



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

**SUBJECT: GRANT FUNDING FOR THE
BURBANK/DEL MONTE
COMMUNITY CENTER**

DATE: 04-02-04

Approved

Date

Council District: 6

SNI Area: Burbank/Del Monte

RECOMMENDATION

Adoption of a resolution providing additional certifications required by the State for completion of the City's application for a \$3,000,000 grant request under Proposition 40, the Urban Park Act of 2001, associated with the Burbank/Del Monte Community Center project.

BACKGROUND

On January 13, 2004, Council adopted Resolution No. 71911 approving the submission of a grant application to the California Department of Parks and Recreation for a grant under the State of California Urban Park Act of 2001 for \$3,000,000, to help fund the design and construction of the Burbank/Del Monte Community Center ("Project").

Resolution No. 71911 states the following:

1. The City Manager is authorized to execute and submit an application to the California Department of Parks and Recreation under the State of California Urban Park Act of 2001 for a grant for the proposed Burbank/Del Monte Community Center in an amount not to exceed \$3,000,000.
2. The City Manager is further authorized to accept the grant on behalf of the City and to execute any necessary documents to effectuate the grant.

The granting agency has requested that additional commitments be included, along with the statements in the Resolution previously adopted by the City.

ANALYSIS

On March 12, 2004, the Parks, Recreation and Neighborhood Services Department (PRNS) received a letter from the State of California Department of Parks and Recreation acknowledging the resolution included in the grant application that addressed two of six required commitments. The letter requested the City to “Submit an authorizing resolution from the applicant’s governing body, *using the required language in the sample resolution.*” [See attached.] This and several other items are required to complete the City’s application under this competitive grant program. The agency requires that the commitments be made in the form of a resolution of the governing body. The language required by the State is further discussed below.

Certification 1. The State’s form resolution states that the City certifies that it will have sufficient funds to operate and maintain the Project. The City cannot agree to this statement except by adding language that makes the City’s certification subject to appropriation of funds by City Council. As required by the California State Constitution (Article XIII, Section 24), commonly referred to as the constitutional debt limitation, the City appropriates funds on an annual basis. Except for some very limited situations, the City is not allowed to pre-commit the appropriation of funding amounts in future fiscal years for its financial obligations.

If the grant is awarded and the City enters into the grant contract with the State, the State’s form grant contract requires the City to:

1. Use the property only for the purpose for which the grant was made and to make no other use, sale or other disposition of the property, except as authorized by a specific act of the Legislature.
2. Maintain and operate the property funded for a period that is commensurate with the type of project and the proportion of state funds and local matching funds or property allocated to the capital costs of the Project.

City staff has determined that once completed, this project will be added to the City’s list of ongoing maintenance responsibilities that are addressed under its operational services budget.

Certification 2. The State form resolution requires the City to certify that it has reviewed, understands, and agrees to the General Provisions contained in the form Grant Contract (which is the form agreement that the State would require the City to sign to receive the grant funds), as set forth in the State's Procedural Guide.

The provisions of the form Grant Contract include the following:

1. The City would assume responsibility for any additional funding that may be necessary to complete the Project,
2. Completing the project in accordance with the set Project Performance Period,
3. Complying with environmental clearance and other current laws and regulations affecting Development Projects, and
4. Managing the grant requirements and allowing access to the Project for the purpose of site visits and audits (e.g., assurances and certifications related to construction and post-construction signage requirements, minimum land tenure or land control requirements, and project completion certification).

PRNS staff has reviewed these elements and finds that they can be implemented within the City's current policies and procedures for the operation of its Capital Improvement Program.

Certification 3. The form resolution requires the City to certify that it has or will have available, prior to commencement of any work on the Project, the proportional match. However, no match is required under this Grant and the City's resolution will so indicate.

Although the grant does not have an identified match requirement, the grantee is required to provide funds necessary to meet the costs of the project that are above and beyond those covered by the grant award. A higher proportion of match contribution adds to the competitiveness of the grant application. Unless the City appropriates additional funding for the Project at this time, the City is limited by the same state debt limitation as discussed with respect to Certification 1. While the City cannot guarantee that the project will be funded at this time, the Project is identified in the City's five-year CIP plan for an anticipated project cost of \$9,138,000. To date (through fiscal year 03-04), Council has approved \$1.77 million of this amount. Furthermore, the funding source for the amounts identified in the five-year CIP is general obligation bond funds that have been authorized by the voters approval of Measure P in 2000, portions of which have not yet been issued. This project is one of the projects identified to be funded with the Measure P bonds.

Certification 4. The State requires the City to certify that the Project conforms to the recreation element of any applicable city or county general plan.

The Project identified is consistent with the City's Greenprint for Parks and Community Facilities and Programs (a 20-Year Strategic Plan), strategic priorities identified through the City's Strong Neighborhoods Initiative, the Safe Neighborhood Parks and Recreation Bond Act of 2000 (Measure P), and the City's General Plan.

Certification 5. The State form resolution requires the City to appoint a designated position as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The City Council, through Resolution No. 71911, authorized the City Manager to execute and submit an application to the California Department of Parks and Recreation under the State of California Department of Parks and Recreation Urban Park Act of 2001, for a grant for the proposed Burbank/Del Monte Community Center in an amount not to exceed \$3,000,000, and to accept the grant on behalf of the City and to execute any necessary documents to effectuate the grant. Approval of this action will clarify that the City Manager is authorized to execute all of the foregoing documents related to this grant.

PUBLIC OUTREACH

The action being requested by this memorandum is administrative in nature. However, significant public outreach has taken place regarding the Burbank/Del Monte Community Center project. The Burbank/Del Monte SNI Plan identified a range of services and programs that are important unmet needs in the Burbank/Del Monte area, and that the development of such a center is the community's number four priority behind two park projects and a primary pedestrian/bikeway project on Scott Street and Auzerais Avenue.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COST IMPLICATIONS

The maintenance cost associated with the Burbank/Del Monte Community Center project is estimated to be \$8.00 per square foot, annually. A projection of costs for the operation of a 25,000 square foot facility is \$350,000 annually. Based on the current projected project schedule, this project would be added to the list of properties maintained by the City's General Services Department and operated by PRNS following its first date of beneficial use, currently projected as January 5, 2007.

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CEQA

Exempt, PPO3-12-376.

SARA L. HENSLEY
Director of Parks, Recreation and
Neighborhood Services

Attachment

2002 Resources Bond Act

URBAN PARK ACT OF 2001 PROGRAM

Resolution No: _____

RESOLUTION OF THE

(Title of Governing Body, City Council, Board of Supervisors)

APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN PARK ACT OF 2001 PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002

For _____
(Project)

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants; and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Urban Park Act of 2001 Program and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project;

NOW, THEREFORE, BE IT RESOLVED that the _____ hereby:
(Applicant's Governing Body)

1. Approves the filing of an Application for local assistance funds from the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and
2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project; and

Sample Resolution form Procedural Guidelines

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3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
4. Certifies that the Grantee has or will have available, prior to commencement of any work on the Project, the proportional Match; and
5. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
6. Appoints the (designated position) _____ as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

Approved and Adopted on the ____ day of _____, 20____

I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by _____ following a roll call vote:
(Applicant's Governing Body)

Ayes

Noes

Absent

(Clerk)