

CITY COUNCIL ACTION REQUEST

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|---------------------------------------|----------------------------------|---|--|
| Department(s): Public Works | CEQA: Resolution 76126 | Coordination: CAO, DOT, Budget Office | Dept. Approval: /s/ Matt Cano |
| Council District(s): 4 | | | CMO Approval:  7/31/20 |

SUBJECT: FOURTH AMENDMENT TO MASTER AGREEMENT RELATING TO THE SILICON VALLEY RAPID TRANSIT PROGRAM BERRYESSA EXTENSION PROJECT

RECOMMENDATION:

Approve the fourth amendment to Master Agreement with the Santa Clara Valley Transportation Authority (VTA) to retroactively extend the term of the agreement to December 31, 2020.

BASIS FOR RECOMMENDATION:

In June 2010, the City and VTA entered into a Master Cooperative Agreement (Master Agreement), whereby both parties agreed to consult and cooperate on the planning, environmental review, preliminary engineering, final design, construction, and funding of the BART Extension to Berryessa (Project). The Master Agreement established a framework for the on-going interaction between both parties and allows for subsequent agreements to address specific project issues and future City funding. On December 5, 2017, the First Amendment to Master Agreement was executed by the City Manager (pursuant to San Jose Municipal Code Section 4.04.055) to extend the term of the agreement to December 31, 2018. On December 18, 2018, the Second Amendment to Master Agreement was approved by Council to extend the term of the agreement to December 31, 2019. On December 19, 2019, the Third Amendment to Master Agreement was executed by the City Manager (pursuant to San Jose Municipal Code Section 4.04.055) to extend the term of the agreement to June 30, 2020. The City and VTA now desire to further amend Master Agreement to retroactively extend the term to December 31, 2020, the anticipated completion date of City services for the Project.

Climate Smart San Jose:

The recommendation in this memo aligns with one or more 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:

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 in appropriation 7439 (BART Design and Construction Support) will be reimbursed by the VTA under the terms of Cooperative Agreement #7.

| Fund # | Appn. # | FY21 Adopted Appn. Amount | Appn Name |
|---------------|----------------|----------------------------------|--------------------------------------|
| 465 | 7439 | \$207,000 | BART Design and Construction Support |

FOR QUESTIONS CONTACT: Matt Loesch, Assistant Director of Public Works, (408) 975-7381