



COUNCIL AGENDA: 01-11-05

ITEM: 2.21

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** COYOTE CREEK/RIVER OAKS  
LEVEE TRAIL REACH 3A/3B

**DATE:** 01-04-05

Approved

Date

1.06.05

Council District: 4

## REASON FOR ADDENDUM

To expedite the approval of a contingency budget increase in order to cover unforeseen costs for additional construction work required by the California Department of Fish and Game.

## RECOMMENDATION

Approval of a contingency budget increase in the amount of \$40,000 for a total contingency budget of \$65,000 for the Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project.  
CEQA: Exempt, PP03-07-230.

## BACKGROUND

The Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project is located in north San José along Coyote Creek, between Route 237 and Montague Expressway (map attached). This project includes paved under-crossings, access ramps, trail connections, an art component and other improvements. These improvements will provide access to the existing unpaved maintenance roads that will serve as the trail. Future phases of the project will provide for paving of the maintenance road consistent with current trail standards as funding becomes available.

Bids were opened on August 12, 2004 and on August 24, 2004, and Council awarded this project to GradeTech, Inc. in the amount of \$508,800. A Notice-to-Proceed was issued effective September 28, 2004, to begin construction of the improvements. The project is approximately 25 percent complete. Construction of the Tasman Drive Trail under-crossing was completed; however, construction work on the Montague Expressway trail under-crossing has been suspended until June 2005. The estimated completion time of the project is Summer 2005.

## ANALYSIS

When the project contract was awarded, the original contingency budget was \$25,000. One contract change order and one letter of intent for extra work have already been executed, in the total amount of \$23,000, leaving a contingency balance of \$2,000. The remaining contingency balance is insufficient to cover the costs of some unforeseen additional work.

In accordance with the California Department of Fish and Game (CDFG) permit conditions for this project, all work within the stream/riparian corridor, which includes the trail under-crossing work, needed to be completed by October 31, 2004. However, due to the unusually heavy rain events in mid-October, the contractor was unable to complete the trail under-crossing work at Montague Expressway by the October 31, 2004 deadline imposed by CDFG. The City requested a time extension from CDFG, but the request was denied. Therefore, in accordance with the CDFG permit conditions for this project, construction work on the Montague Expressway trail under-crossing cannot resume until June 1, 2005.

Currently, the Montague Expressway trail under-crossing, which is only partially constructed, is vulnerable to erosion. In order to prevent erosion and sediment runoff Coyote Creek, CDFG is requiring that the project site be stabilized by installing compacted base rock over the entire exposed trail subgrade. The compacted base rock must be maintained in a stable condition until June 1, 2005, when construction will be allowed to resume. If this work is not performed in a timely manner, the City may be subject to fines.

To address the additional work required, staff recommends increasing the authorized contingency amount by \$40,000 for a total contingency budget of \$65,000, which is approximately 13% of the original construction contract value. The cost for the additional work includes a proposed change order in the amount of \$32,193 to immediately satisfy the CDFG permit conditions, plus an additional \$7,807 for future remedial work that will be necessary once construction resumes in June 2005. There are sufficient funds in the current project appropriations to cover the additional funds needed for the increased contingency authorization.

## PUBLIC OUTREACH

Not applicable.

## COORDINATION

This project and memorandum have been coordinated with the City Attorney's Office, City Manager's Budget Office and the Departments of Planning, Building, and Code Enforcement, Parks, Recreation and Neighborhood Services and General Services.

**COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$40,000
  
2. COST OF PROJECT:
 

Project Delivery	\$404,411	*
Construction	508,800	
Contract Change Order No.1	18,000	
Letter of Intent for Extra Work No.2	5,000	
Contingency Balance	2,000	
Proposed Contingency Increase	<u>40,000</u>	
Total	\$984,611	

\* A total of \$212,211 was expended/encumbered in prior fiscal years for project delivery costs.
  
3. SOURCE OF FUNDING: 375 – Park Trust Fund  
                                   381 – Construction and Conveyance Fund, District 4  
                                   391 – City-wide Parks Construction and Conveyance Fund
  
4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The proposed operating and maintenance costs of this project have been reviewed and estimated to be approximately \$7,000 annually, beginning in November 2005. If the maintenance resources required for this facility are not forthcoming, the maintenance of this facility will be absorbed by the Department of General Services. There will be a corresponding drop in the maintenance level of other facilities, particularly in the immediate area, to accommodate the maintenance of these new improvements.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	RC #	Total Appn.*	Amt. for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
381	5799	River Oaks/Coyote Creek Trail	044883	286,000	0	V-594	10-12-04 Ord#27267
375	4453	Coyote Creek Trail-Montague to Hwy 237	134705	47,000	0	V-829	
391	6283	River Oaks/ Coyote Creek Trail	134705	437,000	0	V-776	08-24-04 Ord#27236
<b>Total</b>				<b>\$770,000</b>	<b>\$0</b>		

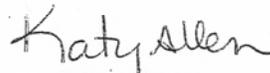
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An appropriation ordinance amendment totaling of \$23,000 was approved by Council on August 24, 2004, which provided the additional funding necessary to award the project.

