

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 
Prepared by: Shaun Kroes, Senior Management Analyst 

DATE: March 8, 2012 (CC Meeting of 03/21/12)

SUBJECT: Consider Resolution Approving Program Supplement No. NO12 to Administering Agency – State Agreement for Federal Aid Projects No. 07-5436R for the Driveway Connecting Metrolink South Parking Lot to First Street Project

BACKGROUND/DISCUSSION

Capital Improvement Program Project No. 8056 (CIP 8056) is for the relocation of the south entry to the south Metrolink parking lot to a point on First Street east of Moorpark Avenue. The project includes \$582,000.00 in Congestion Mitigation and Air Quality (CMAQ) funding, with a local match of \$100,000.00 from the Traffic System Management Fund (Fund 2001) for the right-of-way acquisition required by the project. The City processes the approval of funds, authorization to proceed with the project, and reimbursement requests through Caltrans. Program Supplement No. NO12 (Attachment 1) must be executed by the City and returned to Caltrans prior to submittal for reimbursement of work related to the project. The Program Supplement is a project specific agreement under the City's existing Master Agreement No. 07-5436R with Caltrans which sets forth the terms and conditions for receiving and expending federal funds on City projects.

Attachment 2 is a resolution approving the subject Program Supplement and authorizing the City Manager to execute said Program Supplement.

FISCAL IMPACT

None. The \$582,000.00 in CMAQ funds have been approved by Caltrans and any further budgetary actions will be brought before City Council for consideration.

STAFF RECOMMENDATION

1. Adopt Resolution No. 2012 - _____.

Attachments:

1 – Program Supplement No. N012

2 – Resolution No. 2012 - _____

PROGRAM SUPPLEMENT NO. N012
 to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 07-5436

Adv Project ID **Date:** January 17, 2012
 0712000143 **Location:** 07-VEN-0-MRPK
 Project Number: CML-5436(016)
 E.A. Number: 07-933947
 Locode: 5436

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 11/28/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

DRIVEWAY CONNECTING METROLINK SOUTH PARKING LOT TO FIRST STREET.

TYPE OF WORK: REALIGN MOORPARK RAIL STATION SOUTH PARKING LOT **LENGTH:** 0.0(MILES)
 ENTRANCE.

Estimated Cost	Federal Funds		Matching Funds	
	L40E		LOCAL	OTHER
\$682,000.00		\$582,000.00	\$100,000.00	\$0.00

CITY OF MOORPARK

STATE OF CALIFORNIA
Department of Transportation

By _____
 Title _____
 Date _____
 Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
 Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *T. Anthony* **Date** 1/19/12 \$582,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

RESOLUTION NO. 2012 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N012 TO ADMINISTERING AGENCY – STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 07-5436R PERTAINING TO FEDERAL FUNDING OF THE DRIVEWAY CONNECTING METROLINK SOUTH PARKING LOT TO FIRST STREET PROJECT [CML-5436(016); E.A. NO. 07-933947]

WHEREAS, the City has applied for Congestion Mitigation and Air Quality (CMAQ) Federal funds, to fund the right-of-way acquisition and related activities of the Driveway Connecting Metrolink South Parking Lot to First Street Project; and,

WHEREAS, the City has received from Caltrans the Authorization to Proceed with said project; and,

WHEREAS, said Federal funds are administered by the State of California through the California Department of Transportation (Caltrans); and,

WHEREAS, the City entered into Master Agreement No. 07-5436R with Caltrans setting forth certain requirements pertaining to Federal-Aid Projects effective November 28, 2007; and,

WHEREAS, it is necessary for the City and Caltrans to jointly execute a Program Supplement Agreement pertaining specifically to the above mentioned CMAQ funding of the Driveway Connecting Metrolink South Parking Lot to First Street Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That Program Supplement No. N012 [Project No. CML-5436(016); E.A. No. 07-933947] is hereby approved.

SECTION 2. That the City Manager of the City of Moorpark is hereby authorized to execute said Program Supplement on behalf of the City.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 21st day of March, 2012.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk