

AMENDMENT NO. 2 TO COOPERATIVE PROJECT AGREEMENT  
Short-Term Regional Transportation Program (STRTP)  
Project K11 Urban, Herndon: Polk to Milburn

This Amendment to STRTP Project K11 Urban, Herndon Avenue – Polk Avenue to Milburn Avenue Project is made and entered into the \_\_\_ day of June 2023, 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 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, the Authority amended the Agreement on December 7, 2016 (Amendment No. 1) to provide allocation of 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) which increased the total cumulative funding allocated to this project to a "not-to-exceed" amount of \$1,487,000 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 desires to allocate **\$17,022,000** in Construction funds to the Construction Phase from the approved Measure "C" Regional Transportation Program ("**Measure "C"**") funding for the transportation

improvement Project K11 Urban, Herndon Avenue - Polk Avenue to Milburn Avenue. Approval of this Amendment No. 2 will allow the project to move toward construction and increase the maximum (not to exceed) amount of Measure "C" funding allocated for this Project to the cumulative total of **\$18,509,000** 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 "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 and any Amendment prior to the Effective Date of Amendment No. 2 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. 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 Cooperative Project 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 Agreement on the day and year first written above.

CITY OF FRESNO,  
A California municipal corporation

FRESNO COUNTY TRANSPORTATION  
AUTHORITY

By: \_\_\_\_\_  
Scott L. Mozier, PE, TE  
Public Works Director

By: \_\_\_\_\_  
Name: J. Michael Leonardo  
Title: Executive Director

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_  
Name: Ernest "Buddy" Mendes  
Title: Chair of the Authority

By: TJQB 4.26.23  
Jennifer M. Quintanilla Date  
Senior Deputy City Attorney

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

ATTEST:  
TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Name: Michael E. Rowe  
Title: Senior Deputy County Counsel

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO ACCOUNTING FORM:

By: \_\_\_\_\_  
Name: Oscar J. Garcia, C.P.A.  
Title: Auditor-Controller/Treasurer-Tax  
Collector



## EXHIBIT A2 – 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. Phase 2 is ongoing as the City coordinates design with BNSF to establish Temporary Construction Easements and Permanent Easement Rights to accommodate the widening.

#### 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 will involve the preparation of an Advanced Planning Study to define the project scope. Upon completion of the Advanced Planning Study, the PS&E and environmental documentation meeting CEQA, and NEPA as required, provisions will be completed. The project does not require any parcel acquisitions but will require easements from BNSF to accommodate temporary construction efforts and permanent improvements. 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 over 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 during construction of this Project will be coordinated and communicated to all stakeholders, residents, and business.

#### Current Status

Phase 1 and 2 are ongoing, Phase 3 is anticipated to start in Q1 2024.

#### Contact

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



# EXHIBIT B2 – 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	REGIONAL TRANSPORTATION PROGRAM FY 2007/08 - 2017/18																																															
			2020/21												2021/22												2022/23												2023/24											
			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								
<b>Prelim. Eng. <sup>1</sup></b>	2012/13	2022/23																																																
1. Prelim. Design	2012/13	2014/15																																																
2. PS&E	2016/17	2023/24																																																
3. Environ. Doc.	2016/17	2019/20																																																
4. Other (Explain)																																																		
5. Other (Explain)																																																		
<b>Right-of-Way <sup>2</sup></b>	2021/22	2023/24																																																
1. Parcel Research	2021/22	2021/22																																																
2. Appraisal	2022/23	2023/24																																																
3. Acquisition	2023/24	2023/24																																																
4. Other (Explain)																																																		
5. Other (Explain)																																																		
<b>Construction <sup>3</sup></b>	2023/24	2027/28																																																
1. Bid/Award	2023/24	2023/24																																																
2. Construction	2023/24	2026/27																																																
3. Project Closeout	2027/28	2027/28																																																
4. Other (Explain)																																																		

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





# EXHIBIT C2 – Funding Program

**Project Urban K11- Herndon Avenue:  
Polk to Milburn**

**Responsible Agency**  
City of Fresno

**Project Limits**

The project limits East Mckinley Avenue from N. Glenn Avenue to N. Effie Street and North Blackstone Avenue from E. Pine Avenue to E. University 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., 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 2020/21 - 2031/32														
				2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31		2031/32		
<b>Preliminary Engineering - FUNDING PROGRAM</b>	2012/13	2022/23	\$1,699	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$1,699
Measure "C" Original Program																		\$0,000
Measure "C" Extension			\$1,435															\$1,435
RTMP																		\$0,000
STIP																		\$0,000
TCRP																		\$0,000
Local Development Fees			\$0,264															\$0,264
Federal Aid																		\$0,000
Other State - State Cash																		\$0,000
Measure "C" GSP																		\$0,000
Other Local (Specify)																		\$0,000
Other Local (Specify)																		\$0,000
<b>TOTAL FUNDING PHASE 1:</b>			\$1,699	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$1,699
<b>Right-of-Way - FUNDING PROGRAM</b>	2021/22	2023/24	\$0,065	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,065
Measure "C" Original Program																		\$0,000
Measure "C" Extension			\$0,052															\$0,052
RTMP																		\$0,000
STIP																		\$0,000
TCRP																		\$0,000
Local Development Fees			\$0,013															\$0,013
Federal Aid																		\$0,000
Other State - State Cash																		\$0,000
Measure "C" GSP																		\$0,000
Other Local (Specify)																		\$0,000
Other Local (Specify)																		\$0,000
<b>TOTAL FUNDING PHASE 2:</b>			\$0,065	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,065
<b>Construction - FUNDING PROGRAM</b>	2023/24	2027/28	\$0,000	\$0,000	\$0,000	\$0,000	\$22,308	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$22,308
Measure "C" Original Program																		\$0,000
Measure "C" Regional							\$17,02											\$17,022
RTMP																		\$0,000
STIP																		\$0,000
TCRP																		\$0,000
Local Development Fees							\$5,29											\$5,286
Federal Aid																		\$0,000
Other State - State Cash																		\$0,000
Measure "C" GSP																		\$0,000
Other Local (Specify)																		\$0,000
Other Local (Specify)																		\$0,000
<b>TOTAL FUNDING PHASE 3:</b>			\$0,000	\$0,000	\$0,000	\$0,000	\$22,308	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$22,308
<b>TOTAL FUNDING ALL PHASES:</b>			\$1,764	\$0,000	\$0,000	\$0,000	\$22,308	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$24,072

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