



COUNCIL AGENDA: 12/07/04

ITEM: 8.1(c)

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Ralph G. Tonseth

**SUBJECT: FOURTH AMENDMENT TO ACT
PROGRAM CONSULTANT
AGREEMENT - CATEGORY II/III
ELIGIBILITY AREA**

DATE: November 15, 2004

Approved

Date

11/24/04

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the agreement with Charles M. Salter Associates for consultant services related to noise attenuation and acoustical testing of properties located within the Noise Impact Area, extending the term of the agreement from December 30, 2004 to December 31, 2006, with no increase in total compensation.

BACKGROUND

On March 3, 1998 the City Council adopted the Airport Master Plan, which includes a supplemental noise attenuation program as part of the Acoustical Treatment (ACT) Program for dwellings within the Category II/III Eligibility Area. The Category II/III Eligibility Area includes the Guadalupe/Washington, Ryland-Vendome and Rosemary Gardens areas in San Jose and the Fairway Glen area in Santa Clara.

On August 17, 1999, the City Council approved an agreement with Charles M. Salter Associates (the Consultant) to provide acoustical testing in the Category II/III Eligibility Areas.

On May 16, 2000, the City Council approved the First Amendment to the agreement, extending the term of the agreement with the Consultant, with no increase in compensation.

On February 27, 2001, the City Council approved the Second Amendment to the agreement, increasing the maximum compensation for consulting services needed for design, bid and construction administration for eligible dwellings located within the Category II/III Eligibility Area, in order to provide focused acoustical treatment.

On June 18 2002 the City Council adopted a resolution authorizing the City Manager to negotiate and execute a Third Amendment to the agreement, increasing the compensation and extending the term for consultant services for architectural design and construction administration for the acoustical treatment of 50 properties located within the Noise Impact Area.

ANALYSIS

This Fourth Amendment extends the term of the agreement, with no additional increase in compensation, which will allow the Consultant to complete the closeout processes for the remainder of the 50 dwelling units approved for acoustical treatment by the Third Amendment. The closeout process consists primarily of post construction administrative services for acoustical testing and preparation of the Final Report. The Fourth Amendment also provides for continued supplemental interior noise testing of eligible properties located in the Category III Eligibility Area.

AIRPORT MASTER PLAN CONSISTENCY

The San Jose Municipal Code requires all Airport capital projects to be consistent with the adopted Airport Master Plan. As the Airport's Acoustical Treatment Program is explicitly identified in the Airport Master Plan as an EIR mitigation measure, the proposed consultant agreement amendment is consistent with the Master Plan pursuant to Municipal Code Section 25.04.210(B)(2).

PUBLIC OUTREACH

The ACT Program is actively involved in the Community, and ACT Program staff attendss meetings on a regular basis with various neighborhood association groups. The City has mailed offers for acoustical treatment as well as mailings advising property owners of the status of their acoustical treatment.

The Acoustical Treatment Field Office, located at 310 Edwards Avenue, Room 103 is available during normal business hours for all property owners to inspect the individual treatment components as well as to ask questions regarding the sound attenuation of their property. An ACT Program telephone line is monitored daily for any inquires about the Program.

COORDINATION

Preparation of the first amendment has been coordinated with the City Attorney's Office and Risk Management.

COST IMPLICATIONS

The ACT Program, which is part of the Airport Noise Attenuation capital project, is funded by a combination of Airport Passenger Facility Charges (PFC) revenues and Airport Improvement Grant funds. (AIP)

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn*	Amt. For Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
520	4136	Noise Attenuation Testing – Category III	106413	\$100,000	\$2,278,746	Page - V 31	06/22/04 Ord. No. 27196
529	6859	Noise Attenuation Treatment – Cat II	114723	\$200,000			
		Total		\$300,000	\$2,278,746		

CEQA

Resolutions No. 67380 and 71451, PP 04-309

Ralph G. Tonseth
 RALPH G. TONSETH
 Director of Aviation

RGT:BB

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