



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JANUARY 6, 2009

ITEM NUMBER:

**SUBJECT: COOPERATIVE AGREEMENT TERM EXTENSION FOR NEWPORT BOULEVARD IMPROVEMENTS**

**DATE: DECEMBER 18, 2008**

**FROM: PUBLIC SERVICES/TRANSPORTATION SERVICES**

**PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES**

**FOR FURTHER INFORMATION CONTACT: RAJA SETHURAMAN, TRANSPORTATION SERVICES  
MANAGER-714-754-5032**

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## **RECOMMENDATION:**

- 1) Approve amendment to Cooperative Agreement No. 12-457 A-2 (Attachment 1) with the State of California Department of Transportation (Caltrans) to extend the term for environmental, design, and right-of-way oversight of improvements to Newport Boulevard between 17<sup>th</sup> Street and 19<sup>th</sup> Street to December 31, 2010.
- 2) Approve amendment to Cooperative Agreement No. 12-553 A-1 (Attachment 2) to extend the term for Caltrans' contribution of \$330,000 toward improvements to Newport Boulevard between 17<sup>th</sup> Street and 19<sup>th</sup> Street to December 31, 2010.
- 3) Authorize the Mayor and City Clerk to execute the above agreements.

## **BACKGROUND:**

On June 2, 2002, the City Council approved the Cooperative Agreement No. 12-457 with Caltrans to define the terms and conditions under which the Newport Boulevard Improvement Project would be developed. The Code of Federal Regulations (CFR) Section 11.1(b) and Streets and Highways Code Section 130 stipulate that a cooperative agreement be executed for federally funded projects located within the Caltrans jurisdiction initiated by a local agency. On August 6, 2006, the City Council approved the Cooperative Agreement Amendment No. 12-457 A-1 with Caltrans to extend the term of the agreement to December 31, 2008.

On January 2, 2007, the City Council approved the Cooperative Agreement 12-553 with Caltrans for their contribution of \$330,000 towards the Newport Boulevard Project. The agreement defined terms for Caltrans to fund specific roadway rehabilitation improvements in conjunction with the City's Newport Boulevard Improvement Project.

The scope of improvements along Newport Boulevard includes streetscape and pedestrian accessibility enhancements, the addition of a fourth northbound lane between 17<sup>th</sup> and 19<sup>th</sup> Streets, and a fourth southbound lane between 19<sup>th</sup> Street and Broadway. The City Council awarded the construction contract on November 18, 2008. Construction of the comprehensive Newport Boulevard Project from 17<sup>th</sup> Street to 19<sup>th</sup> Street is scheduled for January 2009.

**ANALYSIS:**

The Cooperative Agreement 12-457 A-1, approved on August 6, 2006, extended the term of Cooperative Agreement 12-457 which defined the environmental, right-of-way and engineering responsibilities for each agency to December 31, 2008. The environmental and design phases of the project are complete; however, the agreement also includes right-of-way and hazardous material provisions that pertain to the construction phase of the project. As this portion of the work would extend beyond the current agreement term, an amendment to the agreement is required.

District Agreement No. 12-553, approved on January 2, 2007, defines the terms for Caltrans to fund various roadway rehabilitation improvements together with the City's Newport Boulevard Improvement Project. The term of this agreement expires on December 31, 2008. As the construction phase of this project will extend beyond this date, an amendment to the agreement extending its term is required.

Staff recommends Council approval to amend the subject agreements (Attachments 1 and 2) to extend the terms to December 31, 2010. This will allow adequate time for completion of the project and for closing out of the construction contract.

**ALTERNATIVES CONSIDERED:**

The City Council could reject the amendments to the cooperative agreements. However, this would result in the potential loss of Caltrans' contribution, as well as delay the right-of-way transfer process.

**FISCAL REVIEW:**

There is no fiscal impact with the recommended action.

**LEGAL REVIEW:**

The City Attorney's office has reviewed and approved the attached cooperative agreements as to form.

**CONCLUSION:**

Staff recommends that the City Council approve amendments to Cooperative Agreements 12-457 A-2 and 12-553 A-1 (Attachments 1 and 2) between the State of California Department of Transportation (Caltrans) and the City, and authorize the Mayor and the City Clerk to execute the agreements.

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Peter Naghavi, Director  
Department of Public Services

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Raja Sethuraman, Manager  
Transportation Services

Attachments: Attachment 1 - [District Agreement Amendment 12-457 A-2](#)  
Attachment 2 - [District Agreement Amendment 12-553 A-1](#)

Distribution: City Manager  
City Attorney  
Finance Director  
Administrative Services Director  
Public Services Director