



# Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Brandie Ayala, Administrative Analyst

Reviewed by: Rob DuBoux, Public Works Director/City Engineer

Approved by: Steve McClary, City Manager

Date prepared: June 6, 2023 Meeting date: July 10, 2023

Subject: Los Angeles County Measure R Transportation Funding Agreement Amendment

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**RECOMMENDED ACTION:** Authorize the Mayor to execute the Los Angeles County Measure R Funding Agreement Amendment for the Pacific Coast Highway Median Improvements Project.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item was included as item 8u in the Adopted Work Plan for Fiscal Year (FY) 2022-2023. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

**DISCUSSION:** Los Angeles County Measure R was approved by voters in 2008. Measure R provides a half-cent sales tax increase for Los Angeles County to finance new transportation projects and programs. Measure R was projected to generate \$40 billion to transportation projects throughout Los Angeles County over the next 30 years. The City's allocation from Measure R is \$26.3 million. The County of Los Angeles provided the City with an additional \$12 million for a total allocation to the City of \$38.3 million. There is no impact to the General Fund associated with the expenditure of Los Angeles County Measure R funding. The City identified PCH Median Improvements to use the City's Measure R funding.

The Pacific Coast Highway Median Improvements project consists of replacing the existing median from Webb Way to Puerco Canyon Road.

A funding agreement for this project was initially approved in April 2017. This amendment to the funding agreement adjusts the project schedule to accommodate the additional time needed to adjust the project scope and to develop project alternatives to meet the project overall funding and intent.

ATTACHMENTS: Funding Amendment Agreement with Los Angeles County for the PCH Median Improvements Project

**AMENDMENT No. 3 TO MEASURE R FUNDING AGREEMENT  
BETWEEN CITY OF MALIBU AND THE LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

This Amendment No. 3 to the Funding Agreement (this "Amendment"), is dated as of January 28, 2023 by and between the City of Malibu ("Grantee") and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

- A. Grantee and LACMTA entered into that certain Funding Agreement No.920000000MR31126, dated February 14, 2017, which was amended on June 18, 2020 and June 28, 2021, (the "Existing FA"), which Existing FA provides for the Pacific Coast Highway Raised Median Channelization from Webb Way to Puerco Canyon Road, Project (the "Project"); and
- B. WHEREAS, the LACMTA Board on January 26, 2023, delegated administrative authority to staff to extend funding agreement lapse dates to meet PA&ED, PS&E, and Construction time frames; and
- C. WHEREAS, the Grantee and LACMTA desire to extend the lapsing date of FY 2015-16 Project Funds, FY 2016-17 Project Funds, and FY 2017-18 Project Funds; and
- D. Grantee and LACMTA desire to amend the Existing FA as provided herein.

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

1. Part II, Section 9.1 (vii) of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following: “(vii) Expending the Funds granted under this FA for allowable costs by the lapsing date. All Funds programmed for FY 2013-14 and FY 2014-15 have been expended and are no longer available. All Funds programmed for FY2015-16 are subject to lapse by June 30, 2025. All Funds programmed for FY2016-17 are subject to lapse by June 30, 2025. All Funds programmed for FY2017-18 are subject to lapse by June 30, 2025.”

2. Part II, Paragraph 12 of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following:

“12. COMMUNICATIONS:

12.1 GRANTEE shall ensure that all Communication Materials contain recognition of LACMTA’s contribution to the Project as more particularly set forth in “Funding Recipient Communications Guidelines” available online at <http://metro.net/partners-civic>. The Funding Recipient Communications Guidelines may be changed from time to time during the course of this Agreement. GRANTEE shall be responsible for complying with the latest Funding Recipient Communications Guidelines during the term of this Agreement, unless otherwise specifically authorized in writing by the LACMTA Chief Communications Officer.

12.2 For purposes of this Agreement, “Communications Materials” include, but are not limited to, press events, public and external newsletters, printed materials, advertising, websites radio and public service announcements, electronic media, and construction site signage. A more detailed definition of “Communications Materials” is found in the Funding Recipient Communications Guidelines.

12.3 The Metro logo is a trademarked item that shall be reproduced and displayed in accordance with specific graphic guidelines. The preferred logo lock-up for Funding Recipients to use is included in the Funding Recipient Communications Guidelines.

12.4 GRANTEE shall ensure that any subcontractor, including, but not limited to, public relations, public affairs, and/or marketing firms hired to produce Project Communications Materials for public and external purposes will comply with the requirements contained in this Section.

12.5 The LACMTA Project Manager shall be responsible for monitoring GRANTEE’s compliance with the terms and conditions of this Section. GRANTEE’s failure to comply with the terms of this Section shall be deemed a default hereunder and LACMTA shall have all rights and remedies set forth herein.”

3. Attachment B1-2 of the Existing FA is hereby replaced by Attachment B1-3, attached.
4. Attachment C-2 of the Existing FA is hereby replaced by Attachment C-3, attached.
5. The parties have agreed that the Monthly Progress Report is no longer required and therefore, Attachment D-1 and all references thereto are hereby deleted.
6. Except as expressly amended hereby, the Existing FA remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing FA that are not expressly amended by this Amendment shall remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 3 to the FA to be executed by their duly authorized representatives as of the dates indicated below:

LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: \_\_\_\_\_  
Stephanie N. Wiggins  
Chief Executive Officer

Date: \_\_\_\_\_

APPROVED AS TO FORM:

DAWYN R. HARRISON  
County Counsel

By: \_\_\_\_\_  
Deputy

Date: 4/27/2023

GRANTEE:

City of Malibu

By: \_\_\_\_\_  
Bruce Silverstein  
Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
By: \_\_\_\_\_  
Trevor Rusin  
Interim City Attorney

Date: \_\_\_\_\_

# ATTACHMENT B1-3 - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure R Program - Funding Agreement Projects - FA # 920000000MR31126

Project Title: P.C.H Raised Median and Channeliation from Webb Way to Puerco Canyon Road Project# MR311.26

## PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	Prior Expenditures	FY 2022-23 Qtr1	FY 2022-23 Qtr 2	FY 2022-23 Qtr 3	FY 2022-23 Qtr 4	FY 2023-24 Qtr1	FY 2023-24 Qtr 2	FY 2023-24 Qtr 3	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE R FUNDS:									
PAED	\$733,955								\$733,955
PS&E	\$465,044								\$465,044
RW Support									\$0
Const. Support	\$10,640	\$10,361			\$50,000	\$75,000	\$90,000	\$90,000	\$326,001
RW									\$0
Construction					\$525,000	\$600,000	\$2,500,000	\$1,300,000	\$4,925,000
Total MEASURE R	\$1,209,639	\$10,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,450,000
SUM PROG LACMTA FUNDS:	\$1,209,639	\$10,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,450,000
OTHER NON LACMTA FUNDING:									
LOCAL:									
PAED									\$0
PS&E									\$0
RW Support									\$0
Const. Support									\$0
RW									\$0
Construction									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY20-21, FY21-22, and FY22-23	\$1,209,639	\$10,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,450,000
SOURCES OF FUNDS	FY 2023-24 Qtr 4	FY 2024-25 Qtr 1	FY 2024-25 Qtr 2	FY 2024-25 Qtr 3	FY 2024-25 Qtr 4	FY 2025-26 Qtr 1	FY 2025-26 Qtr 2	FY 2025-26 Qtr 3	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE R FUNDS:									
PAED									\$0
PS&E									\$0
RW Support									\$0
Const. Support									\$0
RW									\$0
Construction	\$250,000	\$250,000							\$500,000
Total MEASURE R	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000
SUM PROG LACMTA FUNDS:	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000
OTHER NON LACMTA FUNDING:									
LOCAL:									
PAED									\$0
PS&E									\$0
RW Support									\$0
Const. Support									\$0
RW									\$0
Construction									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY22-23, FY23-24, and FY24-25	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000
SUMMARY OF ALL FUNDS									
PAED	\$733,955	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$733,955
PS&E	\$465,044	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$465,044
RW Support	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Const. Support	\$10,640	\$10,361	\$0	\$0	\$50,000	\$75,000	\$90,000	\$90,000	\$326,001
RW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction	\$250,000	\$250,000	\$0	\$0	\$525,000	\$600,000	\$2,500,000	\$1,300,000	\$5,425,000
TOTAL MILESTONES	\$1,459,639	\$260,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,950,000
SUM PROG LACMTA FUNDS	\$1,459,639	\$260,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,950,000
SUM NON-LACMTA FUNDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROJECT FUNDING	\$1,459,639	\$260,361	\$0	\$0	\$575,000	\$675,000	\$2,590,000	\$1,390,000	\$6,950,000

**ATTACHMENT C-3  
SCOPE OF WORK**

**PROJECT TITLE:**

Pacific Coast Highway Raised Median and Channelization from Webb Way to Puerco Canyon Road

**PROJECT LOCATION:**

The project is located along Pacific Coast Highway/State Route 1 (PCH/SR 1) in the City of Malibu and the County of Los Angeles.

**PROJECT LIMITS:**

The project limits are along PCH/SR1 from the intersection of Webb Way to the intersection of Puerco Canyon Road. A distance of approximately 2 miles.

**NEXUS TO HIGHWAY OPERATION, DEFINITION/PROJECT PURPOSE:**

This project is intended to improve the safety and operations of the highway for all modes of travel by upgrading the raised medians and modifying the cross section of the highway. The project will upgrade and modify the design and seek to reduce the width of the existing medians to improve channelization, standardize lane widths, increase control of turn movements and create additional space for motorists, pedestrians, cyclists, transit and parked cars.

**PROJECT BACKGROUND:**

The median conditions vary throughout the approximately 2 mile segment. In general, the raised concrete median is old and in need of replacement. In some areas, the raised median is dilapidated and provides little to no grade separation from the travel way. In other sections, cracks have developed allowing weeds to grow requiring maintenance while other areas are simply gravel filled and covered in weeds requiring significant maintenance effort. While other sections have no raised median and provide no physical barriers between the north and south bound travel with a speed limit of 50 MPH.

The project will not only remove and reinstall the raised medians but also seek to reduce the width of the medians to provide more space for multi modal use. The existing medians vary in width from 16' to 4' adjacent to turn lanes at the intersections. In most areas, the medians are oversized for their intended purpose. The reconfigured medians would allow for the standardization of lane width and the creation of wider shoulders in some areas. The existing highway shoulders are utilized simultaneously by pedestrians, cyclists, transit, parked cars and other users which creates the potential for conflict. The project will create more space for all users to utilize the lanes and shoulders and reduce the likelihood of collision. Together these improvements would serve to improve traffic flow, promote active transportation and reduce incident delay.

**PROJECT BUDGET:**

<b>COMPONENT</b>	<b>AMOUNT</b>
PA/ED	\$733,955
PS&E	\$465,044
Construction Support	\$326,001
Construction Capital	\$5,425,000
<b>Total Budget</b>	<b><u>\$6,950,000</u></b>



## **SCOPE:**

In general, the Pacific Coast Highway Raised Medians and Channelization From Webb Way to Puerco Canyon Road ("project") consists of improvements along Pacific Coast Highway from Webb Way to Puerco Canyon Road. The project will include demolition and earthwork to remove the existing medians and install new raised medians. Work to install the new raised medians may include but is not limited to concrete work, concrete curb and gutter, stormwater conveyance, landscaping and associated utility work. The project shall also include the removal of the existing striping, the installation of new striping, signage and other traffic control devices, asphalt concrete overlay and associated work such as landscaping, irrigation, traffic loops, utility work and other minor components. A stormwater pollution prevention plan and traffic control plan will be prepared and implemented for the project.

## **PA/ED**

**The City will contract with a consultant for environmental analysis and permitting services, design services and design services during construction for the project. City staff shall perform project management and oversight.**

### **I. Environmental Analysis – Environmental Clearance and Coastal Development Permit Product**

City and Consultant to perform the following tasks:

- A.** Define a complete and detailed project description and delineate project study areas
- B.** Conduct technical analysis as required for the project including archeological and other studies
- C.** Prepare environmental documents consistent with CEQA Guidelines for review and approval by the City following completion of appropriate technical analysis and studies.
- D.** Prepare technical analysis or studies consistent with the City of Malibu's Local Coastal Program as required for the Coastal Development Permit
- E.** Prepare the Coastal Development Permit Application for review by the City
- F.** Prepare the environmental documents and the Coastal Development Permit application for public circulation
- G.** Make presentations to regulatory and permitting agencies as necessary
- H.** Prepare responses to public review of draft environmental documents and the Coastal Development Permit application.
- I.** Prepare all other permit applications, technical studies and notifications required for the project.

