

CITY of ALBUQUERQUE

TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. R-23-109 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton by request

1 RESOLUTION

2 APPROVING AND AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS
3 FROM THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND
4 PROVIDING AN APPROPRIATION TO THE PARKS AND RECREATION
5 DEPARTMENT.

6 WHEREAS, the New Mexico Department of Economic Development has been
7 identified as the state agency responsible for distributing two-hundred ninety-
8 seven thousand and six-hundred dollars (\$297,600) of junior bill funding for
9 needed infrastructure on the Rio Grande Trail; and

10 WHEREAS, the legislative mandate behind the junior bill funding is for the
11 Outdoor Recreation Division to aid in the construction of shelters, restroom
12 facilities, drinking water infrastructure and other needed trail infrastructure on
13 the Rio Grande trail; and

14 WHEREAS, the Outdoor Recreation Division has selected eligible projects
15 in partnership with the Rio Grande Trail Commission and the Commission's
16 subcommittee on infrastructure; and

17 WHEREAS, the Rio Grande Trails Commission voted at its public meeting
18 on September 14, 2021, to approve funding for the selected infrastructure
19 projects. Based on that vote and the review of the infrastructure
20 subcommittee, the New Mexico Economic Development Department has
21 allocated one-hundred thousand dollars (\$100,000.00) to the City of
22 Albuquerque, Parks and Recreation Department; and

23 WHEREAS, the City of Albuquerque is desirous of accepting the funds.

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25 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26 ALBUQUERQUE:

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1 SECTION 1. The junior bill funding from the State Legislature for the Parks
2 and Recreation Department, Outdoor Recreation Division is approved.

3 SECTION 2. That upon approval, funds in the amount of \$100,000.00 are
4 hereby appropriated to the Parks & Recreation Department for the Outdoor
5 Recreation in the Operating Grants Fund 305.

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City of Albuquerque
Albuquerque, New Mexico
Office of the Mayor

Timothy M. Keller

Interoffice Memorandum

February 02, 2023

To: Pat Davis, President, City Council

From: Tim Keller, Mayor *TK*

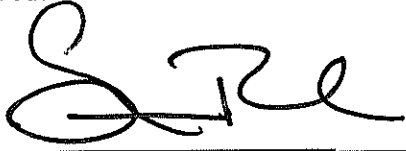
Subject: Approving and Authorizing the Acceptance of funding for needed infrastructure on the Rio Grande Trail.

The attached Resolution is hereby submitted by the Parks and Recreation Department to accept and appropriate funding from the State of New Mexico for a trail project.

The New Mexico Economic Development Department (EDD) administers a program to fund improvements that support the Rio Grande Trail project. The Outdoor Recreation Division of EDD, in partnership with the Rio Grande Trail Commission, selected a project proposed by the City of Albuquerque and has awarded one-hundred thousand dollars (\$100,000.00) to the City.


This resolution is forwarded to the City Council for consideration and action.

Approved:



Chief Administrative Officer Date


Approved as to Legal Form:

DocuSigned by:
 2/7/2023 | 12:50 PM MST
1A21D88D32C74EE..

City Attorney Date

Recommended:

DS
LB

DocuSigned by:
 2/7/2023 | 11:49 AM PST
3A1B8403E7FE4D0..

Director Date

Cover Analysis

1. What is it?

A Resolution authorizing the City's acceptance of \$100,000 from the State of New Mexico for needed infrastructure on the Rio Grande Trail and appropriating those funds to the Parks and Recreation Department.

2. What will this piece of legislation do?

This grant will be used to help construct shelters, interpretive signage, and improve boating access in two spots on the Rio Grande Trail in Albuquerque.

3. Why is this project needed?

The Rio Grande Trail is being developed as a multi-use, north-south trail across New Mexico. Through Albuquerque, the trail will simply be an "overlay" on the City's existing Paseo del Bosque Trail. The public needs information about this new recreation project. State funds will pay for educational signage kiosks about the Rio Grande Trail along with some minor improvements at key access points to the trail. These will help promote public use and recreation-related economic activity.

4. How much will it cost and what is the funding source?

The source of funding is State of New Mexico funds (appropriated in a "junior appropriations bill") through the New Mexico Economic Development Department.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

No.

