



Board Report

File #: 2023-0492, **File Type:** Agreement

Agenda Number: 19.

**CONSTRUCTION COMMITTEE
OCTOBER 19, 2023**

SUBJECT: LA RIVER PATH - AGREEMENTS

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER authorizing the Chief Executive Officer (CEO) or her designee to:

- A. EXECUTE a Master Cooperative Agreement (MCA) with the City of Vernon for the LA River Path Project; and
- B. NEGOTIATE and execute as-needed agreements with other responsible stakeholder agencies, including the railroads.

ISSUE

The execution of the MCA and other agreements are key steps in the delivery of the LA River Path project on schedule and consistent with Metro Board direction in 2021 which authorized the CEO to negotiate and conditionally enter into a Cooperative Agreement with the Los Angeles County Department of Public Works (LACDPW), the City of Los Angeles, and the City of Vernon.

BACKGROUND

The LA River Path is an active transportation project to close an eight-mile continuous gap in the bicycle/pedestrian network between Elysian Valley and the City of Vernon, through downtown Los Angeles. This project is identified in the Measure M Expenditure Plan as the LA River Waterway & System Bike Path and has \$365 million of Measure M funds (2015\$) allocated to it.

At its June 2021 meeting, the Board approved Motion #49 by Directors Garcetti, Solis, Kuehl, Krekorian, and Najarian about the LA River Path Project delivery.(Attachment A) For the downtown segment, the specific ask was that Metro act as the funding agency administering Measure M, coordinating and pursuing additional funds, and the agency of record for environmental clearance.

The execution of the MCA and other agreements by the Board will facilitate the development and implementation of the LA River Path Project in the respective City/County portions and have

concerted coordination with other stakeholder agencies, including the railroads. Completion of the Project will require extensive design reviews, coordination, approval, and permitting for construction through the jurisdictions, as well as negotiation of the final owner, operator, and maintenance entity for the Project, including an operation and maintenance (O&M) plan.

The local coordination process begins with the Cities/County and their consultants providing input on design documents/O&M plan and attending meetings with Metro staff as part of the ongoing developmental phase of the Project. Once the Project's single alternative is selected for final design and construction, the Cities/County will continue to support the Project by providing valuable review and input to its design, and later, inspectors in the field to monitor and provide final acceptance of the contractor's work in their respective jurisdictions.

The MCA and other agreements constitute commitments for Metro, the City of Vernon, and other stakeholder agencies to continue to work together to progress and complete the LA River Path Project.

DISCUSSION

Planning and construction projects often need to coordinate with multiple jurisdictions and agencies to secure permits and approvals. The LA River Path is no exception. However, its uniqueness and challenges stem from the fact that Metro owns only <1% of the right-of-way (ROW) along the project corridor. In addition, per the 2021 Board direction , Metro will not be responsible for the operation and maintenance of the completed project.

In addition to the necessary approvals and permits, the MCA enables Metro leadership to engage in discussions to determine the ultimate owner/operator/maintenance entity for the Project as well as develop an O&M plan for approval. The determination of the ultimate owner is essential to advancing design to 60% and beyond since design standards and guidelines will need to adhere to the standards of the ultimate owner, who will also become the operating and maintenance entity.

The majority of the Project ROW lies within the City and unincorporated Los Angeles County. In addition, the LA County Flood Control District (LACFD) and the US Army Corps of Engineers (USACE) hold flood control easements over the river, within the project corridor. The City of Vernon acknowledges the LA River Path Project as a high-priority public works project, and as such, its City Council approved the MCA (Attachment B) in May 2023. The general intent of the MCA is for the City of Vernon to provide Metro with expedited review and approval procedures in connection with the design, design reviews, permitting property acquisition and other authority to be exercised by the City relating to the LA River Path Project. The MCA and other types of agreements for other responsible stakeholder agencies will be developed along the lines of the MCA developed for the City of Vernon.

The City of Vernon - Metro MCA describes the roles, responsibilities, and obligations of the parties and provides specificity under the following subheads:

- Scope and Duration
- Governance
- Design

- Construction
- Betterments
- Operation and Maintenance
- Reimbursement and Credits
- Indemnity, Warranties, and Insurance
- Resolution of Disputes
- Other Miscellaneous Items

With the approval of this MCA, all costs incurred by City staff and their consultants for design review and permit coordination, among others, would be reimbursed by Metro through an annual work plan authorization process specified in the MCA. In doing so, the City of Vernon agrees to waive permit fees specified in the MCA.

Considerations

Along with the authority to execute the MCA, staff recommends the Board also authorize the CEO or her designee to approve:

- a) any additional agreements that may be needed for other responsible stakeholder agencies;
- b) any necessary future revisions and/or updates to the MCA and other agreements; and
- c) approve an initial budget for reimbursement to the City and other stakeholder agencies until the annual work plan for fiscal year 2024 is established.

FINANCIAL IMPACT

This Project is funded on a fiscal year basis under Project number 474303 (LARVR Waterway Sys Bike Path), within cost center 4310, and is included within the FY24 Adopted Budget. Since this is a multi-year effort, the Cost Center Manager and Chief Planning Officer (CPO) will be responsible for budgeting funds in future years. The recommended action, however, will have no impact on the overall project cost.

Impact to Budget

The source of funds for the recommended actions is part of the project budget i.e., Measure M and there is no impact on the FY24 budget. The fund source is not eligible for bus and rail operations.

EQUITY PLATFORM

The Project, consistent with the Metro Board-adopted Equity Platform policy framework, is intended to bring improved transportation infrastructure to many of the Equity Focused Communities (EFCs) along the LA River. The Project will provide benefits of enhanced mobility and regional access to jobs, education, and other recreational opportunities for underserved populations within the project area. These goals are also part of the Measure M Expenditure Plan, which advances equity by creating jobs, reducing pollution, and generating local economic benefits.

For context, approximately 29% of the population in this area lives in poverty, 79% are Latino, and

more than 22% of the working-age population does not use automobiles as a primary mode of transportation. This path will not only be used for recreational purposes for the betterment of public health but also serve as a low-cost transportation option for those who have limited car ownership.

The execution of the MCA and other as-needed agreements with other responsible stakeholder agencies is essential to the successful and timely completion of this project, and subsequent benefits for project area communities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project contributes to implementing multiple goals of Metro's Vision 2028 Strategic Plan. In particular:

- Goal 1: Provide high-quality mobility options that enable people to spend less time traveling;
- Goal 3: Transform LA County through regional collaboration and national leadership; and
- Goal 4: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the recommendations, however, doing so may hinder Metro's delivery of this Measure M project according to the timeline outlined in the Expenditure Plan. In addition, it will also be an impedance in fulfilling the City and County of Los Angeles' common goal of providing low-cost and low-impact alternative transportation options to marginalized communities.

NEXT STEPS

Upon Metro Board approval, the CEO or her designee will execute the MCA between Metro and the City of Vernon. Staff will continue to work with other responsible stakeholder agencies, including the railroads, to develop agreements, annual work plans and create a work order for payment.

This report also authorizes the CEO or her designee to approve an initial budget for reimbursement to the City and other stakeholders (if needed) until the annual work plan for fiscal year 2024 is established.

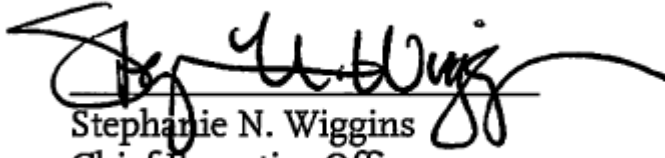
ATTACHMENTS

Attachment A - Board Motion (2021-0436)

Attachment B - City of Vernon Council meeting minutes on MCA

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Stephanie N. Wiggins
Chief Executive Officer



Metro

Board Report

File #: 2021-0436, File Type: Motion / Motion Response

Agenda Number: 49.

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
JUNE 17, 2021

Motion by:

DIRECTORS GARCETTI, SOLIS, KUEHL, KREKORIAN, AND NAJARIAN

LA River Bike Path Project Delivery

Active Transportation infrastructure along the Los Angeles River, separated from automobile traffic, can act as a spine for Class I bicycle infrastructure throughout the river's 51-mile length across the county. High-quality, protected, and separated bicycle and pedestrian infrastructure that connects communities to transit and local destinations is a part of a transportation system that reduces Vehicle Miles Traveled and Greenhouse Gas emissions. Thus, the Class I bikeway along the LA River helps meet transportation climate goals set by state legislation and the Metro Board.

