

AMENDMENT NO. 1 TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project I2, Peach Avenue Widening – Jensen Avenue to Butler Avenue

This Amendment No. 1 to STRTP Project I2 is made and entered into the ___ day of _____, 2020 by and between the Fresno County Transportation Authority ("Authority") and the City of Fresno ("Responsible Agency").

1. PARTIES. The Authority and the City of Fresno are collectively referred to herein as "the Parties".

2. RECITALS.

2.1 WHEREAS, the Parties entered into the Cooperative Project Agreement for Project I2, Urban Peach Avenue – Jensen Avenue to Butler Avenue ("Agreement"), dated December 16, 2009, for funding of a transportation improvement project ("**Project**") in Fresno County pursuant to the Measure "C" Short-Term Regional Transportation Program Handbook ("**Handbook**"), subsequently replaced by the Measure "C" Strategic Implementation Plan (**SIP**), and the Fresno County Measure "C" Expenditure Plan ("**Expenditure Plan**"), which was approved by the voters of Fresno County in November, 2006; and,

WHEREAS, Authority is authorized to approve and revise Project funding for payment to Responsible Agency in accordance with the **Agreement**, the SIP and the Expenditure Plan regarding the Project I2, Urban Peach Avenue – Jensen Avenue to Butler Avenue.; and,

WHEREAS, the Agreement provided that Authority shall provide funding to Responsible Agency for eligible Project costs in an amount "not to exceed" **\$388,000** of Measure "C" Regional Transportation Program ("**Measure "C"**") funding for the Preliminary Engineering phase of the Project; and

WHEREAS, the Responsible Agency has requested that the project limits for Project I2 be reduced to Florence to Butler, and that this project be re-named as Project I2B; and

WHEREAS, the remaining segment of the project limits, from Florence to Jensen, will become a new Project I2C, to be funded from sources other than the Measure C Regional Program; and

2.2 The Parties now desire to amend the statements defining and delineating the Project Scope, Project Schedule and Project Funding Program, as set forth in the original Agreement, based on the following:

- Responsible Agency desires to reallocate \$2,278,400 of realized construction cost savings from Project I3, Peach Avenue Widening – Kings Canyon Road to Belmont Avenue fund to the Construction phase for Project I2B, Peach Avenue –

Florence Avenue to Butler Avenue per the revised Exhibits as more thoroughly described in Section 3.1 of this Amendment No. 1. This reallocation increases the total funding amount authorized by the original **Agreement**.

- The Authority further agrees to provide to Responsible Agency an additional \$194,000 in funding previously reserved but not heretofore allocated to the Construction phase of this Project, thereby increasing the total not-to-exceed Construction phase allocation to \$2,472,400 for Project I-2B Urban, Peach Avenue – Florence Avenue to Butler Avenue, per the revised Exhibits as more thoroughly described in Section 3.1 of this First Amendment.

3. TERMS.

- 3.1 Exhibit “A” (Project Scope), Exhibit “B” (Project Schedule) and Exhibit “C” (Project Funding Program), which hereinafter shall be referenced collectively the “Original Exhibits” as set forth in Section 1.1 of the original Agreement, and which were fully incorporated therein by the provisions of Section 3.23 thereof, shall be and are hereby replaced by Exhibit “A1” (Project Scope), Exhibit “B1” (Project Schedule), and Exhibit “C1” (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this Amendment No. 1 to the Agreement.
- 3.2 All work performed by the Responsible Agency under the Agreement prior to the Effective Date of this Amendment No. 1 shall be governed by and compensated pursuant to the applicable Exhibits and pursuant to the terms of the original Agreement. All work performed commencing upon the Effective Date of this Amendment No. 1 shall be governed by and compensated pursuant to the Agreement as modified by this Amendment No. 1.
- 3.3 Project Groundbreaking and Ribbon Cutting Ceremonies; and Press Conferences. Responsible Agency shall acknowledge Measure C funding contribution to the Project at the groundbreaking and ribbon cutting ceremony and at any project Press Conferences should the Responsible Agency conduct such events. Groundbreaking and ribbon cutting ceremonies are encouraged, but not required unless specifically requested by the Authority. Authority shall be invited to participate at all scheduled events.
- 3.4 Project Signage. Responsible agency agrees to the following:
- 3.4.1 Responsible agency shall provide signage at construction sites or on equipment, as appropriate, for the projects funded partially or wholly by Measure C sales tax revenue, so that Fresno County Taxpayers are informed as to how those funds are being used. Responsible Agency shall include the Measure C logo on all project reports, bulletins, flyers, press releases, webpages or other related media.
- 3.4.2 Responsible Agency shall erect funding signs as a first order of work of any construction contract. The signage shall be in conformance with specifications

approved by and on file with the Authority, and included in Appendix J to the SIP. Responsible Agency shall keep signs cleaned, well maintained, and visible throughout all phases of the construction contract. Signage shall remain in place at least three (3) months after completion of the Project. Installation. Removal of signage is an eligible expense.

- 3.5 Effective Date. The Effective Date of this Amendment No.1 to the Agreement shall be 12:01 a.m. of the day following the date upon which it is signed by the Parties. In the event this Amendment No. 1 to the Agreement is signed by the Parties on different dates, the Effective Date shall be 12:01 a.m. of the day following that date upon which it is signed by the second of the Parties.
- 3.6 All other terms and conditions contained in the Cooperative Project Agreement are unaffected by this Amendment No. 1 and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the day and year first written above.

FRESNO COUNTY TRANSPORTATION AUTHORITY

By _____
(Signature)

Name ERNEST "BUDDY" MENDES
(Typed)

Title Chair of the Authority

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG, COUNTY
COUNSEL

By _____
(Signature)

Name MICHAEL E. ROWE

Title Principal Deputy County Counsel

ATTEST
By _____
(Signature)

Name MIKE LEONARDO
(Typed)

Title Executive Director

APPROVED AS TO ACCOUNTING
FORM:

By _____
(Signature)

Name OSCAR J. GARCIA, C.P.A.

Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

By _____
(Signature)

Name SCOTT L. MOZIER, P.E., T.E.

Title PUBLIC WORKS DIRECTOR

APPROVED AS TO FORM
DOUGLAS SLOAN, City
Attorney

BY: _____
Brandon M. Collet
Senior Deputy City Attorney

ATTEST
By _____
(Signature)

Name YVONNE SPENCE, C.M.C.

Title CITY CLERK



EXHIBIT A1 – PROJECT SCOPE

Urban Project I-2B – Peach Ave. Widening, Jensen Ave. to Butler Ave.



Responsible Agency
City of Fresno

Project Limits

The project limits include 1.5 miles of added travel lanes on Peach Ave. between Jensen Ave. and Butler Ave.

Project Phase *(Choose the Project Phase(s) applicable to this Agreement)*

- Phase 1 - Preliminary Engineering *[Includes Preliminary Design/Engineering (PS&E) and Environmental]*
- Phase 2 - Right-of-Way Acquisition
- Phase 3 - Construction *(Includes Project Construction & Construction Management)*

Project Phase(s) Scope *(Provide detail to describe the Phase(s) that is the subject of this Agreement as checked above)*

The ultimate project will widen Peach Ave. from two lanes to a divided four-lane arterial with median landscaping, protected-left-turn-lanes, bike lanes, curb and gutter, sidewalk, landscaping, streetlights, modifications of existing traffic, signal facilities and an installation of new traffic signal along Peach Ave. at Church and Butler Aves., relocation and restoration of property fence lines, and relocation and replacement of olive and other street trees. Phase 1 includes preliminary design/engineering (PS&E) and environmental review and approval. Phase 3 involves construction of the Project, traffic detours using major cross streets and providing access to residences and a school site adjacent to Peach Ave. in the Project area, and Construction Management activities associated with the Project. Phase 3 will be initiated after relocation of existing utilities by PG&E and other utility companies.

This agreement encompasses Phase 1 & 3 only.

Complete Project Scope *(Provide detail to describe all phases of the Project - It is important for the Authority to understand the scope of the entire Project; not just the Project phase(s) that is described above).*

Phase 1 commenced in April 2013. Phase 1 includes preliminary design/engineering (PS&E) and environmental review and approval. Phase 2 includes ROW acquisition and will begin after approval of the preliminary environmental study (CEQA). Phase 3 will be initiated after completion of Phase 2 and relocation of existing utilities by PG&E and other utility companies. Phase 3 involves construction of the Project, the associate traffic control operations and construction management activities.

Project Purpose

The purpose of this project is to provide for improved mobility by increasing capacity along Peach Avenue between Jensen Ave. and Butler Ave.

Transportation Benefit

The project is expected to improve air quality, reduce traffic congestion thereby improving travel time, and motorist and pedestrian safety.

Implications of Not Doing the Project

It was determined in various traffic studies that the existing number of travel lanes along Peach Avenue will not be sufficient to accommodate the traffic demands in the Year 2030. According to the traffic study conducted by VRPA, the expected volume along the Project in the Year 2030 will be 22,400 vehicles per day. Based on the expected future volumes, without the Project, the Level of Service (LOS) is expected to be LOS “F”. With the Project, the expected LOS is projected to be LOS “B”.

Community Engagement

The project limits are within a moderately populated residential area. Residents, businesses, and property owners will be kept informed of the Project’s status and schedule through Project newsletters, the City’s website and local media.

Construction Staging

Construction phasing may be implemented due to the potential impacts on adjacent residences, businesses, schools, which use this street to access their property.

Detours

During construction of this Project, traffic will be routed to north/south arterials Willow and Minnewawa Avenues, and east/west arterials Kings Canyon Road, Tulare and Belmont Avenues. Access to residences, businesses, and schools adjacent to Peach Avenue will be provided and maintained throughout construction.

Current Status

The Environmental portion of Phase 1 is complete/pending approval and we are currently into the 90 percent design phase for this project. Funding for this Phase was programmed as of the date of execution of this Agreement. Phase 2 will begin after approval of the preliminary

environmental study (CEQA). Phase 3 construction will be initiated after completion of Phase 2 and relocation of existing utilities by PG&E and will involve a separate agreement.

Contact

For inquiries, you may contact Scott Mozier, P.E., Public Works Director, City of Fresno Public Works Dept. at (559) 621-8811.



EXHIBIT B1 – PROJECT SCHEDULE

Project I-2B – Peach Ave. Widening, Butler Ave. to Florence Ave.



Replace information below with information for subject project phase

Responsible Agency
City of Fresno

Project Limits

The ultimate project limits include 1.5 miles of added travel lanes on Peach Ave. between Jensen Ave. and Butler Ave.

Project Phase *(Choose all applicable to this Agreement)*

- Phase 1 - Preliminary Engineering *[Includes Preliminary Design/Engineering (PS&E) and Environmental]*
- Phase 2 - Right-of-Way Acquisition
- Phase 3 - Construction *[Includes Project Construction & Construction Management]*

Contact

For inquiries, you may contact Scott Mozier, P.E., City Engineer, with the City of Fresno Public Works Dept. at (559) 621-8650.

Project Schedule *(Double click on Table below to complete for all Project phases – It is important for the Authority to understand the schedule for the entire Project; not just the Project phase(s) that is checked above and the subject of this Agreement. Revise Fiscal Years in table below to reflect schedule for all phases of the Project)*

PROJECT PHASE	START	END	SHORT-TERM PROGRAM FY 2012/13 - 2021/22																																																				
			2012/13												2013/14												2014/15												2015/16																
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J					
Prelim. Eng. *1	2012/13	2020/21																																																					
1. Prelim. Design	2012/13	2019/20																																																					
2. PS&E	2019/20	2020/21																																																					
3. Environ. Doc.	2018/19	2020/21																																																					
4. Other (Explain)																																																							
5. Other (Explain)																																																							
Right-of-Way *2	2018/19	2020/21																																																					
1. Parcel Research	2018/19	2019/20																																																					
2. Appraisal	2019/20	2019/20																																																					
3. Acquisition	2019/20	2020/21																																																					
4. Other (Explain)																																																							
5. Other (Explain)																																																							
Construction *3	2020/21	2020/22																																																					
1. Bid Devel.	2020/21	2020/21																																																					
2. Construction	2020/21	2021/22																																																					
3. Constr. Manage.	2020/21	2021/22																																																					
4. Detour Process	2020/21	2021/22																																																					
5. Other (PG&E Util.)	2020/21	2021/22																																																					

*1 Preliminary Engineering; Preliminary Design/Engineering (PS&E), Environmental
 *2 Right-of-Way Acquisition

PROJECT PHASE	START	END	SHORT-TERM PROGRAM FY 2012/13 - 2021/22																																															
			2016/17												2017/18												2018/19												2019/20											
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Prelim. Eng. *1	2012/13	2020/21																																																
1. Prelim. Design	2012/13	2019/20																																																
2. PS&E	2019/20	2020/21																																																
3. Environ. Doc.	2018/19	2020/21																																																
4. Other (Explain)																																																		
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Right-of-Way *2	2018/19	2020/21																																																
1. Parcel Research	2018/19	2019/20																																																
2. Appraisal	2019/20	2019/20																																																
3. Acquisition	2019/20	2020/21																																																
4. Other (Explain)																																																		
5. Other (Explain)																																																		
Construction *3	2020/21	2021/22																																																
1. Bid Devel.	2020/21	2020/21																																																
2. Construction	2020/21	2021/22																																																
3. Constr. Manage.	2020/21	2021/22																																																
4. Detour Process	2020/21	2021/22																																																
5. Other (PG&E Util.)	2020/21	2021/22																																																

*1 Preliminary Engineering; Preliminary Design/Engineering (P&E), Environmental

*2 Right-of-Way Acquisition

PROJECT PHASE	START	END	SHORT-TERM PROGRAM FY 2012/13 - 2021/22																							
			2020/21												2021/22											
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Prelim. Eng. *1	2012/13	2020/21																								
1. Prelim. Design	2012/13	2019/20																								
2. PS&E	2019/20	2020/21																								
3. Environ. Doc.	2018/19	2020/21																								
4. Other (Explain)																										
5. Other (Explain)																										
Right-of-Way *2	2018/19	2020/21																								
1. Parcel Research	2018/19	2019/20																								
2. Appraisal	2019/20	2019/20																								
3. Acquisition	2019/20	2020/21																								
4. Other (Explain)																										
5. Other (Explain)																										
Construction *3	2020/21	2021/22																								
1. Bid Devel.	2020/21	2020/21																								
2. Construction	2020/21	2021/22																								
3. Constr. Manage.	2020/21	2021/22																								
4. Detour Process	2020/21	2021/22																								
5. Other (PG&E Util.)	2020/21	2021/22																								

*1 Preliminary Engineering; Preliminary Design/Engineering (P&E), Environmental

*2 Right-of-Way Acquisition



EXHIBIT C1 – PROJECT FUNDING PROGRAM

Project I-2B – Peach Ave. Widening, Jensen Ave. to Butler Ave.

Replace information below with information for subject project phase

Responsible Agency
City of Fresno

Project Limits

The project limits include 1.5 miles of added travel lanes on Peach Ave. between Jensen Ave. and Butler Ave.

Project Phase *(Choose all applicable to this Agreement – funding for the phase(s) must be fully funded at the time that the agreement is approved by the Authority and the Responsible Agency)*

- Phase 1 - Preliminary Engineering *[Includes Preliminary Design/Engineering (PS&E) and Environmental]*
- Phase 2 - Right-of-Way Acquisition
- Phase 3 - Construction *[Includes Project Construction & Construction Management]*

Contact

For inquiries, you may contact Scott Mozier, P.E., Public Works Director, City of Fresno Public Works Dept. at (559) 621-8650.

Funding Program *(\$ in millions)*

(Double click on Table on the following page to complete for all Project phases – It is important for the Authority to understand the funding program for the entire Project; not just the Project phase(s) that is checked above and the subject of this Agreement).

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION											TOTAL COST & FUNDING	
				SHORT-TERM PROGRAM FY 2009/10 - 2020/21												
				2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	
Preliminary Engineering ^{*1}	2009/10	2020/21	\$0.000	\$0.000	\$0.000	\$0.388	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.291	\$0.679
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional	2009/10	2019/20				\$0.388										\$0.388
RTMF																\$0.000
STIP																\$0.000
TCRP																\$0.000
Local Development Fees														\$0.291		\$0.291
Federal Aid																\$0.000
Other State - State Cash																\$0.000
Other Local (Specify)																\$0.000
Other Local (Specify)																\$0.000
Other Local (Specify)																\$0.000
TOTAL FUNDING PHASE 1:			\$0.000	\$0.000	\$0.000	\$0.388	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.291	\$0.679
PHASE 2																
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION											TOTAL COST & FUNDING	
				SHORT-TERM PROGRAM FY 2017/18 - 2018/19												
				2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	
Right-of-Way ^{*2}	2017/18	2020/21	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.436	\$0.000	\$0.436
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional																\$0.000
RTMF																\$0.000
STIP																\$0.000
TCRP																\$0.000
Local Development Fees													\$0.436			\$0.436
Federal Aid																\$0.000
Other State - State Cash																\$0.000
Other Local (Specify)																\$0.000
Other Local (Specify)																\$0.000
Other Local (Specify)																\$0.000
TOTAL FUNDING PHASE 2:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.436	\$0.000	\$0.436	
PHASE 3																
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION											TOTAL COST & FUNDING	
				SHORT-TERM PROGRAM FY 2018/19 - 2020/21												
				2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	
Construction ^{*3}	2018/19	2020/21	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$5.341	\$0.000	\$5.341
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional														\$2.472		\$2.472
RTMF																\$0.000
STIP																\$0.000
TCRP																\$0.000
Local Development Fees													\$2.839			\$2.839
Federal Aid																\$0.000
Other State - State Cash																\$0.000
Other Local (Specify)														0.030		\$0.030
Other Local (Specify)																\$0.000
Other Local (Specify)																\$0.000
TOTAL FUNDING PHASE 3:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$5.341	\$0.000	\$5.341
TOTAL FUNDING ALL PHASES:			\$0.000	\$0.000	\$0.000	\$0.388	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$5.777	\$0.291	\$6.456

^{*1} Preliminary Engineering: Preliminary Design/Engineering (PS&E), Environmental

^{*2} Right-of-Way Acquisition

^{*3} Project Construction & Construction Management