


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Public Works	<b>CEQA:</b> Determination of Consistency with the BART Extension to Milpitas, San Jose, and Santa Clara Final EIR, BART Extension to Milpitas, San Jose, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 - Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126	<b>Coordination:</b> CAO, DOT, Budget Office	<b>Dept. Approval:</b> /s/ Barry Ng
<b>Council District(s):</b> 4			<b>CMO Approval:</b> 

**SUBJECT: SECOND AMENDMENT TO COOPERATIVE AGREEMENT #7 FOR BART EXTENSION TO BERRYESSA**

**RECOMMENDATION:**

Approve the Second Amendment to Cooperative Agreement #7 with the Santa Clara Valley Transportation Authority (VTA) to retroactively extend the term of the Agreement to June 30, 2018.

**BASIS FOR RECOMMENDATION:**

On June 28, 2012, the City and VTA entered into Cooperative Agreement #7 for the reimbursement of encroachment permit fees and additional service costs, in an amount not to exceed \$4,100,000, related to the construction of the Silicon Valley Berryessa Extension Project (Project). On December 22, 2016, the City and VTA entered into a First Amendment to Cooperative Agreement #7 to provide a six-month extension to June 30, 2017. The First Amendment was executed by the City Manager pursuant to San Jose Municipal Code Section 4.04.055. The City and VTA now desire to further amend Cooperative Agreement #7 to retroactively extend the term to June 30, 2018, the anticipated completion date of City services for the Project consistent with the Master Agreement between the City and VTA executed in June 2010. There are no proposed changes to the funding amounts listed in Cooperative Agreement #7.

**COST AND FUNDING SOURCE:**

The design and construction of any City infrastructure related to the Project are fully funded by the VTA. Costs incurred by the City for the permitting and inspection will be reimbursed by the VTA under the terms of Cooperative Agreement #7.

**FOR QUESTIONS CONTACT:** Michael Liw, Deputy Director of Public Works, (408) 535-6835