



Santa Clara Valley Water District

File No.: 18-1058

Agenda Date: 1/8/2019

Item No.: 3.5.

BOARD AGENDA MEMORANDUM

SUBJECT:

Amendment No. 3 to Grant Agreement No. A3536R, with City of San Jose for the Three Creeks Trail, Trestle and Interim Improvements Project, Project No. 26091002 (San Jose) (District 2).

RECOMMENDATION:

Approve and authorize the Chief Executive Officer to execute Amendment No. 3 to the Grant Agreement A3536R between the Santa Clara Valley Water District and the City of San Jose.

SUMMARY:

On June 28, 2011, the Board awarded the City \$450,000 under the Trail & Open Space Grant Program to build a trestle structure and interim trail near the Los Gatos Creek. The grant Agreement was fully executed by the CEO on January 4, 2012. To date, \$20,000 of the grant amount has been disbursed to the City for the interim trail portion of the project, per the project budget in the Agreement.

The project was scheduled to be completed December 30, 2015. However, due to a legal challenge to the project, the City was required to prepare an Environmental Impact Report (EIR). On December 8, 2015, the CEO approved a no-cost extension for Agreement No. A3536R (Attachment 1), which allowed the project to be extended to December 30, 2017 (Attachment 2).

During fiscal year 2018, the City requested a second 12-month extension due to legal proceedings regarding the EIR for the proposed trestle bridge, causing the project to be delayed once again. On January 2, 2018, the Board approved a no-cost extension for Agreement No. A3536R, which allowed the project to be extended through December 31, 2018 (Attachment 3).

On November 19, 2018, the City reached out to District staff requesting a third extension (Attachment 4). The request was made due to delays caused by legal issues around replacing a wooden trestle bridge with a new steel one. Hence, the City is requesting a third no-cost extension, which will allow extend the expiration date of the Agreement to March 20, 2020.

It should be noted that the third extension request was not made within at least 60 days in advance, therefore the agreement expired on December 31, 2018. Thus, in order to ensure continuity of the term of the Agreement, staff requests that Amendment No. 3 (Attachment 5) be retroactive from the

aforementioned expiration date.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have potential for resulting in direct or reasonably foreseeable indirect physical changes in the environment. The project being funded by the recommended action has undergone CEQA review or shall undergo CEQA review prior to the construction and/or implementation of projects as appropriate by the grantee organizations.

ATTACHMENTS:

- Attachment 1: Agreement A3536R
- Attachment 2: Amendment No. 1
- Attachment 3: Amendment No. 2
- Attachment 4: City of San Jose Extension Request
- Attachment 5: Amendment No. 3

UNCLASSIFIED MANAGER:

Rick L. Callender, 408-630-2017