



# AGENDA

## Measure R South Bay Highway Program Oversight Committee

Wednesday, June 4, 2014, 3:00 P.M. – 4:30 P.M.

SBCCOG Office, 20285 WESTERN AVE. #100, TORRANCE, CA 90501

- 3:00 p.m. I. CALL TO ORDER / Introductions
- 3:01 p.m. II. REPORT OF POSTING OF THE AGENDA – Receive & File
- 3:02 p.m. III. ANNOUNCEMENTS OF ANY CHANGES TO THE AGENDA – Receive & File
- 3:03 p.m. IV. PUBLIC COMMENT
- 3:04 p.m. V. CONSENT CALENDAR
  - A. Meeting Minutes for May 7, 2014 Measure R Oversight Committee (Attachment A)  
**Approve**
- 3:05 p.m. VI. METRO UPDATES – Metro staff
- 3:10 p.m. VII. SBHP PROJECT UPDATE / METRO CALL FOR PROJECTS ASSISTANCE POLICY / 2014-15 SCHEDULE (Attachment B) – **Approve** - Steve Lantz
- 3:30 p.m. IX. SBCCOG Technical Bench Support Request for 2015 Metro Call for Projects Applications / Request for Measure R SBHP Local Match – **Approve** – Item to be distributed separately, after May 30, 2014 request deadline - Receive and file - Steve Lantz
- 3:45 p.m. X. SBHP Technical Assistance Funding Agreement Template – (Attachment C) - Receive and file
- 3:50 p.m. XI. SBHP Project Monitoring – Steve Lantz
  - A. SBHP Project De-Obligation Risks Report – (Attachment D) - Receive & file
  - B. SBHP 3-MONTH LOOK AHEAD (Attachment E) – Receive & file
  - C. SBHP IMPLEMENTATION PLAN UPDATE CALENDAR (Attachment F) – Receive & file
- 4:10 p.m. XII. SBHP Project Spotlight: I-405 Improvement Studies – Metro / SCAG / SBCCOG staff
- 4:30 p.m. XIII. ADJOURN TO NEXT MEASURE R SBHP OVERSIGHT COMMITTEE MEETING – July 2, 2014, 3:00 p.m.

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**Measure R South Bay Highway  
Program Oversight Committee Meeting Notes-  
May 7, 2014**

**Attendees:** Jim Dear (Carson); Dan Medina (Gardena); Ralph Franklin (Inglewood); Tom Brewer (Torrance); Massoud Ghiam (Carson); Stephanie Katsouleas (El Segundo); Dan Ojeda (Hermosa Beach); Keith Lockhard (Inglewood); Lance Grindle (LA County DPW); Joe Parco (Manhattan Beach); Rob Beste (Torrance); Yunus Ghausi & Sameer Haddadeen (Caltrans); Fulgene Asuncion & Lan Saadatnejadi (Metro); Christine Furusawa (Port of LA); Jacki Bacharach, Marcy Hiratzka & Steve Lantz (SBCCOG); Beth George (Converse Consultants); Alek Hovsepian (Iteris); Larry Fisher (Torrance resident)

- I. **CALL TO ORDER / Introductions-** Vice Chair Franklin started the discussion at 3:10 pm. The meeting was called to order with the arrival of Mayor Dear at 3:43 pm. Prior to achieving a quorum, Items IV, VI and VII were discussed without taking action.
- II. **REPORT OF POSTING OF THE AGENDA** – Received and Filed
- III. **ANNOUNCEMENTS OF ANY CHANGES TO THE AGENDA** – None
- IV. **PUBLIC COMMENT** – Larry Fisher, a resident of south Torrance, expressed his concern over the selection process for Measure R projects, particularly as related to the PCH Corridor (Hawthorne/PCH and Crenshaw/PCH.) He provided a map of the PCH corridor from 190<sup>th</sup> St to I-110, showing that there are three lanes between the I-110 and Anza that exist on east and west bound PCH, except at Crenshaw. He said that the infrastructure at Crenshaw has not been upgraded to accommodate the growing economic development and traffic there, and contended that residents living on the Palos Verdes Peninsula specifically avoid using Crenshaw, which further congests Hawthorne Blvd. He said that this demonstrates how the Measure R project selection in Torrance is not consistent with the needs of the community. Mr. Fisher also asked if the City of Torrance plans to complete MR312.10 (PCH/Hawthorne Improvements) on time, and wanted to know about the scope of MR312.23 (Torrance Transit Center / Park and Ride facility) and how much of it is being funded with public money. Steve Lantz said he would respond to Mr. Fisher via email subsequent to the meeting.
- V. **CONSENT CALENDAR- Meeting Minutes for April 2 2014 Measure R Oversight Committee (Attachment A) - Approved** – Mayor Dear moved; Councilman Medina seconded; no objection.
- VI. **METRO UPDATES** – Metro staff
  - A. **Mobility Matrix - APPROVED** – Fulgene Asuncion from Metro explained that Metro is creating a Mobility Matrix for 5 sub-regions in LA County, and the consultant contract scopes of work for all but the South Bay's have been released. This program will develop a performance evaluation tool to identify projects and will provide a framework to determine which projects may be delivered over a short or long-range period of time. The draft South Bay Mobility Matrix, which is still being finalized between Metro and the SBCCOG, was distributed at the meeting. Metro has begun the procurement process of hiring a consultant from the Metro planning bench, with plans to complete the project by February 2015. Jacki Bacharach added that Rob Beste and Stephanie Katsouleas will sit on the evaluation panel for the selection of the consultant. Rob Beste said that there is less and less local return money for maintenance and that the peninsula and beach cities do not receive as much consideration, since they do not meet the highway nexus for the SBHP Measure R funds. Jacki Bacharach was not satisfied with the language of the first line on page ten of the draft. She objected to language in the document that calls “for the SBCCOG Board to approve” the “needs assessment and strategic document”. She asked that the item language be changed to “for consideration by the SBCCOG Board.” She emphasized that the language would require that the SBCCOG Board approve the South Bay Mobility Matrix,

which cannot be assumed or required. In addition, Ms. Bacharach was concerned that approval might be misconstrued as the Board approving a sales tax measure which might be developed based on this list of projects.

