



Board Agenda Item 41

DATE: January 21, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Agreement with the City of Fowler (CDBG 19231)

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Agreement with the City of Fowler for the Fowler Panzak Park ADA Restroom, Community Development Block Grant Project No. 19231, effective upon execution through March 12, 2021 (\$304,240).

Approval of the recommended action will provide Community Development Block Grant (CDBG) funding for the Fowler Panzak Park ADA Restroom Project (Project), included in the County's 2019-20 Action Plan for CDBG funds, approved by your Board on June 4, 2019. The Project cost is estimated at \$304,240, and consists of replacing the existing park restroom with a prefabricated restroom meeting Americans with Disabilities Act (ADA) standards, located at Panzak Park, on the north side of Merced Street between 2nd and 3rd Streets in the City of Fowler (City). The County will provide \$116,444 in CDBG funds for the Project. The City will provide a local financial contribution of \$187,796 in excess of the CDBG funds, necessary to complete the Project by March 12, 2021. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Your Board may direct the City to propose a different eligible use for its CDBG funds; however, a different use would require an amendment to the County's 2019-20 Action Plan for CDBG funds.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The total estimated Project cost is \$304,240, which includes construction; design and construction engineering; and contingency, permits, and miscellaneous. CDBG funds in the amount of \$116,444 are included in the Department of Public Works and Planning - CDBG Org 7205 FY 2019-20 Adopted Budget. The County provides the funds on a reimbursement basis. The City will provide a local financial contribution (\$187,796) in excess of the CDBG funds that may be necessary to complete the Project by March 12, 2021.

DISCUSSION:

The U.S. Department of Housing and Urban Development (HUD) annually allocates CDBG funding to the County using a formula based on census data for the County and its partner cities. Using the same formula, the County then reallocates a portion of the CDBG funds to its partner cities through a Joint Powers Agreement (JPA) for the purpose of carrying out housing and community development activities. The JPA permits the partner cities to select eligible projects for submission to the County for consideration. Under the JPA, the County is responsible for the overall administration of the CDBG Program and for the contract

management of each project receiving CDBG funds. The Agreement contains a mutual indemnity clause consistent with the JPA.

The Project was approved by the Board for inclusion in the 2019-20 Action Plan, and will fund the replacement of the existing park restroom with a prefabricated restroom and appurtenant facilities meeting ADA standards. Existing water, sewer, and electrical utility infrastructure, landscaping, irrigation, pavement, and other park amenities may be modified or replaced to accommodate construction. The Project is located at Panzak Park, on the north side of Merced Street between 2nd and 3rd Streets in the City. The improvements will provide improved and ADA-compliant restroom facilities that will be usable by all residents. The Project is expected to be completed by March 12, 2021.

If necessary, in addition to providing local funds in excess of the CDBG funds for the Project, the recommended agreement requires the City to prepare design plans and specifications that conform to Federal and State regulations governing Federally-assisted projects. The City will also be responsible for advertising and awarding of the Project to the lowest responsible bidder, and completion of the necessary construction engineering. The County agrees to review and approve the plans and specifications for compliance with Federal regulations prior to the City advertising the Project for bid. The City agrees to maintain the Project after completion.

Environmental Assessment No. 7661 was completed for the Project under the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Based on the environmental review, the Project is categorically exempt from the provisions of the CEQA Guidelines under Section 15302 - Replacement or Reconstruction. Under Section 15302, a Class 2 exemption consists of the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. Based on the environmental review, A Finding of No Significant Impact (FONSI), per 24 CFR Section 58.36 of the HUD NEPA Guidelines, was made for the Project, and a Combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds was published on November 22, 2019.

With your Board's approval, the recommended CDBG allocation of \$116,444 will be made to the City for the Project, which was listed in the County's 2019-20 Action Plan.

OTHER REVIEWING AGENCIES:

The City of Fowler has reviewed and approved the recommended agreement.

REFERENCE MATERIAL:

BAI #14, June 4, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk - Agreement with City of Fowler

CAO ANALYST:

Sonia M. De La Rosa