



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Julie Edmonds-Mares

SUBJECT: SEE BELOW

DATE: December 9, 2011

Approved

Date

12/9/11

SUPPLEMENTAL

SUBJECT: SUPPLEMENTAL MEMORANDUM ON COOPERATIVE AGREEMENT WITH SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR RIPARIAN IMPROVEMENTS IN UPPER PENITENCIA CREEK IN ALUM ROCK PARK

REASON FOR SUPPLEMENTAL

The purpose of this supplemental memo is to provide an update on the terms and conditions of the Cooperative Agreement with Santa Clara Valley Transportation Authority (VTA).

In accordance with the City's Sunshine requirements, the proposed Cooperative Agreement was posted on the City's website for the December 13, 2011, Council agenda. However, VTA has requested the following changes to the proposed Cooperative Agreement:

1. The posted Cooperative Agreement required VTA to comply or cause its contractors to comply with the City's Prevailing Wage Policy. VTA has requested to revise the proposed agreement to require VTA and its contractors to comply with the prevailing wages requirements under State law (California Labor Code Section 1770 et seq.). Staff has made the requested changes since VTA is subject to the State prevailing wage requirements and this is consistent with past practices between the parties.
2. The posted Cooperative Agreement also required VTA to be responsible for the subsequent on-going mitigation monitoring and requirements set forth in the Mitigated Negative Declaration (MND) prepared for the Alum Rock Park Bank Repair and Stream Restoration Project (File No. PP08-203). The revised Cooperative Agreement clarifies that VTA is responsible for on-going mitigation monitoring of Projects 3, 5, 10 and 13 and that the City is responsible for on-going mitigation monitoring for Project 2.

HONORABLE MAYOR AND CITY COUNCIL

December 13, 2001

**Subject: Supplemental Report on Cooperative Agreement with Santa Clara Valley Transportation Authority
for Riparian Improvements in Upper Penitencia Creek in Alum Rock Park**

Page 2

/s/

JULIE EDMONDS-MARES

Acting Director of Parks, Recreation and
Neighborhood Services

For questions please contact Matt Cano, Deputy Director, at 408-535-3580.