**CEQA**

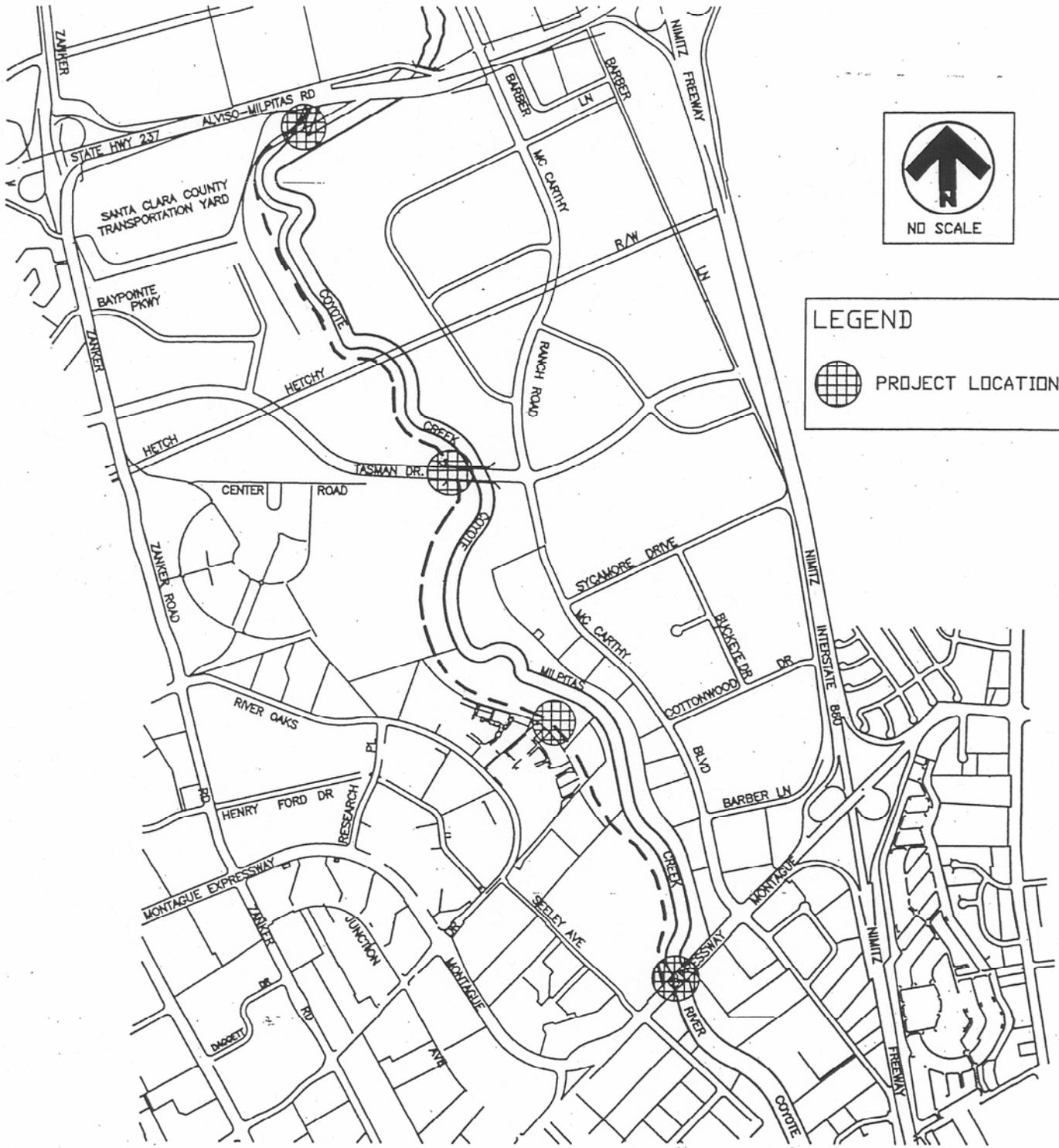
Exempt, PP03-07-230.



KATY ALLEN

Director, Public Works Department

KJ:mm:jcb  
Coyote Creek-River Oaks Levee Trail Reach 3A-3B  
attachment



COYOTE CREEK / RIVER OAKS LEVEE TRAIL  
REACH 3A/3B

(MONTAGUE EXPRESSWAY TO STATE ROUTE 237)

LOCATION MAP