

Council Meeting of
November 22, 2011

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Public Works - Approve Memorandum of Understanding amendment for grant funding for Del Amo Boulevard Extension/Grade Separation, T-30. Expenditure: None.

RECOMMENDATION

Recommendation of the Public Works Director that City Council approve Amendment No. 3 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S with the Los Angeles County Metropolitan Transportation Authority (C2007-102) that extends from June 30, 2011 to June 30, 2012 the lapse date of grant funding for the Del Amo Boulevard Extension/Grade Separation, T-30.

Funding

Not applicable.

BACKGROUND

In July 2000, the City entered into a Memorandum of Understanding/Letter of Agreement ("MOU") with the Los Angeles County Metropolitan Transportation Authority ("METRO") that provides grant funds in the amount of \$13,121,000 for the Del Amo Boulevard Extension/Grade Separation, T-30. The grant funds are available on a reimbursement basis.

In June 2007, the City and METRO approved an Amended and Restated MOU that increased the grant funding from \$13,121,000 to \$20,121,000, an increase of \$7,000,000. The additional \$7,000,000 of grant funding is from the federal Regional Surface Transportation Program (RSTP) and was secured to help offset anticipated higher construction costs. The additional \$7,000,000 of grant funds also is available on a reimbursement basis.

In October 2008, the City and METRO approved Amendment No. 1 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S that provided an additional year (until June 30, 2009) to complete the acquisition of easements needed for the project. Staff completed the acquisitions prior to June 30, 2009. Consequently, the City remained eligible for continued use of the grant funds and qualified for another extension to the lapse date.

In October 2009, the City and METRO approved Amendment No. 2 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S that provided an additional two years (until June 30, 2011) to expend grant funds for construction.

ANALYSIS

In September 2011, the METRO Board approved another extension from June 30, 2011 to June 30, 2012 so the City may continue using grant funds and complete construction of the Del Amo Boulevard Extension/Grade Separation, T-30. This extension was approved because the City has been proactive and diligent in its efforts to complete the project. The recommended Amendment No. 3 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S formalizes the extension of the deadline to June 30, 2012.

As of October 30, 2011, approximately \$10,000,000 of the overall \$20,000,000 grant has been spent. Expenditures include: project management, design, right-of-way acquisition, easements, utility relocation, and construction and construction management costs. The remaining \$10,000,000 of grant funds will be spent on construction and construction management costs.

Construction of the Del Amo Boulevard Extension/Grade Separation, T-30 has been ongoing since fall 2010 and is on schedule to be completed by June 30, 2012.

Respectfully submitted,

ROBERT J. BESTE
Public Works Director

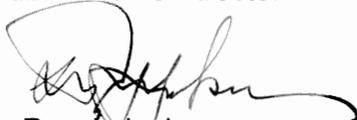


By Craig Bilezerian
Engineering Manager

CONCUR:



Robert J. Beste
Public Works Director



LeRoy J. Jackson
City Manager

- Attachments: A. Amendment No. 3 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S
- B. Amendment No. 2 to Amended and Restated Memorandum of Understanding/Letter of Agreement, MOU/LOA.P0004314S

FTIP#: LA974314

PPNO: N/A

CFP# 4314
AMENDMENT NO. 3
MOU/LOA.P0004314S

AMENDMENT NO. 3
AMENDED AND RESTATED
MEMORANDUM OF UNDERSTANDING/LETTER OF AGREEMENT
BETWEEN
CITY OF TORRANCE
AND
THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

This Amendment No. 3 to Amended and Restated Memorandum of Understanding/Letter of Agreement (this "Amendment"), is dated as of September 19, 2011, by and between City of Torrance ("Project Sponsor"), and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

A. Project Sponsor and LACMTA entered into that certain Amended and Restated Memorandum of Understanding/Letter of Agreement No. MOU.P0004314S, dated April 23, 2007, which was amended on August 7, 2009 and September 3, 2008 (as amended, the "Existing Amended and Restated MOU/LOA"), which Existing Amended and Restated MOU/LOA provides for the Del Amo Boulevard Extension/Grade Separation; and

B. Whereas, LACMTA Board on August 4, 2011, desires to extend the lapsing date of Funds programmed for ALL programmed Fiscal years to June 30, 2012; and

C. Project Sponsor and LACMTA desire to amend the Existing Amended and Restated MOU/LOA as provided herein.

FTIP#: LA974314

PPNO: N/A

CFP# 4314
AMENDMENT NO. 3
MOU/LOA.P0004314S

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 1, Paragraph 14(a) of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Under this MOU/LOA, Project Sponsor is receiving supplemental funds in the amount of \$7,000,000 in RSTP Funds. Project Sponsor shall encumber the supplemental RSTP Funds by June 30, 2012."

2. Part 2, Paragraph 8.1(iv) of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Funds programmed for ALL Programmed years are subject to lapse on June 30, 2012. Project Sponsor shall expend these Funds by the lapsing date."

3. Part 2, Paragraph 8.4 of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Assuming the above obligation requirements have been met, all Funds programmed for ALL Programmed years are subject to lapse on June 30, 2012".

4. Except as expressly amended hereby, the Existing Amended and Restated MOU/LOA remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing Amended and Restated MOU/LOA that are not expressly amended by this Amendment shall remain unchanged.

FTIP#: LA974314

PPNO: N/A

CFP# 4314
AMENDMENT NO. 3
MOU/LOA.P0004314S

IN WITNESS WHEREOF, the parties have caused this Amendment No. 3 to be duly executed and delivered as of the above date.

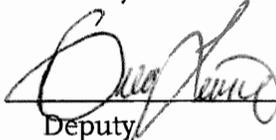
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Arthur T. Leahy
Chief Executive Officer

Date: _____

Approved as to form:

Andrea Sheridan Ordin
County Counsel

By:  _____
Deputy

Date: 10/4/2011

CITY OF TORRANCE

By: _____
Frank Scotto
Mayor

Date: _____

Attest:

By: _____
Sue Herbers
City Clerk

Date: _____

Approved as to form:

By: _____
John L. Fellows III
City Attorney

Date: _____

FTIP#: LA974314

PPNO: N/A

CFP# 4314
AMENDMENT NO. 2
MOU/LOA.P0004314S

AMENDMENT NO. 2
AMENDED AND RESTATED
MEMORANDUM OF UNDERSTANDING/LETTER OF AGREEMENT
BETWEEN
CITY OF TORRANCE
AND
THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

This Amendment No. 2 to Amended and Restated Memorandum of Understanding/Letter of Agreement (this "Amendment"), is dated as of August 7, 2009, by and between City of Torrance ("Project Sponsor"), and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

A. Project Sponsor and LACMTA entered into that certain Amended and Restated Memorandum of Understanding/Letter of Agreement No. MOU.P0004314S, dated April 23, 2007, which was amended on September 3, 2008 (as amended, the "Existing Amended and Restated MOU/LOA"), which Existing Amended and Restated MOU/LOA provides for the Del Amo Boulevard Extension/Grade Separation; and

B. Whereas, LACMTA Board on July 23, 2009, desires to extend the lapsing date of Funds programmed for ALL programmed Fiscal years to June 30, 2011; and

C. Project Sponsor and LACMTA desire to amend the Existing Amended and Restated MOU/LOA 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 1, Paragraph 14(a) of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Under this MOU/LOA, Project Sponsor is receiving supplemental funds in the amount of \$7,000,000 in RSTP Funds. Project Sponsor shall encumber the supplemental RSTP Funds by June 30, 2011."

2. Part 2, Paragraph 8.1(iv) of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Funds programmed for ALL Programmed years are subject to lapse on June 30, 2011. Project Sponsor shall expend these Funds by the lapsing date."

3. Part 2, Paragraph 8.4 of the Existing Amended and Restated MOU/LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Assuming the above obligation requirements have been met, all Funds programmed for ALL Programmed years are subject to lapse on June 30, 2011".

4. Attachment B of the Existing Amended and Restated MOU/LOA is hereby deleted.

5. Except as expressly amended hereby, the Existing Amended and Restated MOU/LOA remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing Amended and Restated MOU/LOA that are not expressly amended by this Amendment shall remain unchanged.

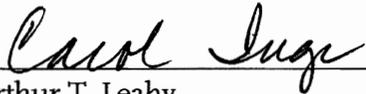
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PPNO: N/A

CFP# 4314
AMENDMENT NO. 2
MOU/LOA.P0004314S

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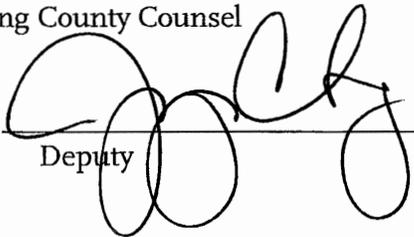
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

By: 
Arthur T. Leahy
Chief Executive Officer

Date: 11-9-09

Approved as to form:

Robert E. Kalunian
Acting County Counsel

By: 
Deputy

Date: 8/21/09

CITY OF TORRANCE

By: 
Frank Scotto
Mayor

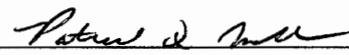
Date: 10-13-2009

Attest:

By: 
Sue Herbers
City Clerk

Date: 10-14-2009

Approved as to form:

By: 
John L. Fellows III
City Attorney

Date: 10-8-2009