

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Fred Smith via Clay Holstine, City Manager

DATE: Meeting of July 17, 2014

SUBJECT: Consider approval of Resolution No. 2014-34 approving the filing of an application for grant funds under the California Coastal Conservancy San Francisco Bay Area Conservancy Program and authorizing execution of documents on behalf of the city.

RECOMMENDATION:

Approve resolution No. 2014-34

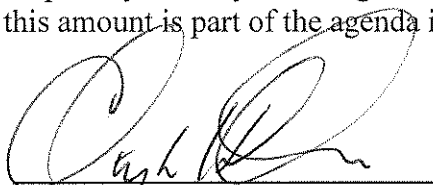
BACKGROUND and DISCUSSION:

The City has received preliminary approval of a 50% matching grant from staff of the California Coastal Conservancy's Bay Area Conservancy Program in the amount of \$40,000 to fund acquisition of one parcel of land in the Brisbane Acres. This award is subject to final approval by the Coastal Conservancy Board.

The Coastal Conservancy requires a resolution authorizing the application from the governing body of the agency applying for funds. This is the proposed resolution currently before the Council. The purchase agreement with the property owners require approval and ratification by the City Council and that resolution is also before the Council on this agenda.

FISCAL IMPACT/FINANCING ISSUES

There is no direct cost attached to this resolution. The purchase price of the parcel is \$80,000, half of which will be funded by the Conservancy, with the other half paid by the City. Closing and appraisal costs must be paid by the City. A supplemental appropriation for this amount is part of the agenda item for ratification of the purchase agreements.



Clay Holstine, City Manager

ATTACHMENTS:

Resolution No. 2014-34

RESOLUTION NO. 2014-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL
CONSERVANCY FOR SAN BRUNO MOUNTAIN BRISBANE ACRES
ACQUISITION 4**

WHEREAS, the Legislature of the State of California has established the State Coastal Conservancy (“Conservancy”) under Division 21 of the California Public Resources Code, and has authorized the Conservancy to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21; and

WHEREAS, the Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy’s Strategic Plan and that best achieve the Conservancy’s statutory objectives, in light of limited funding.

WHEREAS, the City of Brisbane (“applicant”) has applied for or intends to apply for Conservancy grant funding for San Bruno Mountain Brisbane Acres Acquisition 4 (“the project”).

WHEREAS, the Conservancy encourages applicants for grant funding to certify through a resolution the applicant’s approval of the application and of certain listed assurances at the time of submission of an application to the Conservancy for an award of grant funds.

NOW, THEREFORE, be it resolved that the applicant hereby:

1. Approves the filing of an application for funding by the Conservancy.
2. Agrees to the List of Assurances, attached as Exhibit 1.
3. Has or will have sufficient funds to complete and, following completion, to operate and maintain any property acquired under the project or to operate and maintain any facilities funded as part of the project for a reasonable period, not less than the useful life of the facilities.
4. Agrees to provide any funds beyond the Conservancy grant funds necessary to complete the project.
5. Authorizes any person holding any of the following positions with the applicant to act as a representative of the applicant and to negotiate and execute on behalf of the grantee all agreements and instruments necessary to comply with the Conservancy's grant requirements, including, without limitation, the grant agreement: City Manager of the City of Brisbane

W. Clarke Conway, Mayor

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the 17th day of July, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci, City Clerk

Exhibit I
List of Assurances

The applicant is applying for a grant of funds from the California State Coastal Conservancy with respect to a proposed project. The applicant hereby assures and certifies that it will comply with Conservancy regulations, policies, and requirements as they relate to the acceptance and use of Conservancy funds for this project. The applicant further gives assurance and certifies with respect to the proposed grant that:

1. It possesses legal authority to apply for the grant, and to finance or acquire property or to finance and construct any proposed facilities, as proposed; that, where appropriate, a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of an application, and authorizing one or more persons as the official representative(s) of the applicant to act in connection with the application and to provide additional information that may be required.
2. It will have sufficient funds available to meet its own share of the cost for the project that has been proposed for grant funding. Sufficient funds will also be available when the project is completed to assure the effective operation and maintenance of any real property acquired or facilities constructed under the proposed grant for the purposes for which the funding was provided.
3. It holds or will hold sufficient title, interest, or rights in the property on which any project work will occur to enable it to undertake lawful development and construction of the project. (Documentation may be requested by the Executive Officer of the Conservancy.)
4. It will not dispose of or encumber its title, interest, or other rights in the property acquired or in the site and facilities constructed under the proposed grant, except as permitted by the Conservancy.
5. It will give the Conservancy, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the Conservancy's grant.
6. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Conservancy that funds have been approved, and the project will be carried to completion with reasonable diligence.
7. It will, where appropriate, comply with the requirements of the State Government Code 7260 et seq., which provides for equitable treatment and relocation assistance for persons displaced by eminent domain.
8. It will, where appropriate, comply with the requirements of the California Environmental Quality Act.
9. It will comply with all requirements imposed by the Conservancy concerning special provisions of law, and program requirements.