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JUL 28 2016



**Chandler • Arizona**

*Where Values Make The Difference*

**MEMORANDUM**

**Transportation & Development – Memo No. TDA16-083**

**DATE:** JULY 28, 2016

**TO:** MAYOR AND COUNCIL

**THRU:** MARSHA REED, CITY MANAGER *ml*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*

**FROM:** DANIEL W. COOK, CITY ENGINEER *DJ FOR*

**SUBJECT:** RESOLUTION NO. 4972 AUTHORIZING A FIRST AMENDMENT TO PROJECT AGREEMENT NO. 15-COP-10-03-A BETWEEN MARICOPA ASSOCIATION OF GOVERNMENTS AND THE CITY OF CHANDLER FOR PROPOSITION 400 REIMBURSEMENT TO MOVE THE DESIGN REIMBURSEMENT FOR COOPER ROAD; SOUTH OF QUEEN CREEK TO CHANDLER HEIGHTS ROAD TO NEW AGREEMENT NO, ACI-COP-10-03-C FOR THE DESIGN IN FEDERAL FISCAL YEAR 2015

**RECOMMENDATION:** Staff recommends City Council pass and adopt Resolution No. 4972 approving the first amendment to Project Agreement 15-COP-10-03-A between the Maricopa Association of Governments and the City of Chandler which will combine the design improvements to Cooper Road; south of Queen Creek to Chandler Heights Road and Cooper Road; Chandler Heights to Riggs Road to create a new Design Agreement No. ACI-COP-10-03-C.

**BACKGROUND AND DISCUSSION:** This first amendment to the Project Agreement is to combine the design phase of Cooper Road; South of Queen Creek to Chandler Heights Road with the design phase of Cooper Road: Chandler Heights Road to Riggs Road. We are bringing forward this first amendment for council approval per the request of Maricopa Association of Governments to reflect the combined design phase.

In August of 2015, the MAG region had available federal funding that needed to be programmed and obligated before the end of the 2015 federal fiscal year. The design phase of the improvements on Cooper Road from South of Queen Creek to Chandler Heights Road and on Cooper Road from Chandler Heights to Riggs Road met the required criteria and was submitted and approval was granted to advance Proposition 400 funding from 2016 and 2017 to Federal Fiscal Year 2015 funding for a combined design phase of the improvements on Cooper Road from South of Queen Creek to Riggs Road in the amount of \$1,037,300. The design phase for the Cooper Road Improvement project is underway and 20% complete.

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These proposed improvements are based on the City's Transportation Master Plan Update (April 2010) for a 20-year design life.

TRANSPORTATION COMMISSION RECOMMENDATION: The Transportation Commission reviewed the original project agreements on March 5, 2015, and recommended approval of the Project Agreement.

FINANCIAL IMPLICATIONS: This agreement will provide regional reimbursement for Design to the City of Chandler for the combined total of \$1,037,300, which is for Cooper Road; South of Queen Creek to Chandler Heights Road and Cooper Road; Chandler Heights Road to Riggs Road. Reimbursement is programmed in 2016 and will be adjusted annually for inflation, in accordance with Maricopa Association of Governments policies.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4972 approving the first amendment to Project Agreement 15-COP-10-03-A between the Maricopa Association of Governments and the City of Chandler which will combine the design improvements to Cooper Road; south of Queen Creek to Chandler Heights Road and Cooper Road; Chandler Heights to Riggs Road to create a new Design Agreement No. ACI-COP-10-03-C.

Attachments:  
Project Agreement  
Resolution No. 4973  
Agreement Financial Table

CURRENT AGREEMENT(S)

<b>Original Agreement 15-COP-10-03-A</b>	<b>Design</b>	<b>2016</b>	<b>\$ 569,450.00</b>
<b>(South of Queen Creek to Chandler Heights Road)</b>	<b>Right Of Way</b>		<b>\$ 875,000.00</b>
		<b>2016</b>	
	<b>Construction</b>	<b>2018</b>	<b>\$4,201,788.00</b>
	<b>Total Reimbursement</b>		<b>\$5,646,238.00</b>

Original Agreement 15-COP-10-03-B	Design	2016	\$ 181,251.98
(Chandler Heights Road to Riggs Road)	Right Of Way	2017	\$ 571,666.85
	Construction	2023	\$3,022,273.57
	Total Reimbursement		\$3,775,192.40
Original Agreements Total:			\$9,421,430.40

REVISED AGREEMENT(S)

<b>First Amendment Agreement 15-COP-10-03-A</b>	<b>Design</b>	<b>-</b>	<b>\$ -</b>
<b>(South of Queen Creek to Chandler Heights Road)</b>	<b>Right Of Way</b>	<b>2016</b>	<b>\$ 588,401.00</b>
	<b>Construction</b>	<b>2018</b>	<b>\$4,201,788.00</b>
	<b>Total Reimbursement</b>		<b>\$4,790,189.00</b>

First Amendment Agreement 15-COP-10-03-B	Design	-	\$ -
(Chandler Heights Road to Riggs Road)	Right Of Way	2017	\$ 571,666.85
	Construction	2023	\$3,022,273.57
	Total Reimbursement		\$3,593,940.41

<b>First Amendment Agreement 15-COP-10-03-C</b>	<b>Design</b>	<b>2015</b>	<b>\$1,037,300.00</b>
<b>Design Only (South of Queen Creek to Riggs Road)</b>			
	<b>Right Of Way</b>		<b>\$ -</b>
	<b>Construction</b>		<b>\$ -</b>
	<b>Total Reimbursement</b>		<b>\$1,037,300.00</b>
Revised Agreements Total:			\$9,421,429.41

