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Title: Approve a First Amendment to the Traffic Signal Maintenance Agreement between the City of Fresno and the County of Fresno. (Citywide)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-0066 Traffic Signal Maintenance Agreement, 2. 20-0066 Traffic Signal Maintenance Agreement Appendix A, 3. 20-0066 Traffic Signal Maintenance Agreement Appendix B

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 1/16/2020 | 1 | City Council | approved | |

REPORT TO THE CITY COUNCIL

January 16, 2020

FROM: SCOTT L MOZIER, PE, Public Works Director
Public Works Department

BY: BRIAN E RUSSELL, Public Works Manager
Public Works Department, Street Maintenance Division

SUBJECT

Approve a First Amendment to the Traffic Signal Maintenance Agreement between the City of Fresno and the County of Fresno. (Citywide)

RECOMMENDATION

Staff recommends that the City Council approve a first amendment to the Traffic Signal Maintenance Agreement between the City of Fresno (City), and the County of Fresno (County), and to authorize the Public Works Director or designee to sign the amendment on the City’s behalf.

EXECUTIVE SUMMARY

The City of Fresno Department of Public Works seeks to update its 1981 agreement with the County of Fresno whereby the City provides maintenance and repair of traffic signals located partially or completely within the County (the “Agreement”). The Agreement states that the City of Fresno will maintain the traffic signals that the two agencies share, as well as the traffic signals that are

completely in the County of Fresno's jurisdiction. The City of Fresno receives full cost recovery from the County of Fresno for their proportionate share of the costs incurred. The proposed amendment contains updated indemnification language and other updated provisions per City Attorney's Office recommendations. The proposed amendment has been reviewed and approved as to form by the City Attorney's Office and the Fresno County Counsel's Office.

BACKGROUND

The City and County are parties to a Maintenance Agreement dated June 16, 1981, (the Agreement), whereby the Department of Public Works Traffic Signal and Street Light Division provides traffic signal maintenance for the 62 shared traffic signals that are located at the intersections of streets that are shared between the City and the County. These intersections are dual jurisdictional intersections, where a portion of the intersection is located in the City, and a portion is located in the County. Pursuant to the Agreement, the County has contracted for the City to maintain an additional 39 intersections that are completely located in the County, because the County does not have an independent traffic signal maintenance program.. As the City grows and portions of the County are annexed into the City, many of these shared and 100% County intersections will become City assets, therefore, the City has a vested interest in adequately maintaining the intersections. . Pursuant to the Agreement, the City bills the County for its proportionate traffic signal maintenance cost. The City receives full cost recovery for all services rendered.

The proposed Amendment provides some administrative and definition updates to the Agreement and provides for updated indemnity language. Under the unamended Agreement, the City is obligated to indemnify the County for any claims at its 100% County intersections. The proposed amendment updates the indemnity language to standard City language such that the County and not the City is responsible for claims, except in limited situations. The update is necessary for the City to continue maintaining these County intersections. The proposed amendment has been reviewed and approved by the County of Fresno Public Works staff, as well as the Fresno County Counsel's office. The City Attorney has reviewed and approved to form.

Staff recommends that the City Council approve the First Amendment to the Maintenance Agreement and authorize the Public Works Director or designee to sign the amendment on the City's behalf.

ENVIRONMENTAL FINDINGS

This is not a "project" for purpose of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15578.

LOCAL PREFERENCE

Local preference does not apply.

FISCAL IMPACT

The General Fund is not impacted. The City bills the County for their proportionate share, and receives full cost recovery for all expenses incurred.

Attachments:

Traffic Signal Maintenance Agreement

Traffic Signal Maintenance Agreement Appendix A
Traffic Signal Maintenance Agreement Appendix B