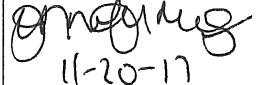


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Economic Development	<b>CEQA:</b> Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.	<b>Coordination:</b> OCA, CAO, PW	<b>Dept. Approval:</b> /s/ Kim Walesh
<b>Council District(s):</b> 4			<b>CMO Approval:</b>  11-20-17

**SUBJECT: EXTENSION OF TERM OF COOPERATIVE AGREEMENT NO. 8 (BART PUBLIC ART)**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until June 30, 2018, and further authorizing the City Manager to enter into further extensions of time, provided that there is no increase in compensation and the Master Agreement remains in effect.

**BASIS FOR RECOMMENDATION:**

The City and VTA entered into a Master Agreement on June 22, 2010, setting forth the framework for the construction of the BART extension in San José. The Master Agreement contemplated subsequent cooperative agreements to address project specific issues. Under subsequent Council actions, the City and VTA entered into multiple cooperative agreements to address the design, construction, and reimbursement of the BART extension to Berryessa. The Master Agreement currently expires on June 30, 2018, but may be extended.

On November 27, 2012 the City and VTA entered into Cooperative Agreement No. 8 that addresses the implementation of public art as part of the BART extension to Berryessa in order to facilitate public art integration within the Berryessa Station and facilitate the timely completion of the BART project currently under construction. That agreement ended on December 31, 2016. On December 13, 2016, City Council approved a first amendment to that agreement, extending current term of Cooperative Agreement No. 8 to end on December 31, 2017.

The construction of the BART project is expected to extend into the spring of 2018. The opening date of BART is presently estimated to be June, 2018. The public art services provided by the City under Cooperative Agreement No. 8 will be needed until BART opens and some follow up may be needed after the opening. VTA and the City therefore agree that it is of mutual interest to extend the term of Cooperative Agreement No. 8 to June 30, 2018. In addition, it is requested that the City Manager be authorized to enter into future amendments extending time as necessary to correspond with the end date of the Master Agreement.

**COST AND FUNDING SOURCE:**

Approval of the recommendation to extend the term of Cooperative Agreement No. 8 has no funding impact. There are no changes to the compensation maximum of \$480,000 for the entire term of the Cooperative Agreement.

**FOR QUESTIONS CONTACT:** Kerry Adams Hapner, Director of Cultural Affairs, (408) 793-4333