

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



ITEM: 3.29
(ID # 19254)

MEETING DATE:
Tuesday, June 21, 2022

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY-TRANSPORTATION:
Approval of Amendment Number Three to the Reimbursement Agreement Between the Coachella Valley Association of Governments (CVAG), City of Palm Desert, and the County of Riverside for the Portola Avenue Interchange at I-10 Project. District 4. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

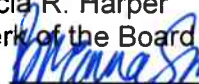
1. Approve Amendment Number Three to the Reimbursement Agreement Between Coachella Valley Association of Governments (CVAG), City of Palm Desert, and the County of Riverside for the Portola Avenue Interstate at I-10 Project; and authorize the Chairman of the Board to execute the same.

ACTION:Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 21, 2022
xc: Transp.

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A, there are no General Funds used for this project.			Budget Adjustment: No	
			For Fiscal Year: 21/22 - 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The City of Palm Desert (City) and the County of Riverside (County), in cooperation with the State of California Department of Transportation (Caltrans) and the Coachella Valley Association of Governments (CVAG), proposes to construct a new interchange on Interstate 10 (I-10) at Portola Avenue (Project). The Project includes construction of a new structure over I-10 and the Union Pacific Railroad (UPRR), construction of associated on and off-ramps, and the realignment of the adjacent frontage road, Varner Road. Auxiliary lanes in each direction on I-10 between the New Portola Avenue ramps and the adjacent interchanges at Cook Street and Monterey Avenue would also be constructed. The project is needed because the existing I-10/Monterey Avenue Interchange and I-10/Cook Street Interchange cannot accommodate existing and forecasted travel demand without additional I-10 access.

On February 28, 2008 the City and CVAG entered into an agreement entitled: "CVAG-City of Palm Desert Future (Fiscal Year 2012/2013) Reimbursement Agreement Portola Avenue/ Interstate 10 Interchange Design, Right-of-Way & Construction" (Agreement) to define the terms, conditions, roles, and funding responsibilities of each agency for preparation of the Project Approval/Environmental Document (PA/ED), Plans, Specifications, Estimate (PS&E), and Right-of-Way (R/W) acquisition phases of the Project.

On April 26, 2016, the Board of Supervisors approved Amendment Number One (Agenda Item: 3-28) to the Agreement which named the County as the Lead Agency for development of the Project and provided that CVAG and the City would be responsible to fund 100% of the Project. On the same date and same agenda item, the cooperative agreement between County and Caltrans was approved. This agreement outlined the terms and conditions of each agency for preparation of the PA/ED, PS&E, and R/W acquisition phases of the Project. The roles and responsibilities for each agency during Construction would be defined in a future agreement.

On February 11, 2020, due to challenges associated with acquiring the necessary R/W from Union Pacific Railroad, the County requested that CVAG allow for a three-year time extension for construction to begin because of the additional time needed to secure the right of way. At their June 1, 2020 meeting, the CVAG Executive Committee approved a one-year time

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extension (through June 30, 2021) and removed all funding commitments for the construction phase of the project.

At its regular meeting on June 25, 2020, the City of Palm Desert approved Amendment Number Two to the Agreement which was approved by the Board of Supervisors on December 8, 2020 (Agenda Item: 3-30). Amendment Number Two provided the County with a time extension to complete the design of the interchange project (PS&E).

Now, Amendment Number Three to the Agreement effectively “shelves” the project while establishing the following:

1. County shall complete the PS&E for the Project, obtain Caltrans and Federal Highway Administration (FHWA) approval, then place Project in suspension until funding for R/W, utilities and construction is obtained; and
2. CVAG shall fund, per the Agreement, the regional share cost for the County to complete the PS&E and obtain Caltrans and FHWA approval, total cost of which is currently estimated to be \$325,000; and
3. County, CVAG and City will further amend the Agreement once funding for R/W, utilities, or construction is obtained to proceed to the next phase of work; and
4. The “Time Trigger” established in Amendment Number One requiring that construction of the Project begin within five years of Amendment Number One and extended by Amendment Number Two shall be removed.

The City of Indio approved Amendment Number Three at their regular City Council meeting on May 26, 2022. CVAG anticipates executing Amendment Number Three at their Executive Committee Meeting on June 27, 2022.

Impact on Residents and Businesses

Shelving the proposed Portola Avenue Interchange Project will delay providing improved access to I-10 and the needed congestion relief for the Monterey Avenue and Cook Street interchanges. The County, City, and CVAG are actively working to identify funding for R/W acquisition and construction to complete the project.

Additional Fiscal Information

No County Transportation or General Funds will be used for this project.
County Project No. C3-0054

ATTACHMENT

Portola Vicinity Map
Portola Amendment No. 3

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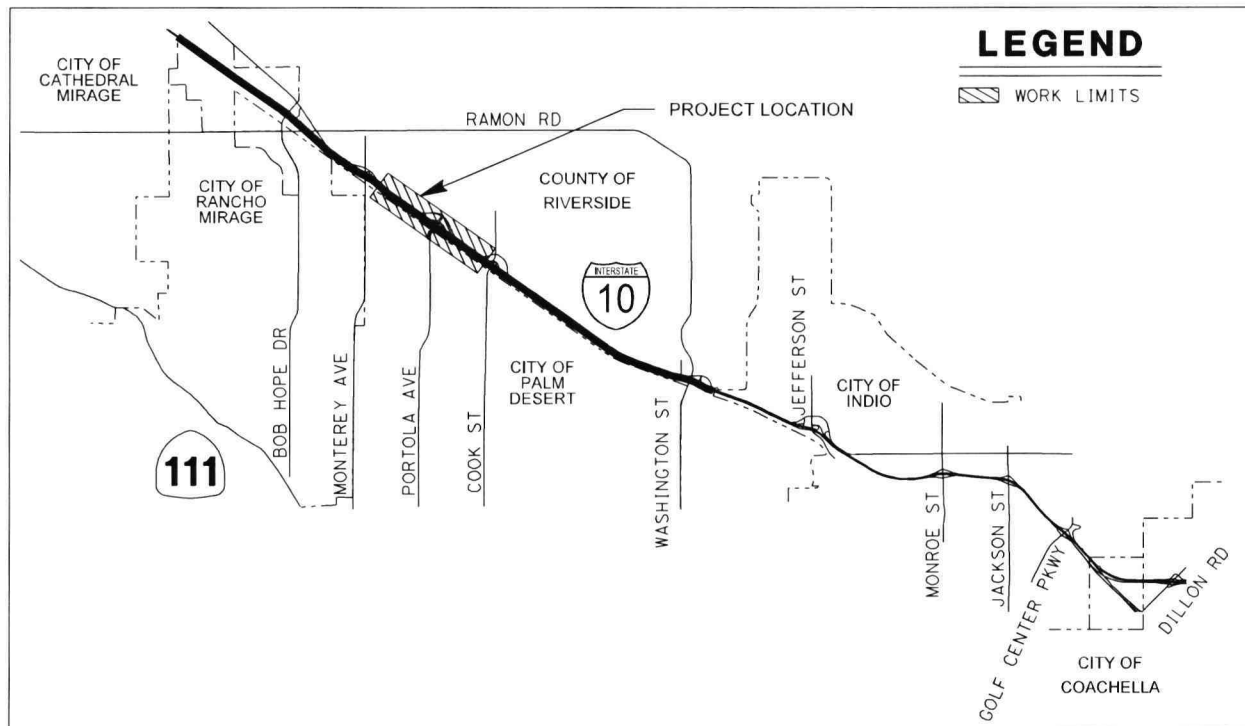
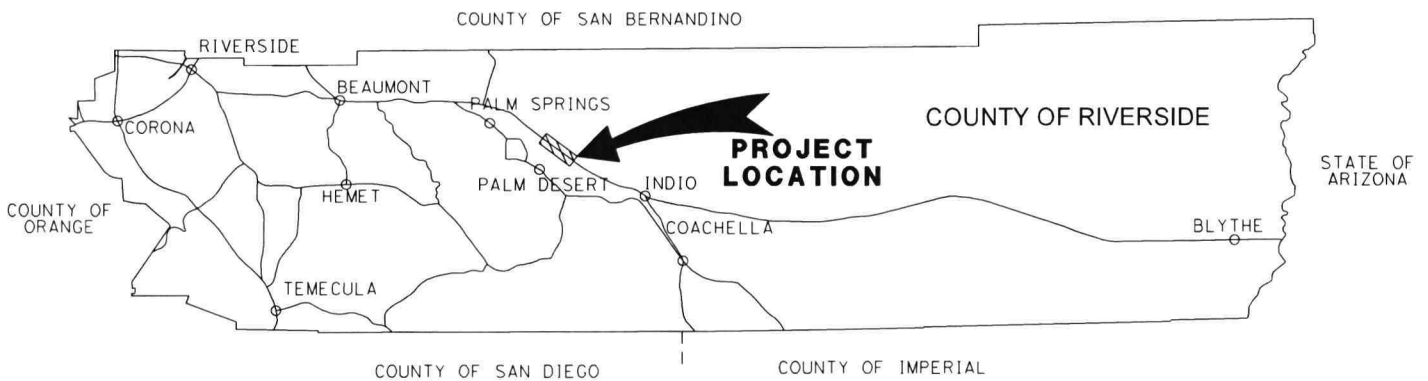
Jason Farin, Principal Management Analyst 6/14/2022



Cynthia M. Gurzel, Chief Deputy County Counsel 6/9/2022

COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT

PORTOLA AVENUE/I-10 INTERCHANGE PROJECT BETWEEN MONTEREY AVENUE AND COOK STREET IN THE CITY OF PALM DESERT PROJECT No. 080000112



VICINITY MAP

CLERK'S COPY

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

Contract No. C27330B

**AMENDMENT NUMBER THREE
TO THE
REIMBURSEMENT AGREEMENT BETWEEN CVAG, CITY OF PALM DESERT AND THE
COUNTY OF RIVERSIDE
FOR THE
PORTOLA AVENUE INTERCHANGE AT 1-10 PROJECT**

This **AMENDMENT NUMBER THREE** is made and entered into this 21 day of June, 2022, by and between the **Coachella Valley Association of Governments**, a California joint powers agency, ("**CVAG**"), the **City of Palm Desert** ("**City**") and the **County of Riverside** ("**County**") and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain the same as stated in the original Agreement entitled: "CVAG-City of Palm Desert Future (Fiscal Year 2012/2013) Reimbursement Agreement Portola Avenue/ Interstate 10 Interchange Design, Right-of-Way & Construction" ("**Agreement**") approved on February 28, 2008 for the Portola Avenue Interchange at 1-10 Project ("**Project**") and as previously amended with Amendment Number One dated June 29, 2015 and Amendment Number Two dated June 29, 2020.

This Amendment Number Three shall establish the following:

1. County shall complete the Plans, Specifications and Estimate (PS&E) for the Project, obtain Caltrans and Federal Highway Administration (FHWA) approval, then place Project in suspension until funding for right-of-way, utilities and construction is obtained; and
2. CVAG shall fund per the Agreement the regional share of the cost for the County to complete the PS&E and obtain Caltrans and FHWA approval, total cost of which is currently estimated to be \$325,000; and
3. County, CVAG and City will further amend the Agreement once funding for right-of-way, utilities, or construction is obtained to proceed to the next phase of work; and
4. The "Time Trigger" established in Amendment Number One requiring that construction of the Project begin within five years of Amendment Number One and extended by Amendment Number Two shall be removed.

ELECTRONIC SIGNATURES AND COUNTERPARTS. This Amendment Number Three may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each party to this Amendment Number Three agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("**CUETA**") Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Amendment Number Three. The parties further agree that the electronic signatures of the parties included in this Amendment Number Three are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Number Three to be executed by their duly authorized representatives on this date:

ATTEST

By: Zuly Martinez
Deputy Clerk of the Board of Supervisors

COUNTY OF RIVERSIDE

By: Jeff Hewitt
Chairman of the Board of Supervisors

ATTEST

By: _____
L. Todd Hileman
City Manager

CITY OF PALM DESERT

By: _____
Jan C. Harnik
Mayor

ATTEST

By: _____
Tom Kirk
Executive Director

CVAG

By: _____
Christy Gilbert Holstege, Esq.
CVAG Chair

FORM APPROVED COUNTY COUNSEL
BY: DANIELLE D. ALAND