**Councilman Medina moved, Councilman Brewer seconded a motion to APPROVE the authorization to Metro to release the Draft South Bay Mobility Matrix proposal scope of work with the one change of language requested by Ms. Bacharach on page 10. Motion was approved without objection.**

- B. Updates on Caltrans Measure R projects** – Lan Saadatnejadi reported that a Metro RFP for a Metro-funded SB Cities Arterial Performance Measure Baseline Condition Analysis was issued in April, with plans to award in July. The scope will establish arterial baseline conditions that will be used to monitor the performance of future projects that will be developed and implemented. Ms. Saadatnejadi also reported on MR312.24 and MR312.25; PAED kick-off meetings have occurred for both projects, with plans to complete the environmental requirements in one year. Ms. Saadatnejadi also reported on Metro's General Sub-Regional Program Update, the semi-annual list of projects to be funded by Measure R. The Board will consider that item in September. Finally, Ms. Saadatnejadi mentioned Metro's I-405 HOT Lane Conversion Feasibility Study, and said that of the four alternatives, Alternative 3 (I-605 (single) and I-105 (dual) HOT Lanes without Direct Connectors at NB I-605/WB I-105) was deemed the most preferable by stakeholders and Metro staff. Steve Lantz added that the I-405/105 HOV conversion lane should not be limited to freeways that have HOVs already. The I-110 HOV stops short of the I-405 but Metro would not even consider a modification to Alternative 1, which would close that gap by building a HOT lane that extends the I-110 to the I-405 and then connects to the I-405. Both the Gateway COG and South Bay Cities COG staff are discouraged by Metro's misinterpretation of the Board's instruction as to what should be considered. Staff of both sub-regions would be interested in further study of a potential HOT lane from Orange County up the I-405 to the I-110, and then from the I-110 to the I-105, and both sub-regions must decide if this is an issue that they'd like to take to the Metro Board for further study, before permanently precluding it as an alternative for consideration. Jacki Bacharach requested that Metro present on this issue at the June 4 Measure R Oversight Committee meeting.

- VII. SBHP PROJECT MONITORING, REPORTING, NEW SBHP PROJECT SELECTION AND PROCESS FOR REQUEST FOR 2015 METRO CALL FOR PROJECTS APPLICATIONS** – (Attachment B) - **Approved** – Steve Lantz reintroduced this memo from last month, which explains the status of the SBCCOG oversight and monitoring process for the South Bay Highway Program. The SBCCOG is very concerned about the lack of project delivery and/or executed Funding Agreements. Also covered in this memo is Metro's 2015 Call for Projects application process. The SBCCOG had originally requested (in early April) that cities who planned to use the SBCCOG's technical consulting bench or Measure R funds for program development or a local match for the Call submit a resolution signed by the City Council. However, there was not time to create and distribute the resolution template and have City Councils approve it, so the SBCCOG is requesting that a lead agency's City Manager submit a letter of commitment by May 30. Joe Parco from Manhattan Beach asked for clarification on #5 of the scheduled requirements (PSR/PSREs are completed for the project no later than October 31, 2014.) He wondered if a city would have to have Caltrans' approval by October 31 as well. Steve Lantz clarified that a city's PSR/PSRE does have to be *submitted* to Caltrans by then, but not approved.

**Councilman Franklin moved, Mayor Dear seconded a motion to APPROVE the recommendation of these revised policies and procedures for initiating project selection and the specific schedule for the 2015 Call for Projects applications (with the understanding that for this year only, council resolutions will not be required but will be replaced by a letter from the City Manager) to the SBCCOG Board.**

- VIII. REQUEST FOR ALLOCATION INCREASE – PCH IMPROVEMENTS FROM ANITA ST. TO ARTESIA BLVD. IN HERMOSA BEACH** – (Attachment C) – **ITEM TABLED** – At the April 2<sup>nd</sup> Measure R Oversight Committee meeting, the City of Hermosa Beach had provided a detailed update of this project, and at the end of their presentation, it was announced that the City would like to change the scope of work and request additional funds. As the request had not been formally agendaized, the City was asked to make the request at the May 7<sup>th</sup> meeting.

Dan Ojeda returned in May with an official letter from the City requesting additional funds for this project. He had added that Caltrans requested a concept report in order to approve the changes, and Stantec (the consultant) was already working on it. Although the City's request had been submitted in writing, and the reasons for the increase (change in scope/schedule/cost) that were explained in April were deemed valid, Steve Lantz pointed out that the City's letter request did not specify an actual amount or scope change. Mr. Lantz stated that a lead agency does not need the SBCCOG's permission to *research* a cost/scope change; it needs the SBCCOG's approval once the new amount has been determined by the lead agency. As the Committee could not move forward with this item without a specific amount requested in the letter, this item was tabled.

- IX. CONSULTANT SELECTION FOR SBHP TASK ORDER #2014-1 - DEVELOPMENT OF COMMUTER BIKEWAY DESIGN AND CONSTRUCTION DOCUMENTS FOR FOUR (4) STREETS LOCATED IN THE CITY OF EL SEGUNDO – (Attachment D) -** Steve Lantz reported that the City of El Segundo's request to execute a Funding Agreement with Metro on this project study was denied because the SBHP's project studies are not specified on Metro's approved Measure R Highway Operational Improvements Project List (even though aggregate funding for South Bay project studies was approved in the budget request submitted to and approved by the Metro Board.)

**Councilman Franklin moved, Mayor Dear seconded a motion to APPROVE the recommendation to the Board, contingent on the format of the funding agreement being resolved by respective legal counsel. Motion passed without objection.**

- X. SBHP PROJECT STATUS –** Steve Lantz made the following reports:
- A. SBHP Technical Consultant Bench Task Orders –** Received and filed
  - B. SBHP May 2014 Project Progress Report (Attachment E) –** Received & filed
  - C. Risk Report – (Attachment F) -** Received & filed – The Committee must vote upon a policy for when a city has *ONLY* a *schedule* change, not in cost or scope. Jacki Bacharach suggested informing the city's City Manager, Board Delegate, and Alternate when a project is added to the Risk Report. Councilman Franklin added that he would also like the City Manager to be notified via the Risk Report (that city only.) Stephanie Katsouleas said that there is a difference between a project that is 6 months behind but making progress, and a project that is 6 months behind and making no process at all. She suggested not labeling cities with projects that are technically behind their original schedule, but still making process, as "at-risk."
  - D. SBHP 3-MONTH LOOK AHEAD (Attachment G) –** Received & filed – Jacki Bacharach said that May and July were updated to reflect Attachment B's new schedule or requirements for cities that want the SBCCOG's assistance in the Call for Projects. She also recommended that the quarterly report no longer goes before the Board, only the Measure R Oversight Committee should see it as it is very detailed. Councilman Medina thought that the Board should still see it, and Mayor Dear added that it is helpful to his department heads even though there is little time for him to read it. Councilman Brewer was in favor of removing it from the Board materials.

**Councilman Brewer moved, Councilman Medina seconded a motion to APPROVE the replacement of the Quarterly Project Progress Report with a Risk Report to be reported to the Measure R Oversight Committee monthly and forwarded to the Board quarterly. Motion passed without objection.**

- E. SBHP IMPLEMENTATION PLAN UPDATE CALENDAR (Attachment H) –** Received & filed
- F. SBHP Quarterly Report (1/1/14 – 3/31/14) (Attachment I) –** Received and Filed
- G. At-Risk Project Review -** Widening of Sepulveda Blvd from Alameda St to ICTF Driveway – Carson – This project is 21 months late, according to the schedule in the Funding Agreement. Massoud Ghiam reported that a consultant was selected and plans and specs are 95% complete. These documents will be sent electronically on Monday to Metro and the SBCCOG and the City of Carson will forward them to the County as well. Mr. Ghiam also reported that the City is still completing its NEPA documents with Caltrans, which will take another 2 months. Eight months are needed to prepare for construction, and the City plans to advertise in February 2015 and begin building the channel in April. Steve Lantz reiterated the importance of amending Funding Agreements when a city knows that progress will be held up for so long. The SBCCOG has been sitting on \$1 million since 2013, while another Measure R project that was ready to go could have used the funding by now. The City has *never* submitted one monthly or quarterly

report for this project, either. Mayor Dear announced that Nelson Hernandez is new City Manager of Carson, as of 5/6/14.

At the end of this item, Jacki Bacharach asked if any lead agencies present planned to apply for Metro's ExpressLanes Net Toll Revenue Grants. None of the lead agencies present had anything to share. Ms. Bacharach reminded city staff that if the South Bay jurisdictions do not claim the funds that they are entitled to, others will. A reminder will be sent to the Board and City Managers.

**XI. ADJOURNMENT** – Vice Chair Franklin adjourned the meeting at 4:39pm until June 4, 2014, at 3:00 pm.

**South Bay Cities Council of Governments**

May 27, 2014

TO: SBCCOG Measure R SBHP Oversight Committee

FROM: Jacki Bacharach, Executive Director  
Steve Lantz, Transportation Director

SUBJECT: SBHP Project Update / Metro Call For Projects 2014-15 Schedule/Initiation of Project Deferral and/or De-Programming

ADHERENCE TO STRATEGIC PLAN:

***Goal A: Environment, Transportation and Economic Development.*** Facilitate, implement and/or educate members and others about environmental, transportation and economic development programs that benefit the South Bay.

BACKGROUND

LA Metro and the SBCCOG have committed Measure R South Bay Highway Project funding for 41 projects totaling more than \$225 million by 2019. To date, we have expended \$14,887,387 of the \$145 million that, according to current Funding Agreements, should have been expended by this coming June. In addition, there are 7 projects that have yet to have executed Funding Agreements that were expected to be completed in the Metro budget request by June 30, 2014.

Funding agreements for SBHP projects must be executed within the first fiscal year in which the Measure R and other funds are available. If the lead agency does not execute a funding agreement with Metro during the first year that the project is eligible for funding, the Measure R Oversight Committee reserves the right to defer and/or re-program the funds for the project during any subsequent semi-annual Metro SBHP Program Budget Update process.

DEFERRAL AND/OR RE-PROGRAMMING

Funding previously committed to projects in a particular year can be re-programmed to other ready-to-go projects by deferring and/or de-programming the execution of a delayed project's funding agreement. This project deferral and/or de-programming is accomplished during the semi-annual SBHP process used by the SBCCOG to request Metro to modify the SBHP Metro Budget Request. Although the lead agencies that do not execute funding agreements would not necessarily permanently lose the funding, their project would have to wait for available Measure R funding to be programmed. In addition, the delays could cause increases in the cost of the project and the SBCCOG would need to determine if it is willing to program additional funds to cover the project cost increases.

The SBCCOG Board of Directors adopted a policy on September 26, 2013 regarding SBHP project funding reallocation and project de-obligation. The next funding cycle has begun to determine any SBHP programming changes for FY 2015-2021. In order to determine the amount of SBHP funding available annually for existing and new projects, the de-obligation process must be completed by July 2014 to allow time for new projects to be programmed. (See Exhibit 1 for the 2014 SBHP Update and Call for Projects Action Matrix and schedule.)

Because of the poor project delivery trends during the past two years, the Board of Directors has adopted a policy that allows projects to be de-obligated if a funding agreement between the lead agency and Metro has not been executed by the end of the first year of funding availability. In order to gauge the magnitude of the problem, the Measure R Oversight Committee is identifying projects subject to deferral and/or de-obligation.

#### NEW PROJECT REQUESTS AND/OR CALL FOR PROJECT MATCH FUNDING

To initiate the semi-annual process whereby the SBCCOG accepts new projects, de-obligates or changes project schedules, a letter from the City Manager will be required from the lead agency requesting SBHP funding for any new SBHP project and/or future Metro Call for Project applications in which SBHP funding is proposed for the minimum local match. The letter must include a list of all current SBHP and Metro Measure R project commitments previously made by the lead agency with the Metro funding agreement delivery deadline and most current estimate of completion date for each project.

The SBCCOG provided a sample letter template to each eligible local jurisdiction, in early May 2014. Lead agency letters requesting funds were to be received by May 30, 2014 to ensure that project requests can be considered during preparation of the next Metro Budget Request. This deadline applies to new Measure R SBHP funding requests and the FY 2015 Metro Call for Projects in which SBHP funding is being requested as the minimum local match.

#### RECOMMENDATION

Notify cities who are at risk of deferral or de-programming that this action will be taken in July.

Notify cities that new project requests are being accepted including match funding for the call for projects or other eligible grant opportunities.



### Attachment B. Exhibit 1

SBHP / CFP Schedule (revised 5/23/14)		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
x = SBCCOG action required	= activity duration	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Board	MRO	IWG	Steer.	MRO	IWG	Board
		<b>Task 1: SBHP Project Deobligation</b>																										
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
a. Lead agencies / COG ID projects for deobligation					x	x	x																					
b. Lead Agency de-obligation appeal hearing								x																				
c. Consideration of de-obligation recommendations								x		x																		
d. Lead agencies request schedule change, deferral					x	x	x																					
<b>Task 2: New SBHP Projects</b>																												
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
a. Identify new projects for FY 2015-2021 SBHP Program								x																				
b. Select SBHP bench consultant for nexus analysis								x		x																		
c. Determine nexus eligibility for new SBHP / projects														x	x	x												
d. Add new projects to SBHP Draft Program List														x	x	x												
<b>Task 3: FY 2014-15 Metro Budget Request</b>																												
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
a. Project list revised for adds, deletes, sched., \$ amounts																												
b. Approve revised SBHP 2015-2021 Metro Budget Request																				x	x	x						
<b>Task 4: SBHP Implementation Plan Update</b>																												
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan-Apr '15		
a. Update project list																										x	x	x
b. Update SBHP Implementation Plan policies																										x	x	x
c. Consider SBHP Implementation Plan Update																										x	x	x
<b>Task 5: CFP Projects Technical Support</b>																												
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
a. Lead agencies submit requests for technical assistance																												
b. SBCCOG releases RFP to Technical Bench																												
c. Bench firm selected for each project by city/SBCCOG								x		x																		
d. Lead agency executes funding agreement with SBCCOG																												
e. Lead agency contracts with Technical Bench																												
f. Bench firms complete PSRs / PSRs																												
<b>Task 6: CFP Application Completion</b>																												
		May '14			Jun '14			Jul '14			Aug '14			Sep '14			Oct '14			Nov '14			Dec '14			Jan '15		
g. Lead agency requests CFP SBHP Match \$ request																												
a. SBCCOG considers CFP SBHP Local Match Requests																	x	x	x									
b. Lead Agency completes CFP application																												

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**South Bay Cities Council of Governments**

May 27, 2014

TO: SBCCOG Measure R SBHP Oversight Committee

FROM: Jacki Bacharach, Executive Director  
Steve Lantz, Transportation Director

SUBJECT: SBHP Technical Assistance Funding Agreement Template

**ADHERENCE TO STRATEGIC PLAN:**

***Goal A: Environment, Transportation and Economic Development.*** Facilitate, implement and/or educate members and others about environmental, transportation and economic development programs that benefit the South Bay.

**BACKGROUND**

LA Metro has committed Measure R SBHP funds to the SBCCOG to provide grants to lead agencies that are developing SBHP projects for consultant technical assistance needed in preparation for the Metro Call for Projects or in advance of Metro executing a funding agreement with the lead agency for project delivery.

Agreement has been reached between Metro and SBCCOG regarding the process to be used to provide the project development funding, as follows:

1. The lead agency requests funding assistance from the SBCCOG.
2. The SBCCOG Board approves an SBHP grant to the lead agency for the specific development assistance requested.
3. If the lead agency needs a consultant to provide technical assistance, the lead agency may use its own procurement process or may invite proposals from the SBCCOG's pre-qualified list of technical support consultants.
4. If the lead agency selects a SBCCOG pre-qualified consultant, the lead agency will directly contract with the selected consultant for the SBHP eligible services.
5. SBCCOG will execute a funding agreement with the lead agency to provide reimbursement of eligible expenses. The lead agency will pay the consultant invoice and request reimbursement from the SBCCOG for eligible expenses. The SBCCOG will then submit a reimbursement request to Metro. Once Metro pays the SBCCOG, the SBCCOG will reimburse the lead agency.

The SBCCOG Board approved the first SBHP Project Development funding agreement, with the City of El Segundo, at its May 22, 2014 meeting. Other lead agencies are encouraged to use the format of this funding agreement (see Exhibit 1).

**RECOMMENDATION**

The Measure R Oversight Committee may receive and file this report.

