

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: CDBG Pedestrian Access/Safety Projects – Supplemental Funding
DATE: September 3, 2013

Needs: Consider use of Development Impact Fee Funds to supplement CDBG funds for the following CDBG-funded projects:

- a. Installation of an LED-Lighted Crosswalk at Spring and 11th Streets.
- b. Design of sidewalks and curb ramps at 36th and Vine Streets.

Facts: 1. The LED-Lighted Crosswalk at Spring and 11th Streets has been installed and the sidewalks and curb ramps at 36th and Vine Streets have been designed as part of projects that were undertaken with CDBG funds.

2. At its meeting of April 16, 2013, the City Council awarded a contract to Hobbs Construction in the amount of \$79,896 to install LED-Lighted Crosswalks at the intersections of Spring and 26th Streets, Oak and 34th Streets, and at Spring and 11th Streets.

3. The project was to be accomplished with the following funds:
a. \$54,984 in 2011 CDBG funds allocated to this project;
b. \$21,812 in unused 2011 CDBG funds allocated to handicapped ramps; *
c. \$ 1,018 in unused 2011 CDBG funds allocated to Turtle Creek Sidewalks;
d. A portion of \$20,000 in 2012 CDBG Funds allocated to handicapped ramps as necessary to make up the difference. *

* *Each LED-Lighted Crosswalk project entailed reconstruction of handicapped ramps to bring the intersections up to the latest designs required for conformance with the Americans with Disabilities Act.*

4. The necessary environmental documents under the National Environmental Policy Act (NEPA) were completed prior to award of the contract. However, NEPA requires that each document state the amount and source of funds by Program Year. The analysis errantly failed to note that 2012 CDBG funds would be used. This oversight disqualified the use of 2012 CDBG funds for this project.

5. The final project budget for the LED-Lighted Crosswalk at Spring and 11th Streets totals \$80,523. Available eligible 2011 CDBG funds total \$76,814, leaving a balance of \$3,709 to be covered by other funds.

6. The CDBG-funded installation of sidewalks and handicapped ramps around Georgia Brown School did not include improvements at the intersection of 36th and Vine Streets. During construction of that project, the school's principal asked if such improvements could be added. Staff then requested preparation of a design, proposing to use 2012 CDBG funds allotted to the handicapped ramp

project. However, NEPA document for the preparation of plans was overlooked, thereby disqualifying the design from CDBG Funding.

7. The City spent \$12,882 on the design of the sidewalks and ramps at 36th and Vine Streets. This expense must be covered by funds other than CDBG funds.
8. The current list of improvements to be funded with Development Impact Fees includes the following:
 - a. Street improvements to install traffic-calming improvements (would include LED-Lighted Crosswalks);
 - b. Improvements to Vine Street between 32nd and 36th Streets (would include the intersection of Vine and 36th Streets).
9. A total of \$16,591 in Development Impact Fees is requested to supplement the CDBG funds for the two projects described above.

Analysis &
Conclusion:

Federal Regulations governing the CDBG Program, particularly those implementing NEPA, are very exacting about process and the need for environmental documents to describe not only the environmental effects of a project, but the amount and precise source of federal funds being used for the project (unlike the California Environmental Quality Act which is only concerned with the environmental effects of a project, and not with a project's source of funds).

The two subject projects are eligible for use of Development Impact Fees. The CDBG funds that otherwise would have been used for these projects will be available for other projects notably replacement of deteriorated asphalt sidewalks and installation of handicapped ramps along Brookhill Drive in Turtle Creek Park and installation of sidewalks and handicapped ramps at 36th and Vine Streets.

Attached is a resolution to appropriate Development Impact Fee funds to the accounts for the two subject projects.

Policy

Reference: Federal Regulations governing the CDBG Program

Fiscal Impact: No impact to the General Fund; the requested \$16,600 (rounded) will come from Development Impact Fee funds.

Options:

- a. Adopt the attached resolution appropriating Fund 213 Transportation Mitigation Development Impact Fee reserves to the accounts for the following projects:
 - (1) Installation of an LED-Lighted Crosswalk at Spring and 11th Streets.
 - (2) Design of sidewalks and curb ramps at 36th and Vine Streets.
- b. Amend, modify or reject the foregoing option.

Attachment: Resolution Appropriating Development Impact Fee Funds

RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROPRIATING DEVELOPMENT IMPACT FEES TO SUPPLEMENT COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FOR CERTAIN PUBLIC IMPROVEMENTS

WHEREAS, pursuant to Resolution 11-026, which determined those activities to be undertaken with the City's allotment of 2011 Community Development Block Grant (CDBG) funds, the City undertook the following CDBG-funded projects:

- a. Installation of an LED-Lighted Crosswalk at Spring and 11th Streets;
- b. Design of sidewalks and curb ramps at 36th and Vine Streets.

WHEREAS, the costs of completing both of the above projects exceeded the amount of 2011 CDBG funds available by a total of approximately \$16,600; and

WHEREAS, the two projects were eligible for use of 2012 CDBG funds, which could have closed the \$16,600 funding gap; and

WHEREAS, the environmental analysis required for both projects under the National Environmental Policy Act errantly failed to complete all of the technical requirements for maintaining eligibility for use of 2012 CDBG funds, thereby disqualifying the projects from using 2012 CDBG funds; and

WHEREAS, the two projects qualify for use of City Development Impact Fee funds on the following bases:

- a. LED-Lighted Crosswalks are a type of traffic-calming improvement;
- b. Improvements to Vine Street between 32nd and 36th Streets, which would include the intersection of Vine and 36th Streets;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby allocate and establish a budget appropriation of \$16,600 in Fund 213 Transportation Mitigation Development Impact Fee reserves to transfer to Fund 227 CDBG Funds and establish budget appropriations as follows:

1. \$3,700 for LED Crosswalks is appropriated to Account No. 227-910-5452-799;
2. \$12,900 for Handicapped Ramps (at 36th and Vine Streets) is appropriated to Account No. 227-910-5452-381.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 3rd day of September, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk