

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

280A



**FROM:** TLMA - Transportation Department

**SUBMITTAL DATE:**  
September 15, 2010

**SUBJECT:** Amendment No. 3 to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve this amendment to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project, and;
2. Authorize the Chairman of the Board to execute the same.

**BACKGROUND:** This Amendment No. 3 modifies the contribution of local funds towards the

Juan C. Perez  
Director of Transportation

(Continued On Attached Page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 465,395	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

<b>SOURCE OF FUNDS:</b> DIF Funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:   
KARIN L. WATTS-BAZAN  
DATE: 9/20/10

Departmental Concurrence

Policy  
 Policy  
 Consent  
 Consent  
 Dep't Recomm.:  
 Per Exec. Ofc.:

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Buster, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** Tavaglione  
**Date:** September 28, 2010  
**xc:** Transp.

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

**Prev. Agn. Ref.** 06/16/09 (3.48), **District:** 5 **Agenda Number:**

11/09/04 (3.18),  
06/15/99 (3.3)

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.79

The Honorable Board of Supervisors

RE: Amendment No. 3 to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project

September 15, 2010

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interchange improvements at Palm Drive/I-10 that are now under construction.

On January 26, 2010 (Item 3.48), the County awarded a construction contract for the interchange construction and authorized the use of \$1,300,000 in Development Impact Fees (DIF) from the Coachella Western areas (Fund 30508) towards this project.

The City of Desert Hot Springs, one of the project partners, has been able to receive an allocation of Federal dollars towards this project which reduces the local share contribution of the City and the County. This amendment establishes a County local share of \$465,395 towards this project from DIF funds. A separate item on this Board agenda transfers \$800,000 of the remaining DIF funds to offset a CVAG reimbursement to the County, leaving the County's overall DIF contribution towards this project at \$1,265,395.

This agreement has been approved by the CVAG Executive Committee.

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

Contract No. 99-05-016 A3  
Riverside Co. Transportation

**AMENDMENT NUMBER THREE**

to the

**COUNTY OF RIVERSIDE – CITY OF PALM SPRINGS – CITY OF DESERT HOT SPRINGS –  
CVAG REIMBURSEMENT AGREEMENT**

for the

**PALM DRIVE/ GENE AUTRY TRAIL INTERSTATE 10 INTERCHANGE PROJECT**

**THIS AMENDMENT NUMBER THREE** is made and entered into this 10<sup>th</sup> day of December, 2010, by and between the **County of Riverside** (“**Lead Agency**”), the **City of Palm Springs** (“**Palm Springs**”), the **City of Desert Hot Springs** (“**City**”), and the **Coachella Valley Association of Governments**, a California joint powers agency, (“**CVAG**”), and is made in reference to the following:

Whereas, Lead Agency, City, CVAG and the City of Palm Springs entered into a reimbursement agreement to advance funds for the Project on June 5, 2000 and entered into subsequent amendments to this reimbursement agreement on November 9, 2004 and June 8, 2009 (collectively, and as further amended herein, the “**Project Reimbursement Agreement**”); and

Whereas, the Project Reimbursement Agreement specifies how CVAG shall advance Project costs, subject to the obligations of the City, Palms Springs and Lead Agency to reimburse their assigned percentages thereof to CVAG as specified in the Jurisdictional Reimbursement Schedule; and

Whereas, the total cost for the Project is now estimated at \$25,931,000; and

Whereas, City has obtained funds (“**Demonstration Funds**”) for the Project, in the amount of \$1,979,780 through the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

**NOW, THEREFORE**, in consideration of the mutual covenants and subject to the conditions contained herein, the parties do agree as follows:

1. The total amount obligated and authorized for expenditure for the Project shall be \$25,931,000.
2. The Jurisdictional Reimbursement Schedule attached to Exhibit “C” of the Project Reimbursement Agreement has been completed and is hereby incorporated by this reference and is attached hereto.
3. Upon application of the entirety of the Demonstration Funds to the Project, City’s entire share of Project costs as set out in the Jurisdictional Reimbursement Schedule shall be deemed satisfied.

4. The sum of \$465,395 shall be applied to Lead Agency's percentage share of Project costs as set out in the Jurisdictional Reimbursement Schedule. As the total Project costs are now estimated, applying \$465,395 to Lead Agency's percentage share of the Project is expected to fully satisfy its percentage share.

The parties hereto have caused this Amendment Number Three to be executed by their duly authorized representatives on the above-referenced date.

**ATTEST:**

**AGENCY:**

**COUNTY OF RIVERSIDE**

By: \_\_\_\_\_  
Clerk of the Board

By: \_\_\_\_\_  
Chairman, Board of Supervisors

APPROVED BY CITY COUNCIL  
CITY OF PALM SPRINGS 9-8-10 KB A4495

By: James Thompson  
City Manager CITY CLERK

By: [Signature]  
Mayor CITY MANAGER

**CITY OF DESERT HOT SPRINGS**

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Mayor

By: [Signature]  
Executive Director

CVAG  
By: SGCP. P.  
CVAG Chair

APPROVED AS TO FORM  
Christina M. Dyle  
for City Attorney  
Date 11-8-10

CLERK'S COPY

Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Bank 4011

- 4. The sum of \$465,395 shall be applied to Lead Agency's percentage share of Project costs as set out in the Jurisdictional Reimbursement Schedule. As the total Project costs are now estimated, applying \$465,395 to Lead Agency's percentage share of the Project is expected to fully satisfy its percentage share.

The parties hereto have caused this Amendment Number Three to be executed by their duly authorized representatives on the above-referenced date.

ATTEST:

AGENCY:

By: *Kecia Harper-Ihem*  
 Clerk of the Board  
 KECIA HARPER-IHEM

COUNTY OF RIVERSIDE

By: *Marion Ashley*  
 Chairman, Board of Supervisors  
 MARION ASHLEY

CITY OF PALM SPRINGS

By: \_\_\_\_\_  
 City Manager

By: \_\_\_\_\_  
 Mayor

CITY OF DESERT HOT SPRINGS

By: *Jason Jones*  
 City Manager

By: *George Parks*  
 Mayor

CVAG

By: \_\_\_\_\_  
 Executive Director

By: \_\_\_\_\_  
 CVAG Chair

FORM APPROVED COUNTY COUNSEL  
 BY: *Karin L. Watts-Bazan*  
 KARIN L. WATTS-BAZAN DATE 9/20/10

**JURISDICTIONAL REIMBURSEMENT SCHEDULE**

**"PALM DRIVE/GENE AUTRY TRAIL INTERSTATE 10 INTERCHANGE  
DESIGN ENGINEERING AND ENVIRONMENTAL"**

The Jurisdictions' Fixed Costs of the 25% Local Share of Project Costs for the Palm Drive/ Gene Autry Trail Interstate 10 Interchange Project as established by Amendment Number Three to the Reimbursement Agreement dated June 5, 2000, are set as follows;

City of Desert Hot Springs	\$ 0.00
County of Riverside	\$ 465,395.00

The Proportionate Share of the 25% Local Share of Qualified Project Costs, as well as 100% of Unqualified Project Costs, for the Palm Drive/ Gene Autry Trail Interstate 10 Interchange Project for the jurisdictions of Palm Springs and Cathedral City shall remain as determined by action of the CVAG Executive Committee at their meeting of September 29, 2003, as follows;

City of Palm Springs	37.59%
City of Cathedral City	10.88%