



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch  
Jon Cicirelli

**SUBJECT:** SEE BELOW

**DATE:** March 4, 2024

Approved

Date

3/14/24

**SUBJECT: ACTIONS RELATED TO THE 8721- FEMA SAN JOSE FAMILY CAMP PROJECT**

## RECOMMENDATION

- (a) Adopt a resolution adopting the 8721- FEMA San José Family Camp Project Initial Study/Mitigated Negative Declaration (PP19-050) and related Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in compliance with the California Environmental Quality Act.
- (b) Approve the design for the 8721- FEMA San José Family Camp Project.
- (c) Adopt a resolution authorizing the City Manager or her designee to:
  - (1) Negotiate and execute a third amendment to the standard consultant agreement with Haley & Aldrich, Inc. (formerly Cal Engineering & Geology, Inc.) for the 8721-FEMA-San José Family Camp, increasing the amount of compensation by \$306,778, for a total amount not to exceed \$1,000,000, and extending the term of the agreement from December 31, 2024 to December 31, 2027; and
  - (2) Negotiate and execute future amendments to the standard consultant agreement with Haley & Aldrich, Inc. as needed to ensure the timely construction and completion of the project for maximum total compensation up to \$1.25 million and for term extensions up to December 31, 2029, subject to appropriation of funds.

## SUMMARY AND OUTCOME

Approval of the California Environmental Quality Act (CEQA) documents and related mitigations and design (**Attachment A-** Plan Exhibit- 8721-FEMA San José Family Camp) will facilitate the reconstruction of the rock revetment wall within the beach and “pool” area and

playground. The third amendment to the standard consultant agreement will allow the design and permitting work to continue and should be sufficient to complete the 8721-FEMA-San José Family Camp (Project).

In case additional issues or delays are encountered with permitting, giving the City Manager or her designee authority to negotiate and execute future amendments, subject to the appropriation of funds, streamlines the City's administration processes and allows the consultant to continue providing design, permitting, and construction administration support services through completion of the Project with minimal delay. Design and permitting services are anticipated to be completed by spring 2024.

## **BACKGROUND**

The San José Family Camp facility is located on the federal United States Forest Service land in the Sierra Mountains, between the town of Groveland and Yosemite National Park, in Tuolumne County (**Attachment B-** Location Map - 8721- FEMA San José Family Camp). It is operated and advertised by the City of San José. Heavy rains from the storm events in February 2017 caused significant damage to San José Family Camp, resulting in flooding and damage to various areas of the camp site.

Base repairs included in this Project are to the rock revetment wall within the beach and "pool" area and the playground. A wooden play structure known as The Fort was damaged beyond repair, along with a concrete retaining wall adjacent to The Fort.

By the time the final design was complete, the standard consultant agreement had already been extended twice. On December 1, 2020, the City Council approved the first amendment to increase the compensation amount from \$545,222 to \$673,222 and extended the agreement from December 31, 2020 to December 31, 2022. On June 14, 2022, the City Council approved the second amendment with the consultant increasing the compensation amount from \$673,222 to \$693,222, and extended the term from December 31, 2022 to December 31, 2024, which allowed the Project's design to incorporate accessibility requirements.

In addition to scoping and design challenges, the Project requires extensive permit coordination with the United States Forest Service; California Department of Fish and Wildlife; Central Valley Regional Water Quality Control Board; and the United States Army Corps of Engineers. The permit process extended much longer than anticipated - the consultant has had to prepare several drafts of permit applications for review and subsequently address questions or comments received from these agencies. During this process, the consultant continued to receive additional instructions, which triggered new tasks, including but not limited to, providing mitigation training to on-site staff for special-status amphibians and reptiles, biological and cultural resources monitoring during construction, and documenting and reporting findings. As a result, the term of the agreement had to be extended in order to continue the work. Extending the term to December 31, 2027 is necessary to complete the final stage of permitting.

These unforeseen efforts were not specifically forecasted in the consultant's original scope of work. Additional meetings with the agencies and City staff to discuss updates, requirements, and Project milestones pertaining to the permits were necessary, and as a result of this extra work, staff had to increase the maximum compensation under the agreement. Increasing it again to \$1 million via the third amendment is necessary to cover the additional work required for unforeseen permitting conditions.

