Addendum to the 2006 Mitigated Negative Declaration for this Project.

Reason for Recommendation:

The Department recommends the Board make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that the ongoing aggregate of work to be performed under Amendment II is not sufficient to warrant addition of permanent staff.

As the Board directed, since April 26, 2011 Department staff simultaneously pursued 1) an amendment to the Shinn Purchase and Sale Agreement; 2) an amendment to the architectural services agreement; 3) environmental clearance for the Project; and 4) the design of the access road and the creation of bid documents for Phase 1 of the Project.

The Department continues to design the access road and to prepare the bid documents for Phase 1 of the Project for the 2012 summer construction season. Today the Department is bringing the remaining two items: the Easement Exchange Agreement and Amendment II to the Board for approval. Therefore, the following Project considerations are requested:

Easement Exchange Agreement (EEA) approval, former Shinn Purchase and Sale Agreement (P&SA) Amendment:

Department staff pursued the P&SA Amendment as the Board originally directed. Subsequently, County Counsel determined that the proper land rights document to use for the property exchange is an EEA. The primary reason is the County has performed all obligations required by the P&SA, with the exception of construction of the access road, waterlines, and field fence. Accordingly, based on the authority granted to the Board by Government Code Section 25365, County Counsel drafted the EEA presented to you today. Government Code Section 25365 authorizes the Board, upon a four-fifths vote, to exchange real property of equal value where the property to be exchanged is not required for County use and the property to be acquired is required for County use. With the EEA, prior easements that are no longer necessary for the Department to build Phase 1 of the Project will be returned to the grantors. In addition to exchanging easements, the EEA carries forward the County's construction obligations as previously described in the P&SA.

Roads A and B are being designed in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards required by the Department for

both horizontal and vertical alignment. The new Road A and B alignments have been technically compared with Roads A and B from the original P&SA. The original Roads A and B resulted in 35,000 cubic yards of excavation and required some easements that were not originally contemplated. The new realigned Roads A and B as stipulated in the EEA result in 28,000 cubic yards of excavation and the EEA has all the easements identified necessary to build Phase 1 of the Project. Since the primary cost contributor for Phase 1 of the Project is excavation, the cost of the new realigned roads is estimated to be less than the cost of the original roads. Additionally, Phase 1 of the Project will include an optional bid item for site grading for Phase 2 of the Project.

Amendment II approval:

As required by the Agreement, the Architect completed planning and design tasks, and provided the County with plans and specifications for the Animal Shelter Facility on August 15, 2008 for final building services review. Shortly thereafter, the Project was administratively suspended while the County reviewed its options in choosing a less costly alternative. Amendment II re-establishes the contractual relationship with the Architect, lifts the administrative suspension, and allows the architectural services to resume.

The Department now returns to the Board with Amendment II, which describes the revised scope of work, Project budget and schedule. The specialized nature of the work continues to require the expertise of an architect specializing in animal shelters to ensure the health and safety of the facility users.

The Architect provided the Department with a work resumption and redesign scope of work incorporated into Amendment II, which provides bidding and construction services for Phase 2 of the Project as was originally required in the Agreement, but not performed. Additionally, the work requires review and update of the originally completed construction documents (123 plan sheets and specifications) so as to meet the new State of California 2008 Building Code that went into effect in January 2010, thus making the building plans compliant with new code provisions; coordination of the Structural, Civil, Mechanical, Electrical and Landscape subconsultants in the updating effort; and structurally redesigning the building to a conventional stud frame shear wall design.

Execution of Amendment II increases the Agreement amount for Base Scope Items of Work by \$161,899, and adds a Supplemental Item of Work for \$27,500 for unanticipated issues that may arise on the Project. Including the unexpended \$133,708 from the Agreement, the total remaining cost of services is \$323,107, for a total not-to-exceed amount of \$775,799.

Phase 2 of the Project will include a bid item for site grading, if not included in the award of Phase 1 of the Project.

The Purchasing Agent concurs that the Department's request to amend the Agreement is in compliance with Board of Supervisors Policy C-17, Sections 7.4.2, 7.5 and 7.10.

El Dorado County Employees Association, Local # 1, has been informed of the proposed Amendment II.

Anticipated Project Schedules

Phase 1 - Authorization to Advertise: 4/3/12
Construction Start Date: 6/21/12 and Finish Date: 10/15/12

Phase 2 - Plans, Specifications and Estimate - Preliminary Estimate: 12/8/11
Authorization to Advertise: 4/10/12
Construction Start Date: 6/21/12 and Finish Date: 5/9/13

Action to be taken following Board approval:

- 1.) The Chair will sign two (2) originals of the EEA and the Certificates of Acceptance for the related documents.
- 2.) The Chair will sign two (2) originals of Amendment II.
- 3.) The Clerk of the Board will forward one original of the EEA and related Certificates of Acceptance and Amendment II to the Department for further processing.

Contact:

Robert S. Slater, P.E.
Assistant Director of Transportation

Concurrences: County Counsel and Risk Management