



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Amendment to Cooperative Agreement with San Joaquin Council of Governments (SJCOG) for East Lodi Avenue Improvement Project

MEETING DATE: May 6, 2009

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute an amendment to the cooperative agreement with the San Joaquin Council of Governments (SJCOG) for the East Lodi Avenue Improvement Project.

BACKGROUND INFORMATION: The San Joaquin Council of Governments administers the regional sales tax, Measure K. Measure K provides funding for a variety of projects, including flexible congestion relief. Previously, the City requested the funds be allocated to the Lower Sacramento Road, Union Pacific Railroad to Turner Road project. Now that the project is completed, staff has requested that the \$22,523 remaining on that project be re-allocated by SJCOG to the East Lodi Avenue Improvement Project. A cooperative agreement with SJCOG to cover the expense of preparing plans, specifications, and bidding for the East Lodi Avenue Improvement Project was approved by City Council on August 6, 2008. An amendment to the cooperative agreement must be made to transfer the \$22,523.

Staff has submitted the request to SJCOG, and the amendment to the cooperative agreement will be presented for approval at the April 23, 2009 SJCOG Board meeting. The East Lodi Avenue Improvement Project Design Guidelines were approved by the City Council at the July 2, 2008 meeting.

FISCAL IMPACT: Without approval of the amendment to the cooperative agreement, the City would not receive \$22,523 in Measure K funding.

FUNDING AVAILABLE: Not applicable.



 F. Wally Sandelin
 Public Works Director

FWS/pmf

cc: Paula Fernandez, Transit Manager/Senior Traffic Engineer

APPROVED: 

 Blair King, City Manager

**AMENDMENT #1
TO THE
MEASURE K COOPERATIVE AGREEMENT (C-09-013, JULY 2008)
FOR SURVEY AND DESIGN SERVICES OF
EASTSIDE LODI AVENUE IMPROVEMENT PROJECT**

This Amendment #1 is made of as of _____, by and between the City of Lodi ("Sponsor") and the SAN JOAQUIN COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

RECITALS

- A. The original agreement provided reimbursement of Project costs to the City of Lodi at the Measure K Flexible Congestion Relief funding contribution of the lesser of \$120,000 or 100% of the total costs of survey and design services of the Lodi Avenue Improvement Project.
- B. The Project cost of survey and design services has increased from \$120,000 to \$142,523.
- C. An additional \$22,523 of the City of Lodi's allocation of Measure K Flexible Congestion Relief Funds have been programmed for this Project; and
- D. The parties wish to amend the original Agreement to reflect that change in reimbursement amount percentage.

NOW, THEREFORE, in consideration of the mutual obligations in this Amendment #1, the parties to this Amendment #1 agree as follows:

Section 1.4. Measure K Percentage Share Defined. Upon execution of this Amendment #1 for this Cooperative Agreement, the Measure K percentage share shall be 100% of survey and design services costs with the total not to exceed the lesser of **\$142,523 or 100%** of the total costs for survey and design services costs listed in Exhibit "A".

Section 2.1.d Reimbursement Amount. Upon execution of this Amendment #1 for this Cooperative Agreement, the amount of reimbursement payments to Sponsor shall be equivalent to 100% for each invoice submitted to the Authority as specified in Exhibit "A". The total reimbursement percentage share for this Agreement is the lesser of **\$142,523 or 100%** of the total costs for survey and design services costs listed in Exhibit "A".

Exhibit "A" Section 7 is amended to:

7. Total Estimated Project Cost

Survey and Design Services	\$120,000	\$142,523
TOTAL:	\$120,000	\$142,523

Costs eligible for Measure K reimbursement Under this cooperative agreement:	\$120,000	\$142,523
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Exhibit "A" Section 9 is amended to:

9. Source(s) and Amount of Matching Funds for Survey and Design Services

<u>Source of Funds</u>	<u>Amount</u>		<u>Percentage</u>
Measure K*	\$120,00	\$142,523	100%

The City is requesting to utilize 100% funding for the in-house surveying and design services for the Lodi Avenue Improvement Project. Funding for construction will be largely from the State Prop 1B Local Streets and Roads funding, Regional Surface Transportation Program (RSTP) funds, ARRA (RSTP and TE funds), and Measure K Smart Growth Incentive Program.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF LODI

SAN JOAQUIN COUNTY
TRANSPORTATION AUTHORITY

By: _____
BLAIR KING
City Manager

By: _____
BRENT IVES
Chair

ATTEST:

ATTEST:

By: _____
RANDI JOHL
City Clerk

By: _____
ANDREW T. CHESLEY
Executive Director

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

APPROVED AS TO FORM:

By: _____
D. STEPHEN SCHWABAUER
City Attorney


By: _____
STEVE DIAL
Deputy Executive Director/CFO

RESOLUTION NO. 2009-53

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AMENDMENT TO COOPERATIVE AGREEMENT
BETWEEN SAN JOAQUIN COUNCIL OF GOVERNMENTS
AND THE CITY OF LODI FOR EAST LODI AVENUE
IMPROVEMENT PROJECT

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WHEREAS, a cooperative agreement with the San Joaquin Council of Governments to cover the expense of preparing plans, specifications, and bidding for the East Lodi Avenue Improvement Project was approved by City Council on August 6, 2008; and

WHEREAS, the Lower Sacramento Road project from Turner Road to Union Pacific Railroad has been completed, and residual funding exists in the amount of \$22,523; and

WHEREAS, the San Joaquin Council of Governments will approve the transfer of residual funds in the amount of \$22,523 to the East Lodi Avenue Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Amendment to the Cooperative Agreement between the San Joaquin Council of Governments and the City of Lodi for the East Lodi Avenue Improvement Project; and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute this Agreement on behalf of the City of Lodi.

Dated: May 6, 2009

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I hereby certify that Resolution No. 2009-53 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk