



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli  
Jim Shannon

**SUBJECT:** SEE BELOW

**DATE:** May 14, 2021

Approved

Date

**5/14/2021**

**COUNCIL DISTRICT: 7**

**SUBJECT: APPROPRIATION ACTIONS AND FUNDING SOURCES  
RESOLUTION AMENDMENTS RELATED TO THE COYOTE  
CREEK TRAIL (SINGLETON ROAD INTERIM CROSSING)  
PROJECT**

## RECOMMENDATION

- (a) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7:
  - (1) Increase the estimate for Revenue from Local Agencies by \$1,000,000;
  - (2) Establish the TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing) appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,140,000; and
  - (3) Decrease the Unrestricted Ending Fund Balance by \$140,000.
  
- (b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Citywide:
  - (1) Establish the TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing) appropriation in the amount of \$270,000; and
  - (2) Decrease the Unrestricted Ending Fund Balance by \$270,000.

## **OUTCOME**

The recommended budget actions will ensure funding is available to allow the Singleton Road Interim Crossing project (Interim Crossing) to advance into the construction phase via the Public Works Department Director's Award in June 2021. The Interim Crossing will result in the removal of a fish passage barrier, restoration of the creek channel, and installation of a bridge structure to permit unobstructed fish passage and public access to the trail during normal winter storm events.

## **BACKGROUND**

The existing in-channel Singleton Road Crossing guides creek flows through two culvert structures. The crossing is believed to have been developed many years ago as an access road to the now-closed Singleton Landfill. The landfill site is located on the west bank of Coyote Creek, and the crossing once permitted access to the site from Tuers Road. The roadway is no longer used by vehicles, but is passable by bicycles and pedestrians. Today, the Coyote Creek Trail is paved and developed in the area, and it utilizes the existing crossing to transition from the east to west bank of the creek channel. The City owns the property along and within the channel at this location.

The existing crossing prevents anadromous fish from completing their migration upstream to spawn. Singleton Crossing has been identified in the Santa Clara Valley Water District's (Valley Water) Coyote Water Resources Master Plan as the most significant fish barrier for migrating steelhead in the Coyote Watershed. Since 2013, staff from the City of San José, Valley Water, National Oceanic and Atmospheric Administration (NOAA), and other environmental resource agencies have coordinated to advance a project to remove the in-channel barrier.

The City has advanced two projects to address the in-channel barrier: 1) an Interim Crossing (subject of this memo) that will clear the obstruction and sustain public access with an 89 feet single-span bridge, that is below the 5-year flood event level per the Valley Water model, and 2) a Permanent Crossing that will span 210 feet via a three-span bridge structure over the 100-year flood elevation. Staff has worked on both projects because there is an urgent need to clear the fish barrier and ultimately provide a crossing that is not within the channel itself.

In November 2012, voters approved the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Bond Program. The 2012 Bond sought to fund projects that resulted in the restoration of fish, bird, and wildlife habitat and provided access to new trails and open space. In 2015, the City of San José applied for funding under the 2012 Bond and was awarded \$1,000,000 from the Santa Clara Valley Water District 2015 Safe, Clean Water Partnership Program (Council Agenda 1/27/2015, Item 5.2, Resolution Number 77272).

In June 2019, staff received Council approval to apply for grant funding under the State Coastal Conservancy Priority Conservation Area program in the amount of \$140,000 to pursue

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advancement of design work from 35% to 65% level design related to the Permanent Crossing solution (Council Agenda 6/25/2019, Item 2.24, Resolution Number 79184).

Due to the urgency of removing the fish passage, Valley Water coordinated a scope change for the \$1,000,000 grant to advance the Interim Crossing. City staff have also coordinated with the State Coastal Conservancy grantor to communicate the need for advancing the Interim Crossing project. In January 2021, the State Coastal Conservancy Board approved the use of the \$140,000 grant award towards construction of the Interim Crossing.

Design of the Interim Crossing project has been completed in coordination with City of San José Departments, Valley Water and environmental resource agencies to prepare the project for construction during summer 2021.

## **ANALYSIS**

The Interim Crossing project addresses the immediate fish passage barrier and sustains recreational and active transportation access along the Coyote Creek Trail system. Staff believe the Interim Crossing project is strategic and financially feasible with the resources currently available. The relatively short span of this bridge, and its prefabricated construction make it a more affordable option. The Interim Crossing's elevation allows removal of the fish barrier but will make it subject to periodic flooding as it is within the 5-year flood elevation. This compromised solution resolves the environmental issue while sustaining public access until a larger structure can be constructed above the 100-year flood event level. Careful attention during design included a robust railing system to not be impacted by most flood debris.

The Permanent Crossing, a 210 foot three-span bridge exceeding the 100-year flood elevation, has been studied (Preliminary Engineering Study completed in 2015) and partially designed (35% level design completed in 2020). The completed 2015 Preliminary Engineering Study<sup>1</sup> estimated that the cost to complete the Permanent Crossing would be \$7.2 million (based on 2015 dollars).

For future consideration, staff will make recommendations as part of the annual budget process to support completion of design and construction of the Permanent Crossing as resources allow and/or additional grants are secured. The Permanent Crossing is consistent with other bridge crossings in the system, would not be subject to seasonal flooding, and would sustain year-round access for the popular trail system.

As part of this memorandum, appropriation actions are included to recognize and allocate \$1.4 million, which will align the project construction cost estimate with the budget. The \$1.4 million budget recommendation will be utilized to initiate and complete the construction phase for the Singleton Road Interim Crossing project. Fund previously budgeted for this project were for design, an environmental study, and a feasibility study. This appropriation action ensures

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<sup>1</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/20459/636687587018200000>

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sufficient funding for the construction of the project, including the contingency cost, project management cost, permit compliance cost, and close-out costs. Of this amount, \$1.0 million is anticipated to be received from the Santa Clara Valley Water District (by June 30, 2021), and the remaining funding is recommended to be allocated from the Council District 7 Construction and Conveyance (C&C) Tax Fund (\$140,000) and City-wide C&C Tax Fund (\$270,000). Grant revenue of \$140,000 from the State Coastal Conservancy is anticipated to be received in 2021-2022. Once this funding is received, the Council District 7 C&C Tax Fund will be reimbursed accordingly.

The recommendation to approve the budget actions is timely for the following reasons: 1) construction within the creek channel is seasonally limited from June 15 to October 15; 2) San José's Public Works Department is preparing to bid and award a construction contract via a Director's Award to adhere to schedule constraints; 3) the cost to complete construction next year is anticipated to increase due to inflation; and 4) advancing a project now addresses the urgency documented by Valley Water's Coyote Water Resources Master Plan.

If the 2021 construction season is missed, staff will return to the City Council if additional resources are needed to account for cost escalation, possible permit renewal, and possible design changes to meet regulatory conditions that are subject to change. Construction in summer 2022 would be the next earliest opportunity to pursue the project.

The Public Works Department has been partnering with Valley Water to complete the design and secure the required environmental permits to enter the creek channel. Public Works is scheduled to open the bids for construction on June 3, 2021, and expects to award a construction contract via a Public Works Director's Award in early June 2021.

## **CONCLUSION**

The approval of this memorandum will provide the budget required for Public Works to issue a Director's Award of Contract to construct the Singleton Road Interim Crossing project this summer 2021.

## **EVALUATION AND FOLLOW-UP**

Department staff present an annual report to the Parks and Recreation Commission each fall, and capital projects, such as Singleton Road Crossing, are included in the update. Trail Program staff post regularly on City of San José social media accounts (@SanJoseTrails on Instagram and Twitter) about project milestones and progress updates, including work on this project. The project is tracked in the City's Capital Project Management System (CPMS) database so members of the community can monitor progress.

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## **CLIMATE SMART SAN JOSÉ**

The recommendation in this memo aligns with one or more Climate Smart San José energy, water, or mobility goals.

## **POLICY ALTERNATIVES**

### ***Alternative #1: Do Nothing***

**Pros:** Not pursuing a budget appropriation preserves funds for other Council priority projects.

**Cons:** The project does not advance to construction during summer 2021 and an in-channel barrier remains in place, with ramifications to the migration of a sensitive species and limiting recreational and active transportation access during high water events.

