

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *Hauy*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE September 11, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project.
2. Authorize the Chairman of the Board of Supervisors to execute Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Project.

FISCAL IMPACT:

The Board originally approved Cooperative Agreement 10-355 with the State on September 21, 2010, which committed Stanislaus County to provide funding for the Plans, Specifications and Estimate (PS&E) phase, Right of Way (R/W) phase, and Construction phase of the State Route 99/Kiernan Avenue Interchange project. The County has completed the PS&E and R/W phases at this time, using funding from the Public Facilities Fees (Regional Transportation Impact Fees) and some Proposition 1B funds.

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BOARD ACTION AS FOLLOWS:

No. 2012-461

On motion of Supervisor Withdraw, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project

FISCAL IMPACT (continued):

On June 27, 2012, the California Transportation Commission (CTC) allocated \$37.1 million of State Route 99 Bond Savings money toward the construction phase of the project. Therefore, the existing Cooperative Agreement must be amended to reflect that the construction phase of the project will be funded with State Route 99 Bond Savings money, a State funding source versus a County funding source.

DISCUSSION:

Stanislaus County, in cooperation with Caltrans District 10, proposes to reconstruct the State Route 99/State Route 219 (Kiernan Avenue) Interchange in the community of Salida. This project will help facilitate future growth, help alleviate traffic congestion, and will improve the operation of this interchange. Increasing the efficiency of the interchange will also encourage the free flow of goods and services for the region and the State. Two build alternatives and the no-build alternative were proposed and studied for this interchange. Alternative #1 was the preferred alternative and has been estimated to cost \$46 million (in today's dollars) for environmental, design, right-of-way acquisitions, utility relocations, and construction. Stanislaus County Public Facilities Fees, environmental mitigation fees, and Proposition 1B funded the environmental, design, right-of-way phase, and utility relocations. The State Route 99 Bond Savings funds (\$37.1 million) will cover 100% of the construction management and construction phase of the project.

The proposed interchange improvements include reconstruction of the existing interchange to provide improved operations for turning movements to and from SR 99, as well as associated local road improvements at adjacent intersections. The proposed project consists of two components: 1) reconstruction of the interchange and 2) construction of auxiliary lanes in both northbound and southbound direction of State Route 99 from Kiernan Avenue to Pelandale Avenue.

Caltrans obtained California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) clearance on May 25, 2011. An Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact was prepared, circulated, approved, and adopted by Caltrans. The Board of Supervisors adopted the environmental document on July 17, 2012.

The design phase of the project, including right of way certification, was completed on May 14, 2012 and was adopted by the Board of Supervisors on July 17, 2012.

The existing Cooperative Agreement stipulates that the design work and right of way acquisitions completed for this project will be performed and paid for by Stanislaus County. The Cooperative Agreement also provides for the construction of the project. Caltrans will provide Independent Quality Assurance (IQA) in their role as Lead Agency for the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) at no cost to the project.

Approval of Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project

The attached Amendment No. 1 to Cooperative Agreement 10-355 amends the funding summary of the existing agreement, specifying the use of State money to fund the construction phase of the project. Along with the updated Funding Summary, associated text and definitions in the agreement have been updated to reflect that the State is now a funding partner in the project.

Any reference to the Funding Summary in the existing Cooperative Agreement is superceded by the revised Funding Summary in Amendment No. 1.

To ensure proper funding for construction of the interchange project, Public Works staff recommends that the Board of Supervisors approve Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing a Safe Community and a Well Planned Infrastructure System by continuing with the construction efforts to improve this important transportation corridor into Stanislaus County.

STAFFING IMPACTS:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director, (209) 525-4130
Chris Brady, Construction Manager, (209) 525-4157

AMENDMENT NO.1 TO AGREEMENT 10-355

THIS AMENDMENT No. 1 (AMENDMENT), entered into and effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and

Stanislaus County, a political subdivision of the State of California, referred to as COUNTY.

RECITALS

1. CALTRANS and COUNTY, collectively referred to as PARTNERS, entered into Agreement No. 10-355, (AGREEMENT) on 12/16/2010, defining the terms and conditions for reconstruction of the interchange at State Route (SR) 99/SR 219/Kiernan Avenue in and near the City of Salida, in Stanislaus County will be, referred to as PROJECT.
2. AGREEMENT established terms and conditions to complete PS&E, R/W, and Construction phases of PROJECT.
3. The project scope changed since the original agreement was signed, costs were reduced, and CALTRANS agreed to be a FUNDING PARTNER.
4. PARTNERS now seek to revise FUNDING SUMMARY.
5. A revised FUNDING SUMMARY is attached and made part of this AMENDMENT.

IT IS THEREFORE MUTUALLY AGREED:

1. A revised FUNDING SUMMARY is attached and made part of the AGREEMENT. Any reference to the FUNDING SUMMARY in the AGREEMENT is deemed to refer to the revised FUNDING SUMMARY attached herein
2. Article 12 in the AGREEMENT is replaced in its entirety to read as follows:

“12. CALTRANS and COUNTY are each a FUNDING PARTNER for this Agreement. The details of the funding commitments are defined in the FUNDING SUMMARY.”

3. New Article is added to the AGREEMENT under new Cost: CONSTRUCTION Capital Section to read as follows:

Cost: CONSTRUCTION Capital

“89A. Each PARTNER listed below may submit invoices for CONSTRUCTION Capital.

- COUNTY may invoice CALTRANS
- COUNTY will submit to CALTRANS monthly invoices for actual expenditures.

After PARTNERS agree that all scope activities are complete, PARTNERS will submit a final accounting for all WORK costs. Based on the final accounting, PARTNERS will refund or invoice as necessary in order to satisfy the obligation of this Agreement.”

4. New Article is added to the AGREEMENT under new Cost: CONSTRUCTION Capital Section to read as follows:

92A. PARTNERS will meet the requirements of Government Code Section 8879.20 et al. (Proposition 1 legislation), the governor’s Executive Order 2007-S-02-07, and the California Transportation Commission (CTC) program guidelines for the applicable account.

Right of way purchased using bond funds will become the property of CALTRANS, and any revenue from the sale of excess lands originally purchases with bond funds will revert to CALTRANS. (L.I.28)

5. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
6. This AMENDMENT is deemed to be included and made part of the AGREEMENT.

SIGNATURES

PARTNERS declare that:

1. Each partner is an authorized legal entity under California state law.
2. Each partner has the authority to enter into this agreement.
3. The people signing this agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF
TRANSPORTATION

STANISLAUS COUNTY

By: _____
Carrie L. Bowen
District 10 Director

By: William O'Brien
William O'Brien
Chairman of the Board of Supervisors

CERTIFIED AS TO FUNDS:

Attest: Matt Machado
Matt Machado
Director of Public Works

By: _____
Kristen Eddings
District Budget Manager

Attest: Christine Ferraro Tallman
Christine Ferraro Tallman
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: Randy Roby
Attorney
Department of Transportation

By: John P. Doering
John P. Doering
Stanislaus County Counsel

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

By: [Signature]
Accounting Administrator
Department of Transportation

FUNDING SUMMARY

Funding Source	Funding Partner	Funding Type	PS&E	R/W Capital	R/W Support	CON Capital	CON Support
LOCAL	COUNTY	Local	\$4,880,000	\$8,483,000	\$2,120,000	\$0	\$0
STATE	STATE	SR 99 Bond Savings	\$0	\$0	\$0	\$32,254,000	\$4,846,000
		Subtotals by Component	\$4,880,000	\$8,483,000	\$2,120,000	\$32,254,000	\$4,846,000

Funding Source	Funding Partner	Funding Type	Subtotal Support	Subtotal Capital	Subtotal Funds Type
LOCAL	COUNTY	Local	\$7,000,000	\$8,483,000	\$15,483,000
STATE	STATE	SR 99 Bond Savings	\$4,846,000	\$32,254,000	\$37,100,000
		Subtotals by Component	\$11,846,000	\$40,737,000	\$52,583,000