

16-1304 (2-F)
11/17/16

AMENDMENT NO. 1 TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project K11 Urban, Herndon: Polk to Milburn

PW00679

This Amendment to STRTP Project K11 Urban, Herndon Avenue – Polk Avenue to Milburn Avenue Project is made and entered into the ~~7th~~ day of December 2016, by and between the Fresno County Transportation Authority ("Authority") and the City of Fresno ("Responsible Agency").

CITY OF FRESNO
City Clerk's Office (Original)

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 K11 Urban, Herndon: Polk to Milburn, ("Agreement"), dated May 29, 2013, for funding of a transportation improvement project ("**Project**") in Fresno County pursuant to 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, the Agreement provided that Authority shall provide funding to Responsible Agency for eligible Phase 1 (Preliminary Engineering) Project costs in an amount "not to exceed" **\$250,000** of Measure "C" funds and Regional Transportation Mitigation Fee ("RTMF") funds (as applicable); 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 K11 Urban, Herndon Avenue - Polk Avenue to Milburn Avenue

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 completed an advanced planning study to determine the best approach to widening Herndon Avenue to six lanes including the addition of the planned Class 1 two-way bicycle and pedestrian trail and now desires, by means of this Amendment No. 1, to increase the allocation for this Project by an additional \$1,185,000 for Project Phase 1 (Preliminary Engineering) and additionally to provide for an allocation of **\$52,000** for Project Phase 2 (Right of Way Acquisition). Approval of this Amendment No. 1 accordingly will increase the maximum (not-to-exceed) amount allocated for this Project to the cumulative total of **\$1,487,000**. Such additional Measure "C" Regional Transportation Program ("**Measure C**") and RTMF (as applicable) funding will allow the

Project to proceed further with Phase 1 and Phase 2 activities for Project K11 Urban, Herndon: Polk to Milburn Project, per the revised Exhibits as more thoroughly described in Section 3.1 of this 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 as 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 and any Amendment prior to the Effective Date of Amendment No. 1 shall be governed by and compensated pursuant to the applicable Exhibits, pursuant to the terms of the original Agreement as previously modified by the Prior Amendments thereto. All work performed commencing upon the Effective Date of this Amendment No. 1 shall be governed by and compensated pursuant to the attached Exhibits A1, B1 and C1, and the terms of the Agreement as modified by this Amendment No. 1.
- 3.3 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.
- 3.4 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.

[Signatures on following page]

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

FRESNO COUNTY TRANSPORTATION AUTHORITY

By *Ernest Buddy Mendes*
(Signature)

By *Diana Sedigh-Darbandi*
(Signature)

Name ERNEST "BUDDY" MENDES
(Typed)

Name DIANA SEDIGH-DARBANDI
(Typed)

Title CHAIRMAN

Title INTERIM EXECUTIVE DIRECTOR

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG, COUNTY
COUNSEL
By *Michael E. Rowe*
(Signature)

APPROVED AS TO ACCOUNTING
FORM:
By *Oscar J. Garcia*
(Signature)

Name MICHAEL E. ROWE

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

Title Senior Deputy County Counsel

Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

ATTEST

By *Scott L. Mozier*
(Signature)

By *Marco Marsiner*
(Signature)

Name SCOTT L. MOZIER, PE, TE

Name Marco Marsiner

Title Public Works Director

Title 11/18/16 Deputy City Clerk

APPROVED AS TO FORM:
City Attorney's Office
Douglas T. Sloan, City Attorney
BY: *Raj Singh Badhesha* 11.18.16
Raj Singh Badhesha, Deputy City Attorney



EXHIBIT A1 – PROJECT SCOPE

Project K11 – Herndon: Polk to Milburn

Replace information below with information for subject Project phase

Responsible Agency
City of Fresno

Project Limits

The project limits are on Herndon Avenue between Polk Avenue and Milburn Avenue

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

- 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 project will widen the 4-lane bridge crossing the BNSF tracks to 6 lanes. The project will also construct an additional lane of traffic in each direction and will add a Class I Bike Lane to Herndon Avenue between Polk and Milburn Avenues. Phase 1 includes completing an Advanced Planning Study to define project scope and cost (which is now completed), and Design/Engineering (PS&E) and Environmental which are a part of this request. Phase 2 includes the acquisition of right-of-way from BNSF Railroad necessary to widen the existing bridge structure.

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 includes the preparation of an Advanced Planning Study to define the project scope, Design/Engineering (PS&E) and the preparation of Environmental Documents meeting CEQA, and NEPA as required. Phase 2 includes the acquisition of the required rights-of-way and easements necessary for the construction of the improvements described in the Project Scope (the need for obtaining additional rights-of-way and easements was determined to be necessary as a result of the Advanced Planning Study). Phase 3 involves construction of the Project and Construction Management.

Project Purpose

The purpose of this project is to widen Herndon Avenue, including the bridge crossing the BNSF tracks, between Polk and Milburn Avenues to eliminate a traffic bottleneck. The project will also eliminate a trail gap within these limits.

Transportation Benefit

The project is expected to reduce traffic congestion thereby improving travel time and motorist safety. The project will also enable pedestrians and bicyclists to utilize this portion of Herndon.

Implications of Not Doing the Project

Herndon Avenue is designated as a 6-lane expressway and the City is in the process of widening Herndon Avenue to meet this criteria. If this section of Herndon Avenue is not widened to 6-lanes, it will create a traffic bottleneck and increase traffic congestion. Additionally, there will be a gap of the Class I bike lane throughout this section of Herndon Avenue.

Community Engagement

The project limits are within a moderately populated residential and commercial area. Residents and property owners will be kept informed of the Project's status and schedule through Project newsletters and the Project Website.

Construction Staging

Construction phasing will be implemented to reduce or eliminate potential impacts on nearby residences and businesses.

Detours

Detours, outside of the existing Herndon Avenue right-of-way, during construction of this Project are not anticipated.

Current Status

The Advanced Design Study (ADS) is complete. The Design/Engineering (PS&E) and Environmental portion of Phase 1 will be initiated with the execution of this agreement. Phase 2 will also be initiated with the execution of this agreement.

Contact

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



EXHIBIT B1 – PROJECT SCHEDULE

Project K11 – Herndon: Polk to Milburn



Replace information below with information for subject project phase

Responsible Agency
City of Fresno

Project Limits
The project limits include Herndon Avenue between Polk Avenue and Milburn Avenue

- 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., 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	2012/13-2013/14				2014/16-2016/16				2016/17-2017/18				2018/19-2019/20				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	J	A	S	O	N	D	J	F	M	A	M	J		
Prelim. Eng. *1	2012/13	2017/18																																						
1. Prelim. Design	2012/13	2014/15																																						
2. PS&E	2016/17	2019/20																																						
3. Environ. Doc.	2016/17	2019/20																																						
4. Other (Explain)																																								
5. Other (Explain)																																								
Right-of-Way *2																																								
1. Parcel Research																																								
2. Appraisal																																								
3. Acquisition																																								
4. Other (Explain)																																								
5. Other (Explain)																																								
Construction *3	2020/21	2021/22																																						
1. Bid Devel.																																								
2. Construction																																								
3. Constr. Manage.																																								
4. Detour Process																																								
5. Other (Explain)																																								

*1 Preliminary Engineering: Preliminary Design/Engineering (PS&E), Environmental
 *2 Right of Way Acquisition
 *3 Project Construction & Construction Management



EXHIBIT C1 -PROJECT FUNDING PROGRAM

Project Urban K11 – Herndon Avenue: Polk to Milburn



Replace information below with information for subject Project phase

Responsible Agency

City of Fresno

Project Limits

The project limits include Herndon Avenue between Polk Avenue and Milburn Avenue

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., with the 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.

Measure "C" Short-Range Regional Transportation Program | Project Funding Program - Project UK11 Exhibit C1

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING 2007/08-11/12	NEW ALLOCATION							TOTAL COST & FUNDING
				REGIONAL TRANSPORTATION PROGRAM FY 2007/08 - 2018/19							
				2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
Preliminary Engineering ¹	2013	2019	\$0.000	\$0.250	\$0.000	\$0.000	\$0.608	\$0.841	\$0.000	\$0.000	\$1.699
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension				\$0.250			\$0.512	\$0.673			\$1.435
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees							\$0.096	\$0.168			\$0.264
Federal Aid											\$0.000
Other State (SLPP)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 1:			\$0.000	\$0.250	\$0.000	\$0.000	\$0.608	\$0.841	\$0.000	\$0.000	\$1.699
Phase 2											
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING 2007/08-11/12	NEW ALLOCATION							TOTAL COST & FUNDING
				REGIONAL TRANSPORTATION PROGRAM FY 2007/08 - 2018/19							
				2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
Right-of-Way ²			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.065	\$0.000	\$0.000	\$0.065
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension								\$0.052			\$0.052
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees								\$0.013			\$0.013
Federal Aid											\$0.000
Other State (SLPP)											\$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	\$0.065	\$0.000	\$0.000	\$0.065
Phase 3											
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING 2007/08-11/12	NEW ALLOCATION							TOTAL COST & FUNDING
				REGIONAL TRANSPORTATION PROGRAM FY 2007/08 - 2018/19							
				2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
Construction ³	2011/12	2012/13	\$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
Federal Aid											\$0.000
Other State (SLPP)											\$0.000
Other Local (Specify)											\$0.000
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
TOTAL FUNDING ALL PHASES:			\$0.000	\$0.250	\$0.000	\$0.000	\$0.608	\$0.906	\$0.000	\$0.000	\$1.764

¹ Preliminary Engineering: Preliminary Design/Engineering (PS/E), Environmental

² Right-of-Way Acquisition