**FUNDING AGREEMENT BETWEEN  
SOUTH BAY CITIES COUNCIL OF GOVERNMENTS  
AND  
CITY OF EL SEGUNDO**

THIS FUNDING AGREEMENT is entered into this first day of June, 2014 by and between the SOUTH BAY CITIES COUNCIL OF GOVERNMENTS, a joint powers authority ("**SBCCOG**"), and the CITY OF EL SEGUNDO, a general law city and municipal corporation ("**CITY**"). The Parties agree as follows:

1. **SBCCOG** agrees to award to **CITY** and **CITY** agrees to accept from **SBCCOG** the maximum award of \$150,000. The Parties agree that **CITY** will retain a qualified consultant to design bikeways for three streets and a concept design for one additional street in accordance with the El Segundo General Plan and El Segundo Municipal Code (collectively, the "Plans") and **SBCCOG** will pay for those services.

2. The period of this Funding Agreement extends from the date that this Funding Agreement becomes effective and expires June 30, 2015.

3. **CITY** must submit quarterly progress reports to **SBCCOG**, due no later than the 10<sup>th</sup> of each following month, in the Measure R Reporting format provided by the Metropolitan Transportation Authority (Metro)

4. **CITY** agrees to bill the SBCCOG for reimbursement for all work performed under this Funding Agreement up to the contracted amount through June 30, 2015 unless a written extension is approved by the **SBCCOG**. It is understood that the SBCCOG will not reimburse expenses to the CITY until the SBCCOG is reimbursed by Metro.

5. As appropriate, CITY shall include in all of its promotional literature and appropriate exterior and interior signage language crediting the SBCCOG Measure R Highway Program as the financial supporter of the CITY and its programs.

6. **CITY** agrees that **SBCCOG** may, at any time, audit any and all of **CITY's** books, documents, or records relating to this Funding Agreement.

7. SBCCOG may terminate this agreement for cause. All terms, provisions, and specifications of this Agreement are material and binding, and failure to perform any material portion of the work described herein shall be considered a breach of this Agreement. Should the Agreement be breached in any manner, the SBCCOG may, at its option, terminate the Agreement not less than five (5) days after written notification is received by the CITY to remedy the violation within the stated time or within any other time period agreed to by the parties. In the event of such termination, the CITY shall be responsible for reimbursing the SBCCOG, upon the SBCCOG's determination of expended funds, up to the full amount of the grant.

8. If the CITY fails to meet the requirements of this Agreement, CITY will be required to reimburse the SBCCOG all funds spent on the project.

9. Assignments of any or all rights, duties, or obligations of CITY under this Agreement will be permitted only with the express consent of SBCCOG.

10. **CITY** agrees to indemnify, defend (at **SBCCOG's** option) and hold harmless **SBCCOG**, its officers, agents, employees, representatives, and volunteers from and against any and all claims, demands, reasonable defense costs, actions, liability, or consequential damages arising from bodily injury, death, or property damage arising out of the negligent acts or omissions of **CITY** in its performance or failure to perform, under the terms of this Funding Agreement.

11. Without limiting **SBCCOG's** right to indemnification, it is agreed that **CITY** must secure before commencing any activities under this Funding Agreement, and maintain during the term of this Funding Agreement, insurance coverage (if applicable) and consistent with standards in such agencies as follows:

- A. Workers' Compensation Insurance as required by California statutes or qualified self-insurance as allowed under California law;
- B. Comprehensive General Liability Insurance, or Commercial General Liability Insurance, including coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products/Completed Operations Liability, Broad-Form Property Damage (if applicable) and Independent Contractor's Liability (if applicable) in an amount of not less than one million dollars (\$1,000,000) per occurrence, combined single limit.
- C. Comprehensive Automobile Liability coverage (if applicable) including owned, non-owned and hired autos, in an amount of not less than five hundred thousand dollars (\$500,000) per occurrence, combined single limit.

12. A certificate of insurance naming the **SBCCOG**, its officers, agents, employees, representatives, and volunteers must be provided before execution of this Funding Agreement. Before the execution of this Funding Agreement, **CITY** must deliver to **SBCCOG** insurance certificates confirming the existence of the insurance required by this Funding Agreement, and including the applicable clauses referenced above.

13. Nothing herein contained must be construed as limiting in any way the extent to which **CITY** may be held responsible for payments of damages to persons or property resulting from **CITY's** or its subcontractor's performance of the work covered under this Funding Agreement.

14. This Funding Agreement supersedes any and all Funding Agreements, either oral or written, between the parties hereto with respect to the services by the **CITY** for **SBCCOG** and contains all of the covenants and Funding Agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Funding Agreement acknowledges that no representations, inducements, promises, or Funding Agreements, either orally or otherwise, have been made by any party, which are not embodied herein, and that no other Funding Agreement, statement, or promise not contained in this Funding Agreement must be valid or binding. Any modification of this Funding Agreement will be effective only if it is in writing signed by the party to be charged.

15. Notices and communication concerning this Funding Agreement must be sent to:

**SBCCOG**  
Jacki Bacharach, Executive Director  
20285 Western Avenue, Suite 100  
Torrance, CA 90501

**CITY**  
Stephanie Katsouleas, P.E.  
Director of Public Works  
350 Main Street  
El Segundo, CA 90245

16. The effective date of this Funding Agreement is June 1, 2014.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Funding Agreement to be executed on the day and year first written above.

**For CITY:**

\_\_\_\_\_  
Greg Carpenter, City Manager

Approved as to Form:  
Mark D. Hensley, City Attorney

By: \_\_\_\_\_  
Karl H. Berger,  
Assistant City Attorney

Attest:  
  
\_\_\_\_\_  
Tracy Weaver, City Clerk

**For SBCCOG:**

\_\_\_\_\_  
Dan Medina, Chair

SAMPLE

**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

Lead Agency	# of projects 6 months(+) behind sched. (based on executed Funding Agreement)	# of projects WITHOUT Funding Agreements (funds at risk for re-programming) ★
Carson	1	
El Segundo		
Gardena		
Hawthorne	1	
Hermosa Beach	1	
Inglewood	1	
Lawndale	2	
Lomita		
(City of) Los Angeles		
(County of) Los Angeles		
Manhattan Beach	1	1
Redondo Beach	4	1
Torrance		3
Caltrans		1
SBCCOG		1