## **DESIGN**

**The consultant will provide design services and City staff will perform project management and oversight.**

### **I. Preliminary Design – "Design Memo and Renderings" and Caltrans approved Project Initiation Document as Final Work**

City and Consultant to perform the following tasks:

- A. Conduct field investigations to analyze the existing conditions and identify design issues. Record existing site conditions in drawings, photographs and/or video.
- B. Examine and review all Right-of-Way maps, Parcel Maps, As-Built drawings and all other existing documents as appropriate.
- C. Research, review and understand City of Malibu Local Coastal Program and City of Malibu General Plan.
- D. Provide a complete survey of the project area, establishing horizontal and vertical control for the project.
- E. Identify and coordinate with all utilities in the project area to facilitate the final design of the Project.
- F. Work with Caltrans to develop the project's scope and preliminary design to ensure acceptance by Caltrans and compatibility with the Caltrans' proposed median improvement project from Puerco Canyon Road to Corral Canyon Road.
- G. Prepare and submit a Project Initiation Document detailing the proposed project improvements and the supporting engineering analysis.
- H. Work with Caltrans, County of Los Angeles, Los Angeles County Metropolitan Transportation Authority, Pepperdine University and any other applicable municipal or regulatory agencies to develop the project's scope and preliminary design to ensure acceptance of proposed work within the Caltrans' right of way.
- I. Prepare and submit a "Design Memo" detailing the proposed project improvements and the supporting engineering analysis.
- J. Prepare and submit a Preliminary Engineer's Construction Cost Estimate for all recommended improvements identified in the "Design Memo."
- K. Prepare rendering of recommended improvements identified in the "Design Memo."

## **II. Final Design – Plans, Specifications and Estimates as Final Work Product**

Consultant to perform the following tasks:

- A. Design the roadway and sidewalk improvements based on the City reviewed "Design Memo."
- B. Prepare civil plans for the improvements, consistent with City format.
- C. Submittal of plan set shall be delivered at 50%, 90% complete and final. Submittals at 50%, 90% and final levels of plans and specifications shall be submitted in hard copy and electronic formats.
- D. Assist the City and conduct a Public Meeting at 50%, 90% submittal by preparing exhibits and attending workshop and be prepared to present the proposed project and discuss concerns of the residents, property owners and other stakeholders.
- E. Work with Caltrans' to ensure compatibility and connectivity with the Caltrans' proposed median improvement project from Puerco Canyon Road to Corral Canyon Road.
- F. Prepare technical construction specifications consistent with City format (SSPWC "Greenbook" and CSI Format, most recent editions).
- G. Submittal of specifications shall be delivered to the City at 50%, 90% complete and final in hard copy and electronic formats.
- H. Prepare an Engineer's Construction Cost Estimate based on the itemized quantity take-off from the contract documents.
- I. Submittal of the Engineer's Construction Cost Estimate shall be delivered to the City at 50%, 90% complete and final in hard copy and electronic formats.

- J. Prepare a Stormwater Pollution Prevention Plan that satisfies the requirements of the City's stormwater program, Caltrans requirements and all other applicable regulatory agencies.
- K. Prepare a traffic control plan that satisfies the requirements of the City and Caltrans.

### **III. Caltrans Permitting**

Consultant to perform the following tasks:

- A. Determine the permitting documents and process required by Caltrans (Project Report, Project Study Report, Preliminary Engineering Evaluation Report, Encroachment Permit, etc.)
- B. Prepare all Caltrans required permit documentation for the project in accordance with Caltrans
- C. Conduct coordination meetings with Caltrans to facilitate permitting.
- D. Submittal of plan set shall be delivered at 50%, 90% complete and final. Submittals at 50%, 90% and final levels of plans and specifications shall be submitted in hard copy and electronic formats.
- E. Assist the City and conduct a Public Meeting at 50%, 90% submittal by preparing exhibits and attending workshop and be prepared to present the proposed project and discuss concerns of the residents, property owners and other stakeholders.

### **IV. Project Coordination - Preparation of Periodic Updated Schedule, Deliverables and Meetings**

Consultant to perform the following tasks:

- A. Meet as needed with the City to accomplish Project tasks as outlined. Meetings expected between the Consultant and City shall include but are not limited to: Project Kick-off Meeting, presentation of "Design Memo", regular progress meetings and preparation for the Public Meetings at 50% and 90% design completion.
- B. Provide periodic schedule updates on deliverables and meetings as changes to the original schedule occur or as needed based on the needs of the project.

### **V. Project Management**

City to perform the following tasks:

- A. Coordinate and oversee environment analysis, Caltrans coordination, permitting, Caltrans permitting, preliminary design, final design and public outreach.

## **CONSTRUCTION**

The City may contract for construction management services for the project through the Request for Proposal process or perform construction management services with City staff. City staff will provide

**construction management oversight and hire consultants as necessary. The City will award a low-bid contract for construction. The following tasks shall be performed:**

**I. Construction Management**

City and consultant to perform the following tasks:

- A. The Construction Manager (City staff or consultant) will provide contract administration and construction management as well as materials testing and inspection.
- B. The Construction Manager shall meet with the City and Design Consultant to perform work as needed to accomplish Project tasks including but is not limited to: Pre-Bid Meeting, Pre-Construction Meeting, regular progress meetings and the review and preparation of Request for Information responses, Request for Change Order responses, progress payment requests, submittals, shop drawings, change orders and project closeout.

**II. Design Services During Construction – Responses to RFIs, RFCs, Progress Payment Requests, Review of Submittals, Shop Drawings and Change Orders**

Consultant to perform the following tasks:

- A. The Design Consultant shall meet with the City and the Construction Manager and perform work as needed to accomplish Project tasks including but is not limited to: Pre-Bid Meeting, Pre-Construction Meeting, regular progress meetings and the review and preparation of Request for Information responses, Request for Change Order responses, progress payment requests, submittals, shop drawings, change orders, and project closeout.

**III. Construction Contract**

Contractor will perform the following tasks:

- A. Construct project in accordance with the plans and specifications.

**IV. Project Management**

City to perform the following tasks:

- A. Coordinate and oversee construction, construction management, and design services during construction.
- B. Host Ribbon Cutting Ceremony.

**MILESTONES:** The estimated implementation schedule for this project will be as follows

<u>Milestone</u>	<u>Estimated Timeframe</u>
(a) Preliminary Design	February 2017 – March 2019
(b) Final Design	March 2019 –September 2021
(c) Environmental Analysis and Permitting	September 2019 – October 2021

- |                                 |                              |
|---------------------------------|------------------------------|
| (d) Public Bid for Construction | June 2023 – July 2023        |
| (e) Award Construction Contract | August 2023 – September 2023 |
| (f) Construction                | December 2023 – April 2024   |

**CONSTRUCTION MILESTONES:** The estimated implementation schedule for this project will be as follows.

	START DATE	COMPLETION DATE
<b>Solicitation (Bid/Proposal)</b>		
Develop Solicitation Package	June 2023	July 2023
Solicitation Response		July 2023
Evaluations		July 2023
Selection		September 2023
City Council Approval Process		September 2023
Contract Award		September 2023
Fully Executed Contract		September 2023
<b>Excavation</b>		
Clear/Grub	December 2023	December 2024
Survey	December 2023	December 2024
Grading	December 2023	December 2024
Compaction	December 2023	December 2024
Drainage	December 2023	December 2024
Median & Associated Landscape Work	December 2023	December 2024
<b>Concrete</b>		
Form Work	December 2023	December 2024
<b>Asphalt Concrete</b>		
AC Overlay	December 2023	December 2024
<b>Traffic Control</b>		
TMP	December 2023	December 2024
<b>Utilities</b>		
DWP	December 2023	December 2024
SCE	December 2023	December 2024
<b>Materials</b>		
Staging	December 2023	December 2024
Signage	December 2023	December 2024

	START DATE	COMPLETION DATE
General Construction/close out project	December 2024	January 2025
<b>Change Orders</b>		
P.O. Processing Time	November 2024	January 2025
Weather Delays	November 2024	January 2025
Third Party Issues	November 2024	January 2025
Claims	November 2024	January 2025

The map displays the coastal region of Malibu, California. A red line segment along the coastline is labeled "Area of Enhancement" with arrows pointing to it. The map includes various roads such as Malibu Rd, Malibu Canyon Rd, and Malibu Colony Rd. It also shows the Santa Monica Mountains National Recreation Area and Malibu Bluff State Recreation Area. A north arrow is located in the upper left corner.