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**MEMORANDUM    Transportation & Development Department – Memo No. TDA14-044**

**DATE:**            DECEMBER 12, 2013

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            RICH DLUGAS, CITY MANAGER *RD*  
                          MARSHA REED, ASSISTANT CITY MANAGER *MR*  
                          R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*

**FROM:**            DANIEL W. COOK, TRANSPORTATION MANAGER *DWC*

**SUBJECT:**        RESOLUTION NO. 4731, APPROVING AMENDMENT NO. 1 TO THE PROJECT AGREEMENT BETWEEN THE CITY OF CHANDLER AND MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FOR THE ADVANCEMENT OF THE REGIONAL REIMBURSEMENT

RECOMMENDATION:    Staff recommends approval of Resolution No. 4731, approving Amendment No. 1 to the project agreement between the City of Chandler and Maricopa Association of Governments (MAG) for the advancement of regional reimbursement to Fiscal Years 2012 and 2013, for design, right-of-way acquisitions, and construction for the McQueen Road (Ocotillo Road to Riggs Road) Arterial Capacity Improvement Project, in the amount of \$6,482,227.05.

BACKGROUND AND DISCUSSION:    This amendment to this project agreement is for reimbursement of Proposition 400 funds to the City of Chandler for design, right-of-way acquisitions, and construction for McQueen Road (Ocotillo Road to Riggs Road). This project involves street widening improvements to McQueen Road (Ocotillo Road to Riggs Road). The reimbursement has been revised to advance the funding to Fiscal Years 2012 and 2013.

FINANCIAL IMPLICATIONS:    This agreement will provide regional reimbursement for design, right-of-way acquisitions, and construction to the City of Chandler for McQueen Road (Ocotillo Road to Riggs Road) in the amount of \$6,482,227.05. Reimbursement was originally programmed in 2017, 2018, 2019, and 2020. This amendment will advance reimbursement to Fiscal Years 2012 and 2013 and may be adjusted annually for inflation, in accordance with MAG policies.

PROPOSED MOTION:    Staff recommends City Council approval of Resolution No. 4731 approving Amendment No. 1 to the project agreement between the City of Chandler and Maricopa Association of Governments (MAG) for the advancement of regional reimbursement to Fiscal Years

2012 and 2013, for design, right-of-way acquisitions, and construction for the McQueen Road (Ocotillo Road to Riggs Road) Arterial Capacity Improvement Project, in the amount of \$6,482,227.05.

Attachments: Amendment, Resolution No. 4731

RESOLUTION NO. 4731

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, APPROVING A FIRST AMENDMENT TO THE PROJECT AGREEMENT BETWEEN THE CITY OF CHANDLER AND MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FOR ADVANCEMENT OF FUTURE REIMBURSEMENT TO THE CITY FOR DESIGN, RIGHT OF WAY ACQUISITIONS AND CONSTRUCTION FOR THE MCQUEEN ROAD (OCOTILLO ROAD TO RIGGS ROAD) ARTERIAL CAPACITY IMPROVEMENT PROJECT IN THE AMOUNT OF \$6,482,227.05.

WHEREAS, the Maricopa Association of Governments ("MAG") has been designated as the regional planning agency for the Arterial Life Cycle Program portion of the Regional Transportation Plan; and

WHEREAS, the City of Chandler (the "City") and MAG have previously entered into an Arterial Life Cycle Program Project Agreement dated August 5, 2013, under which the City is programmed to receive reimbursement up to \$6,482,227.05 for local funds expended by the City in connection with the design and construction of improvements for McQueen Road (Ocotillo Road to Riggs Road) pursuant to the reimbursement schedule set out in the Agreement for the improvement project; and

WHEREAS, the City and MAG desire to have the original reimbursement schedule replaced with three new schedules, each of which is applicable respectively to one of three smaller projects that compromise the larger improvement project originally described in the Agreement, but without any change to the total amount of funds allocated to the City pursuant to the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona that the First Amendment to the Project Agreement is hereby approved, subject to the City Attorney's approval to the form of the document, and the Mayor is authorized to sign and execute said First Amendment to the Project Agreement on behalf of the City of Chandler.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION:

I HEREBY CERTIFY that the above and foregoing Resolution No. 4731 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at the regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013, and that a quorum was present thereat.

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *EAB*



MARICOPA ASSOCIATION OF GOVERNMENTS  
ARTERIAL LIFE CYCLE PROGRAM

FIRST AMENDMENT TO  
PROJECT AGREEMENT

McQueen Road: Ocotillo Road to Riggs Road Arterial Capacity Improvement  
Project Agreement No. 13-PRC-10-03-C

RTP Project # ACI-PRC-10-03-C

MAG TIP Project # CHN10-101DZ, CHN10-101D2Z, CHN10-101RWZ, CHN10-101CZ, CHN10-101CZ2

City of Chandler Capital Improvement Plan # 6ST478

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO ARTERIAL LIFE CYCLE PROGRAM (ALCP) PROJECT AGREEMENT (this "First Amendment") is made and entered into effective on the day which it is executed by the MAG Executive Director (the "Effective Date"), by and between the Maricopa Association of Governments ("MAG") and the City of Chandler, an Arizona municipal corporation ("Chandler"). MAG and Phoenix are sometimes referred to in this First Amendment collectively as the "Parties" and each individually as a "Party."

RECITALS

- A. The Parties entered into an Arterial Life Cycle Program Project Agreement dated August 5, 2013 (the "Original Agreement"). All capitalized terms used without definition in this Amendment shall have the definitions ascribed to them in the Original Agreement, as modified by this First Amendment.
- B. The Original Agreement provided for the improvement of McQueen Road: Ocotillo Road to Riggs Road under RTP Project Number ACI-PRC-10-03-C.
- C. In September of 2013, the MAG region had a balance of federal funding that needed be programmed and obligated before the end of the federal fiscal year.
- D. MAG asked agencies to submit projects that were eligible for federal funding and could obligate before the end of the federal fiscal year.
- E. The construction phase of the improvements on McQueen Road from Ocotillo Road to Chandler Heights met the required criteria and was submitted for consideration.
- F. On September 16, 2013, the MAG Regional Council Executive committee approved Federal Fiscal Year 2013 funding for the construction phase of the improvements on McQueen Road from Ocotillo Road to Chandler Heights.

G. As such, the Parties have determined that it is in their best interest, and will best serve the purposes of the ALCP, to provide for the improvement as three individual projects with separate RTP project numbers.

H. The Parties also determined that the regional reimbursement schedule shall be amended to include the separate projects and update type of reimbursement funds and fiscal year for reimbursement based on the September 16, 2013 MAG Regional Council Executive Committee action.

I. The total amount of Allocated Regional Funds remains unchanged.

J. The Parties now desire to amend the Original Agreement upon the terms and conditions contained in this First Amendment.

AGREEMENTS

NOW, THEREFORE, for and in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby amend the Original Agreement as follows:

1. The title of the Original Agreement shall be replaced with the following projects:
  - a. RTP Project # ACI-PRC-10-03-C: McQueen Road: Ocotillo Road to Riggs Road (design and right-of-way only)
  - b. RTP Project # ACI-PRC-10-03-I: McQueen Road: Ocotillo Road to Chandler Heights (construction only)
  - c. RTP Project # ACI-PRC-10-03-J: McQueen Road: Chandler Heights to Riggs Road (construction only)
  
2. The TIP Project Numbers listed in the title of the Original Agreement shall be replaced with the following: CHN10-101DZ, CHN10-101D2Z, CHN10-101RWZ, CHN13-111CZ, CHN10-101CZ2
  
3. Recital G of the Original Agreement, the regional reimbursement schedule for the Project, shall be replaced with the following:
  - a. McQueen Road: Ocotillo Road to Riggs Road (design and right-of-way only)

Type of Work	Fiscal Year of Work	Regional Reimbursement	Type of Reimbursement Funds	Fiscal Year for Reimbursement
Design	2011/2012	\$136,736.05	RARF	2017
ROW	2012/2013	\$929,974.49	RARF	2017
ROW	2012/2013	\$929,974.49	RARF	2018
<b>Total Programmed for Reimbursement</b>		<b>\$1,996,685.03</b>		

b. McQueen Road: Ocotillo Road to Chandler Heights (construction only)

Type of Work	Fiscal Year of Work	Regional Reimbursement	Type of Reimbursement Funds	Fiscal Year for Reimbursement
Construction	2013/2014	\$3,895,652.00	STP-MAG	2013
<b>Total Programmed for Reimbursement</b>		<b>\$3,895,652.00</b>		

c. McQueen Road: Chandler Heights to Riggs Road (construction only)

Type of Work	Fiscal Year of Work	Regional Reimbursement	Type of Reimbursement Funds	Fiscal Year for Reimbursement
Construction	2018	\$589,890.02	RARF	2020
<b>Total Programmed for Reimbursement</b>		<b>\$589,890.02</b>		

4. Capitalized terms not defined in this First Amendment shall have the definition set forth in the Original Agreement;
5. Except as otherwise specifically provided herein, all other terms and conditions of the Original Agreement shall remain unchanged and in full effect.

[Signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers. (The order for obtaining the signatures is as follows: the appropriate representative of the City of Chandler, the MAG General Counsel, and the MAG Executive Director).

MAG:

Maricopa Association of Governments, an Arizona non-profit Corporation

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Dennis Smith  
Executive Director

City of Chandler, an Arizona Municipal Corporation

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Jay Tibshraeny  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Marla Paddock  
Chandler City Clerk

Reviewed as to form:

Reviewed as to form:

By: \_\_\_\_\_  
MAG General Counsel

By: \_\_\_\_\_  
Attorney for City of Chandler *GAB*