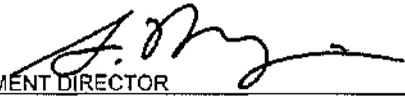
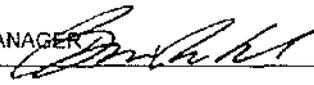


AGENDA ITEM NO.	IN
COUNCIL MEETING	1/30/14
APPROVED BY	
	
DEPARTMENT DIRECTOR	
	
CITY MANAGER	

January 30, 2014

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

BY: ROBERT N. ANDERSEN, PE, Assistant Director
Public Works Department, Capital Management Division 

STEVEN SON, PE, Capital Projects Manager ^{GS}
Public Works Department, Capital Management Division

JESUS A. GONZALEZ, PE, Project Manager ^{JG}
Public Works Department, Capital Management Division

SUBJECT: Approve the First Amendment to the Measure "C" Cooperative Agreement for Short-term Regional Transportation program project "K5A" - Urban, Herndon Avenue Widening from Brawley Avenue to Valentine Avenue in the amount of \$108,200

RECOMMENDATION

Staff recommends Council approve the First Amendment to the Measure "C" Cooperative Agreement for Short-Term Regional Transportation Program Project "K5A"- Herndon Avenue Widening from Brawley Avenue to Valentine Avenue.

EXECUTIVE SUMMARY

The Public Works Department has successfully completed the preliminary engineering of Herndon Avenue widening from Brawley Avenue to Valentine Avenue under budget. The cost for right-of-way and utility relocation of this project including canal undergrounding, exceeded original estimate. The proposed First Amendment with Fresno County Transportation Authority (FCTA) will allow the funds to be transferred from preliminary engineering phase to right-of-way phase. This transfer will allow different phases of project to be fully funded.

BACKGROUND

On October 4, 2012, Council approved a Cooperative Agreement with FCTA for the widening of Herndon Avenue from Brawley Avenue to Valentine Avenue. Under the original Measure "C" Cooperative Agreement the City would be reimbursed for cost associated with preliminary engineering and right-of-way, including undergrounding of Fresno Irrigation District (FID) canal and road construction. At this time preliminary engineering is complete and under budget. The excess funds

REPORT TO THE CITY COUNCIL

Approve First Amendment to Measure "C" Project K5A Urban

January 30, 2014

Page 2

allocated for preliminary engineering need to be reallocated to the right-of-way phase of the project. The First Amendment to the Measure "C" Cooperative Agreement will transfer \$108,200 in excess funds from the preliminary engineering phase to the right-of-way phase. The cost to acquire necessary right-of-way and the bid to construct undergrounding of FID's canal came in higher than originally estimated. The reallocation of the excess funds from the design phase to right-of-way phase will fully fund both phases of the project thereby minimizing the City's contribution to the project.

This project is located in Council District 2. Upon approval by the Council, the First Amendment to the Measure "C" Cooperative Agreement will be executed by Public Works Director, or his designee, who has been delegated this authority by the City Manager.

ENVIRONMENTAL FINDINGS

An environmental assessment has already been completed for this project and no further assessment is necessary. A Finding of Conformity was adopted by Council on February 28, 2013.

FISCAL IMPACT

The project, which is located in Council District 2, will not use any funding from the General Fund. This project is funded by Measure "C".

Measure "C" Funding:

	<u>Total Current Funding</u>	<u>Total Proposed Funding</u>
Preliminary Engineering	\$133,000	\$25,000
Right-of-way	\$70,000	\$178,000

Attachment:

- Amendment No. 1

AMENDMENT NO. 1 TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project 5KA Urban, Herndon Avenue Widening
(Brawley Avenue to Valentine Avenue) Project

