

**RESOLUTION NO. 75668**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE EIGHTH AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH THE CITY OF SANTA CLARA FOR THE SOUTHBAY WATER RECYCLING PROGRAM**

**WHEREAS**, in September 1993, as the administering agency of the San José/Santa Clara Water Pollution Control Plant ("Plant"), the Council of the City of San José ("City") authorized the design and construction of a project to divert up to 15 million gallons per day of treated effluent from the South Bay during the summer by providing nonpotable recycled water to customers in Milpitas, Santa Clara and San José; and

**WHEREAS**, on May 24, 1995, the City entered into an agreement with the City of Santa Clara ("Santa Clara") in the amount of \$12,600,000 for design and construction services to extend the recycled water system within the boundaries of Santa Clara; and

**WHEREAS**, the City and Santa Clara have subsequently executed seven amendments to the original agreement increasing the total compensation to \$33.7 million , expanding the recycled water pipeline extensions to be constructed by Santa Clara, and providing funding for administration of a grant program to convert customers from existing potable water connections to the recycled water system; and

**WHEREAS**, the City desires to authorize the City Manager to negotiate and execute the Eighth Amendment to the construction service agreement with the City of Santa Clara for the South Bay Water Recycling Program, extending the term of the agreement to December 31, 2012, adding construction of the project designated as Industrial 3B- Package 1 to the list of recycled water pipeline projects, and increasing the maximum amount payable by the City of San José by \$1,011,000 to a total maximum amount not to exceed \$34,661,000;

**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 the Eighth Amendment to the construction service agreement with the City of Santa Clara for the South Bay Water Recycling Program, extending the term of the agreement to December 31, 2012, adding a new project to the list of recycled water pipeline projects, and increasing the maximum amount payable by the City of San José by \$1,011,000 to a total maximum amount not to exceed \$34,661,000.

ADOPTED this 14<sup>th</sup> day of December, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk