



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: LOWER SILVER CREEK
COOPERATIVE AGREEMENT

DATE: 06-05-06

Approved

Date

COUNCIL DISTRICT: 5

RECOMMENDATION

Approval of a cooperative agreement with the Santa Clara Valley Water District (District) to compensate the District for the design and construction of new and upgraded storm drain outfall facilities located along Lower Silver Creek between McKee Road and Interstate 680 in a total amount not to exceed \$230,645. The term of this agreement shall commence upon execution of the agreement by both parties and terminate upon the City's final payment for the work. CEQA: Mitigated Negative Declaration, File No. PP03-294.

OUTCOME

Approval of this cooperative agreement would allow the City to compensate the District for services related to the design and construction of new storm drain outfall improvements and the upsizing of existing storm drain outfalls along Lower Silver Creek between McKee Road and Interstate 680..

BACKGROUND

Lower Silver Creek is a major tributary to Coyote Creek and drains a portion of the City of San José. Over the past 50 years, Lower Silver Creek has experienced flooding that resulted in damage to residential, commercial, and industrial properties. To address this issue, the District embarked on a multi-phased project to provide impacted areas with protection from the 100-year flood event.

In 2000, design work on the Lower Silver Creek Flood Protection Project Reach 3, between McKee Road and Interstate 680, commenced. During the design review process, the City requested that the District redesign all existing storm drain outfalls along this reach to accommodate a 10-year design flow in lieu of replacing them in-kind, as proposed by the

District. The District initially declined, but after lengthy negotiations, it was agreed that the City and District would cooperate to construct the outfall upgrades in conjunction with the Lower Silver Creek flood improvements. The District agreed to complete the requested outfall upgrades and the City agreed to recommend approval of an agreement to pay the cost differential between the in-kind replacement and requested outfall upgrades. With this commitment to recommend approval of a future agreement, the Water District completed the work, including the proposed upgrades.

ANALYSIS

In 2000, during the design review phase of the Lower Silver Creek Flood Protection Project Reach 3, staff identified the need to upgrade eight existing outfalls to meet the City's 10-year design storm standards, and to construct five new outfall stub-outs to serve future development in the area.

The outfall improvements increase the capacity of existing outfalls along Lower Silver Creek Reach 3, bringing them up to the 10-year storm design standard. These upgrades provide for improved drainage capacity for the adjacent residential and commercial areas. In addition, several new outfall stub-outs were built to facilitate future connections to the City's storm drain system to serve future development of the area.

ALTERNATIVES

City staff could have completed the outfall improvements in-house as part of a future storm drain improvement or development project. However, no specific project or funding has been identified to complete such improvements. Staff would also be required to obtain various environmental clearances and permits to perform work along and within Lower Silver Creek, and administer both the design and construction contracts. It was more cost effective to have the Water District design and construct the outfall improvements in conjunction with the Lower Silver Creek Flood Protection Project, and the City paying for the outfall upgrades is appropriate.

PUBLIC OUTREACH

No public outreach is required for approval of this cooperative agreement.

COORDINATION

This agreement and memo were coordinated with the City Attorney's Office, the Department of Planning, Building and Code Enforcement and the City Manager's Budget Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$230,645
2. COST OF AGREEMENT:

Design and Construction Services	\$230,645
TOTAL	\$230,645
3. SOURCE OF FUNDING: 413 – Storm Drainage Fee Fund
4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that the upgraded storm drain system infrastructure will provide capacity to serve future development in the area. The proposed operating and maintenance costs of this project have been reviewed and will have no significant adverse impact on the General Fund operating budget.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2005-06 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
413	4272	Miscellaneous Projects	143129	\$604,000	\$230,645	Capital V- 213	10/18/05 Ord. No. 27580

CEQA

CEQA: Mitigated Negative Declaration, File No. PP03-294.



KATY ALLEN
 Director, Public Works Department

For questions, please contact TIMM BORDEN, DEPUTY DIRECTOR, at 408-535-8300.