



# Council Agenda Report

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

Prepared by: Elizabeth Shavelson, Assistant to the City Manager

Approved by: Reva Feldman, City Manager

Date prepared: May 1, 2020 Meeting date: May 11, 2020

Subject: Amendments to the Funding Agreements with Los Angeles County Metropolitan Transportation Authority and Los Angeles County

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**RECOMMENDED ACTION:** 1) Authorize the City Manager to execute the amendment to the Funding Agreement with Los Angeles County Metropolitan Transportation Authority (Metro) and Los Angeles County for the purchase of vacant land for park and ride lots on Civic Center Way and Webb Way (APN 4458-020-015), at 23575 Civic Center Way (APN 4458-022-011) and Pacific Coast Highway and Heathercliff Road (APN 4466-021-028); and 2) Authorize the Mayor to execute the amendment to the Funding Agreement with Los Angeles County and authorize the City Manager to take all actions necessary to finalize the amendment.

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

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020. This project is part of normal staff operations.

**DISCUSSION:** On April 23, 2018, the Council approved a funding plan of \$42,500,000 to purchase three vacant properties. The funding included \$12,000,000 of General Fund Undesignated Reserves, \$1,000,000 of General Fund Designated Reserves, \$22,143,775 of Certificates of Participation and \$7,356,225 of Los Angeles County Measure R and M funds.

Los Angeles County Measure R and Measure M are sales tax measures approved by Los Angeles County voters to fund transportation projects throughout the region. Los Angeles County Measure R was approved by voters in 2008 and Los Angeles County Measure M was approved by voters in 2016. Both measures are administered by Metro. Funds from both measures may be used for transportation related purposes, including parking for park and ride facilities. All three properties are located along an established Metro bus route

and a portion of each parcel is suitable for a shared use park and ride.

At the time of the land purchase, the Measure M funds Metro designated for the acquisition were not currently available. Los Angeles County Supervisor Sheila Kuehl agreed to contribute up to \$4,000,000 of the Third District's existing Proposition C transportation dollars until the Measure M funds were released, at which time the Third District's Proposition C funds would be reimbursed by the Measure M funds.

The Measure M funds are now available. Amendment 1 to the Funding Agreement with Metro (Attachment 1) allows for the disbursement of \$3.1 million in Measure M funds to the City of Malibu as reimbursement for funds used towards the purchase of the vacant land. The City will transfer these funds to the County once they are received in accordance with the City's funding agreement with Los Angeles County.

Under the direction of Supervisor Kuehl, the County has committed to contribute \$756,225 towards the land acquisition. These funds will not be repaid by the City of Malibu. The County's contribution of \$756,225 is formalized in Amendment 1 to the Funding Agreement with Los Angeles County (Attachment 2).

Staff recommends that the City Council authorize the City Manager and the Mayor to sign the amendments as applicable and take all actions necessary to finalize the amendments.

ATTACHMENTS:

1. Amendment 1 to the Funding Agreement with Metro
2. Amendment 1 to the Funding Agreement with Los Angeles County

**AMENDMENT No.1  
TO MEASURE R FUNDING AGREEMENT with MEASURE M FUNDS  
BETWEEN CITY OF MALIBU AND THE LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

This Amendment No. 1 to the Funding Agreement (this "Amendment"), is dated as of January 31, 2020 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. 920000000M31135, dated August 1, 2018 (the "Existing FA"), which Existing FA provides for Park and Ride Lots on Civic Center Way and/or PCH Project, (the "Project"); and

B. WHEREAS, LACMTA adopted Ordinance #16-01, the Los Angeles County Traffic Improvement Plan, on June 23, 2016 (the "Ordinance"), which Ordinance was approved by the voters of Los Angeles County on November 8, 2016 as "Measure M" and became effective on July 1, 2017.

