



# City of San Leandro

Meeting Date: November 18, 2013

## Staff Report

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**File Number:** 13-551 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.Ö.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Uchenna Udemezue  
Engineering & Transportation Director

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** Staff Report for a Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 023-N to Administer the Agency-State Agreement for Federal-Aid Projects No. 04-5041R, for the design phase of the Bancroft Avenue and Sybil Avenue Intersection Improvements

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### RECOMMENDATIONS

Staff recommends approval of a resolution authorizing the City Manager to execute the Program Supplement Agreement that accepts federal funding and obligates the City to provide matching funds and complete the Bancroft Avenue and Sybil Avenue Intersection Improvements.

### BACKGROUND

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was signed into law on August 10, 2005, established the Highway Safety Improvement Program (HSIP) as a core Federal-aid program. The overall purpose of this Program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements.

The Engineering & Transportation Department has been awarded \$448,800 from the 2011-12 cycle of HSIP to upgrade the traffic signal and improve the traffic safety at the Bancroft Avenue and Sybil Avenue Intersection.

The intersection ranks high on the City's High Collision Intersections list, which is regularly monitored and updated by City staff. City staff has tried several low cost alternatives to improve the intersection's safety, but the combined results have shown that additional work was necessary. City staff believes that signal modifications is the most effective and efficient way of improving safety at the intersection.

To reduce left turn-related collisions from Bancroft Avenue and make it easier for residents to enter the neighborhood, this project improves the traffic signals by including a left turn arrow and updates the equipment to current standards. The improved signal will include new video detection system to better regulate traffic flows, and an Accessible Pedestrian Signal (APS) to help visually impaired individuals safely cross the street.

### **Analysis**

The State of California Department of Transportation (Caltrans), through the HSIP, approved \$448,800 in federal funding for the design and construction for the Bancroft Avenue and Sybil Avenue Intersection Improvements. The City must commit to a matching fund amount of \$50,000 and assure project completion.

The HSIP funding was approved by Caltrans for design and construction of improvements at the intersection to provide safer conditions for both pedestrians and vehicular traffic following the HSIP guidelines. New signal equipment will be installed at the Bancroft Avenue and Sybil Avenue intersection and the traffic signal will be interconnected with the City's Traffic Operation Center.

Upon the City Council authorizing the City Manager to execute Program Supplement Agreement No. 023-N to the Master Agreement with Caltrans Local Assistance staff will proceed to make funds available for the design phase of the project. This phase is estimated to cost \$77,000. The HSIP grant will provide \$69,300, and the City must provide \$7,700 as our match for this phase. After completion of the design work, the City must execute a second Program Supplement Agreement for the construction portion of the work.

### **Previous Actions**

- On February 5, 2007, by Resolution No. 2007-005, the City Council approved the Administering Agency-State Master Agreement for Federal-Aid Projects.

### **Applicable General Plan Policies**

- This action is consistent with Streets and Highway Goal No. 16 of the General Plan and Action Item 16.03-A: Funding for Maintenance
- This action is consistent with Traffic Safety Goal No. 18 of the General Plan and Action Item 18-02

### **Summary of Public Outreach Efforts**

City staff discussed the project concept at the Bicycle and Pedestrian Advisory Committee (BPAC) meeting on June 14, 2011.

### **Fiscal Impacts**

- The total project cost is \$498,800
- Federal funds amount to \$448,800 with the City providing DFSI matching funds in the amount of \$50,000

**Budget Authority**

- Grant funds in the amount of \$448,800 were allocated to this project in account 150-38-348. DFSI funds in the amount of \$50,000 were allocated to this project for the match in account 120-38-348.

**PREPARED BY:** Reh-Lin N. Chen, Senior Transportation Engineer, Engineering and Transportation Department



# City of San Leandro

Meeting Date: November 18, 2013

## Resolution - Council

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**File Number:** 13-552 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Uchenna Udemezue  
Engineering & Transportation Director

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** RESOLUTION Authorizing the City Manager to Execute Program Supplement Agreement No. 023-N to Administer the Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the design phase of the Bancroft Avenue and Sybil Avenue Intersection Improvements (provides for federal funding of Intersection Improvements at Bancroft Avenue and Sybil Avenue)

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WHEREAS, an Administering Agency-State Agreement for Federal Aid was entered into between the City of San Leandro and the State on February 22, 2007; and

WHEREAS, the City has been awarded a \$448,800 Highway Safety Improvement Program Grant and must execute a Program Supplement Agreement to receive the funds; and

WHEREAS, Program Supplement No. 023-N to Administering Agency-State Agreement for Federal-Aid Projects No. 04-5041R between the City of San Leandro and the State of California has been presented to this City Council; and

WHEREAS, the City Council is familiar with the contents thereof; and

WHEREAS, the City Manager recommends approval of said agreement.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. That said Program Supplement No. 023-N to Administering Agency-State Agreement for Federal-Aid Projects No. 04-5041R substantially in the form presented is hereby approved and execution by the City Manager is hereby authorized; and

2. That the City Manager is authorized to make non-substantial revisions to said agreement, subject to the approval of the City Attorney; and

3. That an original executed agreement shall be attached to and made a part of this resolution.

**PROGRAM SUPPLEMENT NO. N023**  
**to**  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 04-5041R**

**Adv Project ID**                      **Date:** October 1, 2013  
0413000196                      **Location:** 04-ALA-0-SLN  
   **Project Number:** HSIPL-5041(042)  
   **E.A. Number:**  
   **Locode:** 5041

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/22/07 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 the 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:**

Bancroft Ave./Sybil Ave.

**TYPE OF WORK:** Upgrade traffic signals; install protected left-turn phasing; construct sidewalks, curb ramps, C&G                      **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	MS30		LOCAL	OTHER
\$77,000.00	\$69,300.00		\$7,700.00	\$0.00

**CITY OF SAN LEANDRO**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

By \_\_\_\_\_  
**Chief, Office of Project Implementation**  
**Division of Local Assistance**  
Date \_\_\_\_\_

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

**Accounting Officer**                       **Date** 10/2/13'                      \$69,300.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

TO: <b>STATE CONTROLLER'S OFFICE</b> <b>Claims Audits</b> <b>3301 "C" Street, Rm 404</b> <b>Sacramento, CA 95816</b>	DATE PREPARED: <b>10/2/2013</b>	PROJECT NUMBER: <b>0413000196</b>
	REQUISITION NUMBER / CONTRACT NUMBER: <b>RQS-2660-041400000349</b>	

FROM: **DEPARTMENT OF TRANSPORTATION**

SUBJECT: **ENCUMBRANCE DOCUMENTS**

VENDOR / CONTRACTOR:  
**City of San Leandro**

CONTRACT AMOUNT:  
**\$69,300.00**

**LOCAL ASSISTANCE**

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
21	2012	2660-102-890	2012-2013	2030010/550	2620/0420	\$69,300.00

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**SPECIAL COVENANTS OR REMARKS**

1. 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).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

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.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if



**SPECIAL COVENANTS OR REMARKS**

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.