Staff Report

Date: February 7, 2023

To: City Council

From: Valerie J. Barone, City Manager

Prepared by: Justin Ezell, Assistant City Manager
Justin.ezell@cityofconcord.org
(925) 671-3155

Subject: Considering a Resolution appropriating $6.5 million of one-time American Rescue Plan Act funds for City projects and authorizing certain actions related to use of the funds.

Projects include: New Trash Receptacles in the Downtown; Expanded Wi-Fi at Camp Concord; Downtown Concord Welcome & Cleanliness Program in Partnership with the Todos Santos Business Association—2-year Pilot; Recreation Services Financial Assistance for Families in Need Program—2-year Pilot; Civic Center Stormwater Cleaning (Greening) Project; Information Technology Department and Police Department—Continuation and Enhancement of Safety, Evidentiary, and Accountability Tools (e.g. body worn cameras, in-vehicle cameras, interview room cameras, camera/video auditing software and transcription, evidentiary cloud storage, related software and hardware, Tasers and associated equipment, and installation and maintenance); Cameras and Lighting at Public Works and City Recreation Facilities; Overnight Summer Camp Experience for At-Risk Youth—2-year Pilot; Meadow Lane and Market Street Paving Project; Police Department Rescue Van; and Safety, Security and Cleanliness of City-Owned Parking Garages.

CEQA: Not a project/exempt pursuant to CEQA Guidelines Sections 15060(c), 15061(b), 15378, and/or Public Resources Code Section 21065.
Report in Brief
On September 27, 2022 the City Council earmarked $6.5 million of one-time American Rescue Plan Act (ARPA) funds specifically for the completion of City projects. Council directed staff to return to Council with a recommendation on which projects and amounts the funds should be invested. The purpose of tonight’s meeting is to consider staff recommendations, finalize the appropriations, and authorize certain actions related to the staff-recommended spending.

Recommended Action
Adopt a Resolution appropriating $6.5 million of one-time American Rescue Plan Act funds for City projects and authorizing certain actions related to use of the funds, which includes making the CEQA determinations as provided in this staff report.

Background
ARPA is a $1.9 trillion economic stimulus bill passed by the 117th United States Congress as H.R. 1319 and signed into law by President Biden on March 11, 2021. The main objective of the act is to speed up the United States' recovery from the economic and health effects of the COVID-19 pandemic and the ongoing recession. The City of Concord received a total of $27,040,883 directly from the U.S. Treasury, split into two payments. The first payment was received in May 2021 with the second payment received in June 2022.

Funding for eligible expenditures must be spent or obligated by December 31, 2024, with a covered expenditure period of March 3, 2021 through December 31, 2024. Funds obligated by December 31, 2024, but not yet spent must be spent by December 31, 2026, or they are returned to the Federal Government. For purposes of ARPA, obligated means an order placed for property or services and entering into contracts, subawards and similar transactions that will require payment after December 31, 2024.

On April 26, 2022 the City Council received a presentation on feedback received from the community on how ARPA funds should be spent. The feedback was the result of outreach that occurred between January and March 2022 and included three public meetings, a scientifically valid survey, a web-based survey, and a focused survey of investment needs within the business community. An ARPA Ad Hoc Committee was subsequently formed consisting of Mayor Aliano and Vice Mayor Hoffmeister, and tasked with further revising staff’s recommended spending categories, dollar allocations to spending categories, and the process for allocating funds within each spending category.

On September 27, 2022 the City Council received recommendations from the ARPA Ad Hoc Committee, resulting in Council’s allocation of $19 million of ARPA funds in four categories of spending: (a) $7 million for City Projects, Public Safety, and Special
Events; (b) $7 million for Support for Nonprofit Organizations; (c) $3 million for Support for the Unhoused; and (d) $2 million for Support for Small Businesses. Included in category (a) of the spending is $500,000 to be used specifically for special events, and $6.5 million to be used specifically for City projects. Council directed staff to return to Council with a recommendation on which projects and amounts the $6.5 million of funds should be invested, which is the focus of this report.

