

AMENDMENT NO. 2 TO AGREEMENT TO ESTABLISH PROGRAM ELIGIBILITY AND
FUNDING REQUIREMENTS
Environmental Enhancement Program
Transit Oriented Development (TOD) Subprogram
(Construction Phase – Met Block Project)

This Amendment No. 2 to "Agreement to Establish Program Eligibility and Funding Requirements" ("**Amendment No. 2**") for the Met Block Project is made and entered into the _____ day of _____, 2016 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 previously entered into an "Agreement To Establish Program Eligibility and Funding Requirements," dated September 10, 2014 (Agreement No. 05-52-03-105-R-3B, hereinafter referenced as the "**Agreement**"), for funding of the Construction Phase of the Met Block Project ("**Project**") in Fresno County; and

WHEREAS, funding for the Agreement was provided as part of the third round of funding for the Environmental Enhancement Program / Transit Oriented Development (TOD) Subprogram, pursuant to the Measure "C" Strategic Implementation Plan ("**SIP**"); the Fresno County Measure "C" Extension Expenditure Plan ("**Expenditure Plan**") and most particularly Appendix F thereto; and the "Fresno County Measure C Transit Oriented Development Program Policies and Guidelines," Appendix I to the SIP and attached as Appendix 1 to the original Agreement; and,

WHEREAS, the Agreement provided for an allocation of Measure "C" Extension funding in the amount of \$121,342, solely for the Construction Phase of the Project; and

WHEREAS, the Parties subsequently entered into another agreement, dated October 28, 2015 (Agreement No. 05-52-03-105-R-4B, hereinafter referenced alternatively as "the 2015 Agreement" or "Amendment No. 1"), providing an additional allocation of Measure "C" Extension funding, provided as part of the fourth round of funding for the TOD Subprogram, which also was allocated to the Construction Phase of the Project, in the additional amount of \$108,457, bringing the cumulative total allocation for the Project following approval in 2015 of said Amendment No. 1 to \$229,799; 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 Met Block Project; and,

WHEREAS, it is the intent of the Parties, by means of this Amendment No. 2, to provide as part of the fifth round of funding for the TOD Subprogram, an additional allocation of Measure "C" Extension funding, in the maximum (not to exceed)

amount of \$225,527 for the Construction Phase of the Project, which upon approval of this Amendment No. 2 shall increase the total maximum (not to exceed) amount allocated to the Project to the cumulative sum of \$455,326.

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 and effectively modified by the prior approval in 2015 of Amendment No. 1, based on the following:

- Responsible Agency desires an additional increase in the total allocation of funding through the TOD Subprogram for the Met Block Project. Approval of the additional Measure "C" Extension funding will allow for continued construction of the subject transportation improvement project, the Met Block Project, per the revised Exhibits as more thoroughly described in Section 3.1 of this Amendment No. 2.

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, which were fully incorporated therein by the provisions of Section 3.23 thereof, and which previously were effectively supplemented by Amendment No. 1, shall be and are hereby replaced by: Exhibit "A2" (Project Scope), Exhibit "B2" (Project Schedule) and Exhibit "C2" (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this Amendment No. 2 to the Agreement.

3.2 All work performed by the Responsible Agency under the Agreement prior to the Effective Date of this Amendment No. 2 shall be governed by and compensated pursuant to the applicable Exhibits and the terms of the original Agreement as previously modified or supplemented by Amendment No. 1. All work performed commencing on or after the Effective Date of this Amendment No. 2 shall be governed by and compensated pursuant to the attached Exhibits A2, B2 and C2 and the terms of the Agreement as modified by this Amendment No. 2.

3.3 Effective Date. The Effective Date of this Amendment No. 2 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. 2 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.

3.4 All other terms and conditions contained in the Agreement are unaffected by this Amendment No. 2 and shall remain in full force and effect.

[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment No. 2 to Agreement on the day and year first written above.

FRESNO COUNTY TRANSPORTATION AUTHORITY

By: _____ (Signature)	ATTEST By: _____ (Signature)
Name: _____ (Typed)	Name: <u>DIANA SEDIGH-DARBANDI</u> (Typed)
Title: <u>Chairman Pro Tempore</u>	Title: <u>Interim Executive Director</u>

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

By: _____
(Signature)

Name: MICHAEL E. ROWE

Title Senior Deputy County Counsel

APPROVED AS TO ACCOUNTING
FORM:

By: _____
(Signature)

Name: OSCAR J. GARCIA, CPA

Title: Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

ATTEST

By: _____
(Signature)

Name SCOTT MOZIER

Title: Public Works Director

By: _____
(Signature)

Name: _____

Title: _____

APPROVED AS TO FORM
DOUGLAS SLOAN, City Attorney

By: _____
Deputy



EXHIBIT A2 – PROJECT SCOPE

Met Block Off-Site Improvements On Fulton between Calaveras and Stanislaus and along Calaveras and Stanislaus between Fulton and Van Ness



Responsible Agency

City of Fresno

Project Limits

The project limits include Off-Site Improvements to the Met Project along the frontage street of Fulton, Calaveras and Stanislaus.

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

The project consists of Construction of off-site improvements along the abutting frontages of the project site consisting of curbs and gutters, sidewalks and paving on Stanislaus Street, Fulton, and Calaveras.

Complete Project Scope

Phase 1 consists of preparation of PS&E and was privately funded. All work is within the existing right-of-way. Phase 3 consists of advertising the project for construction bids, construction of off-site improvements, inspection and construction engineering.

Project Purpose

The purpose of this project is to provide off-site improvements to accommodate higher-density, infill development in the project vicinity.

Transportation Benefit

The project is expected to improve air quality, reduce traffic congestion, and improve circulation and aesthetics in the project vicinity.

Implications of Not Doing the Project

Existing conditions would remain in place including poor driving surface, poor circulation and poor aesthetics hindering adjacent infill site development.

Community Engagement

The project limits are within a moderately populated residential area. Residents and property owners will be kept informed of the Project's status and schedule through the City's Public Works Department and local media.

Construction Staging

The project construction is straightforward in nature and will be constructed in a single phase. Open trenches will be backfilled or plated at the end of daily construction operations. Construction phasing may be implemented due to the potential impacts on adjacent residences, businesses, schools, which use this street to access their property.

Detours

Detours will be provided to ensure access to surrounding property owners.

Current Status

Phase 1 is complete. Phase 2 is not applicable to this project. Phase 3 is currently in progress.

Contact

For inquiries, you may contact David Cisneros, with the City of Fresno Public Works Dept. at (559) 621-8804.



EXHIBIT B2– PROJECT SCHEDULE

Met Block Off-Site Improvements On Fulton between Calaveras and Stanislaus and along Calaveras and Stanislaus between Fulton and Van Ness



Replace information below with information for subject project phase

Responsible Agency

City of Fresno

Project Limits

The project limits are along Broadway, in Downtown, between Calaveras and San Joaquin.

Project Phase

- 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 David Cisneros, with the City of Fresno Public Works Dept. at (559) 621-8804.

Project Schedule

Broadway Project, First Amendment

PROJECT PHASE	START	END	SHORT-TERM PROGRAM FY 2007/08 - 2016/17																							
			2014/15						2015/16						2016/17											
			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	Prior	2013/14																								
1. Prelim. Design																										
2. PS&E																										
3. Environ. Doc.																										
4. Other (PG&E)																										
Right-of-Way *2																										
1. Parcel Research																										
2. Appraisal																										
3. Acquisition																										
Construction *3	2014/15	2016/17																								
1. Bid Devel.																										
2. Construction																										
3. Constr. Manage.																										
4. Detour Process																										
5. Other (PG&E Util.)																										

*1 Preliminary Engineering: Preliminary Design/Engineering (PSE), Environmental

*2 Right-of-Way Acquisition



EXHIBIT C2 - PROJECT FUNDING PROGRAM

Met Block Off-Site Improvements

On Fulton between Calaveras and Stanislaus and along Calaveras and Stanislaus between Fulton and Van Ness



Responsible Agency

City of Fresno

Project Limits

The project limits include Off-Site Improvements to the Met Project along the frontage street of Fulton, Calaveras and Stanislaus.

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

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TOD Project Met Block Amend 1 Exhibit C2 Funding Table

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION							TOTAL COST & FUNDING
				Measure "C" TOD Program FY 2007/08-2017/18							
				2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	
Preliminary Engineering *1			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension											\$0.000
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Other State (Specify)											\$0.000
Other State (Specify)											\$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	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension											\$0.000
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Other State (Specify)											\$0.000
Other State (Specify)											\$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
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension											\$0.000
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Other State (Specify)											\$0.000
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 3:	2017/18	2017/18	\$0.000	\$0.000	\$0.000	\$0.121	\$0.000	\$0.108	\$0.226	\$0.000	\$0.455
TOTAL FUNDING ALL PHASES:			\$0.000	\$0.000	\$0.000	\$0.121	\$0.000	\$0.108	\$0.226	\$0.000	\$0.455

*1 Preliminary Engineering: Preliminary Design/Engineering (P/S/E), Environmental

*2 Right-of-Way Acquisition

*3 Project Construction & Construction Management