

RESOLUTION NO. 74723

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT TO NEGOTIATE AND EXECUTE A CONTINUATION AND FIRST AMENDMENT TO THE COOPERATION AND FUNDING AGREEMENT WITH THE CITY OF SANTA CLARA AND THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR THE SANTA CLARA BART STATION AREA PLAN

WHEREAS, on February 13, 2007, the City Council of the City of San José (“City Council”) approved the original Cooperation and Funding Agreement between the City of San José (“San José”), the City of Santa Clara (“Santa Clara”), and the Santa Clara Valley Transportation Authority (“VTA”) to accept and use grant funds obtained by the Metropolitan Transportation Commission (“MTC”) (\$600,000) and local matching funds shared by the VTA (\$150,000), Santa Clara (\$50,000) and San José (\$50,000) to prepare the Santa Clara BART Station Area Plan (“Station Area Plan”); and

WHEREAS, in June 2008, the VTA, Santa Clara and San José identified additional tasks and associated budget costs required for preparation of the Environmental Impact Report (“EIR”) for the Station Area Plan and approved a time extension for the Cooperation and Funding Agreement through December 31, 2008; and

WHEREAS, the City desires to negotiate and execute a continuation and first amendment to the Cooperation and Funding Agreement to extend the term to December 31, 2009, expand the tasks to the original scope of work, and increase the funding of San José by the amount of \$25,000; and

WHEREAS, the City of Santa Clara will be contributing a similar additional amount to the completion of the Station Area Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Planning, Building, and Code Enforcement is hereby authorized to negotiate and execute a continuation and first amendment to the Cooperation and Funding Agreement (Funding Agreement) with the City of Santa Clara and the Santa Clara Valley Transportation Authority for the Santa Clara BART Station Area Plan to:

- (a) Extend the term of the Funding Agreement by one year to December 31, 2009;
- (b) Add tasks to the original scope of work, including climate change analysis and additional traffic analysis, necessary for the completion of the Environmental Impact Report (EIR) for the Santa Clara BART Station Area Plan project; and
- (c) Increase the amount of funding for the Station Area Plan in the Funding Agreement by \$25,000 to support additional costs associated with the preparation of the EIR for the Station Area Plan, for a total City of San Jose contribution not to exceed \$75,000.

ADOPTED this 16th day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk