

AMENDMENT NO. 3 TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project I3, Peach Avenue Widening, Kings Canyon Road to Belmont Avenue

This Amendment to STRTP Project I3, Peach Avenue Widening, Kings Canyon Road to Belmont Avenue 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 I3, Peach Avenue Widening, Kings Canyon Road to Belmont Avenue, ("**Agreement**"), dated June 1, 2009, for funding of a transportation improvement project ("**Project**") in Fresno County pursuant to the Measure "C" Short-Term Regional Transportation Program 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 I3, Peach Avenue Widening, Kings Canyon Road to Belmont Avenue; and,

WHEREAS, the amount of Project funding to Responsible Agency for eligible Project costs previously was revised by Amendment No. 1 to the Agreement, which was approved by Authority on October 12, 2012; and

WHEREAS, the amount of Project funding to Responsible Agency for eligible Project costs previously was further revised by Amendment No. 2 to the Agreement, which was approved by Authority on May 29, 2013; and

WHEREAS, in Amendment No. 2, Authority agreed to provide funding to Responsible Agency for eligible Project costs "not to exceed" **\$7,525,000** of Measure "C" funding.

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

- Responsible Agency has successfully completed the outlined scope of this project and now desires, by means of this Amendment No. 3 to reallocate \$2,278,400 in realized savings to Project I2B, Peach Avenue –Butler to Florence Avenues. Such reallocation will serve to provide a portion of the approved Measure "C" Regional Transportation Program ("**Measure "C"**") funding for that transportation

improvement (Project I-2B), per the revised Exhibits as more thoroughly described in Section 3.1 of this Amendment No. 3. Approval of this Amendment No. 3 accordingly will decrease the maximum (not-to-exceed) amount allocated for this Project I-3 to the cumulative total of \$5,246,600 from the total funding amount authorized by the original **Agreement** as subsequently amended.

3. TERMS.

- 3.1 Exhibit “C” (Project Funding Program) to the original Agreement, as modified by the previously approved Amendments, as referenced in Section 1.1 of the original Agreement, and fully incorporated therein by the provisions of Section 3.23 thereof, shall be and is hereby replaced by Exhibit “C3” (Project Funding Program), which is attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this Amendment No. 3 to the Agreement
- 3.2 All work performed by the Responsible Agency under the **Agreement** prior to the Effective Date of this Amendment No. 3 shall be governed by and compensated pursuant to the Original Exhibits and the **Agreement**. All work commencing on or after the Effective Date of this Amendment No. 3 shall be performed and compensated pursuant to the **Agreement** as amended herein.
- 3.3 Effective Date. The Effective Date of this Amendment No.3 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. 3 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. 3 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

ATTEST

By _____
(Signature)

By _____
(Signature)

Name ERNEST "BUDDY" MENDES
(Typed)

Name MIKE LEONARDO
(Typed)

Title Chair of the Authority

Title Executive Director

APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, INTERIM COUNTY
COUNSEL

APPROVED AS TO ACCOUNTING
FORM:

By _____
(Signature)

By _____
(Signature)

Name MICHAEL E ROWE

Name OSCAR J. GARCIA, C.P.A

Title Principal Deputy County Counsel

Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

ATTEST

By _____
(Signature)

By _____
(Signature)

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

Name YVONNE SPENCE, C.M.C

Title PUBLIC WORKS DIRECTOR

Title CITY CLERK

APPROVED AS TO FORM
DOUGLAS SLOAN, City Attorney

BY: _____
Brandon M. Collet
Senior Deputy City Attorney



EXHIBIT C3 – PROJECT FUNDING PROGRAM

Project I-3 – Peach Ave. Widening, Kings Canyon Rd. to Belmont 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 State Route 180 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			\$1.157	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.157
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional			\$0.261													\$0.261
RTMF																\$0.000
STIP																\$0.000
TCRP			\$0.600													\$0.600
Local Development Fees			\$0.296													\$0.296
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:			\$1.157	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.157
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional			\$1.736													\$1.736
RTMF																\$0.000
STIP																\$0.000
TCRP			\$1.400													\$1.400
Local Development Fees			\$0.649													\$0.649
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:			\$3.785	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$3.785
FUNDING PROGRAM																
Measure "C" Original Program																\$0.000
Measure "C" Regional			\$3.250													\$3.250
RTMF																\$0.000
STIP			\$2.997													\$2.997
TCRP																\$0.000
Local Development Fees			\$0.125													\$0.125
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 3:			\$6.372	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$6.372
TOTAL FUNDING ALL PHASES:			\$11.314	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$11.314

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