Analysis
A team of staff from the City Manager’s, Economic Development and Base Reuse, Recreation Services, Infrastructure and Technology, Community Development, Public Works, Police, and Finance departments met on several occasions to formulate the spending recommendations that are summarized in the table below. A more detailed description of each recommendation is provided as Attachment 1. Each proposed project concentrates on one or more areas of Council Priority Focus, as shown below.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Spending Category and Focus</th>
<th>Amount</th>
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<tbody>
<tr>
<td>New Trash Receptacles in the Downtown</td>
<td>Quality of Life &amp; Economic Development: Install new trash receptacles within the downtown that prevent wind-blown litter and content removal to improve cleanliness.</td>
<td>$304,399</td>
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<td>Expanded Wi-Fi at Camp Concord</td>
<td>Quality of Life &amp; Fiscal Stability: Expand the WiFi network and improve internet connectivity for campers/staff at Camp Concord.</td>
<td>$100,000</td>
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<td>Downtown Concord Welcome &amp; Cleanliness Program in Partnership with Todos Santos Business Association– 2-year Pilot</td>
<td>Quality of Life &amp; Economic Development: This is a two-year partnership with Todos Santos Business Association (TSBA) to enhance safety and cleanliness of Downtown and support efforts to determine viability of a potential future property based business improvement district.</td>
<td>$458,494</td>
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<tr>
<td>Recreation Services Financial Assistance for Families in Need Program – 2-year Pilot</td>
<td>Quality of Life: A two-year scholarship program for underserved youth to participate in recreation programs, with a focus on summer: swim lessons, summer youth day camps.</td>
<td>$100,000</td>
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<td>Civic Center Stormwater Cleaning (Greening) Project</td>
<td>Quality of Life &amp; Infrastructure: A Civic Center campus wide green infrastructure project to install bio retention and other low-impact development practices to treat all impervious surfaces for in-lieu credit against the green infrastructure mandates within the new MRP 3.0 storm water permit.</td>
<td>$1,500,000</td>
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<td>Information Technology Department and Police Department – Continuation and Enhancement of Safety, Evidentiary, and Accountability Tools</td>
<td>Public Safety &amp; Fiscal Stability: A multi-year contract for enhanced accountability software and replacement of end of life public safety equipment (e.g. body worn cameras, in-vehicle cameras, interview room cameras, camera/video auditing software and transcription, evidentiary cloud storage, related software and hardware, Tasers and associated equipment, and installation and maintenance).</td>
<td>$850,000</td>
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<td>Cameras and Lighting at Public Works and City Recreation Facilities</td>
<td>Public Safety: The addition of security cameras and lighting at Public Works and Recreation facilities.</td>
<td>$300,150</td>
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<td>Overnight Summer Camp Experience for At-Risk Youth – 2-Year Pilot</td>
<td>Public Safety &amp; Quality of Life: An all-inclusive, multi-day experience for at-risk middle school students at Camp Concord, South Lake Tahoe. Police Officers and other appropriate professionals (mental health counselors) provide activity and cabin counselor leadership to develop bonds through adventure, acceptance and achievement.</td>
<td>$100,000</td>
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<tr>
<td>Meadow Lane and Market Street Paving Project</td>
<td>Quality of Life &amp; Infrastructure: A roadway maintenance project to affect repairs and resurface Meadow Lane from Monument Boulevard to Market Street at Willow Pass Road. This investment bridges a funding gap related to the cost of project construction.</td>
<td>$2,166,957</td>
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<tr>
<td>Police Department Rescue Van</td>
<td>Public Safety: The purchase of a modern and reliable armored rescue van capable of responding to active shooter, crisis incidents, or the rescue of injured persons/officers.</td>
<td>$120,000</td>
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<tr>
<td>Safety, Security and Cleanliness of City-Owned Parking Garages</td>
<td>Quality of Life &amp; Economic Development: A project to address deferred maintenance issues in the City’s downtown parking garages and improve aesthetics, safety and security.</td>
<td>$500,000</td>
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</table>

The following Council actions are included in the Resolution (Attachment 6) as they are necessary as a part of the forgoing staff recommendations:
1. Appropriate $304,399 of American Rescue Plan Act funds for New Trash Receptacles in the Downtown, and authorize a single-source purchase to Bigbelly in the not to exceed amount of $210,000 in accordance with Section 3.10.080 of the Concord Municipal Code when only one documented and verified vendor for the product or service exists.

2. Appropriate $100,000 of American Rescue Plan Act funds for Expanded Wi-Fi at Camp Concord.

3. Appropriate $458,494 of American Rescue Plan Act funds for the Downtown Concord Welcome & Cleanliness Program in Partnership with Todos Santos Business Association – 2-Year Pilot, and authorize the City Manager to enter into an agreement with the Todos Santos Business Association in a form acceptable to the City Attorney.


5. Appropriate $1,500,000 of American Rescue Plan Act funds for construction of the Civic Center Stormwater Cleaning (Greening) Project (PJ 2518).

6. Appropriate $850,000 of American Rescue Plan Act funds for the Information Technology Department and Police Department – Continuation and Enhancement of Safety, Evidentiary, and Accountability Tools (e.g. body worn cameras, in-vehicle cameras, interview room cameras, camera/video auditing software and transcription, evidentiary cloud storage, related software and hardware, Tasers and associated equipment, and installation and maintenance), and authorize a single-source purchase to Axon Enterprises, Inc. in the not to exceed amount of $3,150,437.46 in accordance with Section 3.10.080 of the Concord Municipal Code when only one documented and verified vendor for the product or service exists; and authorize the City Manager to enter into an agreement with Axon Enterprises, Inc. in a form acceptable to the City Attorney.


8. Appropriate $100,000 of American Rescue Plan Act funds for an Overnight Summer Camp Experience for At-Risk Youth – 2-year pilot.


10. Appropriate $120,000 of American Rescue Plan Act and $96,642 of asset forfeiture funds for the purchase of a Police Department Rescue Van, and authorize a single-source purchase to The Armored Group in the not to exceed amount of $216,642 in accordance with Section 3.10.080 of the Concord Municipal Code when only one documented and verified vendor for the product or service exists; and authorize the City Manager to enter into an agreement with The Armored Group in a form acceptable to the City Attorney.

Financial Impact
ARPA funds are one-time funds that if not spent or committed by the ARPA deadlines would need to be returned to the Federal Government.

Environmental Determination
Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”), the appropriation of American Rescue Plan Act funds to support the staff recommendations does not constitute a “project,” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c), 15061(b), and 15378 because there is no potential that the activity will result in a direct or reasonably foreseeable indirect physical change in the environment. Even if this activity were determined to be a “project” for CEQA analysis, this activity falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the City’s independent judgment and analysis. Individual projects will undergo CEQA analysis as necessary.

Public Contact
The City Council Agenda was posted.

Attachments
1. Detailed staff spending recommendations
2. Bigbelly specifications and pricing
3. Proposed agreement with Todos Santos Business Association and Exhibits A-B
4. Police rescue van sales proposal from The Armored Group
5. Axon Enterprises, Inc. sales quote
6. Resolution appropriating $6.5 million of one-time American Rescue Plan Act funds for City projects and authorizing certain actions related to use of the funds.