

**RESOLUTION NO. 75133**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE RESTATED COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

**WHEREAS**, the improvement of the Route 101/De La Cruz Boulevard/Trimble Road interchange is one of the City of San Jose's ("City's") priority transportation projects, both in terms of upgrading the regional highway system and in supporting economic development opportunities for the City; and

**WHEREAS**, the purpose of the project is to improve traffic flow on both Route 101 and along the Trimble Road/De La Cruz Boulevard corridor; and

**WHEREAS**, on June 30, 2005, the City executed an agreement with the Santa Clara Valley Transportation Authority ("VTA") to develop a conceptual design for the interchange improvements in the amount of \$100,000; and

**WHEREAS**, this Agreement was subsequently amended on April 24, 2007, extending the term, increasing the compensation to \$700,000, and expanding the scope of services to further develop the design of the project and obtain environmental clearance; and

**WHEREAS**, there have been a number of design changes and unanticipated events that have impacted the project schedule; and

**WHEREAS**, approval of the First Amendment will extend the term of this Agreement through December 31, 2010; and

**WHEREAS**, the proposed Second Amendment will increase the City's contribution by \$150,000 in order to fulfill the commitments of the original and expanded scope of the project to include environmental clearance, and approved project reports and studies required by Caltrans; and

**WHEREAS**, staff will move forward with the Second Amendment only in the event that additional funding of \$150,000 is approved by the City Council on October 20, 2009 in the 2008-2009 Annual Report;

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

The City Manager is hereby authorized to negotiate and execute a Second Amendment to the Restated Cooperative Agreement between the City of San Jose and the Santa Clara Valley Transportation Authority for the Route 101/De La Cruz Boulevard/Trimble Road Interchange Reconstruction Project, expanding the scope of services and increasing the City's contribution by \$150,000 from \$700,000 to \$850,000.

ADOPTED this 20th day of October, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk