



Legislation Details (With Text)

**File #:** ID#14-293    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 8/13/2014    **In control:** City Council

**On agenda:** 8/28/2014    **Final action:** 8/28/2014

**Title:** Approve a Cooperative Agreement in the amount of \$303,658 with the Fresno County Transportation Authority (FCTA) for the Broadway Project Off-site Improvements under the Measure "C" Transit Oriented Development (TOD) Program (Council District 3)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Coop Agrmt - Broadway.pdf

Date	Ver.	Action By	Action	Result
8/28/2014	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**August 28, 2014**

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

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division

**BY:** DAVID CISNEROS, Project Manager  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT**

Approve a Cooperative Agreement in the amount of \$303,658 with the Fresno County Transportation Authority (FCTA) for the Broadway Project Off-site Improvements under the Measure "C" Transit Oriented Development (TOD) Program (Council District 3)

**RECOMMENDATION**

Staff recommends that the Council approve a Cooperative Agreement for the Broadway Project Off-site Improvements under the Measure "C" TOD Program.

**EXECUTIVE SUMMARY**

The scope for the Broadway Project will include the construction of off-site improvements along the abutting frontages of the site, such as curbs, gutters, sidewalks and paving on San Joaquin Street, Broadway and Calaveras Street and installation of a water main. The FCTA Board has approved the allocation of TOD funds for the project and the Cooperative Agreement will allow for the City to be reimbursed for eligible project costs by the FCTA. Council approval of the Cooperative Agreement is necessary at this time in order to allow for FCTA Board approval on September 10, 2014, and to avoid any project delays.

## **BACKGROUND**

The Measure "C" Extension (2007-2027) approved by the voters of Fresno County includes a number of subprograms including regional street and highway projects, airport funding, transit, flexible funding, street maintenance, bicycle lanes, trails and environmental enhancements, as well as several others. Under the Environmental Enhancement Allocation Program, the Measure Expenditure Plan includes the TOD Program, the purpose of which was to provide funding to support planning, incentives and infrastructure related to infill, higher-density TOD types of development.

On January 30, 2014, the Council approved a Cooperative Agreement with the FCTA in the amount of \$456,250 for improvements to the Broadway-Fulton Alley from Calaveras Street to San Joaquin Street under the Measure "C" TOD Program. The FCTA Board approved the Cooperative Agreement on February 12, 2014.

On February 27, 2014, the Council adopted Resolution No. 2014-37, authorizing submission of an application for grant funds under the TOD program. The Resolution included the off-site improvements for the Met block Development and the Broadway Project, in the amount of \$533,457. The resolution provided funding for the Broadway Project off-site Improvements along the abutting frontages of Calaveras Street, San Joaquin Street, and Broadway, in the amount of \$303,658.

In order to complete the project and allow for reimbursement of project costs from the Measure "C" TOD Program funds, the City and FCTA need to enter into a Cooperative Agreement.

Upon approval by the Council the Cooperative Agreement will be executed on behalf of the City by the Public Works Director, in accordance with the City Manager's delegation of the signing authority.

Staff is currently negotiating a reimbursement agreement for this project with Granville Homes in anticipation of the developer obtaining bids, managing the construction contract and submitting the necessary financial documentation for reimbursement of eligible project costs. Staff will return to Council within 30 days to request approval of a developer reimbursement agreement and an amendment to the Annual Appropriations Resolution (AAR) to incorporate this capital improvement project into the City's current fiscal year budget. Staff will present the project-related environmental findings in conjunction with Council's consideration of the developer reimbursement agreement, which will enable the actual project construction. The Cooperative Agreement has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a "project" and is therefore exempt from California Environmental Quality Act requirements.

## **LOCAL PREFERENCE**

Not applicable because this is not a competitive bid. This is a funding mechanism only.

## **FISCAL IMPACT**

The \$303,658 project cost to construct off-site improvements abutting frontages of the project, is being fully funded by Measure "C" TOD dollars. There will be no impact to the General Fund.

Attachment: Cooperative Agreement