## **ANALYSIS**

The final design was completed in 2022 by the consultant. However, the Project has experienced an extensive permitting process that could not have been fully anticipated. Staff is negotiating with the consultant on a third amendment to complete permitting services and additional biological monitoring required during construction. Staff anticipates that all work can be completed within the cost and term provided in the third amendment. However, given the complex regulatory agency and stakeholder coordination history, staff also recommends authorizing the City Manager or her designee to execute future amendments with Haley & Aldrich, Inc., to streamline the administrative processes and timeline should site conditions require additional work and time beyond what is contemplated in the third amendment. For example, the presence of special-status reptiles and amphibians during construction could require the consultant to change the design to avoid disturbing them, thus, requiring an increase in compensation and extension of the term. Authorizing the City Manager or her designee to negotiate and execute future amendments will reduce the potential delays during construction.

The Project implementation process extended beyond regular locally funded Capital Improvement Projects and has affected and will affect the operations of the Family Camp. The Project's CEQA document and the United States Fish and Wildlife Service biological opinion permit conditions require all in-creek work to be done during the dry creek season from June 15 to October 15 each year. Staff is targeting majority of the construction activities to occur during summer of 2025.

On-site San José Family Camp staff has been able to operate the facility for a few years following the flood; however, repairs are needed to ensure the continued safety of the camp users and staff, specifically at the "pool" area. The Project will also reinstate amenities that were compromised during the flood at the playground and construct the upgrades required by the Americans with Disabilities Act.

Approval of the CEQA documents and related mitigations and design allows the City to move forward in obtaining necessary permits. Authorizing the City Manager or her designee to approve and negotiate future amendments, subject to the appropriation of funds, expedites the required permitting process for the Project and move forward with bid, award, and construction.

*Federal Emergency Management Agency Reimbursement*

This Project is a small project by Federal Emergency Management Agency (FEMA) standards and is a part of a group of 18 other small projects to receive FEMA reimbursement for the 2017 flood. The amount of up to \$20,896 is anticipated to be received as reimbursement for the San José Family Camp Project on the completion of all the 2017 flood small projects. The City was originally awarded \$9,317 from FEMA for damages at San José Family Camp back in July 2018. In May 2022, FEMA approved an additional \$11,578 for additional funding to include new Americans with Disabilities Act compliance work, which is a requirement by the state to provide accessibility for the public.

**EVALUATION AND FOLLOW-UP**

Final budget recommendations to support the bid, award, and construction phases of work are expected to be brought to City Council with the award of a contract for construction in early spring 2025.

**COST SUMMARY/IMPLICATIONS**

This Project is consistent with the City’s General Plan, the City Council-approved budget strategy for Citywide parks, and the budget strategy principle of focusing on protecting our core services. The Project budget of \$2,768,000 comes from Parks, Recreation, and Neighborhood Services Department’s Construction and Conveyance Tax Fund: City-wide Parks Purposes. Currently, staff is seeking to amend the agreement by \$556,778 to support the increased cost of the consultant and professional engineering services contract. Currently, there is enough funding to encumber the additional agreement amount upon execution of the third amendment. Upon completion of the construction documents, it is anticipated that additional funding will be requested through a future City Council memorandum or budget process for the completion of the Project. A reimbursement of up to \$20,896 from FEMA is anticipated to be received for the San José Family Camp Project, on the completion of all 2017 flood small projects. There is no additional operating and maintenance costs anticipated to be generated from the Project’s funding.

**COST ELEMENTS OF AGREEMENT/CONTRACT:**

Original Consultant Contract Amount	\$545,222
First Amendment Amount	128,000
Second Amendment Amount	20,000
<b>TOTAL CONTRACT AND AMENDMENTS</b>	<b>\$693,222</b>
Recommended Third Amendment Amount	306,778
Recommended Future Amendment(s) Amount	250,000
<b>TOTAL RECOMMENDED AGREEMENT/CONTRACT AMOUNT</b>	<b>\$1,250,000</b>

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn Name	Total Appn	Recommended Amt. for Agreement	2023-2024 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
391	407E	2017 Flood – Family Camp Playground Shade Structure, Retaining Wall and Slope Stabilization	\$1,822,000	\$556,778	593	10/17/2023 30966

**COORDINATION**

This memorandum has been coordinated with the City Attorney’s Office, the City Manager’s Budget Office, and the Department of Planning, Building, and Code Enforcement.

**PUBLIC OUTREACH**

This memorandum will be posted on the City’s Council Agenda website for the March 26, 2024 City Council meeting.

**COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

**CEQA**

The City of San José, as the Lead Agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2023090689), for the San José Family Camp Storm Damage Repair Project in compliance with CEQA, the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations and policies of the City San José, California. The IS/MND was circulated from September 9, 2023 to October 10, 2023. No comment letter was received during the public review period and no edits were required to be made to the IS/MND post public review. The IS/MND can be found here: [San José Family Camp Storm Damage Repair Project IS/MND](#)

The IS/MND identified relevant mitigation measures for potential impacts to construction air quality, special-status amphibian and reptile species, nesting birds, waters of the State/U.S.,

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cultural resources/human remains, paleontological resources, geology and soils, unknown hazards and hazardous materials, and construction-related noise. The mitigation measures are included in the Mitigation Monitoring and Reporting Program. The Initial Study concluded that the Project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures and no further CEQA review is needed. CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for San José Family Camp Storm Damage Repair Project (PP19-050).

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
MATT LOESCH  
Director of Public Works

/s/  
JON CICIRELLI  
Director of Parks, Recreation,  
and Neighborhood Services

For questions, please contact Sal Kumar, Interim Deputy Director of Public Works, at [sal.kumar@sanjoseca.gov](mailto:sal.kumar@sanjoseca.gov) or (408) 535-8300.

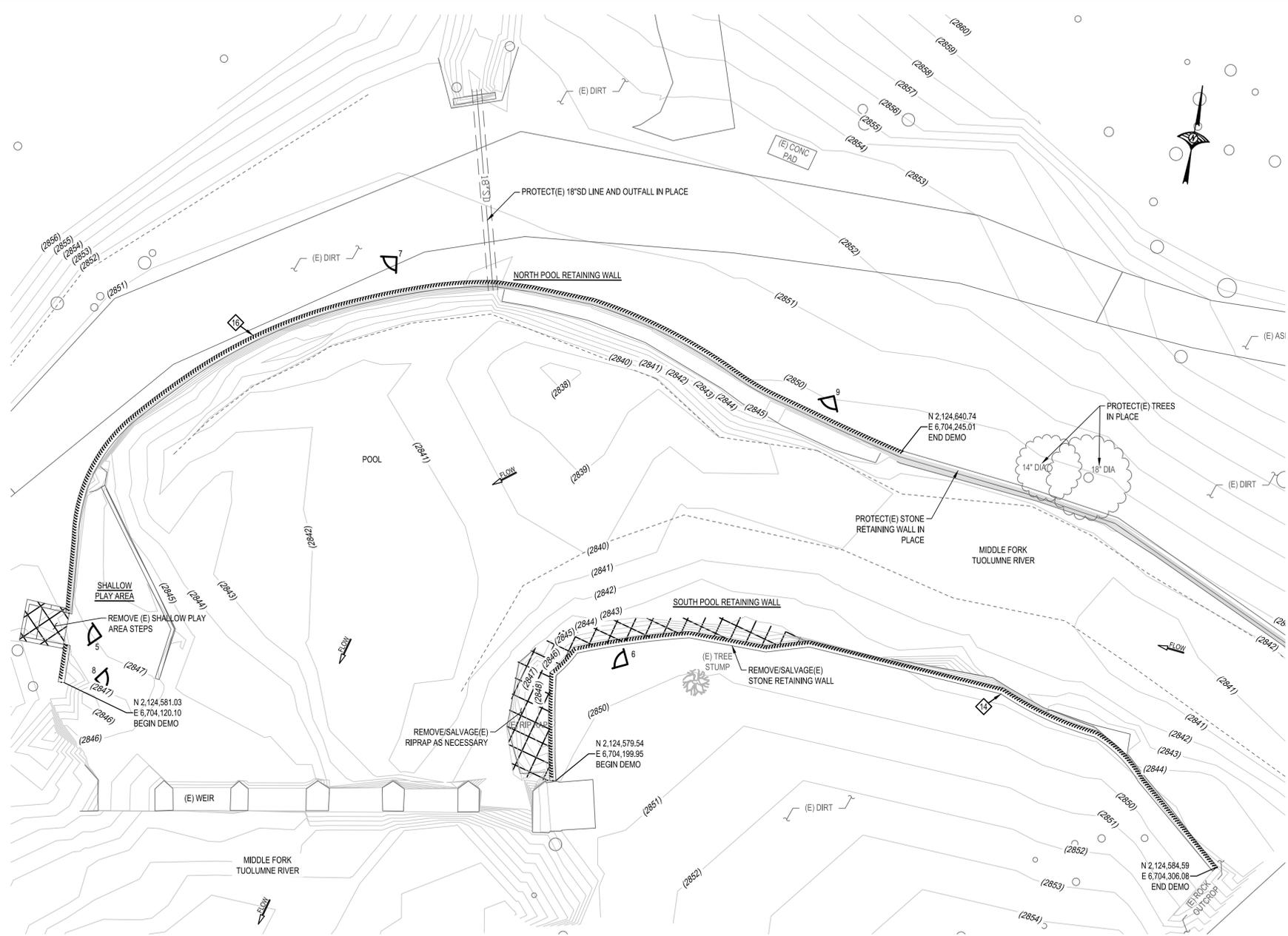
### **ATTACHMENTS:**

Attachment A- Plan Exhibit - 8721- FEMA San José Family Camp

Attachment B- Location Map - 8721- FEMA San José Family Camp







**DEMOLITION NOTES**

1. THE CONTRACTOR SHALL VISIT THE PROJECT AREA PRIOR TO BIDDING TO DETERMINE THE EXACT EXTENT OF ALL SITE DEMOLITION ITEMS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION. LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND FOR GENERAL INFORMATION ONLY. CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND CONDITIONS PRIOR TO COMMENCEMENT OF WORK.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS, STANDARD DETAILS AND SUBSEQUENT ADDENDA AS ADOPTED BY THE CITY COUNCIL, WHERE APPLICABLE AND ALSO THE SPECIAL PROVISIONS FOR THIS PROJECT.
4. THE CONTRACTOR SHALL PERFORM ALL CLEARING, DEMOLITION, REMOVAL OF OBSTRUCTIONS AND SITE PREPARATIONS NECESSARY FOR THE PROPER EXECUTION OF ALL WORK SHOWN ON THESE PLANS AND AS DESCRIBED IN THE SPECIFICATIONS.
5. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION ON THIS PROJECT (USA AT 800-227-2600). THE CONTRACTOR SHALL REMOVE ALL USA MARKING, AS SOON AS THEY ARE NO LONGER NEEDED, BY USING A HIGH PRESSURE WATER METHOD ONLY. THE CITY ENCOURAGES THE USE OF CHALK PAINT WHENEVER POSSIBLE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE UNDER THIS CONTRACT FOR REPAIRING AND REPLACING AT THE CONTRACTOR'S OWN EXPENSE, ANY STRUCTURE, FENCES, WALLS OR PLANT LIFE DAMAGED OR DESTROYED BY THE CONTRACTOR'S OPERATION, ON ADJACENT PROPERTIES AND ANYWHERE OUTSIDE THE LIMIT OF WORK. THE DAMAGED ITEMS WILL BE RESTORED TO THEIR ORIGINAL CONDITION AND TO THE SATISFACTION OF THE CITY.
7. KEEP ALL PLANTING, PAVING AND CURB AREAS FREE FROM WEEDS, DEBRIS AND TRASH DURING THE ENTIRE DURATION OF THE CONTRACT. WEED CONTROL HERBICIDES SHALL BE APPLIED IF THE CITY DEEMS IT NECESSARY. TYPE OF HERBICIDE TO BE USED AND METHOD OF APPLICATION SHALL BE APPROVED BY THE CITY.
8. CARE SHOULD BE TAKEN WITH EXISTING TREES TO REMAIN. GRADES WITHIN THE DRIP LINES OF THE TREES SHALL NOT BE CHANGED UNLESS OTHERWISE SPECIFIED ON THE PLANS. UNNECESSARY ACTIVITIES WITHIN THE DRIP LINE SHALL BE AVOIDED.
9. THE CONTRACTOR SHALL ADJUST UTILITY BOXES TO FINISH GRADE WHEN THEY ARE ENCOUNTERED DURING EXCAVATION AND GRADING WORK WITHIN LIMIT OF WORK, COORDINATE WITH UTILITY COMPANIES AS NECESSARY TO ADJUST VAULTS TO NEW GRADES.

**GENERAL NOTES**

1. ALL ITEMS ARE TO BE PROTECTED IN PLACE UNLESS OTHERWISE NOTED.
2. SALVAGED ITEMS ARE TO BE RELOCATED TO TEMPORARY STOCKPILE & STAGING AREA DURING DEMOLITION AND REPLACED PER GRADING PLAN SHEETS C2.0 & C2.1.
3. ANY DAMAGE INCURRED TO ITEMS TO BE SALVAGED IS RESPONSIBILITY OF CONTRACTOR TO FIX OR REPLACE.
4. PROTECT ALL TREES TO REMAIN WITH PERIMETER FENCING AT CROWN OF TREE CANOPY.

**LEGEND**

- PHOTO LOCATION & NUMBER
- TEMPORARY STOCKPILE & STAGING AREA (APPROXIMATE FOOTPRINT)
- TO BE REMOVED AND PROPERLY DISPOSED
- EXISTING TREE TO BE REMOVED
- EXISTING WALL TO BE REMOVED

**EXISTING CONDITIONS & DEMOLITION PLAN - POOL**

SCALE: 1" = 10'

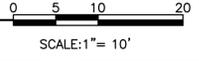


PHOTO #5: EXISTING SHALLOW PLAY AREA STEPS



PHOTO #6: EXISTING NORTH POOL STONE RETAINING WALL



PHOTO #7: EXISTING NORTH POOL STONE RETAINING WALL



PHOTO #8: EXISTING SOUTH POOL STONE RETAINING WALL



PHOTO #9: EXISTING SOUTH POOL STONE RETAINING WALL



**MATT LOESCH**  
DIRECTOR OF PUBLIC WORKS

DESIGN TEAM:

CIVIL / STRUCTURAL / SURVEY:



GEOTECHNICAL:



ENVIRONMENTAL:



IF THIS DOES NOT MEASURE ONE INCH, THESE PLANS ARE NOT FULL SCALE.

PROJECT TITLE:

