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foothill community built on California's rich gold rush history.*



**City Manager's Report**  
**May 23, 2023, City Council Meeting**  
**Prepared by: Melissa McConnell, Associate Engineer**  
**Item #: 7.6**

**Subject:** Consider a Credit Transfer Agreement with the National Fish and Wildlife Foundation for payment of an in-lieu fee to satisfy mitigation requirements for the Upper Broadway Bike Lanes-Schnell School Road to Point View Drive project (CIP #41508).

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**Recommendation:** Adopt a Resolution approving a Credit Transfer Agreement with the National Fish and Wildlife Foundation for the purchase of in-lieu fee credits in the amount of \$61,640 for the Upper Broadway Bike Lanes-Schnell School Road to Point View Drive project (CIP #41508) and authorizing the City Manager to execute the same.

**Purpose:** The Engineering Department is in the process of finalizing all outstanding environmental permitting requirements of the project prior to final close out.

**Strategic Plan Strategy:** Strategy 4 - Update and Maintain City-Owned Infrastructure.

**Background:** The Upper Broadway Bike Lanes project increased the safety and connectivity by constructing bicycle and pedestrian facilities, along with associated roadway repairs and improvements, on Broadway between Schnell School Road and Point View Drive.

**Discussion:** Construction of the Upper Broadway Bike Lanes project concluded in April 2021. Staff is currently coordinating with the permitting agencies to complete the requirements of all outstanding environmental permits as it relates to the final impacts by the project. In accordance with the project's Clean Water Act Section 401 Water Quality Certification Order issued by the Central Valley Water Board on December 16, 2019, the project is required to provide compensatory mitigation for the authorized impact to 0.06 acres of streambed habitat. According to the Order, the mitigation obligation can be satisfied by purchasing 0.12 aquatic resource credits from the National Fish and Wildlife Foundation's (NFWF) Sacramento District In-Lieu Fee Program for the American River Service Area.

NFWF recently calculated the cost to purchase 0.12 aquatic resource credits in the amount of \$61,640. NFWF just announced that a fee increase will become effective on June 7, 2023. After the fee increase, the project's aquatic resource credit purchase is estimated to cost \$65,510. Staff is respectfully recommending approval of the Credit Transfer Agreement and payment of the fee before the fee increase takes effect.

**Options:**

1. Approve the Credit Transfer Agreement and in-lieu fee payment, as recommended by staff.
2. Direct staff to take other actions.

**Cost:** The cost of the in-lieu fee to the National Fish and Wildlife Foundation is in the amount of \$61,640.

**Budget:** At its meeting held on August 26, 2014, the City Council approved a \$350,000 budget appropriation for the Upper Broadway Bike Lanes-Schnell School Road to Point View Drive project (CIP #41508). At its meeting held on May 26, 2015, the Council approved an additional \$225,000 budget appropriation. At its meeting held on April 10, 2018, the Council approved budget appropriations totaling \$38,855. At its meeting held on May 22, 2018, the City Council approved an additional \$595,858 budget appropriation. At its August 28, 2018 meeting, the City Council approved an additional \$100,000 budget appropriation. The City Council approved an additional \$234,000 budget appropriation at its meeting held on April 9, 2019. At its meeting held on September 24, 2019, the City Council approved \$4,926,366 in additional budget appropriations. The City Council approved an additional \$425,000 budget appropriation at its meeting held on December 10, 2019. At its meeting its meeting held on September 22, 2020, the City Council approved an additional \$140,000 budget appropriation for a total project budget of \$7,035,079 as shown below:

| <b>Funding Source</b>    | <b>Revised<br/>Project<br/>Budget</b> |
|--------------------------|---------------------------------------|
| State ATP Augmentation   | \$ 1,886,000                          |
| Federal ATP              | 1,792,000                             |
| CMAQ                     | 1,637,360                             |
| State Transit Assistance | 356,864                               |
| Measure L Fund           | 840,000                               |
| TDA Article 3            | 234,000                               |
| STBGP Exchange           | 200,000                               |
| Measure H Fund           | 50,000                                |
| Sewer Enterprise Fund    | 19,500                                |
| Water Enterprise Fund    | 19,355                                |
| <b>Total</b>             | <b><u><u>\$7,035,079</u></u></b>      |