6. What will happen if the project is not approved?

Trail improvements, educational signage, and outdoor recreation opportunities beneficial to the public will not be completed and promoted.

7. Is this service already provided by another entity?

No.

**Outdoor Recreation Division
Rio Grande Trail Infrastructure FY22
Junior Bill Funding**

12/6/21

STATE OF NEW MEXICO
ECONOMIC DEVELOPMENT DEPARTMENT
GRANT AGREEMENT

THIS GRANT AGREEMENT is made and entered into by and between the State of New Mexico **Economic Development Department**, hereinafter referred to as the DEPARTMENT, acting through its Cabinet Secretary or designee, hereinafter referred to as the SECRETARY, and **City of Albuquerque**, hereinafter referred to as the GRANTEE.

WHEREAS, the New Mexico Department of Economic Development has been identified as the state agency responsible for distributing two-hundred ninety-seven-thousand and six-hundred dollars (\$297,600) of junior bill funding for needed infrastructure on the Rio Grande Trail;

WHEREAS, the legislative mandate behind the junior bill funding is for the Outdoor Recreation Division to aid in the construction of shelters, restroom facilities, drinking water infrastructure and other needed trail infrastructure on the Rio Grande trail.

WHEREAS, the Outdoor Recreation Division has selected eligible projects in partnership with the Rio Grande Trail Commission and the Commission's subcommittee on infrastructure.

WHEREAS, the Rio Grande Trails Commission voted at its public meeting on September 14, 2021, to approve funding to the select infrastructure projects. Based on that vote and the review of the infrastructure subcommittee, the DEPARTMENT has allocated **one-hundred thousand dollars (\$100,000.00)** to the GRANTEE.

NOW, THEREFORE:

ARTICLE I – SCOPE OF WORK

- A. The GRANTEE agrees that it will implement, in all respects, the activities outlined in the Grantee's proposal as approved and awarded by the DEPARTMENT, **attached hereto as Exhibit A** and made a part of this Agreement. The GRANTEE shall provide all the necessary qualified personnel, materials, and facilities to implement the activities described herein, other than those acquired with funds from this grant.
- B. The GRANTEE agrees to make no material change in the Project Description herein described without first submitting a written request to the DEPARTMENT and obtaining the DEPARTMENT'S written approval of the proposed change.

- C. The GRANTEE agrees that funds distributed under this Agreement shall not be used for purposes other than those specified in Exhibit A. Any funds found to be expended for non-permitted purposes shall be repaid to the DEPARTMENT. Unauthorized use of grant funds may also subject the Grantee to penalties as permitted by state or federal law.
- D. The GRANTEE agrees to provide a final status report due at the end of the grant cycle, as determined by the DEPARTMENT pursuant to Article IIIc below. The final report is due within thirty (30) days of June 30, 2022.

ARTICLE II- LENGTH OF AGREEMENT

- A. This Agreement shall not become effective until approved by the Department of Finance and Administration, and shall terminate on or before June 30, 2022.
- B. In the event that, due to unforeseen circumstances, it becomes apparent that the work under this Grant Agreement cannot be brought to full completion within the time period set forth in Paragraph A of this Article II, the GRANTEE shall notify the DEPARTMENT in writing at least thirty (30) days prior to the termination date of this Agreement. GRANTEE and the DEPARTMENT shall review the work accomplished and shall determine whether to amend this Grant Agreement to provide additional time for completion.

ARTICLE III – PROJECT DELIVERABLES

- A. Due Date for GRANTEE to Sign/Return Grant Agreement Copies –The GRANTEE will receive a copy of grant agreement electronically and shall be required to sign, and return (3) original documents to the DEPARTMENT by the date specified. Failure by the GRANTEE to sign and return the grant agreement copies by the required due date may result in forfeiture of the grant award.
- B. Due Date for GRANTEE to Submit Invoice for Payment to DEPARTMENT The DEPARTMENT will notify the GRANTEE when the grant agreement has been fully executed, which shall not be unreasonably delayed. The funds must be expended in accordance with the budget breakdown specified on the attached Exhibit A. Upon notification by NMEDD that any required deliverables have been accepted, Grantees may request payment for the grant award by submitting an invoice. Failure by the GRANTEE to submit the invoice by the required due date may result in forfeiture of the grant award.
- C. Status Updates

- The GRANTEE will provide the DEPARTMENT with a single status update at the end of the grant agreement. The DEPARTMENT will provide a template for these reports. These updates will include information about progress on the milestones and other information as requested.

