

**AMENDMENT NO. 2 TO  
THE CLEAN, SAFE CREEKS AND NATURAL FLOOD PROTECTION PROGRAM  
AGREEMENT NO. A3536R  
BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT  
AND THE CITY OF SAN JOSE**

This Amendment No. 2 (Amendment), effective as of the date it is fully executed by the Parties, amends the terms and conditions of the 2011 Clean, Safe Creeks and Natural Flood Protection Program Trail and Open Space Grant Agreement—No. A3536R (Agreement) dated January 4, 2012, by and between the SANTA CLARA VALLEY WATER DISTRICT (District) and CITY OF SAN JOSE (Grantee), collectively, the “Parties”.

**RECITALS**

**WHEREAS**, the Agreement provides for the Grantee to receive up to \$450,000 in 2011 Trail and Open Space Grant Program funding for the Three Creeks Trail, Trestle, and Interim Improvements Project (Project); and

**WHEREAS**, the Grantee has received \$20,000 of the Project Grant Amount; and

**WHEREAS**, per Amendment 1, the Agreement’s expiration date was extended from December 30, 2015, to December 30, 2017; however, despite Grantee’s good faith efforts to complete the project on time, circumstances beyond its control will not allow it to do so; and

**WHEREAS**, the Parties now desire to extend the term of Agreement for an additional 12 months with a revised Agreement expiration date of December 31, 2018; and

**WHEREAS**, the Parties agree an Agreement expiration date of December 31, 2018, is necessary in order to provide Grantee with sufficient time to complete the Project and it is in the public’s best interest that the Project be completed.

**NOW, THEREFORE**, in consideration of the mutual promises and agreements contained herein and notwithstanding anything to the contrary in the Agreement, Grantee and District hereby agree as follows:

1. Section 2. General Provisions A. Definitions, paragraph 10 and B. Project Execution, paragraph 10 are hereby revised to replace the current expiration date of December 30, 2017, with December 31, 2018.
2. Section 3. Financial Provisions, E. Invoicing, paragraph 2, F. Project Completion, paragraph 4 and H. Agreement Term, paragraph 1 are hereby revised to replace the current expiration date of December 30, 2017, with December 31, 2018.
3. Appendix B to the Agreement, Project Schedule, is amended to revise the schedule as set forth in Revised Appendix B, Project Schedule, attached hereto and incorporated herein by this reference.

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4. Section 3. Financial Provisions, delete the subsection entitled "Notices", and replace with the following:

*J. Notices*

All notices and other communication required or permitted to be given under this Agreement shall be in writing and shall be personally serviced or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

|              |  |                     |   |
|--------------|--|---------------------|---|
| To<br>SCVWD: | Norma Camacho<br>Chief Executive Officer<br>Santa Clara Valley Water District<br>5750 Almaden Expressway<br>San Jose, CA 95118-3686<br>E-mail: <a href="mailto:grants@valleywater.org">grants@valleywater.org</a>  | To<br>Grantee:      | Yves Zsutty<br>Trail Manager<br>City of San Jose<br>200 E. Santa Clara St.<br>San Jose, CA 95113<br>Phone: (408) 394-5237<br>E-mail: <a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a> |
| Contact:     | Sherilyn Tran<br>Interim Supervising Program Administrator<br>Santa Clara Valley Water District<br>5750 Almaden Expressway<br>San Jose, CA 95118-3686<br>Phone: (408) 630-2772<br>E-mail: <a href="mailto:grants@valleywater.org">grants@valleywater.org</a> | Grantee<br>Contact: | Dean Casale<br>Grant Analyst<br>City of San Jose<br>200 E. Santa Clara St.<br>San Jose, CA 95113<br>Phone: (408) 793-5567<br>E-mail: <a href="mailto:dean.casale@sanjoseca.gov">dean.casale@sanjoseca.gov</a> |

5. All other terms and conditions of the Agreement not revised as stated herein remain in full force and effect.

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*SIGNATURES FOLLOW ON NEXT PAGE*

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IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to Agreement No. A3710R and agree its term commences on date signed below.

**CITY OF SAN JOSE**

  
\_\_\_\_\_  
JULIE EDMONDS-MARES  
Deputy City Manager

Dated: 12/21/17

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jon Cafegari  
Deputy City Attorney

Dated: 12/18/17

**SANTA CLARA VALLEY WATER DISTRICT**

  
\_\_\_\_\_  
for NORMA J. CAMACHO  
Chief Executive Officer

ANIL COMELO, Acting Chief Operating Officer  
Administrative Services

Dated: 1-2-18

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**REVISED APPENDIX B**

**PROJECT SCHEDULE**

**Three Creeks Trail, Trestle, and Interim Improvements**

| <b>Item</b>         | <b>Start Date</b> | <b>Duration</b> | <b>End Date</b> |
|---------------------|-------------------|-----------------|-----------------|
| Task 1—Design       | -                 | -               | Complete        |
| Task 2—Bid/Award    | -                 | -               | -               |
| Task 3—Construction | 6/15/18           | 5.5 months      | 11/30/18        |
| Task 4—Closeout     | 12/1/18           | 1 months        | 12/31/18        |

January 9, 2018

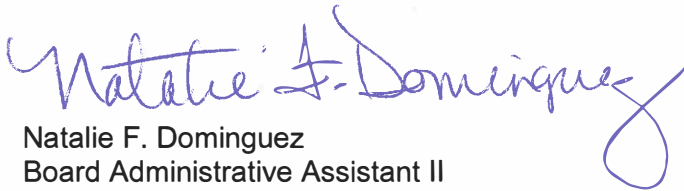
Mr. Yves Zsutty  
Trail Manager  
City of San Jose  
200 E. Santa Clara St.  
San Jose, CA 95113

Subject: Amendment No. 2 to the Clean, Safe Creek and Natural Flood Protection  
Program Agreement A3536R Between the Santa Clara Valley Water District and  
the City of San Jose

Enclosed please find a fully executed original copy of the aforementioned agreement between  
the Santa Clara Valley Water District and the City of San Jose, which was approved by the  
Santa Clara Valley Water District Board of Directors on December 19, 2017.

Should you have any questions regarding the enclosed documents, please feel free to contact  
me at (408) 630-2659.

Sincerely,



Natalie F. Dominguez  
Board Administrative Assistant II  
Office of Clerk of the Board

Enclosure

cc: Board Files  
Accounting  
Contracts  
Staff

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