

AMENDMENT NO. 1 TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project K5C Urban, Herndon Avenue Widening from Blythe Avenue to Brawley
Avenue

This Amendment to STRTP Project K5C Urban, Herndon Avenue Widening from Blythe Avenue to Brawley Avenue is made and entered into the ___ day of _____, 2017 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 K5C Urban, Herndon Avenue Widening from Blythe Avenue to Brawley Avenue, ("Agreement"), dated December 10th, 2014, 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, 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 K5C Urban, Herndon Avenue Widening from Blythe Avenue to Brawley Avenue; and,

WHEREAS, under the terms of the original Agreement, Authority previously authorized funding to Responsible Agency for eligible Project costs "not to exceed" \$26,000 of Measure "C" Extension funds, allocated as follows: \$14,000 for Phase 1 (Design) and \$12,000 for Phase 2 (Right-of-Way); and

WHEREAS, it is the intent of the Parties, by means of this Amendment 1 to reallocate a portion of the funds previously authorized by Authority for the Project, in the amount of \$3,000, from Phase 2 (ROW) to Phase 3 (Construction) of the Project; and,

WHEREAS, it is the intent of the Parties, by means of this Amendment 1 to provide an additional allocation of Measure "C" Extension funding in the maximum (not to exceed) amount of \$79,000 for Phase 3 (Construction) of the Project.

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 now requests that the Authority provide additional funding in the amount of \$82,000 to the Project to Phase 3 Construction, while the amount set aside in the current Expenditure Plan for the Project remains unchanged. Said Measure “C” Extension funding will allow the Project to proceed with Phase 3 of Project K5C Urban, Herndon Avenue Widening from Blythe Avenue to Brawley Avenue, 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 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. 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 _____
(Signature)

By _____
(Signature)

Name ERNEST "BUDDY" MENDES
(Typed)

Name MIKE LEONARDO
(Typed)

Title Chairman

Title Executive Director

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

APPROVED AS TO ACCOUNTING
FORM:

By _____
(Signature)

By _____
(Signature)

Name MICHAEL E. ROWE

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

Title Senior Deputy Counsel

Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

ATTEST

By _____
(Signature)

By _____
(Signature)

Name SCOTT L. MOZIER, PE, TE

Name _____

Title Public Works Director

Title _____

APPROVED AS TO FORM:
City Attorney's Office
Douglas T. Sloan, City Attorney

BY: _____
Raj Singh Badhesha, Deputy City Attorney



EXHIBIT A1 – PROJECT SCOPE

Urban Project K5C, Herndon Avenue – Blythe Avenue to Brawley Avenue

Replace information below with information for subject Project phase

Responsible Agency

City of Fresno

Project Limits

The project limits for Urban Project K5C are Herndon Avenue Widening From Blythe Avenue to Brawley Avenue, approximately 0.5 miles.

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)*

Phase 3 includes the bidding and construction of the construction documents.

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).*

The project scope is the construction includes the reconstruction of an existing Fresno Irrigation District (FID) canal pipe within the new trail area, the reconstruction of median island improvements, the construction of new structural pavement sections, and the grinding and pavement overlay of existing pavement areas to facilitate the planned 3-westbound travel lanes in Herndon Avenue. The project scope also includes the removal and reconstruction of an existing Class I trail and construction of new trail improvements to facilitate a continuous trail along the north side of Herndon Avenue between the previously described limits.

Project Purpose

Herndon Avenue is classified as a 6-lane Expressway on the City's General Plan adopted on December 18, 2014. The purpose of the project is to transition the existing 2-westbound travel lane portion of Herndon Avenue into the planned 3-westbound lane configuration and to provide a complete Class I trail along the north side of Herndon Avenue. Constructing these improvements will provide improved traffic circulation, congestion relief to improve traffic flow on the existing local and regional transportation system, and reduce traffic related emissions.

Transportation Benefit

Constructing the described improvements will provide improved traffic circulation and flow by adding an additional westbound travel lane to relieve a bottleneck in this section of Herndon Avenue. The construction of this third travel lane will also improve vehicle safety by alleviating vehicle lane changes caused by entering and leaving the bottlenecked section of roadway. The construction of a Class 1 trail along the north side of Herndon Avenue will allow for alternate means of transportation and thus reduce traffic related emissions.

Implications of Not Doing the Project

Should this project not be constructed, the existing bottle neck created by the existing two lane portion within this section of Herndon Avenue, will continue to reduce the traffic flow capabilities, continue to require vehicular lane changes which could potentially result in an increased in vehicle related accidents, and also negate the opportunity to reduce vehicular emissions.

Community Engagement

The project limits are within a populated residential and commercial area. The environmental document approval process includes community meetings and a public hearing process.

Construction Staging

This project will be constructed by a single construction contract and, as such, the sequencing of construction will be determined by the successful contractor. It is, however, expected that the successful contractor will perform the construction and reconstruction of concrete improvements along with the reconstruction of the FID canal pipeline as the first order of work, and then follow up with the paving operations within Herndon Avenue and the installation of landscape and irrigation improvements.

Detours

Short-term limited detours may be necessary for Herndon Avenue and Blythe Avenue. Otherwise existing transportation facilities will be unaffected by the project.



Current Status

The PA/ED work, which is included in Phase 1 of the Project, is currently being performed. The portion of the work includes the development and approval of the Project Report and Project Environmental Impact Report. The remaining preliminary engineering work in Phase 1 is approximately ninety-five percent complete. Phase 2 is approximately seventy percent complete with the necessary right-of-way acquisition currently being negotiated with the stake holders.

Contact

For inquiries, you may contact Scott Mozier, P.E., with the City of Fresno Public Works Dept. at (559) 621-8850.



EXHIBIT C1 -PROJECT FUNDING PROGRAM

Urban Project K5C – Herndon Avenue Westbound Widening From Blythe Avenue to Brawley Avenue



Replace information below with information for subject Project phase

Responsible Agency

City of Fresno

Project Limits

The project limits for Urban Project K5C are from Blythe Avenue to Brawley Avenue, approximately 0.5 miles.

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 – see attached)*

Measure "C" Short-Range Regional Transportation Program | Project Funding Program – Project K5C - Exhibit C1

Preliminary Engineering ¹				\$0.000	\$0.000	\$0.000	\$0.115	\$0.000	\$0.000	\$0.000	\$0.000	\$0.115
FUNDING PROGRAM												
Measure "C" Original Program												
Measure "C" Extension												
RTMF												
STIP												
TCRP												
Local Development Fees												
Federal Aid												
Other State (SLPP)												
Other Local (Specify)												
Other Local (Specify)												
Other Local (Specify)												
TOTAL FUNDING PHASE 1:			\$0.000	\$0.000	\$0.000	\$0.115	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.115
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												
FUNDING PROGRAM												
Measure "C" Original Program												
Measure "C" Extension												
RTMF												
STIP												
TCRP												
Local Development Fees												
Federal Aid												
Other State (SLPP)												
Other Local (Specify)												
Other Local (Specify)												
Other Local (Specify)												
TOTAL FUNDING PHASE 2:			\$0.000	\$0.000	\$0.000	\$0.123	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.123
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												
FUNDING PROGRAM												
Measure "C" Original Program												
Measure "C" Extension												
RTMF												
STIP												
TCRP												
Local Development Fees												
Federal Aid												
Other State (SLPP)												
Other Local (Specify)												
Other Local (Specify)												
Other Local (Specify)												
TOTAL FUNDING PHASE 3:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.687	\$0.000	\$0.000	\$0.000	\$0.687
TOTAL FUNDING ALL PHASES:			\$0.000	\$0.000	\$0.000	\$0.238	\$0.000	\$0.687	\$0.000	\$0.000	\$0.000	\$0.925

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

² Right-of-Way Acquisition

³ Project Construction & Construction Management

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