

RESOLUTION NO. 2024-197

AUTHORIZE THE DIRECTOR OF FINANCE AND MANAGEMENT SERVICES TO AMEND THE FY 2024/25 CIP BUDGET WITH AN ADDITIONAL \$745,128 FOR THE NICHOLSON PARK IMPROVEMENTS PROJECT USING THE MEASURE S FUND BALANCE.; AND AUTHORIZE THE DIRECTOR OF FINANCE AND MANAGEMENT SERVICES TO INCREASE THE CONSTRUCTION CONTINGENCY AND CONSTRUCTION MANAGEMENT BUDGET FROM \$1,290,000 TO THE TOTAL AMOUNT OF \$2,139,564.87.; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXPEND THE CONTINGENCY FUND, IF NECESSARY, TO COMPLETE THE PROJECT.

WHEREAS, The City Desires to construction additional picnic shelter, shade, and steel trellis improvements at Nicholson Park.

WHEREAS, on June 24, 2020, the Mayor and City Council approved Resolution No. 2020-128, which adopted the City's Annual Operating Budget for Fiscal Year 2020/21, providing \$1,000,000 from the Community Development Block Grant (CDBG) and \$186,833.31 from Meadowbrook Insurance Claim funds.

WHEREAS, on February 2, 2022, the Mayor and City Council approved Resolution 2022-26, allocating an additional \$8,850,000 in American Rescue Plan Act (ARPA) funds

WHEREAS, On April 17, 2024 the Mayor and City Council approved an additional \$1,746,044.73 as part of amendments to the Community Development Block Grants 2023-2024 and 2020-21 Annual Action Plans.

WHEREAS, on March 3, 2021, the Mayor and City Council approved a Design Services Agreement with RHA Landscape Architects-Planners, Inc. in the amount of \$215,295.

WHEREAS, on August 3, 2022, the Mayor and City Council approved Amendment No. 1 to the Design Services Agreement with RHA Landscape Architects-Planners, Inc. in the amount of \$197,250.

WHEREAS, on August 2, 2023, the Mayor and City Council approved Amendment No. 2 to the Design Services Agreement with RHA Landscape Architects-Planners, Inc. in the amount of \$47,300 for a total design budget of \$459,845.

WHEREAS, on December 6, 2023, the Mayor and City Council approved a Construction Agreement with Urban Habitat for the Construction of Nicholson Neighborhood Park in the amount of \$8,147,197.56.

WHEREAS, on February 21, 2024 the Mayor and City Council approved a Professional Services Agreement with Z&K Consultants for Construction Management and Inspection services in the amount off \$471,876.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The Mayor and City Council hereby authorize the Director of Finance and Management Services to amend the FY 2024/25 CIP Budget with an additional \$745,128 for the Nicholson Park Improvements Project using the Measure S fund balance.

SECTION 3. The Mayor and City Council hereby authorize increasing the construction contingency and construction management budget from \$1,290,000 to the total amount \$2,139,564.87.

SECTION 4. The Mayor and City Council hereby authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the Projects.

SECTION 5. The City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 4th day of September 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-197, adopted at a regular meeting held on the 4th day of September 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2024.

Genoveva Rocha, CMC, City Clerk