**RESOLUTION NO. 4972**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING A FIRST AMENDMENT TO PROJECT AGREEMENT NO. 15-COP-10-03-A BETWEEN MARICOPA ASSOCIATION OF GOVERNMENTS AND THE CITY OF CHANDLER FOR PROPOSITION 400 REIMBURSEMENT TO MOVE THE DESIGN REIMBURSEMENT FOR COOPER ROAD: SOUTH OF QUEEN CREEK TO CHANDLER HEIGHTS ROAD TO NEW AGREEMENT NO, ACI-COP-10-03-C FOR THE DESIGN IN FEDERAL FISCAL YEAR 2015

WHEREAS, the voters of Maricopa County approved a regional half-cent sales tax to fund the Regional Transportation Plan; and

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

WHEREAS, the Cooper Road; South of Queen Creek Road to Chandler Heights Road Improvement project is an approved project in the Arterial Life Cycle Program portion of the Regional Transportation Plan; and

WHEREAS, the Policies and Procedures of the Arterial Life Cycle Program require a Project Agreement between the City of Chandler and the Maricopa Association of Governments for each approved project prior to reimbursement; and

WHEREAS, the City of Chandler has used local funds in the Cooper Road; South of Queen Creek Road to Chandler Heights Road Improvement project and is programmed to receive reimbursement from the Arterial Life Cycle Program portion of the Regional Transportation Plan; and

WHEREAS, the City of Chandler is programmed to receive \$1,037,300 for the design phase of this project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, that the Mayor be authorized to sign and execute said 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 \_\_\_\_\_, 2016.

ATTEST:

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

\_\_\_\_\_  
MAYOR

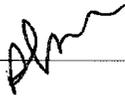
CERTIFICATION:

I HEREBY CERTIFY that the above and foregoing Resolution No. 4972 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at the regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and that a quorum was present thereat.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney





MARICOPA ASSOCIATION OF GOVERNMENTS  
ARTERIAL LIFE CYCLE PROGRAM

FIRST AMENDMENT TO  
PROJECT AGREEMENT

Cooper Road: South of Queen Creek Road to Chandler Heights Road  
Project Agreement No. 15-COP-10-03-A  
RTP Project # ACI-COP-10-03-A  
MAG TIP Project # CHN15-120DZ, CHN15-120DRB, CHN15-120RWZ,  
CHN15-120RRB, CHN19-120CZ,  
City of Chandler Capital Improvement Plan # 6ST548 & 6ST675

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 Chandler 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 May 14, 2015 (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 Cooper Road from South of Queen Creek to Chandler Heights Road under RTP Project Number ACI-COP-10-03-A.
- C. A separate agreement, Project Agreement No. 15-COP-10-03-B, provided for the improvement of Cooper Road from Chandler Heights Road to Riggs Road under RTP Project Number ACI-COP-10-03-B.
- D. In August of 2015, the MAG region had a balance of federal funding that needed be programmed and obligated before the end of the federal fiscal year.
- E. MAG asked agencies to submit projects that were eligible for federal funding and could obligate before the end of the federal fiscal year.
- F. The design phase of the improvements on Cooper Road from South of Queen Creek to Chandler Heights Road and on Cooper Road from Chandler Heights to Riggs Road met the required criteria and was submitted for consideration.

G. On August 26, 2015, the MAG Regional Council approved Federal Fiscal Year 2015 funding for a combined design phase of the improvements on Cooper Road from South of Queen Creek to Riggs Road.

H. The Parties have determined that it is in their best interest, and will best serve the purposes of the ALCP, to provide for the design phase of Cooper Road from South of Queen Creek to Riggs Road as an individual project with a separate RTP project number.

I. The Parties also determined that the regional reimbursement schedule shall be amended to include the separate project and update the type of reimbursement funds and fiscal year for reimbursement based on the August 26, 2015 MAG Regional Council action.

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

K. 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-COP-10-03-A: Cooper Road: South of Queen Creek to Chandler Heights Road (right-of-way and construction only)
  - b. RTP Project # ACI-COP-10-03-C: Cooper Road: South of Queen Creek to Riggs Road (design only)
2. The TIP Project Numbers listed in the title of the Original Agreement shall be replaced with the following: CHN15-120RWZ, CHN16-120RRB, CHN19-120CZ
3. Recital G of the Original Agreement, the regional reimbursement schedule for the Project, shall be replaced with the following:
  - a. Cooper Road: South of Queen Creek to Chandler Heights Road (right-of-way and construction only)

Type of Work	Fiscal Year of Work	Regional Reimbursement	Type of Reimbursement Funds	Fiscal Year for Reimbursement
Right-of-Way	2015/2016	\$588,401.00	RARF	2016
Construction	2018	\$4,201,788.00	STP-MAG	2018
<b>Total Programmed for Reimbursement</b>		<b>\$4,790,189.00</b>		

b. Cooper Road: South of Queen Creek to Riggs Road (design only)

Type of Work	Fiscal Year of Work	Regional Reimbursement	Type of Reimbursement Funds	Fiscal Year for Reimbursement
Design	2015	\$1,037,300.00	STP-MAG	2015
<b>Total Programmed for Reimbursement</b>		<b>\$1,037,300.00</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:

Matricopa Association of Governments, an Arizona non-profit Corporation

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

City of Chandler, an Arizona Municipal Corporation

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

ATTEST:

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Reviewed as to form:

Reviewed as to form:

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

By: \_\_\_\_\_  
Attorney for City of Chandler  
*[Handwritten Signature]*