**From longest to shortest delay:**

**YELLOW Old ID F46 / MTA ID MR312.06**

**Sponsor:** City of Redondo Beach

**PM:** John Mate

**Project Title:** PCH Arterial Improvements from Anita St to Palos Verdes Blvd

- Issue 1) Jan 2013 - Pending distribution of RFP. April 2013 - RFP to be issued in June 2013
  - Remediation Note: Iteris to confirm RFP distribution
  - Target Resolution Date: April 8, 2013 – June 30, 2013
- Issue 2) Feb 2013 - Potential ROW/Construction cost increase.
  - Remediation Note: Iteris to confirm project cost following completion of design
  - Target Resolution Date: Feb 2014, MARCH 5, 2014 LIVE REPORT
- Issue 3) March 2014 – City Council last reviewed this project on 12/3/13 and had no particular concerns or questions. Since then, staff is still waiting for executive direction on project scope. Lack of staff.
  - Since the March update to the Oversight Committee the major item to announce is the City Council, as of last evening, approved the hiring of a consultant engineer with traffic experience to assist in reducing the backlog of projects. This hiring will allow staff to proceed on this project.

**Month(s) Delay: 30 months**

**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

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**YELLOW** Old ID F48 / MTA ID MR312.08

**Sponsor:** City of Redondo Beach

**PM:** John Mate

**Project Title:** PCH at Palos Verdes Blvd Intersection Improvements

- Issue 1) Feb 2013 - Consultant selected to start design May '13 Design Fee \$6K over budget - Concern over project budget and schedule. March 2013 - Agency seeking additional funding to cover additional costs. April 2013 - Funding impact of \$18K identified and Metro agreed to transfer funds from Construction to Design with the condition that the City come back to Metro and SBCCOG following completion of design, and prior to construction, to confirm that the total project cost is projected to remain within the original estimate. May 2013 - City is preparing revised FA to submit to Metro
  - Remediation Note: City first to identify funding impact. City to amend FA with Metro with no increase in total budget at this time.
  - Target Resolution Date: April 30, 2013 – May 31, 2013 – June 30, 2013, MARCH 5, 2014 LIVE REPORT
- Update from John Mate on 3/5/14- The consultant, CivilSource, was given the Notice to Proceed for January 2014. CivilSource is to be finished with the project by the end of August 2014. DESIGN UNDERWAY.

**Month(s) Delay: 30 months**

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**RED** Old ID F58 / MTA ID MR312.20

**Sponsor:** City of Redondo Beach

**PM:** John Mate

**Project Title:** Aviation Blvd at Artesia Blvd Intersection Improvements

- Issue 1) Feb 2013 - City waiting for executed design contract - Need design to confirm ROW and construction cost. March 2013 - Continuing negotiations with landowner. Design completion date delayed to August 2013.
  - Remediation Note: City to complete design
  - Target Resolution Date: August 2013 MARCH 5, 2014 LIVE UPDATE
- Update from John Mate on 3/5/14- City Council last reviewed this project on 12/3/13 and had no particular concerns or questions. Staff met with the consultant in January 2014, to fully understand the process, before authorizing them to proceed with the ROW acquisition. IN DISCUSSION WITH ROW CONSULTANT ON PROJECT APPROACH BEFORE AUTHORIZATION TO PROCEED.

**Month(s) Delay: 30 months**

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**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

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**YELLOW** Old ID F42 / MTA ID MR312.04

**Sponsor:** City of Manhattan Beach

**PM:** Ed Kao

**Project Title:** Sepulveda Blvd at Marine Ave Intersection Improvements (WB Left Turn Lane)

- Issue 1) March 2013 - Pending completion of Caltrans design review process.
  - Remediation Note: City to address comments and secure Caltrans approval. May 2013 - Caltrans comments addressed, city to resubmit PS&E
  - Target Resolution Date: May 31, 2013 - June 30, 2013, April 2 LIVE UPDATE
  
- Issue 2) April 2014 - Tony Olmos said that the city applied for a Caltrans encroachment permit in early 2013, and the city has reapplied three times since then (last application was submitted in March 2014), but no progress has been made.
  - Remediation Note: Lan Saadatnejadi suggested having a specifically identified Caltrans manager for SBHP projects. Steve Lantz will work with the SBHP cities and Caltrans to form a taskforce.
  - Target Resolution Date: The city hopes to receive comments from Caltrans soon and be awarded the permit by June 2014. Mr. Olmos projects that the bid will be released this summer and construction will begin in the fall.

**Month(s) Delay: 29 months**

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**YELLOW** Old ID F47 / MTA ID MR312.07

**Sponsor:** City of Redondo Beach

**PM:** John Mate

**Project Title:** PCH at Torrance Blvd Intersection Improvements

- Issue 1) Feb 2013 - Concern over Ped access Design. March 2013 - Agency confirmed need for design change to accommodate Ped access. April 2013 - Design change dependent on new funding (see issue # 2)
  - Remediation Note: City to incorporate pedestrian access in design
  - Target Resolution Date: April 30, 2013 – May 31, 2013 – June 30, 2013
  
- Issue 2) Feb 2013 - Design cost concerns. Low EV on Project design budget (65% Spent vs. 35% completed). March 2013 - Change order for additional design anticipated. May 2013 - Design change order is \$30K. City looking at other funding sources to cover increase (i.e. Developer fee account)
  - Remediation Note: City to identify funding impact
  - Target Resolution Date: May 31, 2013 – June 30, 2013, MARCH 5, 2014 LIVE REPORT
  
- Update from John Mate on 3/5/14- the amended Funding Agreement with Metro has been approved with KOA. The additional monies are developer monies, not Measure R regional monies. KOA authorized to continue the work on December 19th. DESIGN UNDERWAY.

