



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Sara L. Hensley

**SUBJECT:** SEE BELOW

**DATE:** 01-18-06

Approve

*Kay Winer*

Date

*1/19/06*

Council District: 6  
SNI: N/A

**SUBJECT: MAINTENANCE AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE STATE OF CALIFORNIA RELATED TO THE CONSTRUCTION AND USE OF THE HIGHWAY 280 UNDER-CROSSING AS PART OF THE LOS GATOS CREEK TRAIL REACH 4 PROJECT**

## RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute a Maintenance Agreement between the City of San José and the State of California related to the construction and use of the Highway 280 Under-Crossing as part of the Los Gatos Creek Trail Reach 4 project.

CEQA: Negative Declaration, PP04-01-014

## BACKGROUND

In 1985, the City Council approved a master plan for the Los Gatos Creek Trail system from the Campbell/San José boundary (Bascom Avenue) northeast to the creek's confluence with the Guadalupe River (West Santa Clara Street).

In January 2004, staff completed a Design Development Report, which further defined the intent of the master plan, specifically for Reach 4 of the trail system. Reach 4 will be 0.5 miles in length. The project limits are from Lonus Street to Auzerais Avenue. Highway 280 crosses over the creek generally at the mid-point of this trail reach.

A major element of Reach 4 as defined by the master plan is an under-crossing beneath Highway 280. This project element will permit development of a continuous off-street trail linking the Willow Glen neighborhood to downtown San José.

## **ANALYSIS**

The lands beneath Highway 280 are owned by the State of California and managed by Caltrans. The State is able to permit use of this land for purposes of a trail under-crossing.

Prior to constructing the under-crossing, the City needs to enter into agreement with the State for the construction and maintenance of the facility.

The maintenance agreement sets forth the roles and responsibilities of each party. The agreement acknowledges that the City will maintain the trail and its related improvements (signage, striping, pavement, etc.) as part of the larger city-wide trail system. The agreement also permits the State to make use of its lands at any time for repair or improvement of the highway structure.

The State of California requires a commitment as part of the agreement that should the City no longer be able to maintain the trail, the City would be required to remove all improvements at its cost. The agreement prescribes a level of maintenance of the facility that is consistent with the City's current level of maintenance for the entire city-wide trail system.

The scheduled contract award date for construction of Reach 4 is spring 2006. Negotiation and execution of the subject agreement will need to occur in advance of a construction contract award.

## **OUTCOME**

Authorization to execute the Maintenance Agreement permits to award a construction contract for development of the Los Gatos Creek Trail Reach 4 project.

## **PUBLIC OUTREACH**

The master plan for the Los Gatos Creek Trail was completed in 1985 and included a series of community meetings.

In preparing the Design Development Report, the City conducted a community meeting on April 17, 2003, to present two alignment alternatives. The community strongly favored an alignment that follows the top of the bank and minimizes intrusion into the riparian area. The final project plans reflect this preference.

## **COORDINATION**

This proposed agreement and memorandum have been coordinated with the Departments of Finance, Planning, Building and Code Enforcement, and Public Works; the City Attorney's Office and the City Manager's Budget Office.

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**Subject: Maintenance Agreement between the City of San José and the State of California Related to the Construction and Use of the Los Gatos Creek Trail Reach 4 Project**

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### **COST IMPLICATIONS**

Upon construction, maintenance of the 0.5 miles of trail is estimated to be \$6,000 annually. This includes the cost of routine and preventative maintenance (sweeping, trash pickup, graffiti clean up, etc.) and capital (rehabilitation) expenditures including pavement repair, resurfacing, signage replacement, etc. Park patrol costs are estimated to be \$1,100 annually. These additional costs will be factored into the Five-Year General Fund Forecast and will be considered in the development of the annual operating budget.

Should the City be unable to maintain the under-crossing to standards set forth in the agreement, it would cost approximately \$50,000 for removal and closure of the under-crossing.

