

Attention

Honorable Mayor and Members of the City Council

**- Emergency Item -
Request for Placement on Agenda for Council Consideration**

This item was brought to the attention of the City Manager subsequent to the posting and distribution of the Agenda. Due to an urgent need to take immediate action on this item prior to the next regular City Council meeting, staff respectfully requests the City Council add this item to the Agenda (4/5 vote required) under Discussion/Action for Council consideration this evening.

DISCUSSION/ACTION

9. Emergency Item to Adopt **Resolution No. 10-1582**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, FUND TRANSFER AGREEMENTS, AND/OR CO-OP AGREEMENTS AND AMENDMENTS THERETO WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

REPORT TO CITY COUNCIL

DATE: MAY 12, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: RAMIRO ADEVA, CITY ENGINEER

SUBJECT: EMERGENCY ITEM TO ADOPT RESOLUTION NO. 10-1582, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, FUND TRANSFER AGREEMENTS, AND/OR CO-OP AGREEMENTS AND AMENDMENTS THERETO WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

In order for the California Department of Transportation (Caltrans) to process cities' requests for federal reimbursements, Master Agreements and Program Supplemental Agreements must be executed by the City. These agreements are prepared by Caltrans staff, and provided to the City for execution. To assist in the timely processing of reimbursement requests for obligated federal funds, City Councils typically adopt the attached resolution allowing the City Manager authority to execute these agreements on behalf of the City.

Since December 2009, staff has waited for Caltrans to prepare and distribute these agreements for the Reyes Adobe Interchange project. However, after multiple requests went unanswered, staff was forced to escalate the request to have the agreements prepared. These agreements were finally received at the end of last week and needed to be executed immediately to be in compliance with the American Recovery and Reinvestment Act of 2009 (ARRA) requirements. Staff was prepared several months ago to take this resolution to the City Council, but was directed by Caltrans' District 7 Local Assistance Office that a resolution was not needed. However, staff received a surprising call in the late afternoon on May 11, 2010, from Caltrans' Headquarters in Sacramento informing staff of contradictory directions to their Local Assistance Office. Staff was informed that the attached resolution needed to be adopted by the City Council immediately, no later than Friday, May 14, 2010, and that the Master Agreement and Program Supplement Agreement, which allows the processing of reimbursements for the interchange construction costs, could not be processed without Council's approval of this resolution first. Furthermore, staff was informed if these steps were not completed immediately, the Reyes Adobe Interchange project would be deemed inactive and \$690,000 of stimulus funds could be lost.

Therefore, City Council adoption of the attached resolution is needed on an emergency basis to allow the City Manager to execute the agreements immediately, and allow the City to begin submitting reimbursement requests for the \$690,000 of stimulus funds, of which the expenditure of the funds has already occurred as required by ARRA. Failure to adopt this resolution this evening would mean a loss of funding that would require an additional appropriation of funds, potentially affecting the General Fund reserve.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 10-1582, authorizing the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and/or Co-Op Agreements and amendments thereto with the California Department of Transportation.

Attachment: Resolution No. 10-1582

RESOLUTION NO. 10-1582

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, FUND TRANSFER AGREEMENTS, AND/OR CO-OP AGREEMENTS AND AMENDMENTS THERETO WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Agoura Hills is eligible to receive Federal and/or State funding for certain transportation projects through the California Department of Transportation; and,

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or Co-Op Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and,

WHEREAS, the City wishes to delegate authorization to execute these agreements and amendments thereto to the City Manager; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, Co-Op Agreements and any amendments thereto with the California Department of Transportation.

PASSED, APPROVED, AND ADOPTED this 12th day of May, 2010, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk