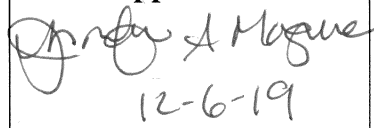


CITY COUNCIL ACTION REQUEST

Department(s): Public Works	CEQA: Final Environmental Impact Report for the Multi-Year Stream Maintenance Program dated August 2001. Resolution No. 2001-56 adopted 8/21/2001 by Santa Clara Valley Water District	Coordination: CAO, CMO-Budget	Dept. Approval: /s/ Matt Cano
Council District(s): 8			CMO Approval:  12-6-19

SUBJECT: AMENDMENT TO COST REIMBURSEMENT AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT FOR THE THOMPSON CREEK OUTFALL 258 REPAIR PROJECT

RECOMMENDATION:

Approve an amendment to the Cost Reimbursement Agreement with Santa Clara Valley Water for the Thompson Creek Outfall 258 Repair Project, that includes:

- a. Increasing the City's cost share of the Agreement from a not-to-exceed amount of \$410,000 to a not-to-exceed amount of \$425,000.
- b. Extending the term of the Agreement to terminate on January 31, 2013.

BASIS FOR RECOMMENDATION:

On June 18, 2019, the City Council approved the Cost Reimbursement Agreement with Santa Clara Valley Water District (Valley Water) whereas the City would compensate Valley Water a not-to-exceed amount of \$410,000 for Valley Water to design, obtain permits, construct, and repair the City's outfall, and the Agreement would terminate upon completion of the work. Following execution of the Agreement, Valley Water encountered unexpected permit conditions from the California Department of Fish and Wildlife, which required Valley Water to: a) monitor the health of the 60-inch diameter live oak tree located near the outfall construction site for three years, and b) mitigate for the loss of the tree if it is found to be in accelerated decline condition or dies during the three-year tree monitoring. These unexpected permit conditions require Valley Water and City to amend the Agreement accordingly. While the construction of the outfall repair has been completed, the City Council's approval of the Amendment is required to allow Valley Water to continue monitoring the oak tree as required by California Department of Fish and Wildlife.

Climate Smart San Jose: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2019-2020 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
469	4245	Outfall Rehabilitation - Capital	\$2,850,000	\$425,000	V-92	6/18/2019 Ord. No. 30286

FOR QUESTIONS CONTACT: Michael O'Connell, Deputy Director, (408) 535-8300