

**City of Culver City, California
Agenda Item Report**

Meeting Date: 3/24/14		Item Number: <u>A-4</u>	
CITY COUNCIL AGENDA ITEM: FOUR-FIFTHS VOTE REQUIRED - (1) Approval of an Agreement with AHBE Landscape Architects in an Amount Not-to-Exceed \$140,000 for the Development of a Streetscape Plan for the Washington National Transit Oriented Development District; and (2) Approval of a Budget Amendment Related Thereto.			
Contact Person/Dept.: Sol Blumenfeld Elaine Warner		Phone Number: (310) 253-5702 (310) 253-5777	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (03/19/14)			
Department Approval: Sol Blumenfeld (03/18/14)		City Attorney Approval: Carol Schwab (by H. Baker (03/18/14))	
Chief Financial Officer Approval: Jeff Muir (03/19/14)		City Manager Approval: John M. Nachbar (03/19/14)	
<u>RECOMMENDATION</u> Staff recommends that the City Council: 1.) Approve an agreement with AHBE Landscape Architects in an amount not-to-exceed \$140,000 for the preparation of a Washington National Transit Oriented Development District Streetscape Plan; and, 2.) Approve a budget amendment appropriating \$140,000 from General Fund Reserves. <u>BACKGROUND</u> In 2008, the City Council designated the area surrounding the Culver City Exposition Light Rail Station a Transit Oriented Development (TOD) District (Attachment 1). Certain properties within the TOD District have been rezoned and entitled for transit oriented developments, and the City is now moving forward with related streetscape work through the preparation and implementation of a Washington National Transit Oriented Development District Streetscape Plan (Plan) that will improve the pedestrian orientation of the area. The overall objective of the Plan is to create an attractive, harmonious, pedestrian environment with sustainable, low impact development that will encourage walkability and complement area transit use.			

City of Culver City, California
Agenda Item Report

Over the past several months, staff has met with area stakeholders, including property owners with project entitlements or pending entitlements, to discuss the relationship of the Plan to their projects and to examine methods of finance for the design and construction of the streetscape improvements. Currently entitled projects contain conditions for mandatory coordination with the Plan and all future discretionary approvals will also mandate Plan compliance. The Plan elements will include Low Impact Development (LID) to minimize storm water discharge where feasible, low maintenance, drought tolerant shrub and ground cover planting, canopy shade street trees with tree grates, benches, trash receptacles, bike racks, in-ground planters, and sidewalk, curb and gutter replacement. The Plan will also include crosswalks and street banners to be constructed by the City.

LID reduces storm water discharge by slowing, cleaning, and capturing urban runoff to increase groundwater recharge and water reuse. The new National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 became effective in December, 2012 and requires that the City develop LID ordinances that will handle stormwater runoff. The goal is to capture the first $\frac{3}{4}$ " of rainfall through infiltration and other methods that can retain the runoff on site. The proposed Plan can help advance the City's compliance with Federal and State law.

DISCUSSION

A Request for Proposal and Qualifications was issued to five qualified landscape architectural firms in the Southern California area. Staff received two responses which were vetted through project references, project site visits, and an evaluation of the estimated project design and construction costs. Based upon this analysis, staff recommends AHBE Landscape Architects as the design consultant. AHBE has been providing outstanding landscape architecture design services for over 25 years and has excellent knowledge of Culver City and the project area. AHBE was previously located in the TOD district for 20 years and recently completed the Tilden Terrace project medians on Washington Boulevard. In addition, AHBE has a thorough knowledge of LID and has implemented several landscape projects incorporating LID features. (Please see Attachment No. 2).

Over the last year, staff has been working with the entitled project stakeholders to discuss the formation of a Community Facilities District (CFD) in order to fund both the Plan and the required off-site improvements. Late last year, two project stakeholders (Platform and Culver City Access) opted not to proceed with the CFD which stalled the process and significantly delayed the release of the RFP. In order to accommodate these TOD projects currently under construction, the offsite improvements approved in the Platform and Culver City Access Comprehensive Plans are being implemented to avoid construction delays. The design of these offsite improvements is similar to the Tilden Terrace project street frontage along Washington Boulevard. While there is some latitude in the selection of benches and

City of Culver City, California
Agenda Item Report

other street furniture, the general layout and design shown in the approved Comprehensive Plans is being implemented and will be reflected in the Plan on an area wide basis. Where feasible based upon soil conditions, the streetscape design will be supplemented with bioswales or other LID methods to permit ground water recharge and reuse of storm water. Given the timing challenges to complete the Plan and accommodate the TOD projects under construction, it is recommended that AHBE's scope of work be re-ordered to focus initially upon determining plant and material specifications and then the feasibility testing required for LID. This unusual design process results from the streetscape funding uncertainties related to the unwinding of redevelopment and the need to keep the Platform and Culver City Access projects moving ahead.

