

**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: June 6, 2014 (CC meeting of 06/18/14)

SUBJECT: Consider Amendment No. 2 to Memorandum of Agreement (MOA) Between the Cities of Moorpark and Simi Valley Continuing the Authorization of Moorpark to Fuel up to Three Compressed Natural Gas (CNG) Buses at the Simi Valley Transit Maintenance Facility

BACKGROUND/DISCUSSION

On June 15, 2009, the Cities of Moorpark (Moorpark) and Simi Valley (Simi Valley) entered into a Memorandum of Agreement (MOA) authorizing Moorpark to fuel up to three CNG buses daily at the Simi Valley Transit Maintenance Facility, located at 490 W. Los Angeles Avenue in anticipation of Moorpark's new CNG bus fleet. Moorpark's CNG buses began fueling at the Transit Maintenance Facility in October 2010. On June 18, 2012, Moorpark extended the MOA for two years, through June 30, 2014. On July 30, 2012, Moorpark began using the City of Thousand Oaks (Thousand Oaks) for operation, including fueling, of Moorpark's CNG bus fleet. Consequently, Moorpark only uses Simi Valley for CNG fueling if the CNG fueling station in Thousand Oaks is unavailable. Although rarely used, both Moorpark and Simi Valley see the value maintaining the CNG fueling agreement. The current MOA expires on June 30, 2014. Staff is requesting that City Council extend the MOA for another two years through June 30, 2016.

FISCAL IMPACT

The current method of Moorpark's payments to Simi Valley for CNG bus fueling will continue. Per the MOA, Moorpark reimburses Simi Valley for all applicable fuel and fueling facility maintenance costs. There are no specific anticipated costs expected at this time, because Moorpark only fuels at Simi Valley in the event Thousand Oaks' fueling station is unavailable.

The original MOA required the installation of a separate meter for Moorpark at the Simi Valley Transit Maintenance Facility. The installation was expected to cost \$10,000; however, after the MOA was signed Simi Valley received a grant that funded improvements to the Transit Maintenance Facility. Consequently, Moorpark's meter was paid for with the grant and Moorpark was not invoiced for the work.

STAFF RECOMMENDATION

Authorize the Mayor to sign Amendment No. 2 subject to final language approval by the City Manager and City Attorney.

Attachment:

Amendment No. 2

AMENDMENT NO. 2

AGREEMENT BETWEEN THE CITIES OF MOORPARK AND SIMI VALLEY AUTHORIZING MOORPARK TO FUEL COMPRESSED NATURAL GAS BUSES AT THE SIMI VALLEY TRANSIT MAINTENANCE FACILITY

This Amendment No. 2, to the Agreement between the City of Moorpark, a municipal corporation ("Moorpark"), and the City of Simi Valley, a municipal corporation ("Simi Valley") for fueling Moorpark compressed natural gas buses at the Simi Valley Transit Maintenance Facility ("Agreement"), is made and entered into the _____ day of _____, 2014.

RECITALS

WHEREAS, on June 15, 2009, Moorpark and Simi Valley entered into an Agreement enabling Moorpark to fuel up to three Moorpark compressed natural gas (CNG) buses; and

WHEREAS, on June 18, 2012, Amendment No. 1 to the Agreement was approved, extending the Term to June 30, 2014; and

WHEREAS, both Moorpark and Simi Valley desire to extend the Agreement until June 30, 2016; and

WHEREAS, both Moorpark and Simi Valley agree to the extension of the Agreement and now wish to document the Amendment by jointly approving this Amendment No. 2 to the June 15, 2009 Agreement by amending the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 1, TERM, is amended by replacing this section in its entirety as follows:

"The term of this Agreement shall be to June 30, 2016. Either party may terminate this Agreement at any time prior to the expiration date by giving sixty (60) days advance written notice thereof to the other party. This Agreement may be extended by mutual written agreement of both parties."

II. Remaining Provisions:

Except as revised by this Amendment No. 2, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK
A MUNICIPAL CORPORATION:

CITY OF SIMI VALLEY
A MUNICIPAL CORPORATION:

Janice S. Parvin, Mayor of the
City of Moorpark, California

Bob O. Huber, Mayor of the
City of Simi Valley, California

ATTEST:

ATTEST:

Maureen Benson, City Clerk

Ky Spangler, Assistant City Clerk

APPROVED AS TO FORM:

Lonnie J. Eldridge, City Attorney

APPROVED AS TO CONTENT:

Eric J. Levitt, City Manager