



Special Meeting A G E N D A



IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

NOVEMBER 3, 2010 – 6:00 P.M.

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY, PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY.

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CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PUBLIC COMMENT - *Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

REPORTS

- 6.3. RESOLUTION NO. 2010-6964 AND RESOLUTION NO. R-10-234 – CHANGING THE FUNDING SOURCE FOR THE 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUNDS, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH & SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201). (0650-33 & 0720-10)**

City Manager's Recommendation: Adopt resolutions.

ADJOURNMENT

Jacqueline M. Hald, CMC
City Clerk

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.



**STAFF REPORT
CITY OF IMPERIAL BEACH /
REDEVELOPMENT AGENCY OF THE
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL / HONORABLE BOARD

FROM: GARY BROWN, CITY MANAGER / EXECUTIVE DIRECTOR

MEETING DATE: NOVEMBER 3, 2010

ORIGINATING DEPT.: PUBLIC WORKS *Had*

SUBJECT: RESOLUTIONS CHANGING THE FUNDING SOURCE FOR THE 13 STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (\$10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUNDS, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13 STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (\$10-201)

BACKGROUND: On October 6, 2010, City Council adopted Resolution NO. 2010-6949 awarding a contract for certain public works project to wit – 13th Street & Ebony Avenue Pedestrian Access Ramp CIP (\$10-201) to RMV Construction, Inc. for \$54,750. The approved funding source for this project was CDBG-R funds (Federal TARP Stimulus Funds). On Thursday, October 28, 2010 the City received notice from the County Department of Housing and Community Development, in consultation with the Office of Community Planning and Development (HPD) in Los Angeles, regarding its decision that the CDBG-R funding was withdrawn, all work on the Project was to stop immediately and the City would need to reapply for the CDBG-R funds.

DISCUSSION: When the City submitted the subject CIP project to the County for approval, staff drafted the scope of work to cover three intersections in 13th Street with the understanding the City would do as many new handicap ramps within those three intersections as the funds would support. As staff proceeded with the drawings of the intersections it was determined that the intersection at Ebony Avenue would be a substantially higher unit construction cost due to the unique street elevations. Thus the project design was narrowed to just the intersection corners that the Engineer's Estimate would fund.

The County is now reporting that the approved CDBG-R contract for the use of CDBG-R funds must include the entire scope of work, no more and no less. Thus, the County has directed the project be canceled and be resubmitted for only the work that can be completed with those funds.

However, in light of the City Council's approvals on October 6, 2010 and the need to proceed with the project within the upcoming school holidays in November, staff proposes that the project move forward with the contract as awarded in Resolution NO. 2010-6949 with funding

provided through other sources. One source that the City Council and the Redevelopment Agency may consider is Redevelopment Agency (RDA) funds. There are sufficient RDA funds available to fund the project as awarded to RMV Construction, Inc. in Resolution NO. 2010-6949, upon making the necessary findings pursuant to Health and Safety Code section 33445.

ENVIRONMENTAL DETERMINATION:

A notice of exemption was filed with the State Clearing House. This project is a Categorical Exemption per section 15301.

FISCAL IMPACT:

Loss of the CDBG-R contract for \$63,170.

Appropriation of \$60,000 RDA Unspecified Reserve Fund for the construction cost of the 13th Street & Ebony Avenue Pedestrian Access Ramp CIP (S10-201) project. These funds are to be reserved for payment of the RMV Construction, Inc. contract plus any City Manager approved change order work.

Expenditure of \$54,750 RDA funds for the RMV Construction, Inc. contract.

Expenditure of \$15,260 from Division/Department Operating and Maintenance (O&M) budgets as follows:

- Design & Advertisement Expenditures \$ 7,500
- Construction Administration \$ 7,760
- **TOTAL O&M BUDGET COSTS** **\$15,260**

TOTAL PROJECT EXPENDITURE:

Design & Advertisement Expenditures	\$ 7,500
Construction Cost	\$54,750
Construction Administration	\$ 7,760
Total Expenditures	\$70,015

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt attached City Council Resolution 2010-6964 withdrawing CDBG-R funds for this project and authorizing \$15,260 from the respective O&M budgets for Design & Advertisement Expenditures plus Construction Administration costs and making the findings pursuant to Health and Safety Code section 33445 for the expenditure of Redevelopment Agency funds.
3. Adopt attached RDA Resolution R-10-234 appropriating \$60,000 for the 13th Street & Ebony Avenue Pedestrian Access Ramp CIP (S10-201) project and making the findings pursuant to Health and Safety Code section 33445 for the expenditure of Redevelopment Agency funds.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager and
Executive Director of the
Redevelopment Agency

Attachments:

1. Resolution No. 2010-6964
2. Resolution R-10-234

RESOLUTION NO. 2010-6964

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CHANGING THE FUNDING SOURCE FOR THE 13 STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUND, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13 STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201)

WHEREAS, on October 6, 2010, City Council adopted Resolution NO. 2010-6949 awarding a contract for certain public works project to wit – 13th Street & Ebony Avenue Pedestrian Access Ramp CIP (S10-201) [the “Project”] to RMV Construction, Inc. for \$54,750; and

WHEREAS, on October 28, 2010, Fiscal Year 2009-2010 Community Development Block Grant – Recovery [“CDBG-R”] funds for the construction of the Project were withdrawn by the County of San Diego Department of Housing and Community Development and the Los Angeles Department of Housing and Urban Development (HUD)/Office of Community Planning and Development (HPD); and

WHEREAS, the Redevelopment Plan Palm Avenue/Commercial Redevelopment Project in the City of Imperial Beach and the Five-Year Implementation Plan for the Palm Avenue/Commercial Redevelopment Project of the Imperial Beach Redevelopment Agency provide for the construction of intersection ramps in compliance with the Americans with Disabilities Act [“ADA”]. Specifically, the City identified the intersection of 13th Street and Ebony Avenue with ramps in high priority for the ADA pedestrian access ramps. The Project includes construction of intersection pop outs on 3 corners (13th Street & Ebony Avenue at the southeast, northeast and northwest corners) and a raise platform speed table across 13th Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. CDBG-R funds are withdrawn for expenditure for the Project.
2. The appropriation of \$15,260 from Division/Department Operating and Maintenance budgets is authorized for the costs of design and advertisement, and construction administration of the Project.
3. In accordance with Health and Safety Code section 33445(a), the City Council determines:
 - a. that the Project is a benefit to the project area by helping to eliminate blight within the project area because the improvements will enhance the 13th Street & Ebony Avenue intersection for the benefit of residents; the installation of public improvements will correct adverse health and safety conditions; installation of public improvements will correct adverse health and safety conditions in that it will provide a traffic calming speed table and ADA compliant access ramps in the

intersection of 13th Street and Ebony Avenue which is an intersection that is heavily used by pedestrian traffic to and from Central Elementary School, to and from neighborhood commercial area, to and from local residences and is a main arterial within the City of Imperial Beach between State Route 75 and the Naval Outlying Field (helicopter training base); the improvements will act as a catalyst providing an incentive for private investment in the rehabilitation of the area; the improvements will enhance the public right of way and replace inadequate or missing public improvements; and the improvements will remove and replace these adverse conditions, upgrading to match the improvements on nearby streets;

b. that no other reasonable means of financing the Project is available to the community because on October 6, 2010, the City authorized a purchase order with RMV Construction, Inc in reliance on the previously authorized CDBG-R funds so that the Project may commence within the school holidays for November 2010, however CDBG-R funds were withdrawn for the Project on October 28, 2010, by the County of San Diego and the Los Angeles Department of Housing and Urban Development (HUD)/Office of Community Planning and Development (HPD); and

c. that the payment of funds for the Project is consistent with Redevelopment Plan Palm Avenue/Commercial Redevelopment Project in the City of Imperial Beach and the Five-Year Implementation Plan for the Palm Avenue/Commercial Redevelopment Project adopted by the Imperial Beach Redevelopment Agency pursuant to Health and Safety Code section 33490 because the construction of the Project provides for the "Replacement of outdated public improvements & facilities provides an incentive for private investment, thereby removing blight" as included in the work program of the Implementation Plan adopted February 17, 2010 pursuant to Health and Safety Code 33490.

4. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 3rd day of November 2010, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY,
MAYOR

ATTEST:

**JACQUELINE M. HALD, CMC
CITY CLERK**

RESOLUTION NO. R-10-234

A RESOLUTION OF THE BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY, AUTHORIZING THE APPROPRIATIONS OF MONIES AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13 STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201)

WHEREAS, on October 6, 2010, City Council of the City of Imperial Beach adopted Resolution NO. 2010-6949 awarding a contract for certain public works project to wit – 13th Street & Ebony Avenue Pedestrian Access Ramp CIP (S10-201) [the “Project”] to RMV Construction, Inc. for \$54,750; and

WHEREAS, on October 28, 2010, Fiscal Year 2009-2010 Community Development Block Grant – Recovery [“CDBG-R”] funds for the construction of the Project were withdrawn by the County of San Diego Department of Housing and Community Development and the Los Angeles Housing and Urban Development Department (HUD), Office of Community Planning and Development (HPD); and

WHEREAS, the Redevelopment Plan Palm Avenue/Commercial Redevelopment Project in the City of Imperial Beach and the Five-Year Implementation Plan for the Palm Avenue/Commercial Redevelopment Project of the Imperial Beach Redevelopment Agency provide for the construction of public improvements including the installation of intersection ramps, pop-outs, and other traffic calming, pedestrian oriented enhancements; and

WHEREAS, the intersection of 13th Street and Ebony Avenue has been identified as a high priority for the traffic calming enhancements; and

WHEREAS, the 13th Street and Ebony Avenue Project will construct Americans with Disabilities Act compliant pedestrian access ramps, pop outs on 3 corners (13th Street & Ebony Avenue at the southeast, northeast and northwest corners) and a raised platform speed table across 13th Street.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Imperial Beach Redevelopment Agency as follows:

1. In accordance with Health and Safety Code section 33445(a), the Board determines:

- a. that the Project is a benefit to the project area by helping to eliminate blight within the project area because the improvements will enhance the 13th Street & Ebony Avenue intersection for the benefit of residents; the installation of public improvements will correct adverse health and safety conditions; installation of public improvements will correct adverse health and safety conditions in that it will provide a traffic calming speed table and ADA compliant access ramps in the intersection of 13th Street and Ebony Avenue which is an intersection that is heavily used by pedestrian traffic to and from Central Elementary School, to and from neighborhood commercial area, to and from local residences and is a main

arterial within the City of Imperial Beach between State Route 75 and the Naval Outlying Field (helicopter training base); the improvements will act as a catalyst providing an incentive for private investment in the rehabilitation of the area; the improvements will enhance the public right of way and replace inadequate or missing public improvements; and the improvements will remove and replace these adverse conditions, upgrading to match the improvements on nearby streets;

b. that no other reasonable means of financing the Project is available to the community because on October 6, 2010, the City authorized a purchase order with RMV Construction, Inc in reliance on the previously authorized CDBG-R funds so that the Project may commence within the school holidays for November 2010, however CDBG-R funds were withdrawn for the Project on October 28, 2010, by the County of San Diego and the Los Angeles Department of Housing and Urban Development (HUD)/Office of Community Planning and Development (HPD); and

c. that the payment of funds for the Project is consistent with Redevelopment Plan Palm Avenue/Commercial Redevelopment Project in the City of Imperial Beach and the Five-Year Implementation Plan for the Palm Avenue/Commercial Redevelopment Project adopted by the Imperial Beach Redevelopment Agency pursuant to Health and Safety Code section 33490 because the construction of the Project provides for the "Replacement of outdated public improvements & facilities provides an incentive for private investment, thereby removing blight" as included in the work program of the Implementation Plan adopted February 17, 2010 pursuant to Health and Safety Code 33490.

2. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project.

PASSED, APPROVED, AND ADOPTED by the Board of the Imperial Beach Redevelopment Agency at its meeting held on the 3rd day of November 2010, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY,
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