Overall, the streetscape will be uniformly designed with the same cadence of trees, planters, and street furnishings to give the emerging TOD neighborhood an attractive and unique identity. Other elements of the Plan will include special paving for crosswalks including the significant intersection of Washington and National Boulevards.

AHBE estimates that the Plan will take approximately three months to complete from the issuance of the Notice to Proceed. The consultant will work closely with the Public Works Department and Community Development Department to ensure conformance with City requirements. The preliminary Plan will be presented to the City Council for approval.

Funding of Professional Services Agreement by the General Fund and Reimbursement from Pre-2011 Bond Proceeds

Because of the time-critical nature of the Streetscape plan to the overall construction of the Washington/National TOD projects, staff recommends funding the proposed Professional Services Agreement from the General Fund and then seeking reimbursement to the General Fund. As described in more detail below, staff will take all actions necessary to seek reimbursement to the General Funds from non-General Fund sources (most likely pre-2011 Bond Proceeds via a Master Agreement). While reimbursement is possible, it is subject to the ongoing approval of the OB and DOF, which approvals cannot be guaranteed. Therefore, there is a risk the General Fund may end up funding 100% of the \$140,000.

On December 5, 2013, the DOF issued the Successor Agency a Finding of Completion (FOC), pursuant to Health and Safety Code (HSC) Section 34179.7. Obtaining the FOC allows the Successor Agency to utilize bond proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants. Unfortunately, the process to utilize the bond proceeds is cumbersome, as it requires specific bond expenditures to be submitted through the bi-annual Recognized Obligation Payment Schedule (ROPS) process. This means all estimated bond expenditures for a six month period would need to be identified

City of Culver City, California
Agenda Item Report

three to four months prior to that period, submitted on the ROPS, and approved by DOF.

In consultation with City Special Counsel, staff has been working to identify a process that might allow for a more efficient way to spend the Pre-2011 bond proceeds without seeking approval of every individual cost item. The favored solution at this time is the creation of a Master Agreement between the City and the Successor Agency that would delegate full authority to the City to spend the bond proceeds on items consistent with the bond covenants. This Master Agreement would require the approval of the Oversight Board and then be submitted to DOF for their approval as well. If successful in obtaining both approvals, the concept is the City could then enter into contracts or other agreements to spend the Pre-2011 bond proceeds through 'normal' City processes, and there would be no subsequent permission from the DOF required.

Staff believes this particular agreement is an eligible expenditure of Pre-2011 bond proceeds. Should the City Council approve this item as presented this evening, staff will begin drafting the Master Agreement and present it to the City Council and Successor Agency Board at a future meeting for consideration.

FISCAL ANALYSIS

The cost for design services is approximately \$140,000. Funding for these services was proposed to be allocated from pre-2011 bond proceeds, however, these funds are not yet accessible due to the requirements by the State to obtain advance approval of the use of bond funds through the Recognized Obligation Payment Schedule (ROPS) process. Due to the necessity to complete the Plan and coordinate specifications with the TOD projects already underway, staff recommends that the General Fund "advance" payment for the design fees, with the understanding that necessary actions will be taken to seek reimbursement from the Pre-2011 bond proceeds. Reimbursement is subject to Oversight Board and State Department of Finance (DOF) approval. If the DOF does not approve the obligation, the General Fund will not be reimbursed for the advanced payment. While staff believes that reimbursement can be achieved, this transaction is not without some risk.

A budget amendment is necessary to appropriate \$140,000 from General Fund Reserves into the Economic Development Division's Other Contractual Services account (10150120.619800). A budget amendment requires a 4/5ths vote.

Should the City Council take the recommended actions this evening, staff will work with City and Successor Agency Special Counsel to prepare the Master Agreement, and bring it back for City Council and Successor Agency approval. Then OB and DOF approval will be sought. Adequate funds have been budgeted for Successor Agency-related legal services for the cost of preparing the Master Agreement.

City of Culver City, California
Agenda Item Report

ATTACHMENTS

1. Transit Oriented Development District Map
2. AHBE Landscape Architects Proposal
3. Common Area Locations and Limits of Streetscape Improvements
4. Tilden Terrace Streetscape Images
5. Access Culver City Streetscape Images

MOTION

That the City Council:

1. Approve a budget amendment appropriating \$140,000 from General Fund Reserves into account 10150120.619800 (Economic Development – Other Contractual Services - a budget amendment requires a 4/5ths vote); and,
2. Approve an agreement with AHBE Landscape Architects in an amount not-to-exceed \$140,000 for the preparation of a Washington National Transit Oriented Development District Streetscape Plan; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.