

CITY COUNCIL ACTION REQUEST			
DEPARTMENT(S) Public Works	CEQA Exempt, File No. PP18-003, CEQA Guidelines Section 15269 (a), Emergency Projects	COORDINATION City Attorney's Office; City Manager's Budget Office; Parks, Recreation, and Neighborhood Services Department; Planning, Building, and Code Enforcement Department	Director Approval /s/ Matt Loesch CMO Approval  11/26/25
COUNCIL DISTRICT(S) 4, 7			
SUBJECT: Third Amendment to the Agreement with Cal Engineering & Geology, Inc. for Consultant and Professional Engineering Services for FEMA Kelley Park Storm Outfall and FEMA Alum Rock Park Mineral Spring Embankment Projects			
RECOMMENDATION			
Approve the Third Amendment to the Standard Agreement with Cal Engineering & Geology, Inc. to extend the term retroactively from October 31, 2024, to October 31, 2029, and decrease the maximum compensation from \$754,540 to \$642,801 for the sole purpose of completing the Federal Emergency Management Agency Kelley Park Storm Outfall (SCSJC88/PW1137) and Federal Emergency Management Agency Alum Rock Park Mineral Spring Embankment (SCSJG01/PW745) projects.			
BASIS FOR RECOMMENDATION			
Heavy rains from the storm events in February 2017 caused significant damage to the Kelley Park Storm Outfall and Alum Rock Park Mineral Spring Embankment, resulting in the outfall and embankment to collapse into the creek below. The Kelley Park Storm Outfall is located in Kelley Park and Alum Rock Park Mineral Springs Embankment is located in Alum Rock Park, both in San José. On October 23, 2018, the City Council approved an agreement with Cal Engineering & Geology, Inc. for professional engineering consulting services, with a contract value of \$659,312 and a contract end date of October 31, 2021. On October 26, 2021, the City authorized the first amendment to the agreement, extending the contract's end date to October 31, 2022. On October 25, 2022, the City authorized the second amendment to the agreement, extending the contract's end date to October 31, 2024, and increasing the contract value to \$754,540. These projects have experienced significant delays due to the need for procedural coordination with multiple regulatory agencies. This includes securing an obligation letter from the Federal Emergency Management Agency as well as obtaining permits from the California Department of Fish and Wildlife, San Francisco Regional Water Quality Control Board, and the United States Army Corps of Engineers and achieving compliance with the National Environmental Policy Act. No consultant services have been rendered since the second amendment expired and the Public Works Department has advanced the Alum Rock Park Mineral Spring Embankment project independently of the consultant. The Public Works Department has been actively coordinating with California Department of Fish and Wildlife, United States Army Corps of Engineers, Federal Emergency Management Agency, and the San Francisco Regional Water Quality Control Board, to secure the remaining required permits, letters, and approvals for the project. The Public Works Department successfully obtained all outstanding approvals as follows: the California Department of Fish and Wildlife permit was received on August 22, 2024; the San			

Francisco Regional Water Quality Control Board certification letter on July 29, 2025; and the United States Army Corps of Engineers permit on August 8, 2025.

With all permits secured, it is now critical to reengage Cal Engineering & Geology, Inc. to provide essential support during the bidding, award, and construction phases of the projects. The proposed third amendment will extend the expiration date of the agreement from October 31, 2024, to October 31, 2029, and will decrease the contract value from \$754,540 to \$642,801.

The retroactive approval of the agreement is necessary because the consultant needs to be retained to support the bidding, award, and construction phases of the project and allowed to proceed with retroactive clauses.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE

The recommended amendment to this agreement, in the amount of \$642,801, is funded by the 2017 Flood – Alum Rock Park Mineral Springs Bridge Embankment appropriation (\$317,257) and 2017 Flood – Kelley Park Outfall appropriation (\$325,544) in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks Purposes.

FOR QUESTIONS CONTACT: Sal Kumar, Deputy Director, Public Works Department, at Sal.Kumar@sanjoseca.gov