Additionally, Active Transportation infrastructure provides low-cost transportation that supports public health. Protected and separated infrastructure improves traffic safety for all users and provides a safe space for users of all ages and abilities to exercise more. The LA River passes through many historically marginalized communities that Metro has identified as Equity Focused Communities.

Completing the LA River Bike Path is a goal of both the County and City of Los Angeles, and projects to do so are contained in the most recent LA River Master Plans from both the County and City, as well as the City of Los Angeles General Plan Mobility Element, Mobility 2035. Metro's Long-Range Transportation Plan and Active Transportation Strategic Plan also contain projects to complete the path.

Specifically, Metro's capital project portfolio contains three distinct projects to complete the LA River Bike Path along its length. The three projects are:

- A. The LA Riverway in the San Fernando Valley, a 12-mile series of gaps along the LA River from Canoga Park to ~~North Hollywood~~ Studio City, is known as Complete LA River Bikepath in the Measure M Expenditure Plan. This project is entirely within the City of Los Angeles and, as such, is a City-led project. The City will perform all phases of development and, in partnership with the United States Army Corps of Engineers, will own and maintain the project after construction is complete.
- B. The LA River Path through Downtown Los Angeles, an eight-mile continuous path from

Elysian Valley to Vernon, is known as the LA River Waterway & System Bikepath in the Measure M Expenditure Plan. This project is within the Cities of Los Angeles and Vernon and, as such, is a Metro-led project. Ownership and maintenance responsibilities will be decided in partnership with the Cities of Los Angeles and Vernon and the Los Angeles County Department of Public Works.

- C. The Lower LA River Bike Path in the Gateway sub-region, consisting of one or more elements defined by Motion 22.1 authored by Supervisor Solis in October 2015. This project is within the jurisdiction of the Los Angeles County Department of Public Works (LACDPW). LACDPW will act as the agency of record for environmental clearance and will construct, own, and maintain the project.

This action supersedes Board File 2018-0108 (May 2018).

SUBJECT: LA RIVER BIKE PATH PROJECT DELIVERY

RECOMMENDATION

APPROVE Motion by Directors Garcetti, Solis, Kuehl, Krekorian, and Najarian that the Board of Directors direct the Chief Executive Officer to assume and maintain the following roles in the delivery of each section of LA River Bike Path currently in development and to report back within 90 days on the status of each project, including funding plans, Sustainability, and Equity Assessments, milestone schedules, and execution of agreements with partner agencies:

- A. For the LA Riverway in the San Fernando Valley, Metro shall act as the funding agency administering Measure M and coordinating and supporting the pursuit of additional funds.
- B. For the LA River Path through Downtown Los Angeles, Metro shall act as the funding agency administering Measure M and coordinating and pursuing additional funds, the agency of record for environmental clearance, the constructing agency, and a partner in operating and maintaining the completed project.
- C. For the Lower LA River Bike Path, Metro shall act as the funding agency administering Measure M and coordinating and pursuing additional funds, and shall provide resources to perform the environmental clearance to LACDPW.

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 16, 2023
COUNCIL CHAMBER, 4305 SANTA FE AVENUE**

CALL TO ORDER

Mayor Larios called the meeting to order at 9:01 a.m.

FLAG SALUTE

Vernon Police Department Honor Guard presented the colors and led the Flag Salute.

ROLL CALL

PRESENT:

Crystal Larios, Mayor
Judith Merlo, Mayor Pro Tem
Leticia Lopez, Council Member
Melissa Ybarra, Council Member
Jesus Rivera, Council Member

STAFF PRESENT:

Carlos Fandino, City Administrator
Angela Kimmey, Deputy City Administrator
Zaynah Moussa, City Attorney
Lisa Pope, City Clerk
Scott Williams, Finance Director
Fredrick Agyin, Health and Environmental Control Director
Robert Sousa, Police Chief
Dan Wall, Public Works Director
Margie Otto, Public Utilities Assistant General Manager

APPROVAL OF THE AGENDA

MOTION

Council Member Ybarra moved and Council Member Lopez seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

PUBLIC COMMENT

None.

PRESENTATIONS

1. Employee Service Pin Awards for April 2023

City Clerk Pope announced the recipients of the Employee Service Pin Awards.

2. Proclamation Commending Sweetener Products Company on its 100th Anniversary

Mayor Larios presented the proclamation to Sweetener Products Company in recognition of its 100th Anniversary.