C. WHEREAS, this Project is eligible for funding under Line 57 of the Measure M Expenditure Plan; and

D. WHEREAS, the LACMTA Board, at its January 23, 2019 meeting, programmed \$3,100,000, in Measure M funds to GRANTEE for Highway Efficiency Category project, Project Number MM5503.04 for Right of Way to add to the existing Measure R funds that have been programmed for the Project subject to the terms and conditions contained in this FA; and

E. WHEREAS, the Funds are currently programmed for the Project as follows \$2,000,000 in Measure R funds in Fiscal Year (FY) 2016-17; \$1,500,000 in Measure R funds in FY 2017-18 and \$3,100,000 in Measure M funds in FY 2018-19. The total designated LACMTA programming amount for the Project is \$6,600,000; and

F. 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 I, Paragraph 2.1 is hereby deleted in its entirety and is hereby amended by replacing it with the following: “Programmed funds for the Project consist of Measure R funds and Measure M funds.”

2. Part I, Paragraph 2.2 of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following: “To the extent the Measure R funds are available, LACMTA shall make to GRANTEE a grant of the Measure R funds in the amount of \$3,500,000 and a grant of the Measure M funds in the amount of \$3,100,000 (the “Funds”) for the Project. LACMTA Board of Directors actions on December July 26, 2018 granted the Measure R Funds for the Project and on January 23, 2019 granted Measure M funds for the project. The Measure R Funds are programmed over two Fiscal Years (FY): \$2,000,000 in FY 2016-17 and \$1,500,000 in FY 2017-18. The Measure M funds are programmed over one FY: \$3,100,000 in FY 2018-19.”

3. Part I, Paragraph 12 is hereby deleted it in its entirety and replacing it with the following:

“Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012  
Attention: Roberto Machuca  
Mail Stop: 99-18-02  
Phone: (213) 418-3467  
Email: [MachucaR@metro.net](mailto:MachucaR@metro.net)”

4. Part II, Section 9.1 (v) of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following: “(vii) Measure R funds are to be expended within **five years or 60 months** from July 1 of the Fiscal Year in which the Funds are programmed, unless otherwise stated in this FA. All Measure R Funds programmed for this Project for FY 2016-17 and FY 2017-18 have been expended and are no longer available. The Measure M funds are to be expended within **three years or 36 months** from July 1 of the Fiscal Year in which the Funds are programmed, unless otherwise stated in this FA. All Measure M funds programmed for FY 2018-19 are subject to lapse by June 30, 2021.”

5. Part II, Paragraph 3 of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following:

### “3. INVOICE BY GRANTEE

Unless otherwise stated in this FA, the Quarterly Expenditure Report, with supporting documentation of expenses, Project progress and other documents as required, which has been pre-approved by LACMTA, all as described in Part II, Section 6.1 of this FA, shall satisfy LACMTA invoicing requirements. Grantee shall only submit for payment, the LACMTA pre-approved Quarterly Expenditure Report Packets to the LACMTA Project Manager at the email address shown in Part I and to LACMTA Account Payable Department as shown below.

Submit invoice with supporting documentation to:  
[ACCOUNTSPAYABLE@METRO.NET](mailto:ACCOUNTSPAYABLE@METRO.NET) (preferable)

or

mail to:

**Los Angeles County Metropolitan Transportation Authority**  
**Accounts Payable**  
**P. O. Box 512296**  
**Los Angeles, CA 90051-0296**

All invoice material must contain the following information:

Re: LACMTA Project ID# MR311.35/MM5503.04 and FA# 920000000MR311.35  
LACMTA Project Manager: Roberto Machuca, MS: 99-18-2”

6. Attachment A of the Existing FA is hereby replaced by Attachment A-1,  
attached.

7. Attachment B1 of the Existing FA is hereby replaced by Attachment B1-1,  
attached.

8. Attachment C of the Existing FA is hereby replaced by Attachment C-1,  
attached.

9. 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. 1 to the FA to be executed by their duly authorized representatives as of the dates indicated below:

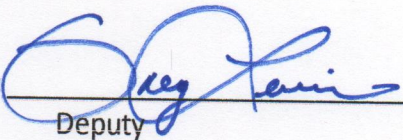
LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Phillip A. Washington  
Chief Executive Officer

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By:  \_\_\_\_\_ Date: 4/1/2020  
Deputy

GRANTEE:

CITY OF MALIBU

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Reva Feldman  
City Manager

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Christi Hogin  
City Attorney

# ATTACHMENT A-1 - PROJECT FUNDING

Measure R Program and Measure M MSP - Highway Efficiency Program - Funding Agreement Projects - FA# 920000000MR311.35

Project Title: Park and Ride Lots on Civic Center Way and/or PCH Project      Project#: MR311.35 and MM5503.04

## PROGRAMMED BUDGET - SOURCES OF FUNDS

SOURCES OF FUNDS	FY2015-16	FY2016-17	FY2017-18	FY 2018-19	FY2019-20	FY2020-21	Total Budget	% of Budget
LACMTA PROGRAMMED FUNDING								
MEASURE M MSP FUNDS				\$ 3,100,000			\$ 3,100,000	47%
MEASURE R FUNDS		\$ 2,000,000	\$ 1,500,000				\$ 3,500,000	53%
<b>SUM PROG LACMTA FUNDS</b>	<b>\$ -</b>	<b>\$ 2,000,000</b>	<b>\$ 1,500,000</b>	<b>\$ 3,100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,600,000</b>	<b>100%</b>
OTHER NON LACMTA FUNDING:								
LOCAL:							\$ -	0%
STATE:							\$ -	0%
FEDERAL:							\$ -	0%
PRIVATE OR OTHER:							\$ -	0%
<b>SUM NON-LACMTA FUNDS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0</b>
<b>TOTAL PROJECT FUNDS</b>	<b>\$ -</b>	<b>\$ 2,000,000</b>	<b>\$ 1,500,000</b>	<b>\$ 3,100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,600,000</b>	<b>100%</b>

Use Actual \$\$\$

Measure R Program and Measure M MSP - Highway Efficiency Program - Funding Agreement Projects - FA# 920000000MR311.35  
Project Title: Park and Ride Lots on Civic Center Way and/or PCH Project Project#: MR311.35 and MM5503.04

[illegible]



## MEASURE R FUNDING PROGRAM ATTACHMENT C-1 SCOPE OF WORK

Project Title: Park and Ride Lots on Civic Center Way and/or PCH

### **Project Limits:**

The Malibu Park and Ride Lots will be located on portions of the parcels located at:

- Intersection of Civic Center Way and Webb Way (APN 4458-020-015)
- Intersection of Pacific Coast Highway and Heathercliff Road (APN 4466-021-028)
- 23575 Civic Center Way (APN 4458-022-011)

### **Project Need:**

The Pacific Coast Highway/State Route 1 (PCH/SR-1) corridor in Malibu connects Los Angeles to Ventura County along the coast. It is a conventional highway that is used daily by commuters and residents. In addition, it serves the over 15 million visitors that Malibu receives annually. Metro operates local Bus Route 534 providing transit service between Trancas Canyon Road in Malibu and downtown Santa Monica. There is a need to promote the existing transit service and carpooling. Increasing transit ridership and carpooling will reduce congestion along the highway, improve traffic flow and reduce travel times. A lack of parking that is available for carpooling and park and ride purposes near metro stops limits the ability of the City, Metro and Caltrans to reduce this congestion.

PCH/SR-1 is a four lane conventional highway and there are no parallel facilities to alleviate traffic congestion. According to Caltrans' 2016 traffic counts, the average daily traffic at Civic Center Way and PCH is 43,000 vehicles, the average daily traffic at Topanga Canyon Road and PCH is 53,000 vehicles and it gets increasingly more congested as one travels towards Santa Monica. According to a recent Metro study, congestion on PCH is comparable to freeways when the number of lanes is taken into account.

Due to Malibu's unique topography, the highway is highly constrained rendering the addition of travel lanes for capacity enhancement infeasible. As a result, residents, commuters and visitors must rely more and more on the expansion of transit to reduce congestion. Metro operates local Bus Route 534, providing transit service between Trancas Canyon Road in Malibu and Downtown Santa Monica with stops at many popular Malibu destinations, including major beaches, recreation and commercial areas. Residents cite lack of parking and inaccessibility of transit stops as common reasons for not using public transportation.

### **Project Scope:**

The project consists of the purchase of vacant land (3 parcels with a total of 29.24 acres) in the Civic Center and Point Dume areas adjacent to existing Metro 534 bus stops, a portion of which will be reserved for shared use park and ride or other transportation purposes. The City completed the purchase in September 2018. The City used Measure R funds as part of the escrow payment and is seeking Measure M funds to repay other funds used for the purchase of the portion of the parcels intended for shared use park and ride or other transportation purposes. In exchange for use of these funds the City will reserve a total of 4.11 acres to serve as shared use Park and Ride lots or for

other transportation purposes approved by Las Virgenes Malibu Council of Governments and the Metro Board. The creation of shared use Park and Ride lots will allow residents and visitors to use public transportation to access destinations in Malibu and the surrounding areas. It will also encourage commuters to use transit or carpool to reach their destinations. Of the 4.11 acres proposed to be reserved for shared use Park and Ride or transportation purposes, 1.4146 acres are the subject of the original scope of work of this is Funding Agreement and will be located as follows in Attachment 1. The remaining 2.6954 acres identified for shared use Park and Ride or transportation purposes are proposed to be purchased with Measure M or other local transportation funds and are the subject to this amendment to Funding Agreement No. 92000000031135.

An estimate of the number of shared use Park and Ride Lot Spaces anticipated at each location is as follows:

Approximately 100 Spaces at Civic Center Way and Webb Way (APN 4458-020-015)  
Approximately 200 Spaces at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028)  
Approximately 100 Spaces at 23575 Civic Center Way (APN 4458-022-011)

See tables on the next page with details of all the locations, total acquisition costs, Measure R funds used, Measure M funds used, other local transportation funds used and transportation reserved acres for the acquired parcels.

The table below details the locations, acquisition costs, and transportation reserved acres for the parcels acquired with Measure R funds.

Location	APN	Total Acres	Cost Per Acre	Total Cost Per Parcel	Park & Ride/ Trans. Acres Measure R	Measure R Funds
Civic Center Way and Webb Way	4458-020-015	1.11	\$2,882,883	\$3.2 Million	1.11	\$3,200,000
PCH and Heathercliff Road	4466-021-028	18.48	\$ 984,848	\$18.2 Million	0.3046	\$300,000
Subtotal					1.4146	\$3,500,000

The table below details the location, acquisition costs, transportation reserved acres for the parcels acquired with Measure M and other location transportation funds.

Location	APN	Total Acres	Cost Per Acre	Total Cost Per Parcel	Park & Ride/ Trans. Acres Measure M	Measure M Funds	Park & Ride/ Trans. Acres Other Local Trans. Funds	Other Local Trans. Funds
PCH and Heathercliff Road	4466-021-028	18.48	\$ 984,848	\$18.2 Million	1.6954	\$1,669,697	0	
23575 Civic Center Way	4458-022-011	9.65	\$2,186,528	\$21.1 Million	.6541	\$1,430,303	0.3459	\$756,225
Subtotal					2.6954	\$3,100,000		\$756,225

The table below details the location, total acquisition costs, total transportation reserved acres for all the parcels acquired with Measure R, Measure M and other location transportation funds.

Location	APN	Total Acres	Cost Per Acre	Total Cost Per Parcel	Park & Ride/Trans. Acres	Measure R	Measure M	Other Local Trans. Funds	Total Cost for Park and Ride/Trans. Land
Civic Center Way and Webb Way	4458-020-015	1.11	\$2,882,883	\$3.2 Million	1.11	\$3,200,000			\$3,200,000
PCH and Heathercliff Road	4466-021-028	18.48	\$ 984,848	\$18.2 Million	2.0	\$300,000	\$1,669,697		\$1,969,697
23575 Civic Center Way	4458-022-011	9.65	\$2,186,528	\$21.1 Million	1.0		\$1,430,303	\$756,225	\$2,186,528
Subtotal		29.24	n/a	42.5 million	4.11	\$3,500,000	\$3,100,000	\$756,225	\$7,356,225

**BUDGET:**

Component	Measure R	Measure M	Other Local Trans. Funds	Total
Right of Way Capital	3,500,000	3,100,000	\$756,225	7,356,225
Total	3,500,000	3,100,000	\$756,225	7,356,225

The total costs to purchase the 3 parcels was \$42.5 million. The total costs for the acquisition of the properties intended for the shared use Park and Ride lots/transportation projects was \$7,356,225. This includes \$3,500,000 in Measure R funding, \$3,100,000 in Measure M funding and \$756,225 in other local transportation funding.

The Measure R funding was wired into the escrow account prior to the close of escrow per the escrow instructions. The County of Los Angeles provided \$3,856,225 for the close of escrow. The City will repay the County the \$3,100,000 it receives in Measure M funds.

**MILESTONES:**

<u>Milestone</u>	<u>Estimated Timeframe</u>
(a) City Council Approved the Agreement for Purchase and Escrow Instructions	July 9, 2018
(b) Close of Escrow	September 6, 2018

## ATTACHMENT 1

### PROPERTY LOCATIONS:

Civic Center Way and Webb Way (APN 4458-020-015)



Pacific Coast Highway and Heathercliff Road (APN 4466-021-028)





23575 Civic Center Way (APN 4458-022-011)



The location of the acres reserved for shared use park and ride or transportation purposes on Pacific Coast Highway and Heathercliff Road (APN 4466-021-028) and 23575 Civic Center Way (APN 4458-022-011) shall be chosen by the City so long as it is feasible to use the designed location for shared use park and ride or other transportation purposes.

**AMENDMENT NO. 1 TO THE AGREEMENT DATED AUGUST 28, 2018**  
**BETWEEN THE COUNTY OF LOS ANGELES AND THE CITY OF MALIBU**  
**REGARDING THE CONTRIBUTION OF FUNDS FOR THE MALIBU PARK AND RIDE**

This Amendment is made and entered into on \_\_\_\_\_, 2020 by and between the County of Los Angeles (COUNTY) and the City of Malibu (CITY).

**WITNESSETH:**

WHEREAS, on August 28, 2018, the COUNTY and CITY entered into an agreement whereby the COUNTY agreed to contribute up to \$4,000,000 in Proposition C Local Return funds for the Malibu Park and Ride (PROJECT), and the CITY agreed to cooperate with the COUNTY in allocating sufficient funds from eligible funds within the Las Virgenes-Malibu Measure M Multi-Year Subregional Program or other eligible funds to repay the COUNTY for its contribution to the PROJECT; and

WHEREAS, the COUNTY actually contributed \$3,856,225 to the PROJECT, and the CITY will receive \$3,100,000 in Los Angeles County Metropolitan Transportation Authority Measure M Multi-year Subregional Program funds for the PROJECT, which will be transferred the COUNTY; and

WHEREAS, the COUNTY will not seek repayment for the remaining \$756,225 of its contribution for the PROJECT that has not been repaid, and will not require the CITY to allocate other eligible funds to repay this amount.

**AMENDMENT:**

Now, therefore, the COUNTY and CITY mutually agree as follows:

1. Section 2 of the AGREEMENT, Repayment of Funds, shall be deleted and replaced with the following:

The CITY shall cooperate with the COUNTY in allocating eligible funds within the Las Virgenes-Malibu Subregion's allocation of Measure M Multi-Year Subregional Program funds and execute any funding agreements with the Los Angeles County Metropolitan Transportation Authority to repay the COUNTY for its contribution to PROJECT funds. The COUNTY will not seek repayment for any amount contributed beyond the amount allocated from the Measure M Multi-Year Subregional Program.

2. Except as modified by this AMENDMENT, all other terms, conditions, requirements, and specifications of this agreement shall remain in full force and effect.

In WITNESS WHEREOF, COUNTY and CITY hereto have caused this Amendment to be executed by their respective officers as of the date first written above.

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
Mark Pestrella  
Director of Public Works

APPROVED AS TO FORM:  
MARY C. WICKHAM  
County Counsel

By Julia Weissman  
Deputy

CITY OF MALIBU

By \_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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