



**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

**GAIL FARBER, Director**

November 03, 2009

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

25 November 3, 2009

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. 75401 BETWEEN  
THE CITIES OF CULVER CITY AND LOS ANGELES AND THE COUNTY OF LOS ANGELES  
REGARDING THE COSTCO REGIONAL TRAFFIC  
MITIGATION FUNDS  
(SUPERVISORIAL DISTRICTS 2, 3, AND 4)  
(3 VOTES)**

**SUBJECT**

This action is to approve Amendment No. 1 to County Agreement No. 75401, a cooperative agreement between the Cities of Culver City and Los Angeles and the County of Los Angeles, providing that the Costco Regional Traffic Mitigation funds to be transferred to the County of Los Angeles may be used on the Admiralty Way from Fiji Way to Via Marina intersection improvement projects and/or the Washington Boulevard at Palawan Way project rather than the Marina Expressway (State Route 90) Connector Road project.

**IT IS RECOMMENDED THAT YOUR BOARD:**

Approve and instruct the Chairman of the Board to sign Amendment No. 1 to County Agreement No. 75401, a cooperative agreement between the Cities of Culver City and Los Angeles and the County of Los Angeles, providing that the Costco Regional Traffic Mitigation funds may be used on the Admiralty Way from Fiji Way to Via Marina intersection improvement projects and/or the Washington Boulevard at Palawan Way project rather than the Marina Expressway (State Route 90) Connector Road project.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to execute the enclosed Amendment No. 1 (Amendment) to County Agreement No. 75401 (Agreement) between the Cities of Culver City and Los Angeles and the County of Los Angeles (County), providing for the transfer of \$1,515,942 in Costco Regional Traffic Mitigation (Costco RTM) funds to the County Road Fund in Fiscal Year 2009-10 for the Admiralty Way from Fiji Way to Via Marina intersection improvement projects and/or the Washington Boulevard at Palawan Way project rather than the Marina Expressway (State Route 90) Connector Road project.

The Marina Expressway (State Route 90) Connector Road project has been delayed and it is unknown when construction will occur.

**Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). This action will provide the County with financial assistance for the Admiralty Way from Fiji Way to Via Marina intersection improvement projects and/or the Washington Boulevard at Palawan Way project. These projects will enhance traffic flow for County residents, thereby improving their quality of life.

**FISCAL IMPACT/FINANCING**

There is no impact to the County General Fund.

Your Board's approval of the enclosed Amendment will allow the City of Culver City to transfer \$1,515,942, plus any interest accrued, from the City's Costco RTM account to the County's Road Fund in Fiscal Year 2009-10 to reimburse expenditures related to the Admiralty Way from Fiji Way to Via Marina improvement projects and/or the Washington Boulevard at Palawan Way project.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

In June 1998, the City of Culver City approved the conditions for the development of the Costco project, near the intersection of Lincoln Boulevard and Washington Boulevard. As part of those conditions, a Costco RTM Fund was established. The City of Culver City authorized the future allocation of the monies to the County to be used toward the construction of the Marina Expressway (State Route 90) Connector Road project. On October 11, 2005, Synopsis 54, your Board approved a cooperative agreement between the Cities of Culver City and Los Angeles and the County, County Agreement No. 75401, for the transfer of Costco RTM funds for the construction of the Marina Expressway (State Route 90) Connector Road project. Under the terms of the Agreement, the County has until June 17, 2010, to expend the Costco RTM monies on the construction of the Marina Expressway (State Route 90) Connector Road project; after this date, any unspent funds must be returned to the City of Culver City.

The Marina Expressway (State Route 90) Connector Road project has been delayed and it is unknown when construction will occur. As a result, the Cities of Culver City and Los Angeles and the County have identified the Admiralty Way from Fiji Way to Via Marina intersection improvement projects and/or the Washington Boulevard at Palawan Way project as eligible for the use of the Costco RTM funds. Your Board's approval of the enclosed Amendment is necessary to enable the County to utilize the Costco RTM funds for these substitute projects.

Under the terms of the Amendment, if commencement of construction of these projects are delayed beyond June 17, 2010, or if the County has not expended all of the Costco RTM monies on the construction of these projects by June 17, 2010, the County may use the Costco RTM monies to reimburse costs on other phases of the projects including, but not limited to, preparation of the environmental documents, preliminary engineering, and right-of-way property acquisitions.

## **ENVIRONMENTAL DOCUMENTATION**

The proposed action is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378 (b) of the State CEQA Guidelines. This proposed action is an administrative activity of government that will not result in direct or indirect physical changes to the environment. The appropriate environmental document will be prepared for the proposed projects prior to any determination to proceed with construction.

## **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The Admiralty Way and Washington Boulevard projects will improve traffic flow and the quality of life for the residents of Marina del Rey and the Cities of Culver City and Los Angeles.

## **CONCLUSION**

Enclosed are three originals of the Agreement, which have been approved by the Cities of Culver City and Los Angeles and approved as to form by County Counsel. Upon approval, please return the two marked "CITY ORIGINAL" to Public Works, Programs Development Division, for processing together with one adopted copy of this letter. The original marked "COUNTY ORIGINAL" is for your files.

The Honorable Board of Supervisors

11/3/2009

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:SA:pr

Enclosures

c: Chief Executive Office (Lari Sheehan)  
County Counsel  
Executive Office

AMENDMENT NO. 1 TO AGREEMENT NO. 75401

THIS AMENDMENT NO. 1 to AGREEMENT NO. 75401, made and entered into by and amongst the CITY OF CULVER CITY, a municipal corporation in the County of Los Angeles (hereinafter referred to as CULVER CITY); the CITY OF LOS ANGELES, a municipal corporation in the County of Los Angeles (hereinafter referred to as LOS ANGELES); and the COUNTY OF LOS ANGELES, a political subdivision of the State of California (hereinafter referred to as COUNTY); all referred to collectively as the PARTIES.

WITNESSETH

WHEREAS, COUNTY entered into AGREEMENT NO. 75401 in 2005 with CULVER CITY and LOS ANGELES to receive an allocation in the amount of One Million Five Hundred Fifteen Thousand Nine Hundred Forty-two and 00/100 Dollars (\$1,515,942.00), plus any interest accrued from CULVER CITY'S Costco Regional Traffic Mitigation (RTM) Account for the construction of the Marina Expressway (State Route 90) Connector Road Project; and

WHEREAS, the Marina Expressway (State Route 90) Connector Road Project has been delayed and it is unknown when construction will occur; and

WHEREAS, the Admiralty Way between Fiji Way and Via Marina improvement projects are a series of projects that include improvements at each intersection along Admiralty Way between Fiji Way and Via Marina; and

WHEREAS, the Washington Boulevard at Palawan Way project includes improvements at the intersection of Washington Boulevard and Palawan Way; and

WHEREAS, the PARTIES propose to substitute the Marina Expressway (State Route 90) Connector Road Project with the Admiralty Way between Fiji Way and Via Marina improvement projects and/or the Washington Boulevard at Palawan Way project in the AGREEMENT.

NOW, THEREFORE, the PARTIES mutually agree to amend AGREEMENT NO. 75401 as follows:

1. In AGREEMENT NO. 75401, the term PROJECT is amended and redefined in Sections 1, 2, 3, and 4 as the Admiralty Way between Fiji Way and Via Marina improvement projects and/or the Washington Boulevard at Palawan Way project.
2. Replace Section 1, Paragraph (a) with the following:
  - a. To allocate monies remaining in CULVER CITY'S Costco RTM account to COUNTY for PROJECT.

No 75401 Supplement No. 1

3. Replace Section 4, Paragraph (a) with the following:

- a. That all Costco RTM monies allocated to the COUNTY must be expended prior to June 17, 2010. If commencement of construction of PROJECT is delayed beyond June 17, 2010, or if COUNTY has not expended all of the RTM monies on the construction of PROJECT by June 17, 2010, COUNTY may use Costco RTM monies to reimburse COUNTY expenditures on other phases of PROJECT, including, but not limited to, preparation of the environmental documents, preliminary engineering, and right-of-way property acquisitions. COUNTY shall provide CULVER CITY with documentation evidencing PROJECT expenditures for CULVER CITY'S review and approval prior to CULVER CITY'S release of reimbursement.

3. Replace Section 4, Paragraph (e) with the following:

- e. Any correspondence, communication, or contact concerning this AGREEMENT shall be directed to the following:

CULVER CITY:

Mr. Charles Herbertson  
Director of Public Works  
City of Culver City  
9770 Culver Boulevard  
Culver City, CA 90232-0507

LOS ANGELES:

Ms. Rita L. Robinson  
General Manager  
Los Angeles Department of Transportation  
7166 West Manchester Avenue  
Los Angeles, CA 90045

COUNTY:

Ms. Gail Farber  
Director of Public Works  
County of Los Angeles  
Department of Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT NO. 1 to be executed by their respective officers, duly authorized, by the CITY OF CULVER CITY on August 17, 2009; by the CITY OF LOS ANGELES on SEPTEMBER 16, 2009; and by the COUNTY OF LOS ANGELES on November 3, 2009.

COUNTY OF LOS ANGELES

ATTEST:

By *Don Krabe*  
Chairman, Board of Supervisors

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

By *[Signature]*  
Deputy



SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By *[Signature]*  
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN  
Acting County Counsel

By *Carole Suzuki*  
Deputy

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

25 NOV 03 2009

CITY OF LOS ANGELES  
DEPARTMENT OF TRANSPORTATION

By *[Signature]*

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

No 75401 Supplement No. 1

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT NO. 1 to be executed by their respective officers, duly authorized, by the CITY OF CULVER CITY on August 17, 2009; by the CITY OF LOS ANGELES on September 16, 2009; and by the COUNTY OF LOS ANGELES on November 3, 2009.

CITY OF CULVER CITY

By Mark Scott  
Mark Scott, City Manager

ATTEST:

By Martin R. Cole  
Martin R. Cole, City Clerk

APPROVED AS TO FORM:

*for* Carol A. Schwab  
Carol A. Schwab, City Attorney

APPROVED AS TO FINANCING:

Jeff Muir  
Jeff Muir, Chief Financial Officer

No 75401 Supplement No. 1