Matthew Ruiz, Field Deputy for Assemblymember Miguel Santiago, presented a commendation to Sweetener Products Company.

Dale Jabour, President/CEO, and Jim Boltinghouse, Controller/CFO, thanked the Council for its recognition.

3. Swearing-In Ceremony for New Police Officer in the Police Department

Police Chief Sousa presented the staff report and introduced new Police Officer Salvador Ramos.

City Clerk Pope administered the Oath of Office to Officer Ramos.

4. Fiscal Year 2023-24 Budget Workshop II

City Administrator Fandino and Finance Director Williams presented a PowerPoint.

Health and Environmental Control Director Agyin discussed the proposed health program.

Tyler Evans, Wellness Equity Alliance (WEA), discussed his experience and the importance of health care.

Administrative Analyst Figueroa explained the CommUNITY Fund grant process, including administration costs and possibility of reducing the amount allocated.

Public Works Director Wall discussed the plan for street maintenance.

Public Utilities Assistant General Manager Otto discussed the proposed utility rate adjustments.

CONSENSUS

By consensus, the Council directed staff to reduce the total allocation to the CommUNITY Fund from the Fiscal Year 2022-23 amount of \$500,000 to \$250,000; and to include \$573,674 for WEA Health Services.

CONSENT CALENDAR

Council Member Ybarra pulled Item No. 15.

MOTION

Council Member Ybarra moved and Council Member Lopez seconded a motion to approve the Consent Calendar, with the exception of Item No. 15. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

5. Meeting Minutes

Recommendation: Approve the May 2, 2023 Regular City Council Meeting Minutes.

6. Claims Against the City

Recommendation: Receive and file the claim submitted by Fred Gamboa in the amount of \$425.73.

7. Operating Account Warrant Register

Recommendation: Approve Operating Account Warrant Register No. 109, for the period of April 16 through April 28, 2023, totaling \$7,605,472.01 and consisting of ratification of electronic payments totaling \$7,429,785.37 and ratification of the issuance of early checks totaling \$175,686.64.

8. City Payroll Warrant Register

Recommendation: Approve City Payroll Warrant Register No. 803, for the period of April 1 through April 30, 2023, totaling \$2,708,248.97 and consisting of ratification of direct deposits, checks and taxes totaling \$1,767,051.71 and ratification of checks and electronic fund transfers for payroll related disbursements totaling \$941,197.26 paid through operating bank account.

9. Fire Department Activity Report

Recommendation: Receive and file the March 2023 Fire Department Activity Report.

10. Police Department Activity Report

Recommendation: Receive and file the March 2023 Police Activity Report.

11. Electrical Easement Deed with 3430 E. 26th Street Investors, LLC

Recommendation: Accept the Electrical Easement and authorize the Mayor to execute the Certificate of Acceptance.

12. Professional Services Agreement with The Pun Group LLC for Professional Auditing Services

Recommendation: Approve and authorize the City Administrator to execute a Professional Services Agreement with The Pun Group LLC, in substantially the same form as submitted, for Professional Auditing Services for a total amount not-to-exceed \$384,999, for a three-year term.

13. Services Agreement with Camfil Power Systems

Recommendation: A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review, because it is an administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines Section 15378. To the extent the future installation of the equipment constitutes a “project”, staff anticipates that the work will be exempt from CEQA review in accordance with CEQA Guidelines Section 15302, because the project consists of the replacement or reconstruction of existing equipment where the new equipment will be located on the same site as the equipment replaced and will have substantially the same purpose and capacity as the equipment replaced; the installation work will be procured through a separate selection process and contract at a later date. B. Approve and authorize the City Administrator to execute a Services Agreement with Camfil Power Systems (Camfil), in substantially the same form as submitted, to provide engineering and design services for generator cooling filter housing modification for a total amount not-to-exceed \$250,576; and C. Authorize a contingency amount of 10% or \$25,100 in the event of unforeseen changes in the project and grant authority to the City Administrator to issue amendments for an amount up to the contingency amount, if necessary.

