

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: TEMPORARY CONSTRUCTION
EASEMENT – DOWNER CANOAS
INJECTION STATION

DATE: 08-06-07

Approved

Deanna Antice

Date

8/11/07

COUNCIL DISTRICT: 10

RECOMMENDATION

Approval of an agreement with the Uenaka Family Partnership to obtain a temporary construction easement for access through their property to the City's Downer-Canoas Injection Station site.

OUTCOME

Approval of this agreement will enable the City to gain ingress and egress access during the construction of Downer Canoas Injection Station Rehabilitation. This rehabilitation will update the station to meet the current fire code and environmental requirements.

BACKGROUND

The Department of Transportation operates the Downer-Canoas Ferrous Chloride Injection Station, located along Blossom Hill Road adjacent to Canoas Creek (map attached). The station, which was constructed in 1987, dispenses ferrous chloride chemical solution into the Downer-Canoas Sanitary Sewer Interceptor system to help control odors.

The City desires to replace the existing storage tank and injection system with a new system to comply with current fire codes and environmental requirements.

ANALYSIS

The project site is adjacent to the Uenaka commercial property to the west and the south. The removal and replacement of the tank can only be accomplished effectively and expeditiously by accessing the project site through the parking lot of this commercial property.

Public Works entered negotiations with the property owner to obtain a temporary construction easement at no cost to the City. The appropriate terms and conditions of the easement have been mutually agreed by both parties, and the agreement is signed by the property owner.

The project is scheduled for advertisement in August 2007. Obtaining a temporary construction easement in advance of advertisement period provides clear information to the prospective bidders, resulting in potentially lower bids. It will also avoid potential delays in the construction schedule. The construction is scheduled to start in November 2007 and be completed by February 2008.

POLICY ALTERNATIVES

Alternative # 1: To not replace the deteriorating and aging tank.

Pros: Savings in the form of immediate costs would not be incurred by the City.

Cons: However, delay or postponement in replacement of the much needed tank and equipment may pose a health and hazard risk over a short period of time.

Reason for not recommending: This would pose and create a health hazard in the unlikely event of accidental minor or major leakage and release.

EVALUATION AND FOLLOW-UP

Public Works staff will process, accept and record the temporary construction easement. No additional follow up with the Council is needed at this time.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the above listed criteria; however this memorandum will be posted on the City's website for the August 28, 2007 Council agenda. This project has been coordinated with the adjacent property owner and the Santa Clara Valley Water District. The project will also be listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects are provided to various contractor organizations and builder's exchanges.

COORDINATION

This project has been coordinated with the Departments of Fire, General Services, Transportation, Finance, City Attorney’s Office, City Manager’s Budget Office and Planning, Building and Code Enforcement.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: None

Project Delivery	\$220,000*
Construction	385,000
Contingency	38,000
TOTAL PROJECT COSTS	\$643,000

*Project delivery includes \$140,000 for design services and \$80,000 for Construction Management and Inspection Services.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: Not applicable
3. SOURCE OF FUNDING: 540 – Sanitary Sewer Connection Fee Fund
4. OPERATING COSTS: The proposed operating and maintenance costs of this project have been reviewed and it has been determined that the project will have no significant adverse impact on the General Fund operating budget.

BUDGET REFERENCE

The table below identifies the fund and appropriation(s) proposed to fund the contract(s) recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2007-2008 Proposed Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs				\$487,863			
Current Funding Available							
540	4271	Miscellaneous Rehabilitation Projects	141455	\$2,500,000	\$385,000	Capital V-66	N/A
Total Current Funding Available				\$2,500,000	\$385,000		

HONORABLE MAYOR AND CITY COUNCIL

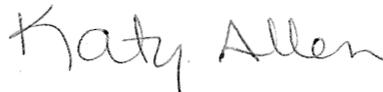
08-06-07

Subject: Approval of Agreement for Downer Canoas Injection Station Access

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CEQA

CEQA:Exempt, File No. PP06-165

A handwritten signature in cursive script that reads "Katy Allen".

KATY ALLEN

Director, Public Works Department

For questions please contact PHILIP PRINCE, DEPUTY DIRECTOR, at 535-8300.

Attachment

EXHIBIT A

