



# Council Agenda Report

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

Prepared by: Jorge Rubalcava, Senior Civil Engineer

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

Approved by: Steve McClary, Interim City Manager

Date prepared: December 28, 2021 Meeting date: January 24, 2022

Subject: Los Angeles County Measure R Transportation Funding Agreement Amendment for Civic Center Way Improvements Project

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**RECOMMENDED ACTION:** 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 4 with Los Angeles County Metropolitan Transportation Authority (Metro) for the Civic Center Way Improvements project.

**FISCAL IMPACT:** No fiscal impact associated with this action. Funding for this project was included in the Adopted Budget for Fiscal Year 2021-2022 in Account No. 310-9061-5100.00 (Civic Center Way Improvements). The current balance for this project is \$58,560.33.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022. This project was completed last fiscal year. However, this amendment is needed to close out the project with Metro.

**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 Civic Center Way Improvements to use the City's Measure R funds.

The Civic Center Way Improvements project consisted of improving approximately 0.7 miles of Civic Center Way from Webb Way to Malibu Canyon Road. The project improved the curvature of the roadway, installed pedestrian walkways, a new bike lane, wildlife permeable fencing and landscaping, and the addition of an eastbound right turn lane from Civic Center Way to Webb Way. The project improved the safety for motorists, pedestrians, and cyclists.

A funding agreement for this project was initially approved in February 2016. This amendment to the funding agreement adjusts the project schedule to reflect the completion of the project. This project was accepted by Council on September 13, 2021.

Staff recommends that the City Council authorize the Mayor to sign the Funding Agreement Amendment No. 4.

ATTACHMENTS:

1. Funding Amendment No. 4 to Agreement with Metro for the Civic Center Way Improvements Project

**AMENDMENT No. 4 TO MEASURE R FUNDING AGREEMENT  
BETWEEN CITY OF Malibu AND THE LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

This Amendment No. 4 to the Funding Agreement (this "Amendment"), is dated as of June 28, 2021 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.920000000MR311.24, dated January 2, 2016, which was amended on June 21, 2018, August 1, 2019, and June 18, 2020, (the "Existing FA"), which Existing FA provides for the Malibu/Civic Center Way Widening Project (the "Project"); and
- B. WHEREAS, the LACMTA Board on October 25, 2018, delegated administrative authority to staff to extend funding agreement lapse dates to meet PA&ED, PS&E, ROW and Construction time Frames; and
- C. WHEREAS, the Grantee and LACMTA desire to extend the lapsing date of FY2016-17 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) All Measure R Funds programmed for FY 2014-15 and FY 2015-16 have been expended and are no longer available. All Measure R Funds programmed for FY2016-17 are subject to lapse by June 30, 2022. All Measure R Funds programmed for FY2017-18 are subject to lapse by June 30, 2022. All Measure R Funds programmed for FY2019-20 are subject to lapse by June 30, 2024. All Proposition C Funds programmed for FY 2019-20 are subject to lapse by June 20, 2022”
2. Attachment B1-3 of the Existing FA is hereby replaced by Attachment B1-4, attached.
3. Attachment C-3 of the Existing FA is hereby replaced by Attachment C-4, attached.
4. 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. 4 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: \_\_\_\_\_ Date: \_\_\_\_\_  
Stephanie N. Wiggins  
Chief Executive Officer

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA  
County Counsel

By: \_\_\_\_\_ Date: 11/30/2021  
Deputy 

GRANTEE:

CITY OF MALIBU

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Paul Grisanti  
Mayor

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
John Cotti  
Interim City Attorney

# ATTACHMENT B1-4 - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure R Program - Funding Agreement Project - FA # 920000000MR31124A-4