**Reason for not recommending:** The City Council has directed staff to pursue funding and staff have invested years of collaboration with regulatory agencies and Valley Water to advance the project as quickly as possible.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the May 25, 2021 Council agenda. The City has a public facing Trail Program webpage under the City of San José website that shares documents related to this project under the Coyote Creek Trail system<sup>2</sup>.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the Planning, Building and Code Enforcement Department, and the Public Works Department.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

## **FISCAL/POLICY ALIGNMENT**

The project is part of the City's goal to develop an interconnected 100-mile Trail Network. The Trail Network is listed in the City's General Plan (Envision 2040) under goal PR-7 Interconnected Park System and the Department's strategic plan, ActivateSJ (adopted by City Council in December 2019).

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<sup>2</sup> <https://www.sanjoseca.gov/Home/Components/FacilityDirectory/FacilityDirectory/3037/2058>

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery	\$1,145,314*
Construction (Engineer's Estimate)	\$1,000,000
Contingency	\$100,000
<b>TOTAL PROJECT COSTS</b>	<b>\$2,245,314</b>
Prior Year Expenditures and Encumbrance	(\$663,314)
<b>REMAINING PROJECT COSTS</b>	<b>\$1,582,000</b>
Total Available Funding	\$172,000
<b>ADDITIONAL FUNDING REQUIRED</b>	<b>\$1,410,000</b>

\*Project delivery includes \$663,314 for TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing) that was used for engineering and environmental studies since its inception from 2014-2015.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: Under the Valley Water grant and the State Coastal Conservancy grant, the City will receive up to \$1,140,000 in grant funding to support the cost of construction (Valley Water grant award is \$1,000,000 and State Coastal Conservancy grant award is \$140,000). In addition, funding currently allocated in the Park Trust Fund in the amount \$172,000 as well as \$270,000 from City-wide C&C will be used to support the remaining project costs of \$1,582,000.
3. SOURCE OF FUNDING: This project will be funded from a Valley Water grant (\$1.0 million), State Coastal Conservancy grant (\$140,000), and City-wide C&C Ending Fund Balance (\$270,000). The Council District 7 C&C Tax Fund Ending Fund Balance will front \$140,000 until the grant funding is received.
4. FISCAL IMPACT: This 0.10-mile segment of trail is currently in operation in its present form (in-channel crossing and linking ramps). An allocation in the annual maintenance and operation cost is approximately \$1,500 per year. This amount is based on the cost of trail maintenance at the rate of \$15,000/mile. The maintenance funding will be requested through the 2022-2023 budget process.

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**BUDGET REFERENCE**


The table below identifies the funds and appropriations recommended to fund the actions included in this memorandum.

Fund #	Appn #	Appn Name	Current Total Appn	Requested Budget Action	2020-2021 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
385	NEW	TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing)	N/A	\$1,140,000	N/A	N/A
385	8999	Council District 7 C&C Unrestricted Ending Fund Balance	\$1,935,648	(\$140,000)	V-333	02/09/2021, Ord. No. 30531
385	R090	Revenue from Local Agencies	N/A	\$1,000,000	N/A	N/A
391	NEW	TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing)	N/A	\$270,000	N/A	N/A
391	8999	Citywide C&C Unrestricted Ending Fund Balance	\$5,271,292	(\$270,000)	V-399	02/09/2021, Ord. No. 30531
375	7749	TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian (Singleton Crossing)	\$172,000	N/A	V-430	10/20/2020 Ord. No. 30494

**CEQA**

Categorical Exempt, File No. ER20-105, CEQA Guideline Section 15333 Small Habitat Restoration Project.

/s/  
**JON CICIRELLI**  
 Director of Parks, Recreation  
 and Neighborhood Services

  
**JIM SHANNON**  
 Budget Director


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I hereby certify that there will be available for appropriation in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7 in the Fiscal Year 2020-2021 moneys in excess of those heretofore appropriated there from, said excess being at least \$1,000,000.

A handwritten signature in black ink that reads "Jim Shannon". The signature is written in a cursive, flowing style.

**JIM SHANNON**  
Budget Director

For questions, please contact Yves Zsutty, Division Manager, at [Yves.Zsutty@sanjoseca.gov](mailto:Yves.Zsutty@sanjoseca.gov).