This Amendment No. 1 to the Cooperative Project Agreement for STRTP Project K5A Urban, Herndon Avenue Widening (Brawley Avenue to Valentine Avenue) Project (“**Amendment**”) is made and entered into the ___ day of _____, 2014 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 K5A Urban, Herndon Avenue Widening (Brawley Avenue to Valentine Avenue) (“**Agreement**”), dated October 10, 2012, for funding of a transportation improvement project (“**Project**”) in Fresno County pursuant to the Measure “C” Short-Term Regional Transportation Program Handbook (“**Handbook**”), 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 and the Measure “C” Expenditure Plan, as well as all applicable provisions of the Strategic Implementation Plan (“**SIP**”) regarding the Project 5KA Urban, Herndon Avenue Widening, Brawley Avenue to Valentine Avenue; and,

WHEREAS, Authority shall provide funding to Responsible Agency for eligible Project costs “not to exceed” **\$1,166,000.00** of Measure “C” funding and that will remain unchanged by this Amendment.

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 redefine the project scope, for the STRTP Project 5KA Urban, Herndon Avenue Widening (Brawley Avenue to Valentine Avenue) by transferring funds from Preliminary Engineering to Right-of-Way Acquisition, per the revised Exhibits as more thoroughly described in Section 3.1 of this Amendment. This redefinition of the scope does not alter the maximum total approved Measure “C” Regional

Transportation Program (“**Measure C**”) funding amount authorized by the original Agreement.

3. TERMS.

- 3.1 Exhibit “A” (Project Scope), Exhibit “B” (Project Schedule) and Exhibit “C” (Project Funding Program), which hereinafter shall be referenced collectively 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 “A-1” (Project Scope), Exhibit “B-1” (Project Schedule) and Exhibit “C-1” (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this Amendment to the Agreement.
- 3.2 All work performed by the Responsible Agency under the Agreement prior to the Effective Date of this Amendment shall be governed by and compensated pursuant to the Original Exhibits and the terms of the original Agreement. All work performed commencing on or after the Effective Date of this Amendment shall be governed by and compensated pursuant to terms of the Agreement as amended herein.
- 3.3 Effective Date. The Effective Date of this Amendment 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 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 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)

Name Harry Armstrong
(Typed)

Title Chair of the Authority

ATTEST
By _____
(Signature)

Name Ron Peterson
(Typed)

Title Executive Director

APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, COUNTY
COUNSEL

By _____
(Signature)

Name MICHAEL E ROWE

Title Senior Deputy County Counsel

APPROVED AS TO ACCOUNTING
FORM:

By _____
(Signature)

Name VICKI CROW

Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO
ATTEST

By _____
(Signature)

Name SCOTT MOZIER

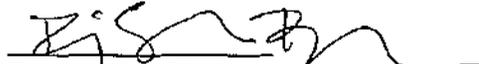
Title Public Works Director

By _____
(Signature)

Name _____

Title _____

APPROVED AS TO FORM
DOUGLAS SLOAN, City Attorney

BY:  1.16.14
Deputy, Raj Singh Badhiesha

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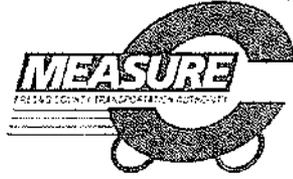
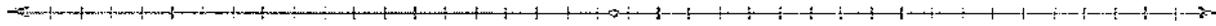


EXHIBIT A-1 – PROJECT SCOPE

Urban Project K5A - Herndon Avenue Widening (Brawley Avenue to Valentine Avenue)



Responsible Agency
City of Fresno

Project Limits
The project limits include 0.5 miles of added travel lanes on Herndon Avenue between Brawley Avenue and Valentine Avenue.

Project Phase

- 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
The ultimate project is widening of Herndon Avenue from four lanes to six lanes from Brawley Avenue to Valentine Avenue, a total length of 0.5 miles.

Phase 1 includes preparation of contract construction documents including engineer's estimates for construction and the preparation of the environmental documents to comply with CEQA and NEPA requirements. Phase 2 includes the processing and acquisition of right-of-way along the south side of Herndon Avenue between Brawley Avenue and Valentine Avenue. Additionally, phase 2 includes the construction work and construction management activities associated with piping of Fresno Irrigation District's open canal adjacent to the south of Herndon as necessitated for street widening improvements. Phase 3 consists of Herndon widening street improvements including the area over the existing open canal being undergrounded as part of phase 2 work.

Complete Project Scope
The project scope will include widening Herndon Avenue from four lanes to six lanes from Brawley Avenue to Valentine Avenue, a total length of 0.5 miles. The project improvements will also include constructing a new median island, median landscaping, protected-left-turn-lanes, curb and gutter, Class 1 multi-purpose bicycle and pedestrian trail, streetlights, and modifications of existing traffic signal facilities.

Project Purpose
The purpose of this project is to provide for improved mobility by increasing capacity along Herndon Avenue between Brawley Avenue and Valentine Avenue.

Transportation Benefit
The project is expected to improve air quality, reduce traffic congestion thereby improving travel time, and motorist and pedestrian safety.

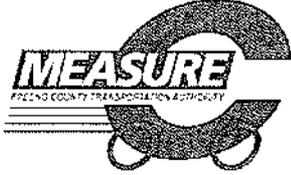
Implications of Not Doing the Project
It was determined in various traffic studies that the existing number of travel lanes along Herndon Avenue will not be sufficient to accommodate the traffic demands in the Year 2035. Also, other portions of Herndon to the east and the west of this project have already been widened. If this project is not completed it will ultimately create a bottleneck along 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, the City's website and local media

Construction Staging
Construction phasing may be implemented due to the potential impacts on adjacent residences, businesses, schools, which use this street to access their property.

Detours
No traffic detours will be needed during the construction of the widening project. Access to residences, businesses, and schools adjacent to Herndon Avenue will be provided and maintained throughout construction.

Measure "C" Short-Range Regional Transportation Program | Project Scope – Project K5A Exhibit A-1



Current Status

Phase 1 is complete. Phase 2 right of way acquisition has been completed and construction of canal piping infrastructure is nearing conclusion. Phase 3 consisting of street widening improvements will be initiated after completion of phases 2.

Contact

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



EXHIBIT C-1 - PROJECT FUNDING PROGRAM

Urban Project K5A – Herndon Avenue Widening (Brawley Avenue to Valentine Avenue)

Responsible Agency
City of Fresno

Project Limits

The project limits include 0.5 miles of added travel lanes on Herndon Avenue between Brawley Avenue and Valentine Avenue.

Project Phase

- 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., City Engineer, with the City of Fresno Public Works Dept. at (559) 621-8650.

Funding Program (\$ in millions)

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION							TOTAL COST & FUNDING
				SHORT-TERM PROGRAM FY 2007/08 - 2013/14							
				2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	
Phase 1 - Preliminary Engineering			\$0.000	\$0.000	\$0.000	\$0.000	\$0.130	\$0.130	\$0.000	\$0.109	\$0.155
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension								\$0.03		-\$0.109	\$0.025
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees							\$0.005				\$0.005
Federal Aid							\$0.115				\$0.115
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 1			\$0.000	\$0.000	\$0.000	\$0.000	\$0.130	\$0.133	\$0.000	-\$0.109	\$0.155
Phase 2 - Right-of-Way Acquisition											
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension								\$0.070		\$0.108	\$0.178
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Federal Aid								\$0.689			\$0.689
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 2			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.759	\$0.000	\$0.108	\$0.689
Phase 3 - Construction	2011/12	2012/13	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.930	\$0.000	\$1.930
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension									0.963		\$0.963
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Federal Aid									0.967		\$0.967
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 3			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.930	\$0.000	\$1.930
AL FUNDING ALL PHASES:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.130	\$0.891	\$1.930	-\$0.009	\$2.951

* Includes Encumbered Balances Direct Expenditure (DE), Encumbered
 † State of CA Revenues
 ‡ Project Construction & Construction Management