14. Services Agreement with Waterline Technologies, Inc.

Recommendation: A. Accept the bid proposal from Waterline Technologies, Inc. (Waterline) as the lowest responsive and responsible bid for the supply of sodium hypochlorite 12.5 percent solution; B. Approve and authorize the City Administrator to execute a Professional Services Agreement with Waterline, in substantially the same form as submitted, for the supply of sodium hypochlorite 12.5 percent solution for a total amount not to exceed \$234,490.56, for a three-year term; and C. Authorize a contingency amount of 10% or \$23,449, in the event of increased system demands or price volatility and grant authority to the City Administrator to issue amendments for an amount up to the contingency amount, if necessary.

16. LA River Path Project Master Cooperative Agreement

Recommendation: A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review, because it is a continuing administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines Section 15378. To the extent that the LA River Path Project requires CEQA analysis, the Project is currently undergoing an environmental review process led by the Los Angeles County Metropolitan Transportation Authority (LACMTA or Metro); and B. Approve and authorize the City Administrator, to execute the Master Cooperative Agreement between the City of Vernon and the LACMTA, in substantially the same form as submitted, for the design and construction of a portion of the LA River Path Project.

The following item was pulled from the Consent Calendar for individual consideration:

15. Project Funded by Senate Bill 1: The Road Repair and Accountability Act for Fiscal Year 2023-2024

Public Works Director Wall explained the purpose of the item and that the allocation was based on population.

MOTION

Council Member Ybarra moved and Mayor Pro Tem Merlo seconded a motion to: A. Find that the approval of the proposed resolution does not constitute a "project" pursuant to Sections 15378(b)(2) and (4) of the Guidelines to the California Environmental Quality Act (CEQA), because it constitutes an administrative activity and government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant impact on the environment; and even if the adoption of the proposed resolution did constitute a project, it would be exempt from CEQA in accordance with Section 15061(b)(3), the general rule that CEQA only applies to project that may have a significant effect on the environment; and B. Adopt Resolution No. 2023-08 adopting a project list to be funded by Senate Bill 1: The Road Repair and Accountability Act for Fiscal Year (FY) 2023-2024. The question was called and the motion carried unanimously.

NEW BUSINESS

17. Citywide Striping and Pavement Markings FY22-23

Public Works Director Wall presented the staff report.

MOTION

Council Member Lopez moved and Council Member Ybarra seconded a motion to: A. Find that the proposed action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines Section 15301, because the project consists of the maintenance, repair or minor alteration of existing facilities and involves negligible or no expansion of an existing use; B. Accept the bid proposal from WGJ Enterprises Inc., dba PCI as the lowest responsive and responsible bid for the Citywide Striping and Pavement Markings FY22-23 project and reject all other bids; C. Approve and authorize the City Administrator to execute Contract No. 20230179 in the amount of \$332,005 for the Citywide Striping and Pavement Markings FY22-23 project for a period not to exceed 30 days; and D. Authorize a contingency of \$10,000 in the event of an unexpected changed condition in the project and grant authority to the City Administrator to issue a change order(s) for an amount up to the contingency amount if necessary. The question was called and the motion carried unanimously.

18. Los Angeles Unified School District Education Compact

City Administrator Fandino presented the staff report.

Genesis Coronado, LAUSD Legislative Analyst, explained the program.

MOTION

Council Member Lopez moved and Council Member Ybarra seconded a motion to approve and authorize the City Administrator to execute an Education Compact with the Los Angeles Unified School District, in substantially the same form as submitted, for a term through June 2026. The question was called and the motion carried unanimously.

ORAL REPORTS

19. City Administrator Reports on Activities and other Announcements.

City Administrator Fandino stated staff, WEA, and LA County Public Health would visit the Vernon Village Park Apartments to encourage participation in WEA's health needs assessment survey and to provide information about the County's free blood lead testing program. He provided an update on the lead remediation work at the Vernon Village Park apartments and announced upcoming meetings including the Vernon CommUNITY Fund Grant Committee meeting on May 17, 2023, at 10:00 a.m. and cancellation of the July 4, 2023 City Council meeting.

20. City Council Reports on Activities (including AB 1234), Announcements, or Directives to Staff.

Council Member Ybarra thanked the businesses that helped raise funds for the Vernon Elementary School field trip.

ADJOURNMENT

Mayor Larios adjourned the meeting at 11:31 a.m.

DocuSigned by:
Crystal Larios
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CRYSTAL LARIOS, Mayor

ATTEST:

DocuSigned by:

Lisa Pope

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LISA POPE, City Clerk
(seal)