



Legislation Details (With Text)

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**Title:** Authorize the Public Works Director to enter into Reimbursement Agreement No. HSR23-41 with the California High Speed Rail Authority (CHSRA), in substantially the form presented, to reimburse the City for work on specified CHRSA matters (Council Districts 1, 2, & 3).

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. State of California Agreement No. HSR23-41

Date	Ver.	Action By	Action	Result
12/14/2023	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ANDREW J. BENELLI, PE, Assistant Director  
Public Works Department

**SUBJECT**

Authorize the Public Works Director to enter into Reimbursement Agreement No. HSR23-41 with the California High Speed Rail Authority (CHSRA), in substantially the form presented, to reimburse the City for work on specified CHRSA matters (Council Districts 1, 2, & 3).

**RECOMMENDATION**

Staff recommends that the City Council authorizes the Public Works Director or designee to execute Reimbursement Agreement No. HSR23-41 (the Agreement) with CHSRA in substantially the form presented on behalf of the City of Fresno (City).

**EXECUTIVE SUMMARY**

Reimbursement Agreement No. HSR23-41 will provide for the State of California to reimburse the City of Fresno for the cost of City staff working on California High Speed Rail Authority (CHSRA) agreements, right of way transfers, legal description reviews, right of way mapping, and right of way vacations. If approved by City Council, Reimbursement Agreement No. HSR23-41 will provide up to \$595,419.04 to reimburse the City until December 31, 2026.

## **BACKGROUND**

On May 3, 2012, City Council approved a Memorandum of Understanding with the CHSRA to develop a series of Cooperative Agreements for the High Speed Rail Project. The MOU specified that CHSRA would reimburse the City for staff costs incurred in developing the Agreements up to \$296,000. Reimbursed tasks included verification of existing right of way, review of proposed design for conformance to City Standards, analysis of utility-HSR conflicts, analysis and verification of utility easements, pre-plan check activities along the HSR corridor and negotiations on the legal terms and language in each Agreement.

Ten amendments to the 2012 Memorandum of Understanding have been approved by City Council and processed to extend the contract term and increase the total contract amount. The CHSRA has requested that a new agreement is approved this year instead of an amendment. The terms and conditions of the new agreement are similar to the original Memorandum of Understanding. The new agreement will allow the City to charge up to \$595,419.04, which is the amount of unspent funds remaining in Amendment 10. The new agreement will provide for the City to be reimbursed for staff time from January 1, 2024 until December 31, 2026.

The recommended action will authorize the Public Works Director or designee to execute the agreement on behalf of the City, subject to the City Attorney's Office approving the final agreement as to form. Staff is awaiting final legal approval from the California High-Speed Rail Authority on any minor modifications needed. Approval of this agenda item will avoid the reimbursement agreement expiring on December 31, 2023 and the potential for unreimbursed costs by the City.

## **ENVIRONMENTAL FINDINGS**

Pursuant to the definition in California Environmental Quality Act (CEQA) Guidelines § 15378, this is not a project for purpose of CEQA.

## **LOCAL PREFERENCE**

Local preference was not implemented as this item does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

There will be no impact to the General Fund or any City operating funds associated with the recommended action. All City costs for services provided under this agreement will be paid for by the California High Speed Rail Authority under proposed Agreement No. HSR23-41.

Attachments:

State of California Agreement No. HSR23-41