City of Santa Clara

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Agenda Report

22-1111   **Agenda Date: 12/6/2022**

REPORT TO COUNCIL

SUBJECT

Action to Authorize the City Manager to Negotiate, Execute, and Administer Cooperative Agreement #2 with the Valley Transportation Authority for the BART Silicon Valley Phase II Extension Project

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

This Project is Phase II of the Santa Clara Valley Transportation Authority's (VTA) Bay Area Rapid Transit (BART) Silicon Valley Project to extend the BART system 16 miles, from the Warm Springs Station in Fremont into Santa Clara County, with six stations in Milpitas, San Jose, and Santa Clara. Phase II of the Project has been split into two segments. The first segment consisted of the 10-mile, two-station, Berryessa Extension, with stations in Milpitas and Berryessa/North San Jose, which opened for revenue service in June 2020. The second segment consists of an approximately 6-mile extension of the BART system from the Berryessa/North San Jose BART Station in San Jose to the proposed Santa Clara BART Station.

On October 29, 2020 the City entered into a Master Agreement with the VTA for the Project. The Master Agreement covers a broad range of topics and the overall purpose is to define and outline the interaction, consultation, and cooperation between the City and VTA for preliminary engineering, final design, and construction of the Project. This includes items such as: City reviews, inspections, permitting, reimbursement, warranties, and indemnification. The Master Agreement defines each agency's respective rights and obligations and ensures cooperation between the VTA and City in connection with the Project. The Master Agreement also provides the framework for ongoing interaction between the two parties to be supported by subsequent amendments or agreements for specific issues related to the Project.

On July 14, 2021 the City entered into Cooperative Agreement #1 with the VTA for the Project. While the Master Agreement provides the overarching framework for ongoing interactions between the City and VTA on the Project, Cooperative Agreement #1 provides more details related to key items such as:

- Project betterments;
- Construction and post construction stormwater requirements;
- Funding for City services supporting VTA's pre-RFP Project activities;
- Document review milestones;
- Time periods for review;
- Construction standards; and,
- Traffic maintenance and detours.

DISCUSSION

As the Project continues to move forward, VTA and staff have been working collaboratively on an additional agreement to further clarify each agency's respective rights and obligations related to the Project and to provide a funding mechanism for City staff time during the Project's plan check and construction phases. Cooperative Agreement #2 will likely include items related to:

- Preconstruction survey submittal review timelines;
- Provisions for financial payments to the City for future pavement repairs due to Project construction haul routes;
- Construction inspection and testing submittal review timelines;
- Reimbursement of City costs (up to $555,000) related to:
    - 60% and 85% design stage reviews of the Project contractor's public improvement plan permit submittals (up to $350,000)
    - On-going City staff participation in the Project's Fire Life Safety and Security Committee (up to $205,000)

It is estimated that Cooperative Agreement #2 will be executed in early 2023. In summary, the City of Santa Clara, as a partner agency with the VTA on the Project, has a vested interest to ensure that this regional transportation project is successful. The Project represents a significant opportunity for the City as it will provide vital transit connections between Santa Clara and the rest of the Bay Area. Additionally, to strengthen the City's long-term collaborative relationship with the VTA, the Master Agreement, Cooperative Agreement #1, and Cooperative Agreement #2 provide the framework and additional guidance for a successful partnership. Staff recommends authorizing the City Manager to negotiate, execute, and administer Cooperative Agreement #2 with the VTA.

ENVIRONMENTAL REVIEW

On April 5, 2018, the VTA, as lead agency under the California Environmental Quality Act of 1970 (CEQA), certified the Project's Final Supplemental Environmental Impact Report (SEIR) and adopted findings as required by CEQA. Additionally, on July 13, 2021, the City Council adopted Resolution #21-8990 which adopted findings for purposes of and pursuant to CEQA in connection with the approval of discretionary actions by the City necessary for the construction of the VTA's BART Phase II Extension project.

FISCAL IMPACT

The proposed Cooperative Agreement #2 will allow for staff costs related to the City's review of the Project to be reimbursed to the City by the VTA up to an amount not-to-exceed $555,000. Future budget amendments may be necessary, if upon reimbursement, department appropriations are insufficient to fund the work included in this agreement.

COORDINATION

This report has been coordinated with the Finance Department, Fire Department, and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a

Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov>](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve and authorize the City Manager to negotiate, execute and administer Cooperative Agreement #2 with the VTA for the BART Silicon Valley Phase II Extension Project and make modifications and extend the term if needed.

Reviewed by: Craig Mobeck, Director of Public Works
Approved by: Rajeev Batra, City Manager