D. Final Report

- Upon completion of the Scope of Work, Applicant must submit a final report to the DEPARTMENT. Final reports must be received on or before a year after signing of the grant agreement. A template for this report and specifics about the information to be included will be sent to all grantees electronically. Failure to submit this report by the requested deadline may make the Grantee ineligible for future funding from this program.
- Grantees will provide DEPARTMENT with documentation to support the costs and outcomes identified in the scope of work.

ARTICLE IV – CONSIDERATION AND METHOD OF PAYMENT

- A. In consideration of the GRANTEE'S award, 100 percent the total awarded funds will be paid upon the start date of the grant. The DEPARTMENT shall pay to the GRANTEE a sum not to exceed one-hundred thousand (\$100,000.00). The funds are to be expended in accordance with the budget breakdown as specified on the attached Exhibit A and made a part hereof. It is understood and agreed that the GRANTEE'S expenditure of these monies shall not deviate materially from the line items of said budget without the prior written approval of the DEPARTMENT.
- B. It is understood and agreed that should any portion of the funds approved and paid hereunder by the DEPARTMENT to the GRANTEE for the purpose designated herein that remain unexpended after all conditions of this Agreement have been satisfied shall revert to the DEPARTMENT for disposition.

ARTICLE V – SUSPENSION, TERMINATION AND MODIFICATION

- A. The DEPARTMENT, by written notice to the GRANTEE, shall have the right to suspend or terminate this Grant Agreement at any time in the judgment of the DEPARTMENT, which judgment shall be final and shall be accepted by Grantee, if the terms of this Agreement have been materially violated or the activities described in the project description have not progressed satisfactorily in the Department's reasonable discretion. In this regard, the DEPARTMENT may demand repayment of all or part of the funds disbursed to the GRANTEE.
- B. This Agreement shall not be altered, changed, or amended, except by instrument in writing executed by the parties hereto and approved by the DEPARTMENT.

ARTICLE VI – CERTIFICATION

The GRANTEE hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of state funds. Also, the GRANTEE gives assurances and certifies with respect to this Grant Agreement that:

- A. It will comply with the procedures, requirements and deadlines by the Outdoor Recreation Division and Rio Grande Trail Commission for the FY22 junior bill funding, and it understands that failure to do so may result in forfeiture of the grant award and permanent disqualification from the program.
- B. It possesses legal authority to accept funds and execute this Grant Agreement;
- C. Its chief executive officer or other officer of the GRANTEE is authorized to approve this Agreement and further consents on behalf of the GRANTEE that any disputes which arise hereunder are subject to the exclusive jurisdiction of New Mexico state district courts. Venue for any such dispute will lie in the First Judicial District court.
- D. GRANTEE will give an authorized representative of the DEPARTMENT access to and the right to examine all records, books, papers, or documents of the GRANTEE related to this Grant Agreement. The DEPARTMENT agrees to keep and maintain all such information strictly confidential. All records connected with this Agreement will be maintained in a central location by the DEPARTMENT and will be maintained for a period of seven (7) years from the official date of close-out of this Agreement.
- E. The GRANTEE certifies, to the best of its knowledge and belief, no State or any other funds have been paid or will be paid, by or on behalf of the GRANTEE, to any person for influencing or attempting to influence an officer or employee of this or any agency or body in connection with the awarding of any State grant, contract, loan or cooperative agreement. The GRANTEE shall require certifying language prohibiting lobbying be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that such subrecipients shall so certify and disclose accordingly.
- F. It will comply with all other applicable Federal and State laws, regulations, requirements and policies.

- G. It will finance its share (if any) of the costs of the project, including all project overruns.

ARTICLE VII – RETENTION OF RECORDS

The GRANTEE shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Agreement period, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as the DEPARTMENT shall prescribe. Such records shall be preserved for a period of not less than seven (7) years subsequent to the date of project close-out.

ARTICLE VIII – SPECIAL TERMS AND CONDITIONS

The GRANTEE and DEPARTMENT hereby designate the persons listed below as the official DEPARTMENT Representative responsible for overall supervision of the approved project.

