



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 1, 2004

ITEM NUMBER: _____

SUBJECT: AMENDMENT NO. 9 TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY
MASTER FUNDING AGREEMENT C-95-968

DATE: OCTOBER 21, 2004

FROM: PUBLIC SERVICES DEPARTMENT/ADMINISTRATION DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: DONNA THERIAULT, 714-754-5024

RECOMMENDATION

Approve Amendment No. 9 to the Cooperative Agreement No. C-95-968 between the City of Costa Mesa and the Orange County Transportation Authority. Authorize the Mayor and Deputy City Clerk to execute Amendment No. 9.

BACKGROUND

In May 1995, the City approved a Master Funding Agreement (MFA) with the Orange County Transportation Authority (OCTA). The purpose of the MFA is to clarify the roles and responsibilities of OCTA and each local jurisdiction with respect to the delivery of projects funded by Measure M through the Combined Transportation Funding Program (CTFP) and the Bicycle and Pedestrian Facilities Program (BPF). Having approved the MFA, the City of Costa Mesa agrees to implement and complete projects in accordance with the CTFP and BPF guidelines, and OCTA agrees to fund all approved Regional Measure M projects for the City of Costa Mesa.

On December 6, 1999, the City Council approved Amendment No. 1 to the MFA. Amendment No. 1 added language requiring the City to indemnify OCTA from and against legal action in connection with City's projects funded with CTFP and BPF funds, and for OCTA to indemnify the City from and against legal action in regards to the allocation of CTFP and BPF funds administered by OCTA.

Amendment No. 1 also added language addressing the disposal of excess right-of-way acquired in connection with City projects funded by CTFP or BPF funds. The added language requires the City to properly dispose of the acquired excess right of way per Government Code and to return the proceeds to OCTA. Amendment No. 1 included an Exhibit A, which listed the City's current CTFP and/or BPF open projects to be covered by the MFA and Amendment No. 1.

Council has previously approved Amendments No. 2 through 8 to the MFA that replaced the prior list of CTFP and/or BPF open projects, Exhibit A with an updated Exhibit A.

ANALYSIS

OCTA updates the list of open projects twice a year to add new projects, delete completed projects, and/or adjust funding. Upon revision of the open projects list, OCTA initiates an Amendment to the Cooperative Agreement in order to replace the prior open projects list with a revised list. The attached Amendment No. 9 deletes the prior Exhibit A in its entirety and replaces it with a revised "Combined Transportation Funding Programs Allocations" list dated July 29, 2004 included in the Amendment No. 9 as Attachment No. 1. The Amendment makes no other changes to the Cooperative Agreement.

A revised list of open projects will be issued by OCTA every six months and an Amendment to the Cooperative Agreement will be required with each revised list.

ALTERNATIVES CONSIDERED

City Council could choose not to approve Amendment No. 9. This could result in the City not being eligible to receive Measure "M" Funds.

FISCAL REVIEW

There is no fiscal impact on this item.

LEGAL REVIEW

The City Attorney has reviewed Amendment No. 9 and approved it as to form.

CONCLUSION

The proposed Amendment No. 9 provides for the inclusion of a revised list of open projects as of July 29, 2004. Staff recommends the City Council approve Amendment No. 9 to the Master Funding Agreement and authorize the Mayor to sign and the Deputy City Clerk to attest.

DONNA THERIAULT
Management Analyst

WILLIAM J. MORRIS
Public Services Director

DISTRIBUTION: City Manager
City Attorney
Finance Director
Deputy City Clerk
Staff

ATTACHMENTS: 1 [Amendment No. 9](#)