

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 

DATE: October 5, 2012 (CC Meeting of 10/17/12)

SUBJECT: Consider Reconsideration of City Council Action on Agenda Item 9.D. of the September 19, 2012, Regular Meeting (Agreement for Construction and Maintenance of the Railroad Crossing Improvements at Spring Road (Project 8039))

BACKGROUND

Councilmember Millhouse has requested an agenda item to allow the City Council to reconsider the prior vote for Agenda Item 9.D. of the September 19, 2012, regular meeting (an Agreement for Construction and Maintenance of the Railroad Crossing Improvements at Spring Road (Project 8039)). The Council's action on September 19 for Item 9.D. was to authorize the City Manager to execute the Construction and Maintenance Agreement with SCRRA for the Railroad Crossing Improvements at Spring Road subject to final language approval by the City Manager and the City Attorney.

DISCUSSION

The City Council's Rules of Procedure (Resolution No. 2011-3071) includes the following language pertaining to reconsideration of a vote:

"7.12 Motion for Reconsideration:

Any Councilmember who voted with the majority may move a reconsideration of any vote at the same meeting or request an agenda item on the next regular meeting or request a special meeting called to be held prior to the next regular meeting to consider reconsideration of any vote. The agenda item shall appear on Presentation/Action/Discussion as a two-part item, e.g.,

Consider Reconsideration of _____.

Reconsideration of vote on _____.

After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.”

Since the vote to authorize the City Manager to execute the Construction and Maintenance Agreement with SCRRRA for the Railroad Crossing Improvements at Spring Road subject to final language approval by the City Manager and the City Attorney was unanimous, any member of the City Council may make a motion to reconsider the Council’s prior vote on the authorization of the execution of the subject agreement, and an affirmative majority vote is required on the motion. If a motion for reconsideration is made then the suggested wording of the motions for reconsideration are as follows:

FIRST MOTION: Consider reconsideration of authorization of the City Manager to execute the Construction and Maintenance Agreement with SCRRRA for the Railroad Crossing Improvements at Spring Road subject to final language approval by the City Manager and the City Attorney, Item 9.D. on the September 19, 2012, regular City Council meeting.

If an affirmative majority is obtained on this first motion then a subsequent motion is needed.

SECOND MOTION: Consider reconsideration of the vote on September 19, 2012, for Item 9.D.

If affirmative majority votes are obtained on the above two motions, then the Council may take a subsequent action as deemed appropriate. Various City Council actions may be discussed, and questions can be answered at the meeting.

STAFF RECOMMENDATION

- 1) Consider reconsideration of authorization of the City Manager to execute the Construction and Maintenance Agreement with SCRRRA for the Railroad Crossing Improvements at Spring Road subject to final language approval by the City Manager and the City Attorney, Item 9.D. on the September 19, 2012, regular City Council meeting;
- 2) Consider reconsideration of vote on September 19, 2012, for Item 9.D.; and
- 3) Direct staff as deemed appropriate for any requested staff action.

Attachment – Item 9.D. from September 19, 2012

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 

DATE: September 11, 2012 (CC Meeting of 09/19/12)

SUBJECT: Consider Agreement for Construction and Maintenance of the Railroad Crossing Improvements at Spring Road (Project 8039)

BACKGROUND

On July 19, 2006, the City Council approved the conceptual design for the railroad crossing improvements at Spring Road including widening of the road between the tracks and Princeton Avenue. Authorization to prepare the project's environmental document and final design was given at the same meeting. On November 7, 2007, the City Council adopted a Mitigated Negative Declaration for the project.

On June 15, 2011, the City Council adopted resolution 2011-3041 amending the project budget to increase the Los Angeles Avenue Area of Contribution, Fund 2501, funding to approximately \$1,700,000.

DISCUSSION

The project consists of railroad crossing and road widening improvements on Spring Road south of the Princeton Avenue and High Street intersection as shown on the attached project plan. In conformance with current railroad crossing safety requirements of the Southern California Regional Rail Authority (SCRRA) and the California Public Utilities Commission (CPUC), the improvements include vehicle gates across the entire road width on both sides of the tracks, and pedestrian safety gates and walkways on both sides of the road and tracks as well. A new raised median with stamped concrete is required to accommodate the vehicle gates. The road widening improvements will result in two northbound through lanes, one north-to-west left-turn lane, one north-to-east right-turn lane, two southbound lanes and bike lanes on both sides of the street.

The necessary right-of-way and temporary construction easement for the northbound right-turn lane has been acquired from the Conoco-Phillips 76 service station property. Driveway, sidewalk, landscaping and traffic signal pole relocation are included in the improvements in this area.

The project design was prepared by the City's consultant to an approximately ninety percent (90%) level of completion in coordination with the SCRRA and the CPUC. SCRRA and their consultants have completed the project design and will manage the contracting for construction and inspection of the improvements. The City must enter into a Construction and Maintenance Agreement with SCRRA to implement the project.

FISCAL IMPACT

In the June 15, 2011 staff report to City Council, the total project cost including design, construction and inspection was estimated to be \$3,000,000. Since that time, the total project cost estimate has risen to approximately \$4,500,000 due to railroad crossing safety and communication improvements required by SCRRA and CPUC. SCRRA has secured \$1,100,000 in funding for this project and is in the process of securing the remaining funding.

The Construction and Maintenance Agreement required by SCRRA for the project includes provisions for the City to contribute the previously budgeted \$1,700,000 to the project.

STAFF RECOMMENDATION

Authorize the City Manager to execute the Construction and Maintenance Agreement with SCRRA for the Railroad Crossing Improvements at Spring Road subject to final language approval by the City Manager and the City Attorney.

Attachment:

Project Plan