Project Title: Civic Center Way Improvements Project# MR311.24

## PROGRAMMED SOURCES OF FUNDS

| (o's)                            |                    |                     |                     |                     |                     |                     |                    |
|----------------------------------|--------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------|
| SOURCES OF FUNDS                 | Prior Expenditures | FY 2020-21 Qtr<br>3 | FY 2020-21 Qtr<br>4 | FY 2021-22 Qtr<br>1 | FY 2021-22 Qtr<br>2 | FY 2021-22 Qtr<br>3 | TOTAL BUDGET       |
| <b>LACMTA PROGRAMMED FUNDS:</b>  |                    |                     |                     |                     |                     |                     |                    |
| <b>MEASURE R FUNDS:</b>          |                    |                     |                     |                     |                     |                     |                    |
| PAED                             | \$281,530          | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$281,530          |
| PAED and PS&E                    | \$346,955          | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$346,955          |
| RW Support                       |                    | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$0                |
| Const. Support (CM)              | \$24,132           | \$24,872            | \$0                 | \$0                 | \$0                 | \$0                 | \$49,004           |
| RW                               |                    | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$0                |
| Construction                     | \$1,839,005        | \$2,014,954         | \$388,253           | \$74,363            | \$205,937           | \$0                 | \$4,522,512        |
| <b>Total MEASURE R</b>           | <b>\$2,491,621</b> | <b>\$2,039,826</b>  | <b>\$388,253</b>    | <b>\$74,363</b>     | <b>\$205,937</b>    | <b>\$0</b>          | <b>\$5,200,000</b> |
| <b>PROP C 25%</b>                |                    |                     |                     |                     |                     |                     |                    |
| PAED                             |                    |                     |                     |                     |                     |                     | \$0                |
| PAED and PS&E                    |                    |                     |                     |                     |                     |                     | \$0                |
| RW Support                       |                    |                     |                     |                     |                     |                     | \$0                |
| Const. Support                   |                    |                     |                     |                     |                     |                     | \$0                |
| RW                               |                    |                     |                     |                     |                     |                     | \$0                |
| Construction                     |                    | \$0                 | \$43,136            |                     |                     |                     | \$43,136           |
| <b>Total PROP C 25%</b>          | <b>\$0</b>         | <b>\$0</b>          | <b>\$43,136</b>     | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$43,136</b>    |
| <b>SUM PROG LACMTA FUNDS:</b>    | <b>\$2,491,621</b> | <b>\$2,039,826</b>  | <b>\$431,389</b>    | <b>\$74,363</b>     | <b>\$205,937</b>    | <b>\$0</b>          | <b>\$5,243,136</b> |
| <b>OTHER NON LACMTA FUNDING:</b> |                    |                     |                     |                     |                     |                     |                    |
| <b>LOCAL: TDA Article 3</b>      |                    |                     |                     |                     |                     |                     |                    |
| PAED                             | \$6,736            |                     |                     |                     |                     |                     | \$6,736            |
| PAED and PS&E                    | \$27,000           |                     |                     |                     |                     |                     | \$27,000           |
| RW Support                       |                    |                     |                     |                     |                     |                     | \$0                |
| Const. Support                   |                    |                     |                     |                     |                     |                     | \$0                |
| RW                               |                    |                     |                     |                     |                     |                     | \$0                |
| Construction                     |                    |                     |                     |                     |                     |                     | \$0                |
| <b>Total LOCAL%</b>              | <b>\$33,736</b>    | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$33,736</b>    |
| <b>SUM NON-LACMTA FUNDS :</b>    | <b>\$33,736</b>    | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$33,736</b>    |
| <b>SUMMARY OF ALL FUNDS</b>      |                    |                     |                     |                     |                     |                     |                    |
| PAED                             | \$288,266          | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$288,266          |
| PS&E                             | \$373,955          | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$373,955          |
| RW Support                       | \$0                | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$0                |
| Const. Support                   | \$24,132           | \$24,872            | \$0                 | \$0                 | \$0                 | \$0                 | \$49,004           |
| RW                               | \$0                | \$0                 | \$0                 | \$0                 | \$0                 | \$0                 | \$0                |
| Construction                     | \$1,839,005        | \$2,014,954         | \$431,389           | \$74,363            | \$205,937           | \$0                 | \$4,565,648        |
| <b>TOTAL MILESTONES</b>          | <b>\$2,491,621</b> | <b>\$2,039,826</b>  | <b>\$431,389</b>    | <b>\$74,363</b>     | <b>\$205,937</b>    | <b>\$0</b>          | <b>\$5,276,872</b> |
| <b>SUM PROG LACMTA FUNDS</b>     | <b>\$2,491,621</b> | <b>\$2,039,826</b>  | <b>\$431,389</b>    | <b>\$74,363</b>     | <b>\$205,937</b>    | <b>\$0</b>          | <b>\$5,243,136</b> |
| <b>SUM NON-LACMTA FUNDS</b>      | <b>\$33,736</b>    | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$0</b>          | <b>\$33,736</b>    |
| <b>TOTAL PROJECT FUNDING</b>     | <b>\$2,525,357</b> | <b>\$2,039,826</b>  | <b>\$431,389</b>    | <b>\$74,363</b>     | <b>\$205,937</b>    | <b>\$0</b>          | <b>\$5,276,872</b> |
|                                  |                    |                     |                     |                     |                     |                     | <b>\$5,276,872</b> |

## ATTACHMENT C-4 SCOPE OF WORK

### PROJECT TITLE:

Civic Center Way Improvements

### PROJECT LOCATION:

The project is located on Civic Center Way in the City of Malibu.

### PROJECT LIMITS:

Along Civic Center Way between Malibu Canyon Road and Webb Way. A distance of approximately .7 miles. And along Webb Way between Civic Center Way and Pacific Coast Highway. A distance of approximately 400 feet.

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

Civic Center Way is classified as a collector road and it serves as a critical connection between Malibu Canyon Road and PCH/SR-1. Malibu Canyon Road is classified as a principal arterial roadway on the Federal Aide Route and it is the only principal arterial road connecting Pacific Coast Highway (PCH/SR-1) with the San Fernando Valley (SFV) and the US 101-freeway in the City of Malibu. Many commuters, visitors and residents use Civic Center Way when traveling to and from Malibu and the SFV via Malibu Canyon Road. The section of Civic Center Way between Malibu Canyon Road and Webb Way serves as a critical by-pass to the intersection of PCH/SR-1 and Malibu Canyon Road.

This project is intended to improve the roadway for all modes of travel by improving the curvature of the roadway, expanding the roadway and providing a pedestrian facility and bike facility. The existing curvature of the roadway causes traffic conflicts which this project aims to reduce through recontouring and widening the roadway. The new sidewalk will connect several major activity centers in the Malibu Civic Center area including: Malibu Bluffs Park, Pepperdine University, Malibu City Hall, Malibu Library and the planned Santa Monica College satellite campus. The installation of a sidewalk and bike facility will separate pedestrians and cyclists from the flow of traffic and improve safety for all modes of travel. Together these improvements would serve to improve traffic flow, promote active transportation, reduce incident delay and reduce congestion at the Malibu Canyon Road and PCH-SR-1 intersection.

### PROJECT BACKGROUND:

Civic Center Way from Malibu Canyon Road to Webb Way is currently a two-lane road with little or no shoulder width to accommodate all modes of transportation. Pepperdine University, two elementary schools and several condos are located on or adjacent to this segment of Civic Center Way. Currently, pedestrians, cyclists and vehicles use Civic Center Way to access several major activity centers in the Malibu Civic Center area. Not having any dedicated pedestrian and cyclist facilities causes a safety issue. Constructing new pedestrian and cycling improvements as well as improving the curvature of the roadway will provide improved safety for all modes of transportation.

**PROJECT BUDGET:**

| <b>COMPONENT</b>     | <b>AMOUNT</b>    |
|----------------------|------------------|
| PA/ED                | 288,266          |
| PS and E             | 373,955          |
| Construction Support | 49,004           |
| Construction Capital | <u>4,565,648</u> |
| Total Budget         | \$5,276,872      |

**SCOPE:**

The Project features include, but are not limited to, the following:

The Civic Center Way Improvements Project ("project") consists of improvements along Civic Center Way between Malibu Canyon Road and Webb Way and along Webb Way between Civic Center Way and Pacific Coast Highway/State Route 1. The project will include but is not limited to demolition and earthwork to improve the existing horizontal and vertical curves and widen the roadway, installation of minor retaining walls, installation of sidewalk, installation of bike facilities, installation of landscaping and shade trees, reconfiguration of turn lanes, asphalt concrete overlay, concrete work, concrete curb and gutter, storm water conveyance, traffic striping and signage, and associated utility work. The current roadway varies from approximately 30 feet to 68 feet. All new travel and turn lanes will be a minimum of 12 feet and sidewalks will be a minimum of 4 feet. A stormwater pollution prevention plan and traffic control plan will be prepared and implemented for the project.

