

RESOLUTION NO. 75549

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT WITH THE VIET HERITAGE SOCIETY FOR THE DEVELOPMENT, MAINTENANCE AND OPERATIONS OF THE VIETNAMESE HERITAGE GARDEN TO MODIFY PHASE I BY SPLITTING THE PHASE INTO PHASE IA AND IB, UPDATE PROJECT DELIVERY DATES, AMEND PAYMENT AMOUNTS AND PAYMENT SCHEDULE AND MODIFY MAINTENANCE RESPONSIBILITIES

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

The City Manager is hereby authorized to negotiate and execute a fourth amendment to the agreement with Viet Heritage Society for the development, maintenance and operations of the Vietnamese Heritage Garden to:

1. Modify the current project delivery model to reflect a phased project (Phase IA, IB and Phase II);
2. Define the elements contained within Phases IA and IB;
3. Update key project delivery dates;
4. Amend the payment amounts and schedule associated with Phases IA and IB;
and
5. Modify the period of VHS maintenance responsibility to include the maintenance of Phase IA through completion of Phase IB.

ADOPTED this 31st day of August, 2010, by the following vote:

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

NOES: NONE.

ABSENT: LICCARDO.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk