



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** THOMPSON CREEK & SIERRA  
CREEK BANK EROSION &  
OUTFALL REPAIR PROJECTS

**DATE:** 06-01-09

Approved

Date

6/8/09

**COUNCIL DISTRICT:** 8

## RECOMMENDATION

Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with the Santa Clara Valley Water District to compensate the District for design and construction associated with the repair of eroded banks at two locations along Thompson Creek and at one location along Sierra Creek in a total amount not to exceed \$370,000.

## OUTCOME

Approval of this cooperative agreement with the Santa Clara Valley Water District will enable the project to proceed as scheduled and take advantage of the summer construction season, as required for work within creek embankments.

## BACKGROUND

Thompson Creek is a major tributary to Coyote Creek and drains a portion of the southeast side of the City of San José. Over the past two decades, the watershed to Thompson Creek has experienced rapid urban development. As a result, Thompson Creek has an increase in water flow that has resulted in a rapidly changing and moving streambed. The channel has widened as a result of sediment transport, bottom scouring, bank failure, and tree loss. This threatens other City facilities, such as storm lines/outfall, bridge footings, pedestrian paths, and water lines. Although current storm water regulations require that new development not contribute additional runoff volume to Thompson Creek, various impacts have already occurred.

In April 2008, the City of San José and the Santa Clara Valley Water District (SCVWD) began coordination efforts for bank erosion repair at two locations along Thompson Creek; Everdale Drive and Farnsworth Drive. Both of these locations are located within the City's right-of-way. At Everdale Drive, the streambed realignment has added sharp turns to what used to be a more linear segment of the stream. This has caused erosion along the south bank of the creek and around the footing of an existing City of San Jose pedestrian bridge. At Farnsworth Drive, increased flows have eroded a portion of the west bank of the creek, immediately adjacent to an

existing asphalt pedestrian path along San Felipe Road. This is the only northbound pedestrian access along San Felipe Road and is the only northbound pedestrian route to Silver Oak Elementary School.

Sierra Creek is also a tributary to Coyote Creek. It drains a section of northeast San Jose. For the past few years, City maintenance staff and the Santa Clara Valley Water District have been closely monitoring the City of San José outfall off of Sierraville Avenue. Earlier this year, the outfall protection structure collapsed around the existing outfall pipe. This in turn caused some erosion along the south bank downstream of the outfall, located in District right of way. At that time, the City of San Jose and the Santa Clara Valley Water District began coordination efforts to repair the outfall structure and eroded banks.

### **ANALYSIS**

During coordination efforts with the SCVWD, it became clear that obtaining the environmental clearances and regulatory permits for all three of the aforementioned projects would be extremely lengthy and costly for the City of San Jose, while SCVWD's expertise in engineering and stream stewardship, obtaining regulatory permits, and equipment necessary to make such repairs would be much more effective and expeditious. As a result, the District agreed to include the projects in their on-going Stream Maintenance Program (SMP) permit, which includes authorization from all the relevant regulatory agencies.

Approval of the cooperative agreement between the City of San José and the Santa Clara Valley Water District will enable the District to provide design and construction services associated with repair activities to the eroded banks along Thompson Creek at Everdale Drive and Farnsworth Drive, as needed to protect existing City facilities, and to repair the City of San Jose outfall and repair the eroded bank along Sierra Creek. The SCVWD will submit a Post Construction Report to the regulatory agencies by January 2010. The City and SCVWD staff will continue to monitor bank erosion at the locations noted above and will continue a cooperative effort to establish long-term solutions to the issue of bank erosion at both locations along Thompson Creek.

### **EVALUATION AND FOLLOW-UP**

No additional follow up actions with the Council are expected 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 recommendation is for delegation of authority to the City Manager to negotiate and execute a cooperative agreement between the Santa Clara Valley Water District and the City of San José to the City Manager. The item does not meet any of the criteria listed above. However, this memorandum will be posted to the City's website for the June 23, 2009 Council agenda.

**COORDINATION**

This project and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Finance, Transportation, the City Attorney's Office, and the City Manager's Budget Office.

**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 SUMMARY/IMPLICATIONS**

- 1. AMOUNT OF RECOMMENDATION: \$370,000
- 2. COST ELEMENTS OF AGREEMENT:

Project Delivery	\$75,000
Construction	283,000
Post-construction	<u>12,000</u>
Total	\$370,000

- 3. SOURCE OF FUNDING: 469 – Storm Drainage Service Capital
- 4. OPERATING COSTS: The proposed operating and maintenance costs of this project have been reviewed and will have no significant impact on the General Fund operating budget.

**BUDGET REFERENCE**

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

HONORABLE MAYOR AND CITY COUNCIL

06-01-09

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Fund #	Appn #	RC#	Appn. Name	Total Appn.	Amt. for Agreement	2008-2009 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
<b>Current Funding Available</b>							
469	6474	153201	Creek Channel Stabilization	\$600,000	\$370,000	Capital V-114	N/A
<b>Total Current Funding Available</b>				\$600,000	\$370,000		

**CEQA**

CEQA: "Final Environmental Impact Report for the Multi-Year Stream Maintenance Program" dated August 2001. Resolution No 2001-56 adopted August 21, 2001 by the Santa Clara Valley Water District Board of Directors.



KATY ALLEN  
Director, Public Works Department

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

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