



## Legislation Text

---

File #: 24-257, Version: 1

---

**REPAIRED BY:** JIMMY ZHOU

**DATE OF MEETING:** 7/1/2024

**SUBJECT:**

CONSIDER ADOPTING RESOLUTION (1) ACCEPTING AND APPROPRIATING PROPOSITION 1 STORM WATER GRANT PROGRAM FUNDS IN THE AMOUNT \$1,412,860 TO THE SUTTER AVENUE URBAN GREENING PROJECT ("PROJECT", CIP 0300); (2) UNAPPROPRIATING MEASURE J FUNDS IN THE AMOUNT OF \$1,412,860 FROM THE PROJECT; (3) REALLOCATING \$100,000 OF GENERAL FUNDS FROM THE PROJECT TO THE BUSH POCKET PARK PROJECT (CIP 0502) AND; (4) REALLOCATING \$100,000 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS (FUND 120) FROM THE BUSH POCKET PARK PROJECT (CIP 0502) TO THE PROJECT

CEQA: The Sutter Avenue Urban Greening Project was assessed and determined to be Categorically Exempt from environmental review under Sections 15304(b)&(f), 15301(b)&(c), and 15302(c) of the CEQA Regulations. The CEQA Notice of Exemption (NOE) was originally filed with the Contra Costa County Clerk's Office on January 31, 2022, and a revised NOE was filed on March 13, 2024.

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**WORKPLAN COMPLIANCE STATEMENT**

*Major Policy Goal: Build a Healthy Community - 109 Develop Public Facilities for Active Living* is an adopted policy item contained in the FY 2023-25 Adopted City Council Priority Workplan, updated May 1, 2023.

**BACKGROUND**

The Sutter Avenue Urban Greening Project (Project) aims to reduce localized urban flooding, improve water quality of storm runoff to the bay, and increase infiltration to the groundwater. The Project is located on Sutter Avenue between Rumrill Boulevard and 17<sup>th</sup> Street and on 14<sup>th</sup> Street between Sutter Avenue and Bush Avenue. Other project goals include urban greening, sequestering carbon through tree planting, traffic calming, and improving pedestrian accessibility.

The City applied for the Proposition 1 Stormwater Grant Program funding from the California State Water Resources Control Board (SWRCB) and received \$1,760,000 in grant funding. Pursuant to Resolution 2021-042, the City Council accepted the grant funding, authorized the City Manager to enter into a funding agreement with the SWRCB and authorized the City Manager to execute any amendments thereto. The funding was later appropriated to the Project for design and construction via Resolution 2022-995.

Due to high inflation in the construction industry as well as increased construction quantities, the estimated cost of the Project increased significantly when the final design of the Project was completed in December 2023. Staff identified a funding gap for the **Supplemental Project Funding - State Water Resources Control Board (SWRCB)**

Project and formally submitted a cost increase letter to request an additional \$1,451,100 from the Proposition 1 Storm Water Grant Program. The request for additional funding was tentatively approved in the form of an approval memorandum by the SWRCB. The amount of the additional approved funding is \$1,412,860. The City Manager has already executed the amendment pursuant to the authority previously granted by the City Council pursuant to Resolution 2021-042.

**Previous City Council Approval during FY 2023-24**

Pursuant to Resolution 2024-059, adopted on May 20, 2024, and in order to award the construction contract to Kerex Engineering Inc, the City Council previously appropriated \$1,412,860 from Measure J funding to the Project, with the intention to unappropriate the same amount from the Project back to Measure J as soon as the approved SWRCB grant funding is received and appropriated.

Following the approval memorandum, the SWRCB prepared and sent an amendment of the funding agreement to the City for execution on June 10, 2024. The amendment to the funding agreement includes additional funding in the amount of \$1,412,860, revised minimum construction quantities, and an extension of the Project schedule.

Upon fully executing the amendment to the SWRCB funding agreement, staff recommends accepting and appropriating the additional SWRCB grant funding in the amount of \$1,412,860 to the Project, and unappropriating \$1,412,860 from the Project to Measure J.

In addition, to better comply with ARPA funding obligation requirements, staff recommends reallocating \$100,000 of general funds from the Project to the Bush Pocket Park Project (0502), and reallocating \$100,000 American Rescue Plan Act (ARPA) funds (Fund 120) from the Bush Pocket Park Project (0502) to the Project. All ARPA Fund 120 funds in the Project are expected to be expensed by December 2024.

**FISCAL IMPACT**

The fiscal impacts are outlined in the table below.

<b>Proposed Actions</b>			
<b>ACTION</b>	<b>FROM: Account</b>	<b>CTO: Account Code</b>	<b>AMOUNT</b>
Appropriate	SWRCB Proposition Stormwater Grant	320-0300-43604-SWB-222	\$1,412,860
Unappropriate	320-0300-43604-LS424	230-0000-12611-LS-424	\$1,412,860
Re-allocate	320-0502-43604-AF123	320-0300-43604-AF-123	\$100,000
Re-allocate	320-0300-43604-GE424	320-0502-43604-GE-424	\$100,000
Re-allocate	320-0300-43604-GE424	320-0300-43602-GE-424	\$3,000
Re-allocate	320-0300-43602-SV222	320-0300-43604-SWB-222	\$3,000

**ATTACHMENTS**

Att A - Resolution

Att B - Amendment No. 1 to Funding Agreement