### **CEQA**

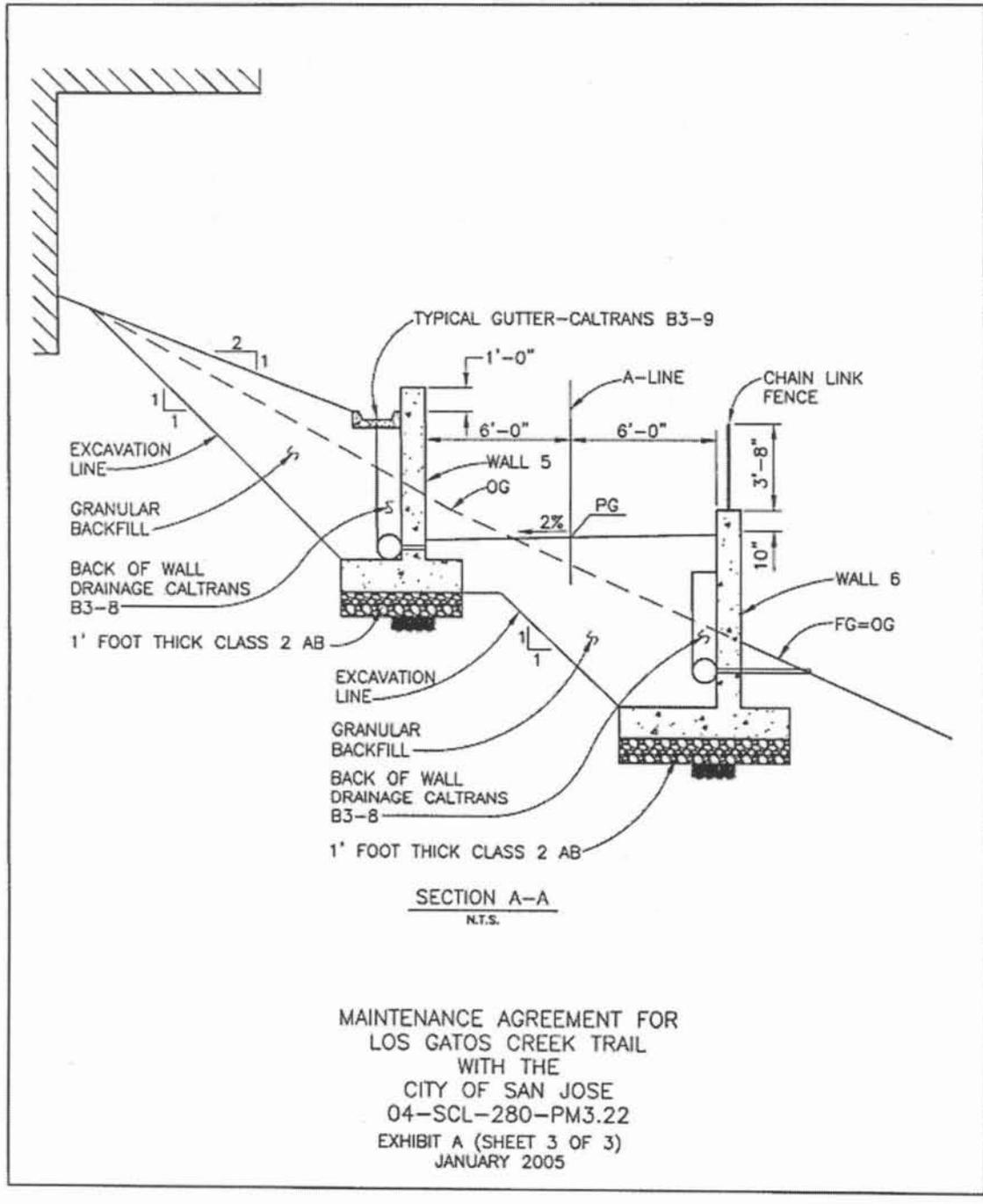
Negative Declaration, PP04-01-014



SARA L. HENSLEY  
Director of Parks, Recreation and  
Neighborhood Services

Attachments

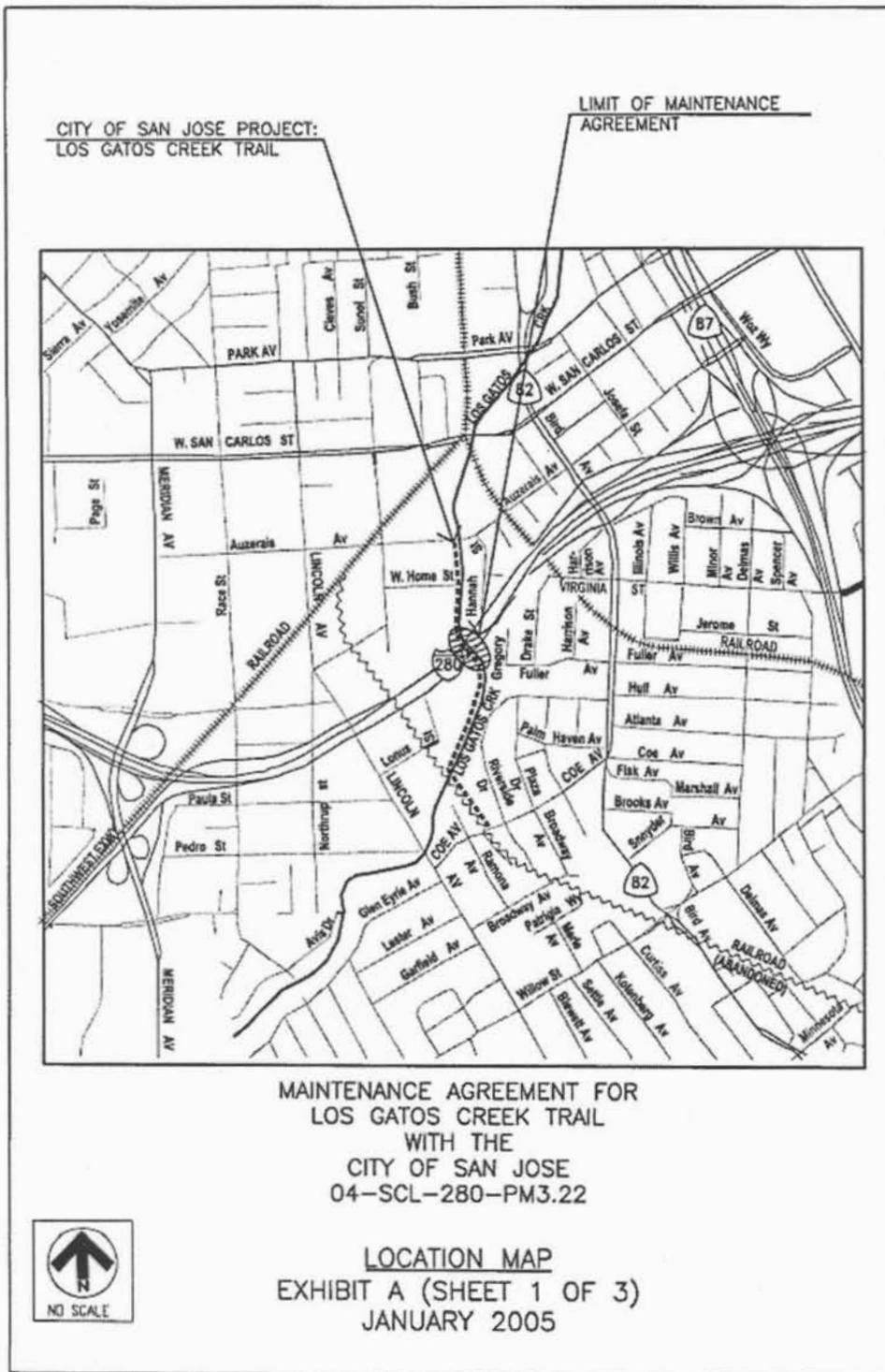
### ATTACHMENT A



MAINTENANCE AGREEMENT FOR  
LOS GATOS CREEK TRAIL  
WITH THE  
CITY OF SAN JOSE  
04-SCL-280-PM3.22  
EXHIBIT A (SHEET 3 OF 3)  
JANUARY 2005



# ATTACHMENT C



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04-SCL-280-PM3.22