

**AMENDMENT TO
FUNDING AGREEMENT
BETWEEN THE CITY OF CUPERTINO AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE I-280/WOLFE ROAD INTERCHANGE IMPROVEMENTS PROJECT**

This FUNDING AGREEMENT AMENDMENT No. 1 ("**First Amendment**") dated May 3, 2017, for purposes of reference, is made and entered into by and between the CITY OF CUPERTINO, a municipal corporation of the State of California ("**CITY**"), and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("**VTA**"). Hereinafter, CITY and VTA may be individually referred to as "**Party**" or collectively referred to as "**Parties**".

I. RECITALS

A. On January 25, 2016, Parties entered into an agreement ("FUNDING AGREEMENT") setting their respective obligations in regard to the modifications to the I-280/Wolfe Road Interchange Improvements Project ("**PROJECT**").

B. CITY initially contributed an amount of one million two hundred thousand (\$1,200,000) dollars to the PROJECT under the terms of the FUNDING AGREEMENT for the development and completion of the Project Initial Document ("PID") phase.

C. The PROJECT's PID phase, including the conceptual alternative analysis activity, is scheduled to be completed in May 2017.

D. The Parties recognize the need for the continuation of project developments into the next phases.

E. The Parties wish to amend the FUNDING AGREEMENT to increase the CITY's contribution from \$1,200,000 to \$1,700,000 to continue project development into the Project Approval/Environmental Document ("PAED") phase.

NOW, THEREFORE, the Parties agree to amend the FUNDING AGREEMENT as follows:

II. AMENDED AGREEMENT

1. SECTION II, PARAGRAPH 2 CITY's Financial Contribution for PROJECT, is hereby amended to increase CITY's Contribution by five hundred thousand (\$500,000) dollars. The first sentence shall be restated as follows:

"CITY shall contribute to the PROJECT an amount not to exceed one million seven hundred thousand (\$1,700,000) dollars (hereinafter, "CITY's Contribution") towards the development and completion of the PID and the development of the PAED phase."

2. SECTION II, PARAGRAPH 14 Notice, is hereby amended update VTA's address for notices and shall be restated as follows:

"14. Notice. Any notice required to be given by either Party, or which either party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Carolyn Gonot, Acting Director of Planning and Program Development
3331 North First Street, Bldg. B-2
San Jose, CA 95134-1906


To CITY: City of Cupertino
Timm Borden, Director of Public Works
Department of Public Works
10300 Torre Avenue, Cupertino, CA 95014


Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the United States mail."

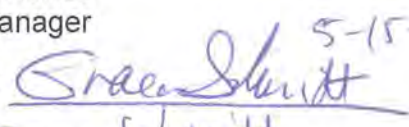
WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

"CITY"
City of Cupertino
a municipal corporation

"VTA"
Santa Clara Valley Transportation Authority
a public agency

By: 
David Brandt
City Manager


By: 
Nuria Fernandez
General Manager


Attest:  5-15-17
Grace Schmidt,
City Clerk

Date: 5/26/17

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 
Randolph Horn
City Attorney

By: 
Megan Gritsch
Staff Attorney II

CERTIFIED COPY

6.9



Date: January 21, 2016
Current Meeting: December 10, 2015
Board Meeting: December 10, 2015

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Planning and Program Development, John Ristow

SUBJECT: I-280/Wolfe Road Interchange

APPROVED ACCEPTED ADOPTED AMENDED DEFERRED REVIEWED
Santa Clara Valley Transportation Authority
Board of Directors
Elaine F. Baltao, Board Secretary
BY: *[Signature]*
DATE: 12/10/15

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to negotiate and execute agreements with the City of Cupertino (City) to receive voluntary contributions to conduct project planning, environmental, design, right of way, and construction activities for the I-280/Wolfe Road Interchange Project and to enter into agreements with the California Department of Transportation (Caltrans) covering planning, preliminary engineering/environmental, design, right-of-way, and construction phases for the I-280/Wolfe Road Interchange Project.

BACKGROUND:

The next update of the countywide transportation plan is in early development and includes 93 highway and roadway projects that would be funded through a variety of sources over the next 25 years. The proposed I-280/Wolfe Road Interchange Project (Project) was submitted by the City of Cupertino and is identified as Project No. H280-05 in the draft plan.

In 2013, the City approved a contract with URS Corporation to conduct a Conceptual Alternative Analysis Study for the I-280/Wolfe Road interchange. The study included four possible alternatives that provide operational improvement to the interchange, an assessment of the right-of-way, utility and environmental impacts, and a cost estimate for each of the alternatives. This study was completed in September 2013.

The I-280/Wolfe Road Interchange Improvements Project proposes to widen the existing Wolfe Road structure and/or construct a new structure over I-280 in the City of Cupertino. The conceptual alternatives identified in the City's study were to complement the transportation mitigation improvements for the areas that were identified in the Environmental Impact Report

mitigation improvements for the areas that were identified in the Environmental Impact Report for the Apple Campus 2 Project. The more immediate improvements underway by the City are limited to on- and off-ramps at the I/280/Wolfe Road interchange.

DISCUSSION:

The agreements that are authorized through this memorandum would allow for the development of a new project that would evaluate a more complete improvement of the I-280/Wolfe Road interchange. The City is proposing to contribute available funding from developer fees for VTA to lead project development activities. VTA working with the City and Caltrans would begin the necessary preliminary engineering studies for the completion of a Project Study Report-Project Development Support (PSR-PDS), which is a scoping document that is a prerequisite for the project to move forward to the Project Approval/Environmental Documentation (PA/ED) phase that is part of Caltrans' highway project development process. The remaining project development phases for the Project, i.e., final design, construction, and project close-out are also anticipated once additional funding is identified and secured from the City. The estimated cost of the preliminary engineering study and PSR-PDS work is being prepared and reviewed with City staff.

Execution of the agreements for the I-280/Wolfe Road Interchange Improvements Project allows VTA to receive voluntary contributions from the City towards the project development work. In addition, the agreements would help solidify cooperation on the Project between VTA, City, Caltrans, and private entities.

VTA has also been working with Caltrans to amend the approved Project Initiation Document (PID) Work Plan to include this Project. The purpose of the approved PID Work Plan is to allow Caltrans to allocate staff resources to assist local agencies in reviewing and approving the PSR-PDS through a reimbursement program. Caltrans' support cost for the development of the PSR-PDS would be negotiated and funded by the voluntary contributions from the City.

This action by the Board of Directors would grant authority to the General Manager to negotiate and execute the needed agreements with the City and Caltrans without the need to return to the Board for approval of each agreement.

As funding becomes available, staff would return to the Board of Directors for the award of contracts to selected consultant teams for the various project development phases including planning, preliminary engineering, environmental clearance, right-of-way, and final design as required.

ALTERNATIVES:

The Board could decide to forgo voluntary contributions from the City of Cupertino for the I-280/Wolfe Road Interchange Improvements Project. In this case, VTA would not be able to commence this important highway improvement project as requested by City.

FISCAL IMPACT:

VTa will receive funds from City of Cupertino towards the project study efforts and completion of the PSR-PDS document for the I-280/Wolfe Road Interchange Project. Future City's voluntary contributions towards environmental clearance, final design, and construction phases will be negotiated with the City as additional funds become available. Appropriation for this expenditure is available in the FY16 Adopted VTP Highway Improvement Program Fund Capital Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:

The Congestion Management Program & Planning Committee met, but did not have a quorum; therefore, this item is forwarded to the Board without any recommendation or discussion.

Prepared by: Gene Gonzalo
Memo No. 5291

ATTACHMENTS:

- Attachment A - Project Location Map (PDF)

I certify that the foregoing is a true and correct copy of the original on file in the Secretary of the Board of Directors Office.

Gene Gonzalo
Date 01/21/16

Attachment A

I-280/Wolfe Road Interchange Improvements Project



I-280/Wolfe Road I/C

Project Location Map