

DEPARTMENT: Public Works/Engineering

BY: Allen Toschi

PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Approve the Budget Action Form for the Midpines Park Proposition 40 Project No. 06-13, moving \$5,224 from the History Center Roof Project, fund 501-1300-770-0658, to Midpines Park Project, fund 573-1373-843-0604, and accepting unanticipated revenue of \$15,000 from Yosemite Area Regional Transportation System (YARTS) per Resolution 09-25, fund 573-1373-305-7419, and an offsetting increase into Midpines Park Project, fund 573-1373-843-0604.

YARTS has agreed to provide \$15,000 for the bus shelter portion of this project. The History Center project has been completed. The monies left in that project can be utilized for the Midpines Project to cover some engineering and permitting costs.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board tentatively approved specific projects with funding amounts on June 1, 2004, this project is one of those.

The Board approved the Plans and Specification, and Authorized the Public Works Director to award the Contract.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The project will not remain under budget at this time.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No (X) Partially Funded		
Amount in Budget: \$ 49,501		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Budget Action Form
Source:		2. Resolution 09-25
Internal Transfer		
Unanticipated Revenue	X 4/5's vote	
Transfer Between Funds	X 4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 10-541 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () Minute Order Attached () No Action Necessary

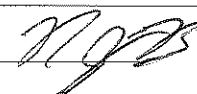
COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California

By: _____
 Deputy

CAO: 

DEPARTMENT: Administration

BY: Rick Benson

PHONE: 966-3222

ORIGINAL

RECOMMENDED ACTION AND JUSTIFICATION:

Approve an agreement with Yosemite Area Regional Transportation System (YARTS) to use the Midpines Park as a Park & Ride location. YARTS has been using the Midpines Park to pick up and drop off passengers since the inception of YARTS a number of years ago. This agreement will formalize the existing arrangement and also provide some liability protection to both parties as well as assist in providing possible improvements to the Midpines Park.

Both Planning and Public Works were given a copy of the proposed agreement. Planning suggested adding wording regarding the Scenic Highway Overlay (SHO) and Public Works expressed concern regarding increased traffic creating parking problems for people wishing to use the Park and hastening the deterioration of the pavement. Wording regarding the SHO has been included in the agreement. Because YARTS is currently using the Midpines Park, staff does not foresee nor know of any existing problems regarding parking and increased deterioration of the pavement. However, if the County does become aware of parking and/or pavement problems then these issues will be addressed and solutions coordinated with YARTS.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the Agreement. Continue to allow YARTS to use the Midpines Park informally as a Park & Ride location.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Agreement _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 09-25 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
Approved _____
Minute Order Attached () No Action Necessary

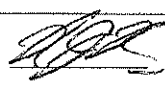
COUNTY ADMINISTRATIVE OFFICER:

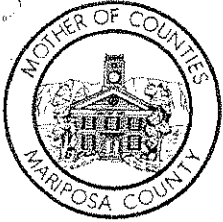
Requested Action Recommended
 No Opinion
Comments: _____

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: 



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) to use the Midpines Park as a Park & Ride Location

RESOLUTION 09-25

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 20, 2009

ACTION AND VOTE:

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) to use the Midpines Park as a Park & Ride Location

BOARD ACTION: Rick Benson provided input on the request.

Input from the public was provided by the following:

Dick Whittington, YARTS Transit Manager, advised that the agreement was approved on January 12th by the YARTS JPA Board.

Discussion was held. Dana Hertfelder, Public Works Director, responded to questions from Supervisor Bibby relative to the Department's concerns with impacts to the facilities and relative to the encroachment. Discussion was held with Dick Whittington relative to the previous consideration of locating the park and ride at the Post Office in Midpines; and relative to project funding. Supervisor Allen asked that Dick Whittington be scheduled to give an update to the Board on YARTS and possible corridor expansions. Rick Benson recommended that this report be scheduled on a future agenda. Supervisor Bibby asked the County Administrative Officer about reviewing the status of a former agreement, if one exists, with the landowner of the Post Office to see if anything further needs to be done if that location is not going to be used. Supervisor Turpin thanked Dick Whittington for his input and asked that he pursue information on any available funding to assist Public Works with projects for YARTS.

(M)Cann, (S)Allen, Res. 09-25 was adopted approving the agreement as recommended/Ayes: Unanimous.

Cc: Chris Ebie, Auditor
Dana Hertfelder, Public Works Director
Kris Schenk, Planning Director
File

AGREEMENT

This Agreement is entered into by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Yosemite Area Regional Transportation System, a Joint Powers Authority, hereinafter referred to as "AUTHORITY."

WITNESSETH

Whereas, County has contracted with Authority to provide public transit services from Mariposa County to and from Merced Junior College to Mariposa County; public transit commuter services to employees of Yosemite National Park and businesses near the Park; transit commuter services to Mariposa residents traveling to work centers in Merced County; maintain connectivity with Intercity transportation providers in Merced County (Amtrak, Greyhound, and Merced County "The Bus"); and to provide transit service options for visitors traveling to Mariposa County and Yosemite National Park; and

Whereas, Authority desires to use the County's Midpines Park as a Park and Ride location.

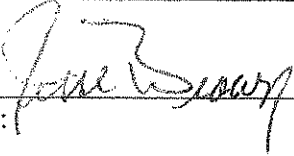
Now, therefore, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. This Agreement shall be for period of ten (10) years, commencing January 1, 2009, and terminating December 31, 2018.
2. There shall be no rent charged to Authority for the use of the Midpines Park as a Park and Ride location.
3. Authority will work in cooperation with County on seeking funding for improvements to the Midpines Park including making the restrooms useable year-round, new striping, signing, and additional paving if Midpines Park is enlarged.
4. Authority will install a bus stop shelter at a location agreed upon by both parties in the Midpines Park parking lot and County agrees to perform any necessary permitting and grading for said shelter. Any construction, expansion, and/or development activities associated with the Park and Ride operation shall conform to all applicable County standards and regulations including, but not limited to the Scenic Highway Overlay (SHO) development standards.
5. Authority agrees to accommodate County in its endeavors of possibly expanding the Midpines Park and/or relocating of the existing Midpines Fire Station by not impeding traffic or construction equipment, and during any construction, Authority shall continue to have the ability to turn buses around in the Midpines Park to exit at all times.
6. It is specifically agreed by and between the parties hereto that Authority is not an employee or agent of Mariposa County but is an independent contractor. As such Authority agrees to maintain liability insurance coverage sufficient to meet County's specifications, and provide County with a certificate of insurance.
7. Authority agrees to and shall hold County, its officers, agents, employees, and representatives harmless from and against any and all claims, demands,

losses, causes of action, or liability which may be based upon or arise of or in any way be connected with any claims by a third party that Authority has acted as the agent or representative of County relative to the Authority's operation of its transit system and in using the Midpines Park as a Park and Ride location. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

8. This Agreement shall be interpreted pursuant to the laws of the State of California.
9. In the event Authority fails to provide any of the services required herein and continues to fail to provide those services, after ten (10) days written notice County shall have the option of canceling this Agreement and to discontinue Authority's use of the Midpines Park as a Park and Ride location.
10. This Agreement may be terminated at any time by either party with a 30 (thirty) day notice in writing that the Agreement is terminated.

YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM

By: 


Date: 1-27-09

COUNTY OF MARIPOSA


Brad Aborn, Chairman
Board of Supervisors

Date: 2-3-09

Attest:


Margie Williams
Clerk of the Board

Approved as to Form:


Jeffrey G. Green
Interim County Counsel