**Month(s) Delay: 28 months**

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**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

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**YELLOW Old ID N22 / MTA ID MR312.15**

**Sponsor:** City of Lawndale

**PM:** Nasser Abbaszadeh

**Project Title:** Inglewood Ave From 156th St to I-405 SB On Ramp Improvements

- Issue 1) May 2013 – Updated schedule requested
  - Remediation Note: Iteris to coordinate with Agency
  - Target Resolution Date: June 30, 2013

**PENDING FUNDING AGREEMENT AMENDMENT (NEW SCHEDULE)**

Month(s) Delay: **23 months**

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**YELLOW Old ID N34 / MTA ID MR312.37**

**Sponsor:** City of Carson

**PM:** Massoud Ghiam

**Project Title:** Sepulveda Boulevard widening from Alameda Street to ICTF Driveway

Update April 2014 - No reports have ever been submitted to Metro.

**Update May 2014 – Massoud Ghiam provided an update to the Measure R Oversight Committee on the project’s status.**

Month(s) Delay: **22 months**

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**YELLOW Old ID N6 / MTA ID MR312.12**

**Sponsor:** City of Inglewood

**PM:** Alan Mai

**Project Title:** City of Inglewood Citywide Phase IV

- Issue 1) April 2013 – RFP to be distributed in May 2013 - May 2013 - RFP distribution delayed to July 2013 due to other City priorities
  - Remediation Note: Iteris to confirm distribution
  - Target Resolution Date: May 31, 2013 – July 31, 2013
- **Update April 2014- Keith Lockhard gave a live update: Changes in key staff have contributed to the delay. The delay on this project was not as critical an impact for the city as other project priorities were.**
  - **Remediation Note: The city has hired two new engineers and is in process of editing a draft RFP for design services. Steve Lantz said that in this situation, a city needs to inform the SBCCOG of when it realistically expects to return to the project, so that the SBCCOG may properly delay (re-program) the project.**
  - **Target Resolution Date: The city expects to go out to bid in early May 2014 and go into design in July. Design completion should be in December, and construction completion should take place by the end of 2015.**

Month(s) Delay: **19 months**

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**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

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**(YELLOW) Old ID N14 / MTA ID MR312.33**

**Sponsor:** City of Hawthorne

**PM:** Akbar Farokhi

**Project Title:** Construction of WB right-turn lane at Aviation Blvd and Marine Ave Intersection Improvement

- Issue 1) City to provide all legal descriptions and permanent easement documents to convey the GSA/FAA property to the City. Also approve the Marine Avenue Widening Project Agreement with the GSA and authorize the Chief of General Services to execute it on behalf of the City and to sign all future agreements and land deeds required for this project.
  - Remediation Note:
  - Target Resolution Date:

**PENDING FUNDING AGREEMENT AMENDMENT (NEW SCHEDULE)**

**Month(s) Delay: 14 months**

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**(YELLOW) Old ID F45 / MTA ID MR312.05**

**Sponsor:** City of Hermosa Beach

**PM:** Frank Senteno

**Project Title:** PCH (SR-1/PCH) Improvements between Anita St and Artesia Blvd

- Issue 1) Feb 2013 - No progress reporting. April 2013 – City unsuccessfully attempted to report progress. City reviewing consultant proposal for support.
  - Remediation Note: Iteris to draft memo to SBCCOG Executive Director to discuss with City Manager. Iteris to follow up with agency. May 2013 – City hired consultant to prepare monthly reports
  - Target Resolution Date: April 8, 2013 - May 31, 2013
- Issue 2) April 2014 – Engineer Mondher Saied and consultant, Rock Miller, explained the scope of work needs to be amended, because the city wishes to include traffic signal retiming, and the original budget will not cover everything, especially since the city wishes to preserve its contingency funds for permit requirements. Caltrans has requested a change in signal phasing at this location. The city also may have to make additional corner ramp improvements to comply with the Americans with Disabilities Act.
  - Remediation Note: Steve Lantz said that, since the city did not mention this prior to the meeting, it was not made an ACTION item on the agenda. Therefore, the city must return to the Measure R Oversight Committee and make a formal written request for additional funds.
  - Target Resolution Date: Frank Senteno’s written request was received by the SBCCOG on April 30. The City’s request will be considered for recommendation to the SBCCOG Board, and if approved by the SBCCOG Board on May 22, the request will then be submitted as part of Metro’s semi-annual budget request.
- **Issue 3) June 2014 – At May 7 meeting, a letter was submitted by Mr. Senteno, requesting an increase in funds for this project (see Issue 2 above.) Unfortunately, the letter stated no specific amount of an increase in funds.**
  - **Remediation Note: City to return on June 4 with letter from Frank Senteno requesting specific cost increase amount.**

**Attachment D**  
**June 2014 Project Risk Report (as of 5/27/14)**

Note: Updates are in **bold text**

- If the City's request is approved on June 4 for recommendation to the SBCCOG Board on June 26, and if approved by the SBCCOG Board on June 26, the request will then be submitted as part of Metro's semi-annual budget request.

Month(s) Delay: **11 months**

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**(YELLOW) Old ID N25 / MTA ID MR312.36**

**Sponsor:** City of Lawndale

**PM:** Nasser Abbaszadeh

**Project Title:** Traffic Signal Improvements Citywide

- Issue 1) May 2013 – Updated schedule requested
  - Remediation Note: Iteris to coordinate with Agency
  - Target Resolution Date: June 30, 2013

**PENDING FUNDING AGREEMENT AMENDMENT (NEW SCHEDULE)**

Month(s) Delay: **11 months**

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**List of projects without Metro Funding Agreements:**

**FY 2012-2013**

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- Manhattan Beach – MR312.28 Sepulveda Blvd. Bridge south of Rosecrans (\$9.1 million) **AT RISK FOR DE-OBLIGATION - JULY 2013** ★
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**FY 2013-2014**