Name Axie Navas
Entity New Mexico Economic Development Department
Phone 505-660-5992
Email Alexandra.navas@state.nm.us
Address NMEDD, P.O. BOX 20003, Santa Fe NM 87504-5003

ARTICLE IX – OTHER SPECIAL TERMS AND CONDITIONS

A. GRANTEE is award of all limitations on the use of this Grant and agrees to abide by those Grant restrictions without deviation therefrom.

B. In the event Grantee is acquired by a non-GRANTEE company, GRANTEE will pay to the DEPARTMENT the amount of this grant that has been distributed to the GRANTEE prior to the closing date of such acquisition.

C. If deliverables include the creation of jobs; GRANTEE shall provide the DEPARTMENT with a copy of all information reported to the New Mexico Department of Workforce Solutions which proves such job creation.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date set forth below.

ACCEPTED AND AGREED:

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

By:



Department Cabinet Secretary / Designee

Date: 2/25/2022

ACCEPTED AND AGREED:

GRANTEE

By:



GRANTEE

Date: 2/14/22

**New Mexico Outdoor Recreation Division / RGT Infrastructure Grant
FY22 Junior Bill
EXHIBIT A**

PROJECT DESCRIPTION

Name of Grantee: City of Albuquerque

Amount: One-hundred-thousand dollars (\$100,000.00)

Deliverables: The City of Albuquerque must provide the following by June 30, 2022:

- Construction to begin on proposed Rio Grande Trail infrastructure project;
- Project to encompass Alameda trailhead area: This will be the location for a prime RGT enhancement/educational feature and will be the highest priority project. Already one of the most popular access points to the Paseo del Bosque Trail (RGT alignment), this site will get various improvements, including a shade structure and interpretive signage, to better support high public use and educate/promote not only the BernCo section of the trail, but the entire state-wide RGT;
- Project to encompass Central & Sunset river access point: The main element of the project will be a new “boat conveyance system” at this important river access point from the parking lot to rivers’ edge and the removal of dangerous submerged obstacles in the river (along the south-west bank, just upstream of the access point);
- This new “rail” system will be a pilot project that if successful, can be replicated at other river access points along the Albuquerque reach (including next at the Montano access point) and will dramatically expand easy access for paddlesports, promoting both the “blue RGT” and the recreation-related economic activity connected to it;
- Interim progress report to be presented by ORD at Rio Grande Trail Commission meeting. Status report to include project photos, construction documents, status update, visitation impacts;
- Adherence to and inclusion of approved Rio Grande Trail branding on all signs and other wayfinding infrastructure, including interpretative panels, within the project, with support of technical assistance provided by the State Tourism Department.

Rio Grande Trail Projects--Budget

Project 1: Alameda Open Space/RGT Trailhead

Improvements

PCPRK / 305 / 45 - ALAMEDA - TR / 432042

Activity #

Item	Estimated Cost
Site Design	\$47,615
Informational Kiosk--RGT/Open Space Info	\$15,000
Multi-Purpose Asphalt Trail Widening & Concrete Paving	\$125,000
Crusher Fine Pedestrian Path	\$20,000
Picnic Tables	\$40,000
10 x 10 Double Bench Shaded Structure (2)	\$45,000
Native Landscaping/Pollinator Garden	\$40,000
Interpretive Signage	\$15,000
Shade Structure--Large	\$30,000
Project Cost Estimate	\$377,615

Funding Source	Amount
CoA Parks & Rec	\$252,615
State of NM (EDD)	\$60,000
ABCWUA	\$65,000
Total Budget	\$377,615

* 7373101

Project 2: Central & Rio Grande River Access/RGT

Access

PCPRK/305 / 45 - RIVR - BOSQ - TR / 432042

"NM ECON DEVELOPMENT"

Item	Estimated Cost
Planning/Design, Environmental Compliance & Permitting	\$85,000
Construction--river obstacle removal	\$20,000
Construction--watercraft conveyance system	\$25,000
Informational Kiosk--RGT/River/Open Space	\$15,000
Project Cost Estimate	\$145,000

Funding Source	Amount
CoA Parks & Rec	\$105,000
State of NM (EDD)	\$40,000
Total Budget	\$145,000

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\$100,000