



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council                      **Date:** August 27, 2013

**From:** Brad Miller, Town Engineer                              **Item No:** 6  
Engineering Department

**Subject:** AMENDMENT NO. 2 TO AGREEMENT 11-238 WITH SAN BERNARDINO  
COUNTY PUBLIC WORKS DEPARTMENT TO INCLUDE ADDITIONAL  
TASKS RELATING TO FINAL DESIGN AND RIGHT-OF-WAY ACQUISITION  
FOR THE YUCCA LOMA BRIDGE AND YATES ROAD

**T.M. Approval:** \_\_\_\_\_                                      **Budgeted Item:**  Yes    No    N/A

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### RECOMMENDED ACTION:

That the Town Council approve Amendment No. 2 to existing Agreement 11-238 with San Bernardino County.

### SUMMARY:

On April 26, 2011, the Apple Valley Town Council approved an Agreement with the San Bernardino County Department of Public Works setting forth the responsibilities and obligations of the Town and the County regarding the final design, right-of-way engineering, appraisal, right-of-way acquisition services, right-of-way costs, and construction support services associated with the Yucca Loma Bridge/ Yates Road Project. Several California State owned parcels are affected by the project and require a 6(f) Parkland Conversion process in order to proceed with right-of-way acquisition. This item will amend the Agreement to formally adjust the original Agreement tasks and cost share responsibilities to include work necessitated by the Parkland Conversion process.

### FISCAL IMPACT:

The Town is lead agency for this work, and funding is included in the Yucca Loma Bridge Project budget. The Town will be reimbursed for a share of this work by San Bernardino County Public Works Department as defined in the Agreement Amendment.

### ATTACHMENTS:

Amendment No. 2, San Bernardino County Agreement 11-238 A-2.



County of San Bernardino  
**F A S**  
**STANDARD CONTRACT**  
**SECOND AMENDMENT**

**FOR COUNTY USE ONLY**

<input type="checkbox"/> New	FAS Vendor Code		<b>SC</b>	Dept. TRA	<b>A</b>	Contract Number			
<input checked="" type="checkbox"/> Change						11-238 A-2			
<input type="checkbox"/> Cancel									
ePro Vendor Number					ePro Contract Number				
County Department				Dept.	Orgn.	Contractor's License No.			
Public Works - Transportation				TRA	TRA				
County Department Contract Representative					Telephone		Total Contract Amount		
Eric Jacobsen, Supervising Trans Analyst					(909)387-8166		\$554,000		
Contract Type									
<input type="checkbox"/> Revenue		<input checked="" type="checkbox"/> Encumbered		<input type="checkbox"/> Unencumbered		<input type="checkbox"/> Other:			
If not encumbered or revenue contract type, provide reason:									
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount				
				\$415,000	\$139,000				
Fund SAA	Dept. TRA	Organization TRA	Appr. 200	Obj/Rev Source 14H14218	GRC/PROJ/JOB No	Amount			
						\$			
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount			
						\$			
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount			
						\$			
Project Name				Estimated Payment Total by Fiscal Year					
Yucca Loma Rd /				FY	Amount	I/D	FY	Amount	I/D
Yates Rd / Green Tree Rd				12/13	139,000	I			
Roadway Improvement									

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, hereinafter called the County, and

Name  
 Town of Apple Valley  
 Address  
 14955 Dale Evans Parkway  
 Apple Valley, CA 92307  
 Telephone (760) 240 - 7000  
 Federal ID No. or Social Security No.

hereinafter called APPLE VALLEY

**IT IS HEREBY AGREED AS FOLLOWS:**

**AMENDMENT NO. 2**

WHEREAS, the County of San Bernardino (hereinafter referred to as "COUNTY"), the Town of Apple Valley (hereinafter referred to as "APPLE VALLEY") and the City of Victorville (hereinafter referred to as "VICTORVILLE") (collectively referred to as "the Parties") have previously entered into an Agreement, County Contract No. 07-1076 that included: 1) preparation of preliminary engineering and environmental documents for a proposed four lane road along Yucca Loma Road from Apple Valley Road to the Mojave River, proposed alignment of the Yucca Loma Bridge, Yates Road from the Mojave River to Ridgecrest Road, and from Ridgecrest Road along the proposed Green Tree alignment with a termini at the intersection of Green Tree Boulevard and Hesperia Road; 2) preparation of environmental documents from Ridgecrest Road and the proposed Green Tree alignment, along this proposed Green Tree alignment with a termini at the intersection of Green Tree Boulevard and Hesperia Road; 3) final (100%) design of a four lane road including the Yucca Loma

*Auditor-Controller/Treasurer Tax Collector Use Only*

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

Bridge from Kasanka Trail in Apple Valley to Fortuna Lane in the County territory (hereinafter referred to as “the PROJECT”); and

WHEREAS, COUNTY and APPLE VALLEY have entered into a separate agreement, County Contract No. 11-238 that included: 1) final (100%) design of the four lane road along Yates Road, from the west terminus of the Yucca Loma Bridge structure near Fortuna Lane to Ridgecrest Road, with intersection improvements, soundwalls and the restoration area; and 2) right-of-way services for the proposed four lane road along Yucca Loma Road from Apple Valley Road to the Mojave River, the Yucca Loma Bridge, and Yates Road from the Mojave River to Ridgecrest Road (hereinafter referred to as “SUB-PROJECT”); and

WHEREAS, COUNTY and APPLE VALLEY amended County Contract No. 11-238 on August 1, 2011 to designate the COUNTY as lead agency of the acquisition of right-of-way from the State of California (State); and

WHEREAS, approximately 30 acres of State owned parkland is located within the proposed PROJECT area and in order to obtain the easement rights necessary for the SUB-PROJECT, it was determined that a conversion of use process (“Land Conversion”) with the National Park Service (NPS) must be completed and approved; and

WHEREAS, the Land Conversion process is required because federal funds were originally used to acquire the parkland. The Land Conversion process involves coordination with the State Wildlife Conservation Board (WCB), the State Office of Grants and Local Services (OGLS) and the NPS. The Land Conversion process also requires revalidation of environmental documents; and

WHEREAS, the land proposed to be converted from parkland, and the replacement parkland, would need to be surveyed and analyzed for any potential new impacts under the National Environmental Policy Act (NEPA) as well as the California Environmental Quality Act (CEQA) caused by the parkland conversion; and

WHEREAS, the results of the environmental review will be presented in a new document for the NPS (as NEPA lead agency for the Land Conversion) and these new studies and documents will be reviewed and processed through the WCB and the OGLS as the grantee and administrator, respectively, for the federal funds used to originally buy the parkland; and

WHEREAS, the new parkland review will also require a revalidation of the Finding of No Significant Impact issued by Federal Highway Administration (FHWA) as lead agency for NEPA for the entire PROJECT; and

WHEREAS, these additional services are required for the purpose of acquiring easement rights and fee takes of State owned properties that are located within the jurisdictions of the COUNTY and APPLE VALLEY; and for the consultant to combine the SUB-PROJECT construction documents for Yates Road from the west terminus of the Yucca Loma Bridge structure near Fortuna Lane to Park Road and the Yucca Loma Bridge so that they may be constructed concurrently.

WHEREAS, the total estimated cost for the additional services is \$194,000; and

WHEREAS, COUNTY and APPLE VALLEY desire to combine the construction of the Yucca Loma Bridge and the Yates Road Improvement projects; and

WHEREAS, the additional final design cost to combine the projects is \$37,000, COUNTY and APPLE VALLEY share of cost will be based on actual services performed within each party’s jurisdiction (see Revised Exhibit “B” “Amendment No. 2” section); and

WHEREAS, COUNTY and APPLE VALLEY now desire to amend the Agreement to include additional design services, and right-of-way services necessary to obtain approval of the Land Conversion proposal for State parkland affected by the proposed PROJECT and to revalidate the previous CEQA and NEPA determination made in the Mitigated Negative Declaration and Finding of No Significant Impact.

NOW, THEREFORE, in consideration of mutual covenants and conditions provided herein, the Parties hereto agree the Agreement, County Contract No. 11-238, is amended as follows:

1. DELETE Paragraph 1.6 and REPLACE it with a revised Paragraph 1.6, which shall read as follows:
  - 1.6 Pay its share of the SUB-PROJECT's final design cost, which is estimated to be \$512,000 (see Revised Exhibit "B").
2. DELETE Paragraph 1.7 and REPLACE it with a revised Paragraph 1.7, which shall read as follows:
  - 1.7 Pay its share of the SUB-PROJECT's right-of-way engineering/appraisal/acquisition services costs, which shall not exceed \$218,000 (see Revised Exhibit "B"), including the portion of right-of-way in the unincorporated region of the County that will be maintained by APPLE VALLEY as an APPLE VALLEY street.
3. ADD Paragraph 1.15, which shall read as follows:
  - 1.15 Pay its share of the SUB-PROJECT's right-of-way environmental documents costs resulting from the Land Conversion of State parkland, costs shall not exceed \$16,000 (see Revised Exhibit "B").
4. DELETE Paragraph 2.1 and REPLACE it with a revised Paragraph 2.1, which shall read as follows:
  - 2.1 Pay its share of the SUB-PROJECT's final design cost for the design of Yates Road from west of the terminus of the bridge structure to Ridgecrest Road, which shall not exceed \$363,000 (see Revised Exhibit "B").
5. DELETE Paragraph 2.2 and REPLACE it with a revised Paragraph 2.2, which shall read as follows:
  - 2.2 Pay its share of the SUB-PROJECT's right-of-way engineering/appraisal/acquisition services costs of Yates Road from west of the terminus of the bridge structure to Ridgecrest Road, which shall not exceed \$126,000 (see Revised Exhibit "B").
6. ADD Paragraph 2.9, which shall read as follows:
  - 2.9 Pay its share of the SUB-PROJECT's right-of-way environmental documents costs resulting from Land Conversion of State parkland, costs shall not exceed \$65,000 (see Revised Exhibit "B").
7. REPLACE Exhibit "B" with "Revised Exhibit 'B'", which is attached and is incorporated herein by this reference, and replace all references to Exhibit "B" with "Revised Exhibit 'B'" throughout County Contract No. 11-238.
8. Except as amended by Amendment No. 1 and this Amendment, all other provisions of the Agreement, County Contract No. 11-238, shall remain the same and are hereby incorporated herein by reference.
9. The recitals of this Amendment are incorporated into the Agreement by reference.
10. This Amendment No. 2 to the Agreement, County Contract No. 11-238, is effective on the date it is approved and signed by both Parties.
11. This Amendment No. 2 may be signed in counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, the Parties to these presents have hereunto set their hands.

COUNTY OF SAN BERNARDINO

\_\_\_\_\_  
(Print or type name of corporation, company, contractor, etc.)

▶ \_\_\_\_\_  
Janice Rutherford, Chair, Board of Supervisors

By ▶ \_\_\_\_\_  
(Authorized signature - sign in blue ink)

Dated: \_\_\_\_\_

Name \_\_\_\_\_  
(Print or type name of person signing contract)

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Laura H. Welch  
Clerk of the Board of Supervisors  
of the County of San Bernardino

Title \_\_\_\_\_  
(Print or Type)

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Deputy

Address \_\_\_\_\_  
\_\_\_\_\_

Approved as to Legal Form

Reviewed by Contract Compliance

Presented to BOS for Signature

▶ \_\_\_\_\_  
County Counsel

▶ \_\_\_\_\_

▶ \_\_\_\_\_  
Department Head

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**REVISED EXHIBIT B**  
**ESTIMATE OF SUB-PROJECT COSTS**

**FOR COUNTY OF SAN BERNARDINO/TOWN OF APPLE VALLEY**  
**FOR YUCCA LOMA ROAD/YATES ROAD**

**IN THE APPLE VALLEY AREA**



<b>AGREEMENT 11-238</b>			
DESCRIPTION	TOTAL COST	COUNTY SHARE	APPLE VALLEY SHARE
Final Design	\$838,000	\$326,000	\$512,000
Right-of-Way Engineering/Appraisal / Acquisition Services	\$268,000	\$89,000	\$179,000
Right-of-Way Capital Costs*	\$442,000	\$280,000	\$162,000
<b>Sub-Total</b>	<b>\$1,548,000</b>	<b>\$695,000</b>	<b>\$853,000</b>
<b>AMENDMENT 2</b>			
DESCRIPTION (Additional Cost)	TOTAL COST	COUNTY SHARE	APPLE VALLEY SHARE
<i>Final Design</i>	\$37,000	\$37,000	\$0
<i>Parkland Conversion</i>			
Right-of-Way Environmental	\$81,000	\$65,000	\$16,000
Right-of-Way Engineering/Appraisal/Acquisition Services	\$76,000	\$37,000	\$39,000
Total Parkland Conversion	\$157,000	\$102,000	\$55,000
<b>Sub-Total</b>	<b>\$194,000</b>	<b>\$139,000</b>	<b>\$55,000</b>
<b>TOTAL AMENDED COSTS</b>			
DESCRIPTION	TOTAL COST	COUNTY SHARE	APPLE VALLEY SHARE
Final Design	\$875,000	\$363,000	\$512,000
Right-of-Way Environmental	\$81,000	\$65,000	\$16,000
Right-of-Way Engineering/Appraisal / Acquisition Services	\$344,000	\$126,000	\$218,000
Right-of-Way Capital Costs**	\$442,000	\$280,000	\$162,000
<b>TOTAL</b>	<b>\$1,742,000</b>	<b>\$834,000</b>	<b>\$908,000</b>

\*County's share of right-of-way capital costs (\$280,000) will be paid by Apple Valley in accordance with paragraph 1.9 of the Agreement.