



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** JUNE 18, 2019

**TO:** CITY COUNCIL / SUCCESSOR AGENCY

**SUBMITTED BY:** KENNETH A. DOMER, CITY MANAGER

**PREPARED BY:** MEG McWADE, DIRECTOR OF PUBLIC WORKS  
YELENA VORONEL, ACTING CITY ENGINEER  
DAVID LANGSTAFF, TRAFFIC ENGINEERING ANALYST

**SUBJECT:** REIMBURSEMENT AGREEMENT WITH CALIFORNIA  
HIGH-SPEED RAIL AUTHORITY – AMENDMENT NO. 1  
TO COOPERATIVE AGREEMENT HSR16-26

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### SUMMARY

Authorize Amendment No. 1 to Cooperative Agreement HSR16-26 between the City of Fullerton and California High-Speed Rail Authority (Attachment 1) modifying the terms of the original funding Agreement extending the term to January 31, 2021 and including an updated position / cost list. **Execution of the Amendment does not indicate support for the project** but does enable the City to obtain reimbursement of City costs associated with review of technical studies of high-speed rail.

### RECOMMENDATION

Authorize the Public Works Director to execute Amendment No. 1 to Cooperative Agreement HSR16-26 between the City of Fullerton and California High-Speed Rail Authority modifying the terms of the original funding Agreement to extend the term through January 31, 2021 and update position / salary list for reimbursement of City costs associated with technical studies of high-speed rail.

### PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement/s:

- Fiscal Stability.

## FISCAL IMPACT

The reimbursement agreement would provide for reimbursement should the City incur eligible expenses, including staff, consultant services and attorney time during preliminary review process. While the original Agreement has been in place since 2016, there has been no review of project technical studies due to current progress of high-speed rail and as a result the City has not submitted a reimbursement request.

## DISCUSSION

The California High-Speed Rail Authority (HSRA) is responsible for the planning, design, construction and operation of the first high-speed rail system in the nation. The HSRA intends that by 2029, high-speed rail will run from San Francisco to the Los Angeles basin in under three hours at speeds of over 200 miles per hour. The goal is that the system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations with the route shown in the following map:



On February 2, 2016, City Council approved Agreement No. HSR16-26, between the City of Fullerton and HSRA that established reimbursement procedures and the maximum reimbursement amount for City costs associated with preliminary review of the segment of the high-speed rail project within City's boundaries. This Agreement is set to expire on June 30, 2019.

The HSRA plan for Orange County includes a confirmed station in the City of Anaheim, corridor enhancements and improvements to accommodate high speed rail through the City of Fullerton, as well as a potential station in the City of Fullerton. Since there may be significant impacts to Fullerton based on the route, it is important we remain engaged in the review process. The Amendment would enable the City to recover its costs for that review as the project progresses through to issuance of environmental documents. The current Los Angeles to Orange County segment is outlined below:



**It is important to note that authorizing the extension to the agreement does not signify support for the high-speed rail project.** As an example, in October 2015, the Bakersfield City Council approved the agreement, even though the city itself challenged the high-speed rail project in court. Extending the existing reimbursement agreement will allow for cost recovery for review, and the City will put itself in a better position to fully participate in the project's planning and add its voice to those of surrounding communities.

The proposed amendment extends the term of the agreement through January 31, 2021 and will reimburse Fullerton for engineering and legal costs associated with this phase of the project, in particular review of the segment within the City's boundaries as outlined in Attachment 2. The established reimbursable amount is \$75,000. If necessary, the agreement can be amended if the City incurs additional costs as a result of changes to labor rates or a need for consultant and legal services.

Minor administrative changes to the existing agreement include the following:

1. STD.213, Section 2 is amended to extend the term through January 31, 2021.
2. STD.213A Section 4, Exhibit A, Scope of Work Section 1. Background and Purpose, subsection C. is replaced in its entirety to reflect current authorized signees.
3. STD.213A, Section 4, Exhibit A, Scope of Work, Section 2. Tasks, Deliverables, and Schedule, subsection B, is replaced in its entirety to reflect new scheduling.
4. STD.213A, Section 4, Exhibit B, Budget Detail and Payment Provisions, Section 2. Compensation, Invoicing and Payment, subsection D, is replaced in its entirety to reflect new payment invoicing procedures.
5. STD.213A, Section 4, Exhibit C, Section 1. General Terms and Conditions is replaced in its entirety to reflect changes to the High-Speed Rail Authority's standard agreement package. Eliminating a hard copy of Exhibit C within the agreement. Exhibit C is available on the HSRA website.

If City Council elects to forego approval of the proposed amendment, the Agreement will expire on June 30, 2019. Upon termination of said agreement, future agreement(s), if any, will be subject to negotiation and ratification by City Council and HSRA.

Attachments:

- Attachment 1 – Amendment No. 1 to Standard Agreement HSR16-26
- Attachment 2 – Standard Agreement HSR16-26