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- Torrance – MR312.26 I-405/Crenshaw/182<sup>nd</sup> Street Improvements (\$300K) Update from Ted Semaan on 3/24/14: FA material submitted to Metro on 2/18/14. **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
  - Caltrans – MR312.29 ITS Improvements on PCH (\$9 million) **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
  - SBCCOG – MR312.31 South Bay ITS Program (\$7 million) **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
  - Torrance – MR312.40 PCH at Vista Montana/Anza (\$2.9 million) Update from Ted Semaan on 3/24/14: FA material submitted to Metro on 1/7/14. **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
  - Redondo Beach – MR312.42 Inglewood at Manhattan Beach Boulevard (\$5.176 million) **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
  - Torrance – PCH from Calle Mayor to Janet Lane (ID number to be assigned by Metro) (\$852K) Update from Rob Beste on 5/21/14: City Council to consider FA for approval. **AT RISK FOR DE-OBLIGATION - JULY 2014** ★
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**South Bay Measure R Highway Program**

**3-month Look-ahead on Committee Meetings and Decision Milestones**

June 2014	July 2014	August 2014
<p>4. <b>Measure R Oversight Committee</b></p> <ul style="list-style-type: none"> <li>• Review Project De-obligation Risks Report</li> <li>• Project Progress Spotlight</li> <li>• Identify SBHP projects for de-obligation</li> <li>• Approve technical services bench task orders (if any)</li> <li>• Approve mid-year Metro Budget Change Request (if any)</li> <li>• Review status of SBHP Bench Task Order Requests</li> <li>• Review SBHP Update / Call for Projects Assistance Requests / Schedule</li> <li>• Approve funding and/or technical assistance requests in preparation for MTA 2015 CFP applications (if any)</li> <li>• Review 3-month look ahead</li> <li>• Review SBHP Implementation Calendar</li> </ul> <p>9. <b>Steering Committee</b></p> <p>18. <b>IWG Meeting</b></p> <ul style="list-style-type: none"> <li>• Review SBHP projects for de-obligation</li> </ul> <p>26. <b>Metro Board</b></p> <p>26. <b>SBCCOG Board</b></p> <ul style="list-style-type: none"> <li>• Approve funding and/or technical assistance requests in preparation for MTA 2015 CFP applications (if any)</li> <li>• Identify SBHP projects for de-Obligation</li> <li>• Approve mid-year Metro Budget Change Request (if any)</li> </ul>	<p>2. <b>Measure R Oversight Committee</b></p> <ul style="list-style-type: none"> <li>• Hold SBHP project de-obligation Appeal hearing</li> <li>• Approve SBHP de-obligations</li> <li>• Review Project Deobligation Risks Report</li> <li>• Project Progress Spotlight</li> <li>• Approve technical services bench task orders (if any)</li> <li>• Review status of SBHP Bench Task Order Requests</li> <li>• Review 3-month look ahead</li> <li>• Review SBHP Implementation Calendar</li> </ul> <p>14. <b>Steering Committee</b></p> <p>16. <b>IWG Meeting</b></p> <p>24. <b>Metro Board</b></p> <p>24. <b>SBCCOG Board</b></p> <ul style="list-style-type: none"> <li>• Consider SBHP project de-obligations</li> <li>• Approve technical services bench task orders (if any)</li> </ul>	<p>6. <b>Measure R Oversight Committee</b></p> <ul style="list-style-type: none"> <li>• Review Project De-obligation Risks Report</li> <li>• Project Progress Spotlight</li> <li>• Approve technical services bench task orders (if any)</li> <li>• Review status of SBHP Bench Task Order Requests</li> <li>• Review SBHP Implementation Calendar</li> <li>• Review quarterly SBHP program consultant activity report</li> </ul> <p>11. <b>Steering Committee</b></p> <p>20. <b>IWG Meeting</b></p> <ul style="list-style-type: none"> <li>• Review quarterly SBHP program consultant activity report</li> </ul> <p>28. <b>Metro Board</b></p> <p>28. <b>SBCCOG Board</b></p> <ul style="list-style-type: none"> <li>• Review Project De-obligation Risks Report</li> <li>• Approve technical services bench task orders (if any)</li> </ul>

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**Updated 5/27/14 2014 Measure R South Bay Highway Program Annual Update Calendar Attachment F**

The Measure R South Bay Highway Program includes annual updates of the Implementation Plan and the Metro budget request. The 2014 calendar includes a review of schedules and costs for current projects and potential new projects to the FY 2-14-2020 program. The process also includes initiation of the budget submittal process for Metro Measure R funding from FY 2015 to FY 2021. The SBHP Implementation Plan is revised biennially with the next update due in July 2015.

Phase	Committee	Start	End	Jan. '14	Feb. '14	Mar. '14	Apr. '14	May '14	Jun. '14	Jul. '14	Aug. '14	Sep. '14	Oct. '14	Nov. '14	Dec '14
Program Activity Report	IWG	Quarterly			Review			Review			Review			Review	
	Oversight	Quarterly			Review			Review			Review			Review	
	SBCCOG	Annual	Feb. thru Nov.		Receive			Receive			Receive			Receive	
Semi-annual SBCCOG SBHP Metro Budget Request Programming	IWG	April, Sept.	May, Oct.				Review	Review				Review	Review		
	Oversight	May, Oct.	July, Nov.					Review	Recom.				Review	Recom.	
	SBCCOG	May, Oct.	July, Nov.						Approve					Approve	
	Metro	January, July	March, Sept.	Metro staff review		Metro Board Approve					Metro staff review		Metro Board Approve		
Biennial SBHP Implementation Plan Update (Next due in July 2015)	IWG	April	June				N/A	N/A	N/A						
	Oversight	May	June					N/A	N/A	N/A					
	SBCCOG	July	July							N/A					
Funding Agreements	Lead Agencies	May, October	June, Nov.				Execute March '14 Metro-approved FAs					Execute September '14 Metro-approved FAs			