

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 5/2/2005	Department ID Number: PW 05-029

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: PAUL EMERY, ACTING DIRECTOR OF PUBLIC WORKS

SUBJECT: **Adopt Resolution Authorizing Execution Of Program Supplement Agreement For Beach Blvd. Landscape Enhancement TEA Project**

2005 APR 19 PM 3:33
 HUNTINGTON BEACH, CA
 CITY CLERK

Res. No. 2005-33

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

A resolution is required to execute Program Supplement Agreement No. M029 for preliminary engineering related to the design phase of the Beach Boulevard Parkway Landscape Enhancement Project. Funding is authorized through the Federal Transportation Enhancement Activities (TEA) program.

Funding Source: The project is budgeted in TEA Grant Fund, Beach Boulevard, Street Improvements, 89090003.82300.

Recommended Action:

1. Adopt Resolution No. 2005-33 A resolution of the City Council of the City of Huntington Beach authorizing the Mayor and City Clerk to execute Program Supplement No. M029 to Agreement No 12-5181 for preliminary engineering of the Beach Boulevard Parkway Landscape Enhancement Project.

Alternative Action(s): Do not adopt the resolution and forfeit Federal Aid Program funding for preliminary engineering in the amount of \$45,000.

REQUEST FOR ACTION

MEETING DATE: 5/2/2005

DEPARTMENT ID NUMBER: PW 05-029

Analysis: On February 7, 1978, the City entered into an agreement with the State of California for the Federal Aid Program, identified as Master Agreement 12-5181. On June 16, 1997, the State and City entered into an updated Agreement that included new provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) and the reengineered Local Assistance procedures.

The resolution will allow the City to execute Program Supplement No. M029, which covers preliminary engineering costs for the Beach Boulevard Parkway Landscape Enhancement Project. Design work includes items such as asphalt paving, curb and gutter, a north-bound bus turn-out, landscaping, sidewalk, and a decorative, variable height wall along the east side of Beach Boulevard between Taylor Drive and Sterling Avenue.

Additionally, the City has received preliminary approval for \$285,000 from the ISTEA program toward construction costs. Gas Tax will provide matching funds of approximately \$200,000. A separate Program Supplement Agreement will be required for the construction phase of this project that will be awarded later this year.

Public Works Commission Action: Not required for this action.

Environmental Status: Not applicable.

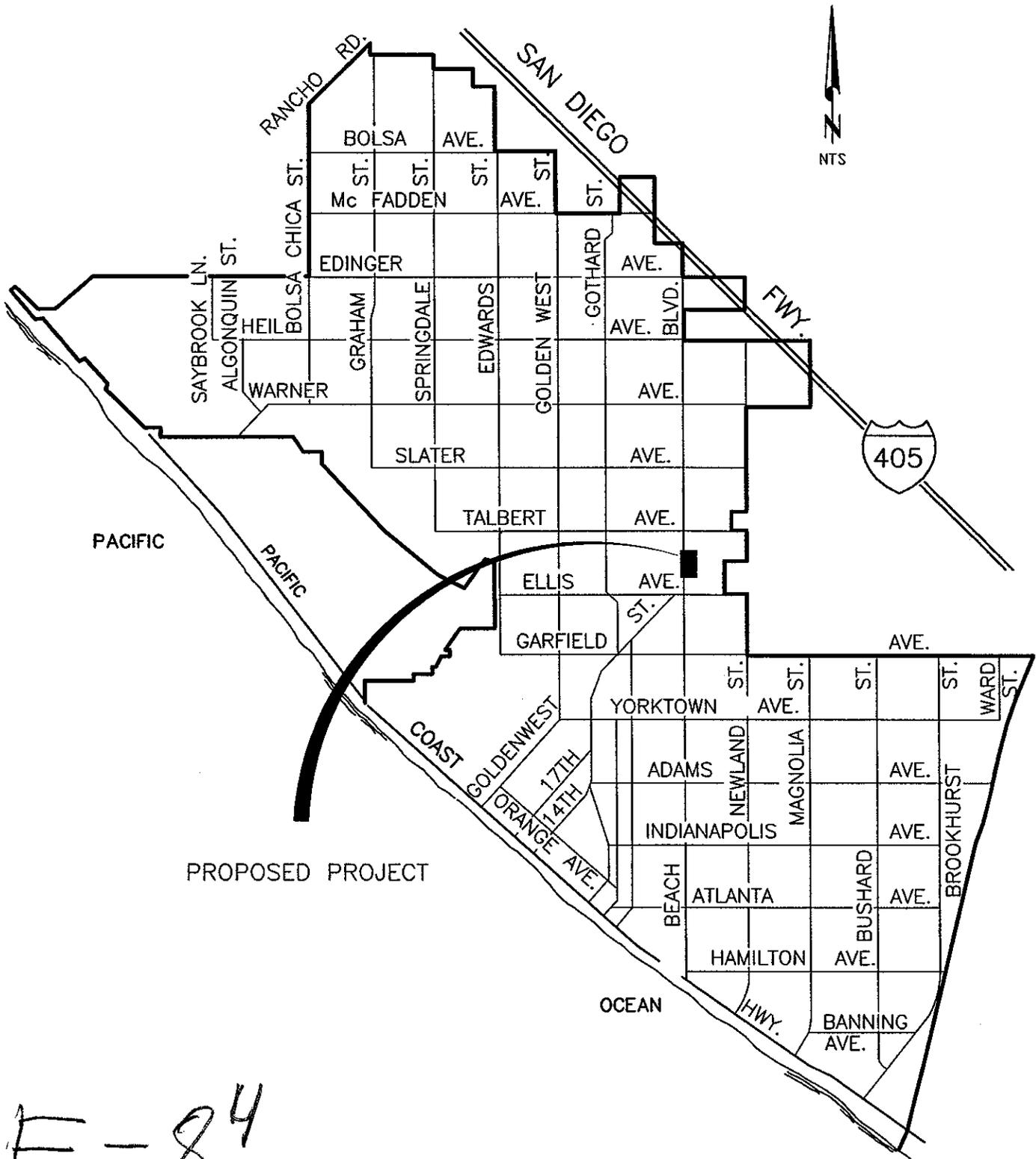
Attachment(s):

City Clerk's Page Number	No.	Description
3	1	Location Map
5	2	Resolution No. <u>2005-33</u>
7	3	Supplement Agreement No. M029 (2 copies)

E-82

E-8.3

ATTACHMENT #1



E-84

BEACH BLVD & FRONTAGE ROAD
 LOCATION MAP - CC1229
 CITY OF HUNTINGTON BEACH
 DEPARTMENT OF PUBLIC WORKS



4/4/2005

E-8.5

ATTACHMENT #2

RESOLUTION NO. 2005-33

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH AUTHORIZING
THE MAYOR AND CITY CLERK TO EXECUTE
PROGRAM SUPPLEMENT NO. M029 TO AGREEMENT
NO. 12-5181 FOR BEACH BOULEVARD PARKWAY
LANDSCAPE ENHANCEMENT PROJECT

WHEREAS, on June 16, 1997 the City entered into an agreement with the State of California for the Federal Aid Program, identified as Agreement No. 12-5181 (Master Agreement); and

Program Supplemental No. M029 to the above mentioned Master Agreement requires preliminary engineering for landscape and hardscape improvements along the east side of Beach Boulevard between Taylor Drive and Sterling Avenue; and

The estimated cost for the project is \$60,000.00; and

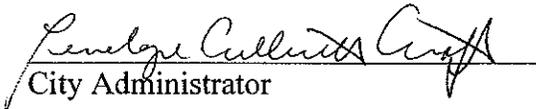
From the estimated project cost, the following dollar amount will be appropriated from Federal Transportation Enhancement Activities funds as shown on Attachment A hereto: M029 \$45,000.00 (Beach Boulevard Parkway Landscape Enhancement),

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach that the Mayor and City Clerk are authorized and directed to execute the necessary documents to implement Program Supplement No. M029 to Master Agreement No. 12-5181 for the Beach Boulevard Parkway Landscape Enhancement Project.

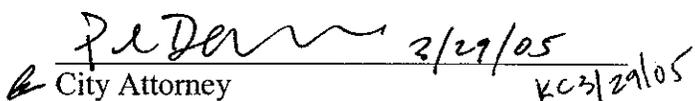
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

Mayor

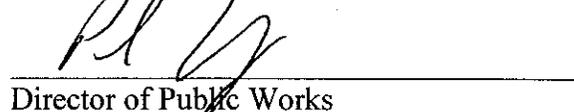
REVIEWED AND APPROVED:


City Administrator

APPROVED AS TO FORM:

 3/29/05
City Attorney KC3/29/05

INITIATED AND APPROVED:


Director of Public Works

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E-8?

ATTACHMENT #3

PROGRAM SUPPLEMENT NO. M029
 to
 ADMINISTERING AGENCY-STATE AGREEMENT
 FOR FEDERAL-AID PROJECTS NO. 12-5181

Date: March 08, 2005
 Location: 12-ORA-0-HNTB
 Project Number: STPLER-5181(150)
 E.A. Number: 12-931644

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 06/29/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____, approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks set forth on the following pages.

PROJECT LOCATION:

East side of Beach Boulevard from Taylor Drive to Sterling Avenue

TYPE OF WORK: Landscaping and sidewalk

LENGTH: 0.2 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	BTBO		LOCAL		OTHER
\$60,000.00		\$45,000.00	\$15,000.00	\$0.00	\$0.00

CITY OF HUNTINGTON BEACH

STATE OF CALIFORNIA
 Department of Transportation

By _____

By _____

Date _____

Chief, Office of Project Implementation
 Division of Local Assistance

Attest _____

Date _____

Title _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *[Signature]* Date 3/9/05 \$45,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
157	2003	2660-102-890	2003-2004	20.30.010.827	C	262042	892-F	45,000.00

E-8.8

STPLER-5181(150)

SPECIAL COVENANTS OR REMARKS

1. All project repair, replacement and maintenance involving the physical condition and the operation of project improvements referred to in Article III MAINTENANCE, of the aforementioned Master Agreement will be the responsibility of the ADMINISTERING AGENCY and shall be performed at regular intervals and as required for efficient operation of the completed project improvements.
2. The ADMINISTERING AGENCY will reimburse the STATE for the ADMINISTERING AGENCY share of costs for work requested to be performed by the STATE.
3. The ADMINISTERING AGENCY agrees that payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration (FHWA) in the Federal-Aid Project Authorization/Agreement or Amendment/Modification (E-76) and accepts any resultant increases in ADMINISTERING AGENCY funds as shown on the Finance Letter, any modification thereof as approved by the Division of Local Assistance, Office of Project Implementation.
4. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the most current published Local Assistance Procedures Manual.
5. The ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act and OMB A-133 if it receives a total of \$500,000 or more in federal funds in a single fiscal year. The federal funds received under this project are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning & Research. OMB A-133 superceded OMB A-128 in 1996. A reference to OMB A-128 in a Master Agreement (if any) is superceded by this covenant to conform to OMB A-133.
6. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS#33

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STPLER-5181(150)

SPECIAL COVENANTS OR REMARKS

P. O. Box 942874
Sacramento, CA 94274-0001

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual and LPP 01-06.

7. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a STATE approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.
8. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
9. This PROJECT is programmed to receive Federal Transportation Enhancement Activities (TEA) fund. The ADMINISTERING AGENCY agrees that any functional or operational change to a TEA PROJECT, before, during or after PROJECT acquisition and/or construction, that does not comply with, or is in conflict with, the TEA program requirements and the original purpose of the project at the time it was programmed may render the PROJECT ineligible for Federal reimbursement and ADMINISTERING AGENCY may be required to reimburse STATE the entire amount of TEA funds contributed to the project or the value of the TEA fund contribution, based upon the fair market value of the acquisition and/or construction, at the time the conflict and/or non-compliance is determined, whichever is greater.
10. This San Francisco Bay Area "Spare the Air Campaign" project for FY 03/04 and 04/05 provide funds to: inform/educate the public of ozone problems, notify the public of "Spare the Air Days", encourage the use of transit, ridesharing, and other alternative

E-8.10

SPECIAL COVENANTS OR REMARKS

modes of transportation.

11. "ADMINISTERING AGENCY certifies that neither the ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this agreement. ADMINISTERING AGENCY agrees that it will notify the STATE immediately, in the event a suspension or a debarment happened after the execution of this agreement."

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