To date, the project has encumbered the following costs presented below and on the following pages:

## 7.6

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| Doug Veerkamp General Engineering, Inc. (Original Agreement)           | \$ 4,491,800 |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 1)           | 10,000       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 2)           | 5,000        |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 3)           | 40,000       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 4)           | (17,000)     |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 5)           | 10,000       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 6)           | 10,000       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 7)           | 1,400        |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 8)           | (399,470)    |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 9)           | (457,414)    |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 10)          | 5,000        |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 11)          | 19,472       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 12)          | 294,103      |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 14)          | 49,315       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 15)          | 23,561       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 16)          | 23,200       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 17)          | 2,500        |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 18)          | 15,000       |
| Doug Veerkamp General Engineering, Inc. (Change Order No. 19)          | 129,599      |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 20) | 24,872       |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 22) | (1)          |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 23) | (1,132)      |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 24) | 24,972       |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 25) | 5,650        |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 26) | 20,000       |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 27) | 4,540        |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 28) | (23,073)     |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 29) | -            |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 30) | 5,300        |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 31) | (44,861)     |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 32) | (158,517)    |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 33) | 5,025        |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 34) | (26,306)     |
| Doug Veerkamp General Engineering, Inc. (Proposed Change Order No. 35) | 15,194       |
| Doug Veerkamp General Engineering, Inc. (Revised Change Order No. 12)  | -            |
| Doug Veerkamp General Engineering, Inc. (Revised Change Order No. 14)  | -            |
| Drake Haglan and Associates (Original Agreement))                      | 610,031      |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 1)                       | 320,347      |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 2)                       | 145,519      |

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| R.E.Y. Engineers, Inc. (Notice to Proceed No. 3) | 79,607                     |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 4) | 38,855                     |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 5) | 409,716                    |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 6) | 30,554                     |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 7) | 244,572                    |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 8) | -                          |
| R.E.Y. Engineers, Inc. (Notice to Proceed No. 9) | 260,358                    |
| R.E.Y. Engineers, Inc. (Amendment No. 7)         | 139,421                    |
| AT&T   | 2,487                      |
| B & B Locating                                   | 11,400                     |
| C.E. Cox Engineering, Inc.                       | 2,400                      |
| Aureliano and Lorena Ceja                        | 1,000                      |
| John Driscoll, City Attorney                     | 6,051                      |
| El Dorado County Recorder-Clerk                  | 2,411                      |
| El Dorado Disposal                               | 303                        |
| Kapre Properties, Inc.                           | 17,793                     |
| Mountain Democrat                                | 234                        |
| National Fish and Wildlife Foundation (Proposed) | 61,640                     |
| Rebecca Neves (Reimbursement)                    | 84                         |
| Meyers Nave                                      | 806                        |
| Northern CA Conference of Seventh Day Adventists | 500                        |
| Omni Means - Interim City Engineer               | 1,430                      |
| Remy Thomas Moose & Manley LLP                   | 13,033                     |
| Shingle Springs Band of Miwok Indians            | 1,073                      |
| State Department of Fish and Wildlife            | 5,313                      |
| SWRCB  | 6,280                      |
| Vinod K., Kusumben, Minesh B., & Kavita K. Patel | 13,375                     |
| City Personnel                                   | 192,740                    |
| <b>Total</b>                                     | <b><u>\$ 6,727,062</u></b> |

As you can see, the \$6,727,062 in project encumbrances, including the proposed \$61,640 Credit Transfer Agreement with NFWF, is within the project budget of \$7,035,079.



**M. Cleve Morris, City Manager**



**Rebecca Neves, City Engineer**

Attachments:

A. Resolution