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1/30/2014

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

CITY OF FRESNO
City Clerk's Office (Original)

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 12th day of Feb, 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, the Measure "C" and the Strategic Implementation Plan ("SIP") Expenditure Plan 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  ATTEST By 
(Signature) (Signature)

Name Harry Armstrong Name Ron Peterson
(Typed) (Typed)

Title Chair of the Authority Title Executive Director

APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, COUNTY
COUNSEL
By 
(Signature)

APPROVED AS TO ACCOUNTING
FORM:
By 
(Signature)

Name MICHAEL E ROWE Name VICKI CROW

Title Senior Deputy County Counsel Title Auditor-Controller/Treasurer-Tax Collector

CITY OF FRESNO

ATTEST

By  By _____
(Signature) (Signature)

Name SCOTT MOZIER Name _____

Title Public Works Director Title _____

APPROVED AS TO FORM
DOUGLAS SLOAN, City Attorney

BY:  1-16-14
Deputy, Raj Singh Badhesha

ATTEST:
YVONNE SPENCE, CMC
CITY CLERK
By  1-31-2014
Deputy



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.



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	
Preliminary Engineering ->			\$0.000	\$0.000	\$0.000	\$0.000	\$0.130	\$0.133	\$0.000	-\$0.108	\$0.155
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension								\$0.133		-\$0.108	\$0.025
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees							\$0.015				\$0.015
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	-\$0.108	\$0.155
Phase 2: Right-of-Way ->											
Preliminary Engineering ->			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.758	\$0.000	\$0.108	\$0.866
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								\$0.688			\$0.688
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 2:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.758	\$0.000	\$0.108	\$0.866
Phase 3: Construction ->											
Preliminary Engineering ->	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
ALL FUNDING ALL PHASES:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.130	\$0.891	\$1.930	(\$0.000)	\$2.951

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