

RESOLUTION NO. RES-19-0028

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING THE APPLICATION
FOR GRANT FUNDS FOR THE CALIFORNIA OCEAN
PROTECTION COUNCIL'S PROPOSITION 1 GRANT
PROGRAM UNDER THE WATER QUALITY, SUPPLY AND
INFRASTRUCTURE IMPROVEMENT ACT OF 2014
(PROPOSITION 1), FOR THE LONG BEACH MUNICIPAL
URBAN STORMWATER TREATMENT RECYCLE FACILITY

WHEREAS, the Legislature and Governor of the State of California have
provided funds for the California Ocean Protection Council's Proposition 1 Grant
Program; and

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

WHEREAS, the City of Long Beach, as the applicant will enter into a
contract with the State of California for the project;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as
follows:

Section 1. Approves the filing of an application for the Long Beach
Municipal Urban Stormwater Treatment (LB-MUST) Recycle Facility (the "Project") under
the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1).

Section 2. Determines the City of Long Beach ("Applicant") Is eligible to
apply for a State grant.

Section 3. Certifies that Applicant understands the assurances and
certification in the application herein.

1 Section 4. Certifies the City of Long Beach has long-term control of the
2 property and will provide satisfactory documentation of the long-term control as part of
3 the grant agreement development process.

4 Section 5. Certifies that Applicant will have sufficient funds to operate
5 and maintain the Project consistent with the land tenure requirements; or will secure the
6 resources to do so.

7 Section 6. Certifies the proposed Project is free of any legal challenges
8 that could undermine progress on the Project.

9 Section 7. Gives State permission to publish any provided digital image
10 to its website and to crop or resize the image.

11 Section 8. Agrees to acknowledge State's support in any news media,
12 brochures, articles, publications, seminars, exhibits, buildings, displays, products, or
13 other promotion materials about the funded Project.

14 Section 9. Certifies that it will comply with the provisions of Section
15 1771.5 of the State Labor Code regarding payment of prevailing wages on projects
16 awarded Proposition 40 Funds.

17 Section 10. Agrees that projects involving construction, renovation, repair,
18 rehabilitation, or ground or visual disturbances must comply with all current laws and
19 regulations which apply to the Project, including, but not limited to, labor codes related to
20 prevailing wage, legal requirements for construction contracts, building codes,
21 environmental laws, health and safety codes, disabled access and historic preservation
22 laws and environmental laws. Grantee will be required to certify that, prior to
23 commencement of construction, all applicable permits and licenses (e.g., state
24 contractor's license) will be obtained.

25 Section 11. Agrees to adhere to the Americans with Disabilities Act of
26 1990 (ADA) and the 2010 ADA Standards for Accessible Design. Title III of the ADA
27 covers places of public accommodation (such as museums, libraries, and educational
28 institutions) and includes a specific section regarding new construction and alterations in

1 public accommodations.

2 Section 12. Agrees that projects involving construction, renovation, repair,
3 rehabilitation, or ground or visual disturbances must comply with the National Historic
4 Preservation Act and NAGPRA (Native American Graves Protection and Repatriation
5 Act).

6 Section 13. Waives all rights to privacy and confidentiality of the material
7 submitted to State.

8 Section 14. Agrees to execute a grant agreement prior to the
9 encumbrance deadline, and will cause work on the Project to be commenced within a
10 reasonable time after encumbering the funds, so that the Project will be complete and the
11 final invoice submitted to the State by relevant deadlines.

12 Section 15. Agrees that for all property acquired with Prop 1 funds,
13 Applicant will accept, sign, notarize and record a declaration of covenants, conditions and
14 restrictions (deed restrictions) which attaches the conditions of the grant, as set forth in
15 the grant agreement, on the use and enjoyment of the property until the end land tenure
16 date specified in the grant agreement.

17 Section 16. Appoints the City Manager, or designee, as agent to conduct
18 all negotiations, execute, and submit all documents including, but not limited to
19 applications, agreements, payment requests and so on, which may be necessary for the
20 completion of the Project.

21 Section 17. This resolution shall take effect immediately upon its adoption
22 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of March 12, 2019
by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Andrews, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Uranga.



City Clerk