

SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
11.1  
(ID # 7501)

MEETING DATE:  
Tuesday, July 31, 2018

FROM : FLOOD CONTROL DISTRICT:

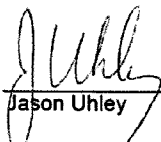
SUBJECT: FLOOD CONTROL DISTRICT: Approval of the Amendment No. 1 to Cooperative Agreement Between the Riverside County Flood Control and Water Conservation District and the City of Banning for Banning Master Drainage Plan Line D-2, Stages 1 and 2, and Banning Master Drainage Plan Lateral D-2A, Stage 1, Project Nos. 5-0-00169 and 5-0-00172, District 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 1 to Cooperative Agreement between the Riverside County Flood Control and Water Conservation District (District) and the City of Banning (City); and
2. Authorize the Chairman to execute the Amendment No. 1 to Cooperative Agreement on behalf of the District; and
3. Direct the Clerk of the Board to return three (3) copies of the executed Amendment No. 1 to Cooperative Agreement to the District.

Prev. Agn. Ref.: 11-5 of 09/01/15  
MT#3109 11.2 of 01/17/17  
MT#6224 11.2 of 02/27/18

ACTION: Policy

  
Jason Uhley

7/18/2018

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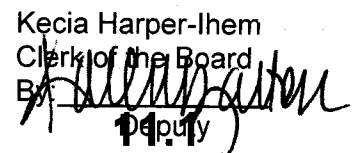
MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Perez  
Nays: None  
Absent: Ashley  
Date: July 31, 2018  
xc: Flood

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ID# 7501

Kecia Harper-Ihem  
Clerk of the Board  
  
Deputy

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> City Funds 100%			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	18/19

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

**BACKGROUND:**

**Summary**

On September 1, 2015 (Agenda Item No. 11-5), the Board of Supervisors approved the cooperative agreement between the District and the City which set forth the terms and conditions whereby the District would design and construct the Banning Master Drainage Plan (MDP) Line D-2, Stages 1 and 2, and Banning MDP Lateral D-2A project (Project).

This Amendment No. 1 to Cooperative Agreement is necessary for the District to invoice the City for certain additional surface asphalt and concrete treatments, located within City street rights of way, which were added to the District's public works construction contract for the Project. The City will reimburse the District for the costs associated with the additional street paving.

County Counsel has approved the Amendment No. 1 to Cooperative Agreement as to legal form. The City has executed the Amendment No. 1 to Cooperative Agreement.

**Prev. Agn. Ref.:** 11.5 of 09/01/15  
                   MT#3109 11.2 of 01/17/17  
                   MT#6224 11.2 of 02/27/18

**Impact on Residents and Businesses**

The street paving work improved the entire width of Hargrave Street within the project limits, which increases safety for residents and businesses in the area. Incorporating the street paving work during project construction eliminated the need for a second street closure. Additionally, the flood control facilities will alleviate ongoing flooding problems and will benefit the public in the area.

**Additional Fiscal Information**

The City of Banning will reimburse the District up to \$35,592 for the costs associated with the additional street paving.

The Board of Supervisors approved the Notice of Completion for the Project on February 27, 2018 (Agenda Item No. 11.2). The total payment for the contract was \$3,056,401. The cost of

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

the additional street paving was included in the total payment to Mamco, Inc. dba Alabbasi for the contract.

Funding Summary:

Total Project Cost	\$3,056,401	
<u>Amendment No. 1</u>	<u>(\$35,592)</u>	<u>Additional Street Paving - City Reimbursement</u>
Total District Cost	\$3,020,809	

**ATTACHMENTS:**

1. Vicinity Map
2. Amendment No. 1 to Cooperative Agreement

RKM:blm  
P8/221599



Jason Farin, Senior Management Analyst 7/24/2018



Gregory H. Priapos, Director County Counsel 7/18/2018

AMENDMENT NO. 1 TO  
COOPERATIVE AGREEMENT  
 Banning Master Drainage Plan Line D-2, Stages 1 and 2 and  
 Banning Master Drainage Plan Lateral D-2A, Stage 1  
 Project Nos. 5-0-00169 and 5-0-00172

The Riverside County Flood Control and Water Conservation District, a body politic ("DISTRICT"), and the City of Banning, a municipal corporation of the State of California ("CITY"), hereby enter into this Amendment No. 1 to Cooperative Agreement ("Amendment") and agree as follows:

RECITALS

A. On September 1, 2015 (DISTRICT's Board Agenda Item No. 11-5), DISTRICT and CITY entered into a certain Cooperative Agreement, hereinafter called "AGREEMENT", which set forth the terms and conditions whereby DISTRICT would design and construct the Banning Master Drainage Plan Line D-2, Stages 1 and 2 and Banning Master Drainage Plan Lateral D-2A project, altogether hereinafter called "PROJECT", in order to provide necessary flood control and drainage to the adjacent area; and

B. During PROJECT construction, DISTRICT and CITY determined that certain portions of Hargrave Street within PROJECT's boundary were in need of repairs. These repairs included surface asphalt, sidewalk, and concrete curb and gutter along Hargrave Street within CITY streets rights of way ("STREET BETTERMENTS"), which were constructed as part of PROJECT construction. DISTRICT agreed to include STREET BETTERMENTS as part of its public works construction contract and CITY is willing to reimburse DISTRICT for the costs associated with STREET BETTERMENTS; and

NOW, therefore, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties hereto mutually agree to amend AGREEMENT as follows, effective upon approval of this Amendment by DISTRICT'S Board of Supervisors:

1. Paragraph I in RECITALS of AGREEMENT is added to read:  
"During PROJECT construction, DISTRICT and CITY determined that certain portions of Hargrave Street within PROJECT boundary were in need of repairs. These repairs included surface asphalt, sidewalk, and concrete curb and gutter along Hargrave Street within CITY streets rights of way ("STREET BETTERMENTS"), as shown in concept in purple on Exhibit "B" attached hereto and made a part hereof; and"
2. Paragraph J in the RECITALS of AGREEMENT is added to read:  
"DISTRICT included STREET BETTERMENTS as part of its public works construction contract; and"
3. Paragraph K in the RECITALS of AGREEMENT is added to read:  
"CITY is willing to reimburse DISTRICT for all construction costs related to STREET BETTERMENTS, including street paving contract change orders. CITY's contribution for STREET BETTERMENTS shall not exceed a total of thirty-five thousand five hundred ninety-two dollars (\$35,592); and"
4. Section I.15 is added to read:  
"Keep an accurate accounting of all STREET BETTERMENTS construction costs and include the final accounting when invoicing CITY."
5. Section I.16 is added to read:  
"Within thirty (30) days of final execution of this Amendment by both parties, submit an invoice to CITY in an amount equal to one hundred percent (100%) of the actual construction costs related to STREET BETTERMENTS, including street paving contract change orders. Invoice shall not exceed a total of thirty-five thousand five hundred ninety-two dollars (\$35,592)."



6. Section II.10. is added to read:

"Pay DISTRICT, within thirty (30) days after receipt of DISTRICT's appropriate invoice, for the actual construction costs related to STREET BETTERMENTS, including street paving contract change orders, as set forth in Section I.16. CITY's payment for STREET BETTERMENTS shall not exceed a total of thirty-five thousand five hundred ninety-two dollars (\$35,592)."

Except to the extent specifically deleted, added to or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on September 1, 2015 shall remain in full force and effect between the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

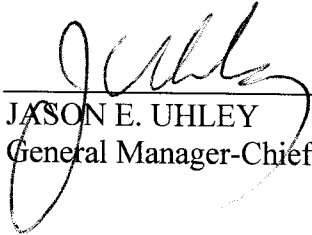
JUL 31 2018

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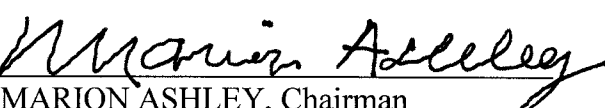
RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By

  
\_\_\_\_\_  
JASON E. UHLEY  
General Manager-Chief Engineer

By

  
\_\_\_\_\_  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water  
Conservation District Board of Supervisors


APPROVED AS TO FORM:

ATTEST:

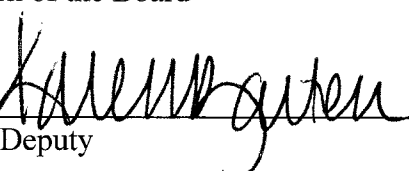
GREGORY P. PRIAMOS  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By

  
\_\_\_\_\_  
KRISTINE BELL-VALDEZ  
Supervising Deputy County Counsel

By

  
\_\_\_\_\_  
Deputy

(SEAL)

Amendment No. 1 to Cooperative Agreement:  
Banning MDP Line D-2, Stage 1 and 2; Lateral D-2A, Stage 1  
Project Nos. 5-0-00169 and 5-0-00172  
05/10/18  
RKM:blm



**CITY OF BANNING**

By

  
\_\_\_\_\_  
GEORGE MOYER

Mayor

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
KEVIN G. ENNIS

City Attorney

ATTEST:

By

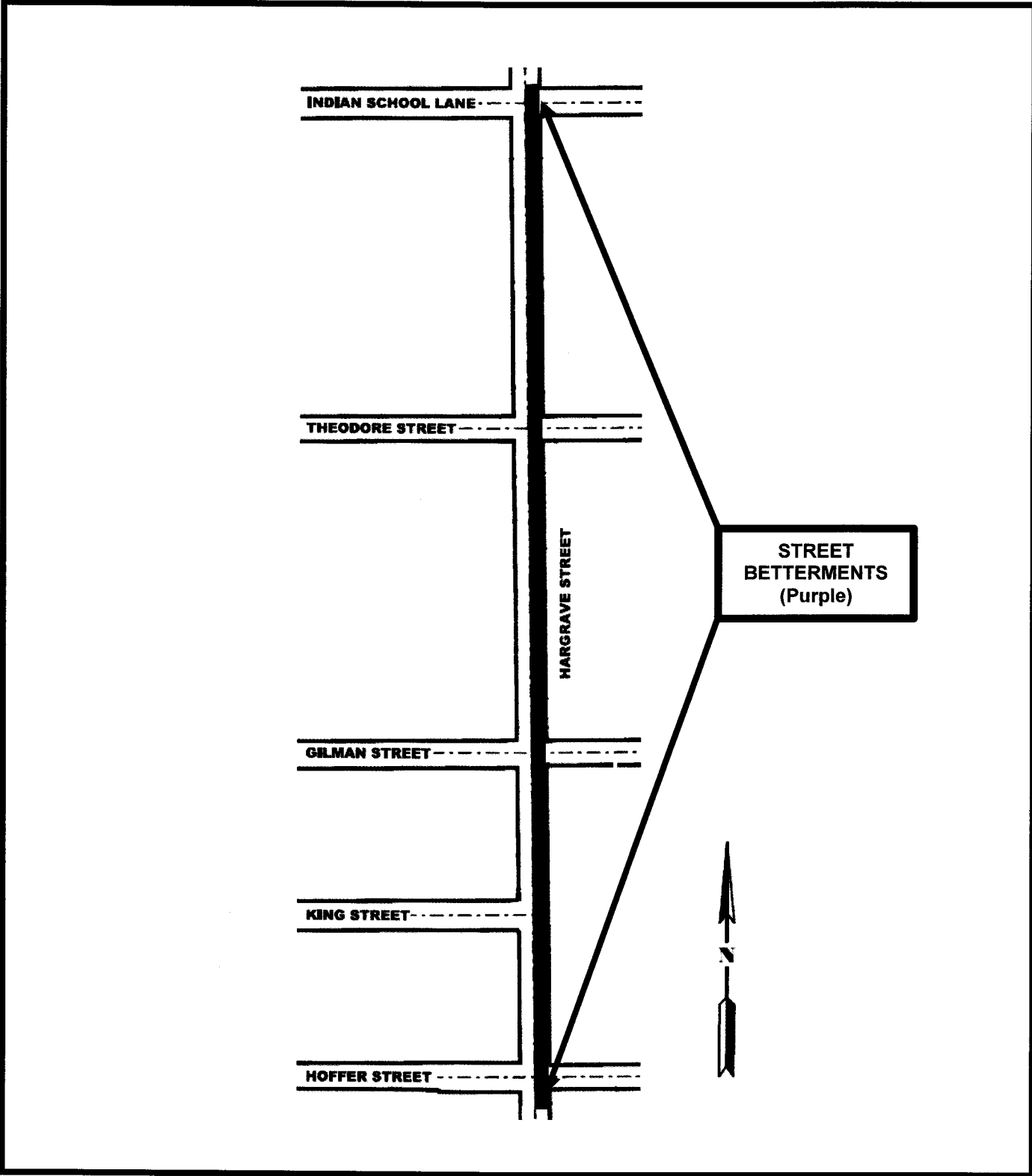
  
\_\_\_\_\_  
SONJA DE LA FUENTE

Deputy City Clerk

(SEAL)

Amendment No. 1 to Cooperative Agreement:  
Banning MDP Line D-2, Stage 1 and 2; Lateral D-2A, Stage 1  
Project Nos. 5-0-00169 and 5-0-00172  
05/10/18  
RKM:blm

**Exhibit B**



**COOPERATIVE AGREEMENT**  
Banning Master Drainage Plan Line D-2, Stages 1 and 2 and  
Banning Master Drainage Plan Lateral D-2A, Stage 1  
Project Nos. 5-0-00169 and 5-0-00172  
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