



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli
Jim Shannon

SUBJECT: See Below

DATE: November 25, 2024

Approved:

Date:

12/5/24

COUNCIL DISTRICT: 3

SUBJECT: Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for the St. James Design Project

RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$850,000, from \$5,100,000 to \$5,950,000, and extend the contract duration to June 30, 2026.
- (b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Increase the St. James Park Design appropriation to the Parks, Recreation, and Neighborhood Services Department by \$950,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$950,000.

SUMMARY AND OUTCOME

The St. James Park project is currently in the 90% design phase. Approval of staff's recommendation for additional funding and to extend the master agreement with Conger Moss Guillard Landscape Architecture (CMG) will enable the completion of the construction documents up to 100%, as the master agreement ends on December 31, 2024. The current deadline cannot be met due to project complexities.

CMG has a valuable history with the St. James project. Approval of the sixth amendment to the master agreement will allow for a seamless continuation of the

design, as well as the inclusion of a knowledgeable team of subconsultants to guide the design in the varying disciplines and enable the City to continue to advance the design.

BACKGROUND

St. James Park is a 7.6-acre park located in downtown San José. The park has been the site of significant events, including speeches from presidential candidates, social gatherings, and civic events. The park's rich history enabled the site to be listed in the National Register of Historic Places.

From 2015 through 2016, the Mayor and City Council established the St. James Capital Vision project with the intent to revitalize this downtown park. The project included a design competition through the City procurement process and a competition jury to select a consultant to design a new vision for St. James Park.

The project's initial development as a competitive selection, and the site's large scale and unique amenity (future Levitt Pavilion¹) warranted a milestone-based approach to project delivery and related contracts.

In early 2017, CMG was selected by the St. James Park Design Competition Jury as the winning firm. The Mayor and City Council accepted the jury's recommendation and adopted a resolution that authorized the City Manager or her designee to put forth a \$2.5 million contract for the environmental review, design, and community outreach processes for St. James Park while preserving its historical context and elements.

In June 2017, the City executed a master agreement with CMG for the first design phase of St. James Park. CMG services included project planning and design efforts. The initial two-year agreement with CMG has been subsequently amended.

CMG completed 25% of the construction documents in 2018; provided services to support the accepted Environmental Impact Report process to comply with the California Environmental Quality Act in late 2020; completed 65% of the construction documents in 2023; and is currently working on completing 90% of the construction documents.

¹ Levitt Pavilion will be an outdoor amphitheater offering free, live music designed to foster a family-friendly atmosphere and build community through music. It will welcome people of all ages and backgrounds.

ANALYSIS

The completion of the 90% design set for the project requires more time than initially anticipated. Originally projected to finish the phase by the end of 2024, complexities with the project, such as additional design review and research, have impacted the schedule which is now anticipated to be completed by March 2025.

In addition to this adjustment for 90%, staff is recommending an extension and augmentation of the contract for the 100% design phase.

CMG has provided a fee proposal for the 100% design package, resulting in the request to increase the St. James Park Design appropriation by \$950,000 to 1) amend the master agreement with CMG by \$850,000 and 2) include \$100,000 to pay for the Public Works Department's project management costs, such as coordinating with the stakeholders and reviewing plan sets among various divisions. Based on the revised timeline, the full design set is expected to be completed by June 2026.

The St. James Park Design project has a budget of \$5.7 million² and \$10.0 million in the St. James Parks Phase I Reserve. Increasing the master agreement with CMG from \$5.1 million to \$6.0 million and extending the contract duration to June 30, 2026 will allow the design firm to complete the remaining portion of 90% and proceed with the 100% construction documents for St. James Park Design.

Extending the contract with CMG is cost-efficient. It enables the firm to proceed with the existing design of St. James Park while utilizing its knowledge and history of the project. Future amendments may be requested for the construction administration support of the St. James Park Project construction.

EVALUATION AND FOLLOW-UP

No additional follow up action with the City Council is expected.

COST SUMMARY/IMPLICATIONS

The St. James Park Design project has a budget of \$5.7 million (\$5.7 million in the Subdivision Park Trust Fund and \$40,000 in the City Council District 3 Construction and

² The project budget includes a \$399,950 for settlement costs and attorney fees in the case of Sainte. Claire Historic Preservation Foundation v. City of San José et. al., which was approved by City Council on August 27, 2024 <https://sanjoseca.primegov.com/Portal/viewer?id=0&type=7&uid=d7afefe8-da19-481e-a0f1-dd5bc52f2e53>

Conveyance Tax Fund), as well as \$10.0 million in a reserve in the Subdivision Park Trust Fund.

The total recommended increase to the CMG master agreement is \$850,000 to complete the construction documents. An additional \$100,000 is needed for the Public Works Department's soft costs, increasing the budget for its review work to \$253,000. The increase of \$950,000 to the St. James Park Design appropriation in the Subdivision Park Trust Fund will be funded by residential developer in lieu fees that are collected in the Future PDO/PIO Projects Reserve appropriation in the same fund.

A cost sharing agreement is currently being developed with the Levitt Foundation, the Friends of Levitt San José, and the City related to the revitalization of St. James Park. As part of the agreement, the City must have \$15.0 million dedicated for the future construction of improvements at St. James Park — \$10.0 million is currently set aside in the St. James Park Phase I Reserve and additional \$5.0 million increase pending the approval of a City Council memorandum included in this meeting.

As the park's design is completed, the project moves into the construction phase, and the project's schedule becomes more certain, the additional ongoing operation and maintenance costs will be evaluated for inclusion as a committed addition in the development of a future General Fund Five-Year Forecast.

TOTAL COST OF PROJECT

Design	\$5,950,000
Settlement Cost	\$399,950
Project Delivery*	\$253,000
TOTAL PROJECT COSTS	\$6,602,950

Prior Years' Expenditures and Encumbrances through June 30, 2024	\$5,186,000
TOTAL REMAINING PROJECT COSTS	\$1,416,950

2024-2025 AVAILABLE BUDGET	\$466,950
FUNDING SHORTFALL	\$950,000

*Project Delivery includes project management (\$253,000).

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract and the Public Works Department's soft costs recommended as part of this memorandum.

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Fund No.	Appn. No.	Appropriation Name	Total Appropriation	Rec. Budget Action	2024-2025 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
375	404S	St. James Park Design	\$466,950	\$950,000	638	10/22/24, 31130
375	8845	Future PDO / PIO Projects Reserve	\$29,164,124	(\$950,000)	665	10/22/24, 31130

COORDINATION

This memorandum has been coordinated with City Attorney's Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the December 17, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

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/s/

JON CICIRELLI

Director of Parks,

Recreation and Neighborhood Services

A handwritten signature in black ink, appearing to read "Jim Shannon". The signature is fluid and cursive, with the first name "Jim" and last name "Shannon" clearly distinguishable.

JIM SHANNON

Budget Director

For questions, please contact the author of this memo Han-Lei Wang, Associate Architect/Landscape Architect, at han-lei.[wang@sanjoseca.gov](mailto:han-lei.wang@sanjoseca.gov) (408) 535-3508