**DESIGN:**

**I. Environmental Analysis – Environmental Clearance and Coastal Development Permit as Final Work Product**

City and Consultant to perform the following tasks:

- A. Define a complete and detailed project description.
- B. Conduct technical analysis as required for the project.
- C. Conduct archeological or other studies as required for the project.
- D. Prepare environmental documents consistent with CEQA Guidelines for review and approval by the City following completion of appropriate technical analysis and studies.
- E. Prepare the Coastal Development Permit Application.
- F. Prepare technical analysis or studies for the Coastal Development Permit and all other applicable permits as necessary.
- G. Make presentations to regulatory agencies as necessary.

**II. Preliminary Design – "Design Memo and Renderings" as Final Work Product**

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. Provide Right-of-Way support activities related to lot line adjustments and the preparation of deeds.
- D. Research, review and understand City of Malibu Local Coastal Program and City of Malibu General Plan.
- E. Provide a complete survey of the project area, establishing horizontal and vertical control for the project.
- F. Identify and coordinate with all utilities in the project area to facilitate the final design of the Project.
- G. Provide utility relocation services.
- H. Prepare and submit a "Design Memo" detailing the proposed project improvements and the supporting engineering analysis.
- I. Prepare and submit a Preliminary Engineer's Construction Cost Estimate for all recommended improvements identified in the "Design Memo."
- J. Prepare rendering of recommended improvements identified in the "Design Memo."

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

City and 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 90% complete and final. Submittals at 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 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. Prepare technical construction specifications consistent with City format (SSPWC "Greenbook" and CSI Format, most recent editions).
- F. Submittal of specifications shall be delivered to the City at 90% complete and final in hard copy and electronic formats.
- G. Prepare an Engineer's Construction Cost Estimate based on the itemized quantity take-off from the contract documents.
- H. Submittal of the Engineer's Construction Cost Estimate shall be delivered to the City at 90% complete and final in hard copy and electronic formats.
- I. Prepare a Stormwater Pollution Prevention Plan that satisfies the requirements of the City's stormwater program and all other applicable regulatory agencies.
- J. Prepare a traffic control plan that satisfies the requirements of the City.

### **III. Project Management and Preparation of Periodic Updated Schedule, Deliverables and Meetings**

City and 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 be limited to: Project Kick-off Meeting, presentation of "Design Memo", progress meetings and preparation for the Public Meetings at 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.
- C. The City shall coordinate and oversee environment analysis, permitting and design.

### **CONSTRUCTION:**

City staff will provide construction management services, including construction inspection services. The City will contract for construction support services for the project through the Request For Proposal process. 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 City's Construction Manager will provide contract administration and construction management as well as materials testing and inspection.
- B. The City's Construction Manager shall accomplish Project tasks including but is not limited to: Pre-Bid Meeting, Pre-Construction Meeting, progress meetings and the review and preparation of response to RFIs, progress payment requests, submittals, shop drawings and change orders.

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

City and Consultant to perform the following tasks:

- A. The City's Construction Manager shall perform the following tasks including but is not limited to: Pre-Bid Meeting, Pre-Construction Meeting, progress meetings and the review and preparation of responses to RFIs, RFCs, progress payment requests, submittals, shop drawings and change orders.
- B. The Design Consultant shall meet with the City and provide support to Construction Manager for reviewing the above-mentioned items.

#### **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.

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

| <u>Milestone</u>                          | <u>Estimated Timeframe</u>  |
|---|-----------------------------|
| (a) Begin Design                          | September 2016              |
| (b) Environmental Analysis and Permitting | February 2018 – August 2018 |
| (c) Public Bid for Construction           | November 2019               |
| (d) Award Construction Contract           | August 2020                 |
| (e) Construction                          | August 2020 – November 2021 |

ATTACHMENT C-3 -Location Map(s)



**PROJECT LIMITS**

Kimley»Horn