



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: January 11, 2011

Public Hearing Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>			

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Operation and Maintenance Agreement with the City of Tulare for Cartmill Avenue at the Union Pacific Railroad Tracks

REQUEST(S):

That the Board of Supervisors:

1. Approve an Operation and Maintenance Agreement with the city of Tulare for a portion of Avenue 248 (Cartmill Avenue) between "J" Street and Road 94 (Sacramento Street) northeast of the city of Tulare; and
2. Authorize the Chairman to execute the Operation and Maintenance Agreement with the city of Tulare on behalf of the county of Tulare.

SUMMARY:

The city of Tulare has obtained a state of California Proposition 1B Highway Railroad Crossing Safety Account (HRCSA) program grant to construct a grade separation project on Avenue 248 (Cartmill Avenue) over the Union Pacific Railroad tracks. The west side of the grade separation project lies within the county of Tulare. As such, the city of Tulare will be constructing a portion of the project within County jurisdiction.

Staff is recommending that the County enter into an operation and maintenance agreement with the city of Tulare for the segment of Avenue 248 (Cartmill Avenue) between "J" Street and Road 94 (Sacramento Street). The County has used this type of agreement effectively in the past with the cities of Dinuba, Lindsay, Porterville, Tulare and Visalia.

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In general the operation and maintenance agreement allows for the following:

- The County is removed from any oversight on the project: The County would not review the plans, would not issue an encroachment permit for the project, and would not inspect the construction activities; and
- The County would not be responsible for the future maintenance of the roadway improvements once completed.

The Agreement becomes effective when the City awards a contract for the construction of the grade separation project and does not terminate until the right of way is annexed by the city of Tulare. The indemnification provisions of the agreement continue beyond the term of the agreement.

FISCAL IMPACT/FINANCING:

There is no net cost to the County General Fund. This project is funded by the city of Tulare utilizing funding from state of California Proposition 1B Highway Railroad Crossing Safety Account (HRCSA) funding, Measure R, and city of Tulare transportation impact fees.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Strategic Initiatives 1, Safety and Security, and 2 Economic Well Being, are supported by this agreement and the construction grade separation over the Union Pacific Railroad tracks. The project will improve the safety and security for the motorist and promote economic well being in the city of Tulare and the county of Tulare.

ALTERNATIVES:

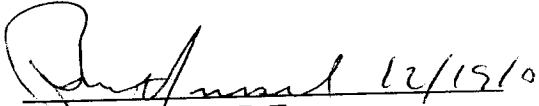
Do not execute the agreements. If this alternative is chosen, the city of Tulare will not be able to deliver this project without the County's assistance in providing inspection and construction oversight within that portion of the project constructed in County right of way. The County's inspection staff is presently involved in other County sponsored projects: Road 80 widening phase 1A, Betty Drive/Avenue 312 widening and reconstruction phases 2A and 2B (includes the grade separation on Betty Drive over the Union Pacific Railroad tracks), and Road 108.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The city of Tulare is party to the agreement. The Tulare City Council approved the agreement at their December 7, 2010 City Council meeting. County Counsel reviewed and approved the agreement as to form.

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ADMINISTRATIVE SIGN-OFF:


Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

BF:

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Location Map
Agreement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF OPERATION AND MAINTENANCE AGREEMENT WITH THE CITY OF TULARE FOR CARTMILL AVENUE AT THE UNION PACIFIC RAILROAD TRACKS))))))	RESOLUTION NO. _____ AGREEMENT NO. _____
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UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 11, 2011,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

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1. Approved an Operation and Maintenance Agreement with the city of Tulare for a portion of Avenue 248 (Cartmill Avenue) between "J" Street and Road 94 (Sacramento Street) northeast of the city of Tulare; and
2. Authorized the Chairman to execute the Operation and Maintenance Agreement with the city of Tulare on behalf of the county of Tulare.

**Maintenance Agreement with City of Tulare
for Avenue 248(Cartmill Ave) Between
"J" Street and Road 94 (Sacramento St).**

