

RESOLUTION NO. 09-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AUTHORIZING THE SUBMITTAL OF GRANT APPLICATION FOR \$750,000 WITH
THE CALIFORNIA OCEAN PROTECTION COUNCIL PROPOSITION 1 GRANT
PROGRAM UNDER THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE
IMPROVEMENT ACT OF 2014 TO STUDY DESIGN ALTERNATIVES AND
PERMITTING OF THE BEACH BOULEVARD SEAWALL AND PROMENADE
REPLACEMENT PROJECT**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Ocean Protection Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project

WHEREAS, the City of Pacifica has the authority to plan, construct, and maintain the Beach Boulevard Seawall and Promenade; and

WHEREAS, severe winter storms combined with high tides, swells and waves have caused significant erosion and ground subsistence severely impacting the Beach Boulevard Seawall and Promenade; and

WHEREAS, the City of Pacifica is requesting a Proposition 1 grant of \$750,000 from the California Ocean Protection Council; and

WHEREAS, the project starts a multi-year collaborative process to completely replace the Beach Boulevard Seawall and Promenade resulting in a feasibility study, additional studies, assessments, and surveys, conceptual design alternatives, permits and consultations; and

WHEREAS, the project will create an engineered solution to protect public and infrastructure, private property, public health and safety, recreational use and beach access, and anticipate changes in sea level rise; and

NOW, THEREFORE, BE IT RESOLVED that the City of Pacifica

1. Approves the filing of an application for the Beach Boulevard Seawall and Promenade Project; and
2. Determines Applicant is eligible to apply for a State grant; and
3. Certifies that applicant understands the assurances and certification in the application herein, and

4. Certifies applicant organization has long-term control of the property and will provide satisfactory documentation of the long-term control as part of the grant agreement development process; and
5. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
6. Certifies the proposed project/organization is free of any legal challenges that could undermine progress on the project; and
7. Gives State permission to publish any provided digital image to its website and to crop or resize the image; and
8. Agrees to acknowledge State's support in any news media, brochures, articles, publications, seminars, exhibits, buildings, displays, products, or other promotion materials about the funded project; and
9. Certifies that it will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 40 Funds, and
10. Agrees that projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with all current laws and regulations which apply to the Project, including, but not limited to, labor codes related to prevailing wage, legal requirements for construction contracts, building codes, environmental laws, health and safety codes, disabled access and historic preservation laws and environmental laws. Grantee will be required to certify that, prior to commencement of construction, all applicable permits and licenses (e.g., state contractor's license) will be obtained; and
11. Agrees to adhere to the Americans with Disabilities Act of 1990 (ADA) and the 2010 ADA Standards for Accessible Design. Title III of the ADA covers places of public accommodation (such as museums, libraries, and educational institutions) and includes a specific section regarding new construction and alterations in public accommodations; and
12. Agrees that projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with the National Historic Preservation Act and NAGPRA (Native American Graves Protection and Repatriation Act); and
13. Waives all rights to privacy and confidentiality of the material submitted to State; and
14. Agrees to execute a grant agreement prior to the encumbrance deadline, and will cause work on the project to be commenced within a reasonable time after encumbering the funds, so that the project will be complete and the final invoice submitted to the State by relevant deadlines; and

BE IT FURTHER RESOLVED that the City of Pacifica appoints the City Manager, or designee, 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 aforementioned project(s).

PASSED and ADOPTED at a regular meeting of the City Council of the City of Pacifica on the 12th day of March, 2018.

AYES, Council Members: Martin, O'Neill, Digre, Vaterlaus, Keener

NOES, Council Members: None

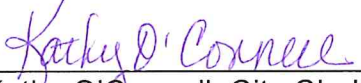
ABSENT, Council Members: None

ABSTAIN, Council Members: None



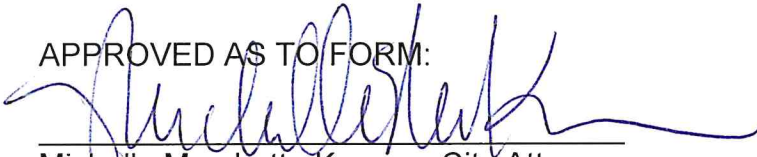
John Keener, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney