



City of Palo Alto

City Council Staff Report

(ID # 11135)

Report Type: Consent Calendar

Meeting Date: 6/22/2020

Summary Title: Charleston/Arastradero Corridor Project Caltrans Maintenance Agreement Resolution

Title: Adoption of a Resolution to Approve Amendment Number 2 to the Agreement for Maintenance of State Highways in the City of Palo Alto With the State of California for Capital Improvement Program Project Charleston/Arastradero Corridor Project, PE-13011, and Authorization of the City Manager or Designee to Execute the Amendment

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council adopt the attached resolution (Attachment A) approving Amendment No. 2 to the Agreement for Maintenance of State Highways in the City of Palo Alto with the State of California, to assign maintenance responsibilities to the City for certain non-State standard improvements installed by the City at intersections along State Highways in Palo Alto pursuant to past and future encroachment permits issued by the State; and authorize the City Manager or his designee to sign Amendment No. 2 to the Agreement for Maintenance of State Highways in the City of Palo Alto (Attachment B).

Background

The Maintenance Agreement with the State was executed and made effective on July 1, 2007, providing a Delegation of Maintenance to the City, as further detailed in Exhibit A of the attached Maintenance Agreement, covering all routine maintenance for work on State Highways, existing features such as sidewalks, lighting, landscaping, and structural maintenance of bridges and overpasses that lie within Palo Alto City limits. Amendment No. 1 to the Maintenance Agreement, which was approved by Council on December 6, 2010 ([CMR: 430:10](#)), added that the City would maintain the non-State standard improvements (Decorative Signal Poles and Asphalt Concrete Colored Coating for the crosswalk) that the City installed in 2011 as part of the El Camino Real/Stanford Avenue Streetscape Project under an encroachment permit issued by the State. Such maintenance includes repair, repainting, and replacement of all non-State standard signal pole features by the City when needed. To date, no maintenance or repair has been needed for these added features.

The State currently operates and maintains all the traffic signals and safety lighting along El Camino Real. If the City elects to place decorative poles, the City would be responsible for only the physical elements such as painting and graffiti removal.

Discussion

Amendment No. 2 to the Maintenance Agreement allows the City to avoid entering into a Maintenance Agreement each time the City plans to do a project that takes place along El Camino Real. The City would still be required to obtain an Encroachment Permit from the State for any work that takes place on the State right-of-way, which would include review and approval of any non-State standard improvements contemplated under this Amendment No. 2.

Amendment No. 2 provides for the City to maintain all non-state standard items installed by the City under future Encroachment Permits issued by the State, and at intersections along El Camino Real (State Route 82) in the City of Palo Alto. Maintenance shall include, but not be limited to, repairing, painting and replacement, when needed, of: all non-State standard items, including but not limited to, decorative signal poles; decorative push button posts; decorative lighting; decorative pavement crosswalks; and green/enhanced bike lane markings that are placed for the benefit of pedestrians and bicyclists. Phase 3 of the Charleston/Arastradero Corridor Project will be installing decorative signal poles, decorative pavement crosswalks, enhanced bike lane markings that will cross El Camino Real, and new landscaping at the northeast and southeast corners of the intersection.

Policy Implications

This recommendation does not represent any changes to existing City policies.

Resource Impact

This Amendment does not increase or add any additional budget to the City's ongoing and future operating budget. All future City Capital Improvement Program (CIP) projects will go through the required City review and Council approval process. Each individual project would consider any additional budget required for maintenance costs of additional improvements proposed as part of the CIP project.

Stakeholder Engagement

For the Charleston-Arastradero Corridor Project (CIP# PE-13011), several community outreach meetings were held during the design process which included the discussion of the proposed plans for the El Camino Real and Arastradero Road intersection. The responses from these meetings were supportive of the proposed changes.

Environmental Review

This Amendment is not a project under the California Environmental Quality Act (CEQA). It is an administrative action to assign maintenance responsibilities in the future. The installation of any improvements that may be subject to this assignment of responsibilities will be reviewed

under CEQA prior to approval of such installation.

Attachments:

- Attachment A: Resolution
- Attachment B: Amendment 2 of Agreement

Resolution No. _____

Resolution of the Council of the City of Palo Alto Approving
Amendment No. 2 to the Agreement Between the City of Palo Alto
and the State of California for Maintenance of State Highways in the
City of Palo Alto to Add Maintenance Provisions for City-Installed
Improvements at Intersections Along State Highway Route 82 Under
Encroachment Permits Issued by the State

RECITALS

A. An Agreement for Maintenance of State Highways in the City of Palo Alto, as provided for in Section 130 of the Streets and Highways Code, was executed by and between the City of Palo Alto and the State of California and made effective on July 1, 2007 (“Agreement”).

B. Amendment No. 1 to the Agreement was executed and made effective on January 5, 2011, to address maintenance of improvements installed at the intersection of Stanford Avenue and State Highway Route 82.

C. The City Council is familiar with the Agreement, as amended, and with the rights and duties of the State of California Department of Transportation and the City of Palo Alto under that Agreement.

D. The parties wish to further amend the Agreement by adding Amendment No. 2 to address maintenance of improvements that the City may install in the future at intersections along State Highway Route 82 in Palo Alto pursuant to encroachment permits issued by the State.

E. Amendment No. 2 would become effective as of the date of full execution by the parties and would remain in effect until amended or terminated as provided in the Agreement.

NOW, THEREFORE, the Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The City Council resolves that Amendment No. 2 to the Agreement for Maintenance of the State Highways in the City of Palo Alto is hereby approved.

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Not Yet Approved

SECTION 2. The City Manager or his designee is hereby authorized and directed to execute the same for and on behalf of the City of Palo Alto, and the City Clerk is authorized and directed to attest his signature.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

**AMENDMENT NO. 2
TO
AGREEMENT FOR MAINTENANCE OF STATE HIGHWAYS
IN THE CITY OF PALO ALTO**

This Amendment No. 2 to the Agreement for Maintenance of State Highways in the City of Palo Alto is made and entered into this ____ day of _____, 2020, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE", and the City of Palo Alto, a California chartered municipal corporation, hereinafter referred to as "CITY". STATE and CITY are collectively referred to herein as the "PARTIES".

WITNESSETH:

WHEREAS, an Agreement for Maintenance of State Highways in the CITY OF PALO ALTO, as provided for in Section 130 of the Streets and Highways Code, was executed by the PARTIES and made effective on July 1, 2007 ("AGREEMENT"); and

WHEREAS, under the AGREEMENT, the CITY has maintenance responsibilities over certain improvements that the CITY installed at identified intersections under a specific encroachment permit or permits issued by the STATE; and

WHEREAS, the PARTIES amended the AGREEMENT by that certain Amendment No. 1 entered into and effective January 5, 2011, assigning maintenance responsibilities to the CITY for two additional improvement items installed at the intersection of Stanford Avenue and State Highway Route 82 under a subsequent encroachment permit issued by the STATE; and

WHEREAS, the PARTIES now desire to further amend the AGREEMENT to assign maintenance responsibilities to CITY for certain non-State standard improvements installed by the CITY at intersections along State Highways in Palo Alto pursuant to past and future encroachment permits issued by the STATE.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of the AGREEMENT, the PARTIES agree as follows:

1. Footnote number 9 on Page 7 of 12 of Exhibit "A", entitled "Delegation of Maintenance", to the AGREEMENT, as amended by Amendment No. 1, is hereby amended to read as set forth in footnote number 9 on the attached Page 7 of 12 of Exhibit "A", entitled "Delegation of Maintenance". The attached Page 7 of 12 of said Exhibit "A" is hereby incorporated herein in full by this reference.
2. Except as herein modified, all other provisions of the AGREEMENT, as amended by Amendment No. 1, including all exhibits, shall remain in full force and effect.

3. This Amendment No. 2 shall become effective on the date first written above and shall remain in full force and effect until amended or terminated as provided in Article XIII of the AGREEMENT.
4. The PARTIES are empowered by Streets and Highways Code Sections 114 and 130 to enter into this Amendment No. 2 and have delegated to the undersigned the authority to execute this Amendment No. 2 on behalf of the respective agencies and each covenants to have followed all the necessary legal requirements to validly execute this Amendment No. 2.

IN WITNESS WHEREOF, the PARTIES hereto have by their duly authorized representatives executed this Amendment on the day and year first above written.

CITY OF PALO ALTO

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
City Manager

TOKS OMISHAKIN
Director of Transportation

Attest:

By: _____
David Ambuehl
Deputy District Director
Maintenance District

By: _____
City Clerk

Approved as to Form:

By: _____
Assistant City Attorney

EXHIBIT "A"

Footnotes (continued):

6. CITY will regulate temporary street closures on El Camino Real (State Route 82) in accordance with Palo Alto Ordinance No. 2593 as approved by the Department of Public Works on July 21, 1971.
7. STATE shall maintain drainage structures and waterways, including storm drainage grates.
8. Hardscaping, installed by CITY under encroachment permit, in the median will be maintained by CITY, at CITY expense, Unplanted and paved medians will be maintained by STATE, at STATE expense.
- 9.* CITY will maintain all non-STATE standard items installed by the CITY, under various past Encroachment Permit (including No. 0410-NMC-1040 at Stanford Avenue and State Route 82); as well as any work done under any future Encroachment Permit issued by the STATE, at intersections along State Route 82 in the City of Palo Alto. Maintenance shall include, but not be limited to landscaped areas or other ornamental plantings; sidewalks, curbs and gutters; non-STATE standard materials; non-STATE standard equipment (including devices to assist Pedestrian Safety) or pavement markings (including bicycle markings) or pavement treatments, in and near crosswalks. STATE will continue to operate and maintain the signal and safety lighting at all intersections along State Route 82 in the City of Palo Alto.
(Exception: Installation of Regional Water Quality Control Board mandated items installed by the CITY under an Encroachment Permit, will require the City to obtain a new Maintenance Agreement covering this work prior to installation).

*Amended by Amendment No. 2