**ATTACHMENT A-  
PLAN EXHIBIT  
8721- FEMA SAN JOSE  
FAMILY CAMP STORM  
DAMAGE REPAIR  
PROJECT**

REV	DATE	REASON FOR ISSUE

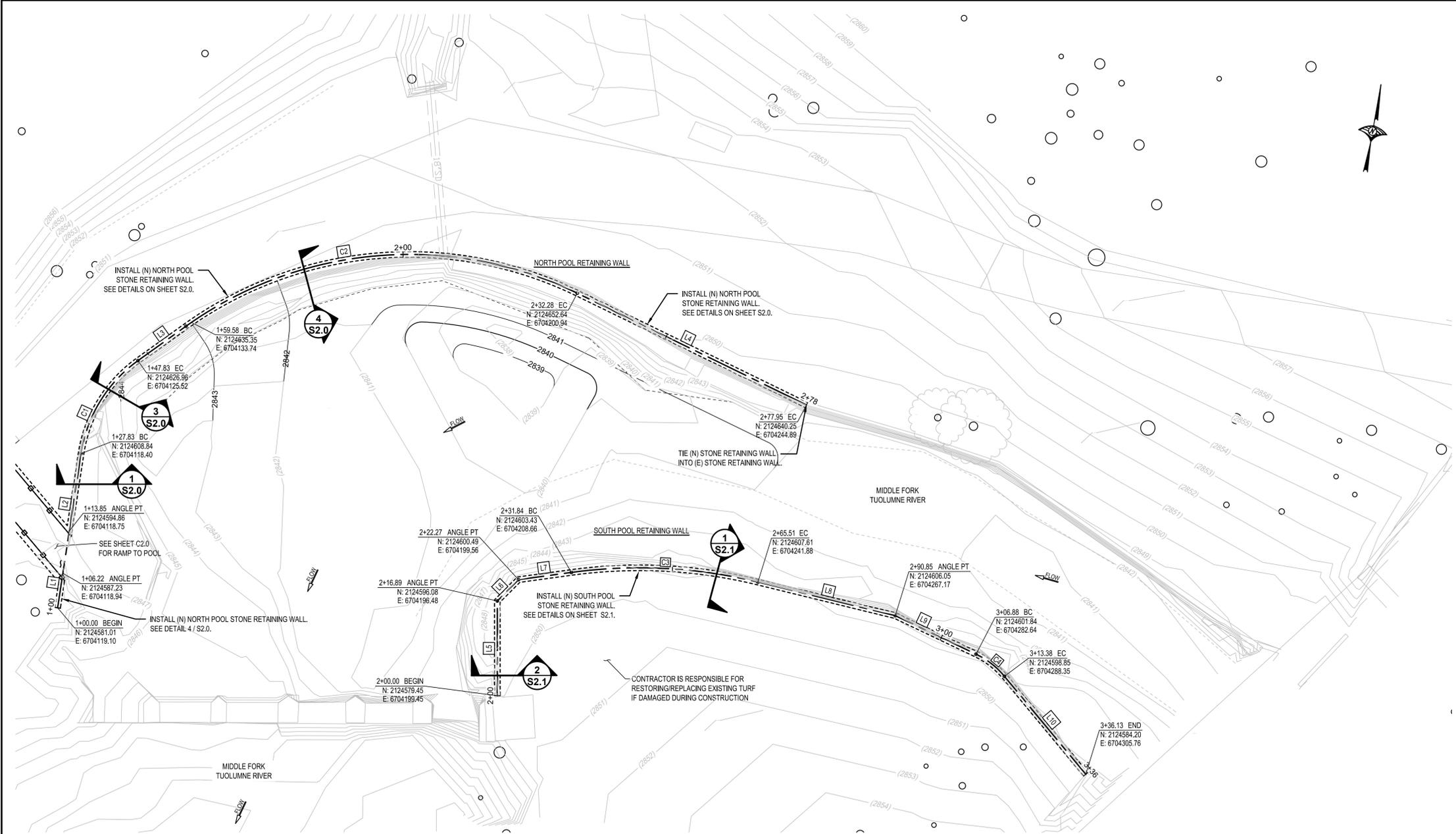
SCALE: AS SHOWN  
DATE: 08/19/2022

SECTION MANAGER:  
CPMS ID NUMBER: 8721  
SHEET TITLE:

**EXISTING CONDITIONS & DEMOLITION PLAN - POOL**

SHEET NUMBER: 5 OF 23

SHEET IDEN: **C1.2**



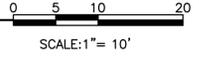
**LEGEND**

==== RETAINING WALL

△ B C3.0 DETAIL REFERENCE

△ C3.0 SHEET REFERENCE

SECTION MARKER



**POOL AREA RETAINING WALL HORIZONTAL CONTROL PLAN**  
SCALE: 1" = 10'

**NORTH POOL RETAINING WALL DATA TABLE**

LINE # / CURVE #	LENGTH (FT)	BEARING / DELTA	RADIUS (FT)
C1	20.00	45°50'11.84"	25.00
C2	73.89	61°21'21.92"	69.00
L1	6.22	N1° 26' 47.92"W	-
L2	13.98	N1° 26' 47.92"W	-
L3	10.56	N44° 23' 23.77"E	-
L4	45.67	S74° 15' 14.31"E	-

**SOUTH POOL RETAINING WALL DATA TABLE**

LINE # / CURVE #	LENGTH (FT)	BEARING / DELTA	RADIUS (FT)
C3	33.88	21°26'21.15"	90.00
C4	6.50	24°49'08.31"	15.00
L5	16.89	N10° 07' 41.67"W	-
L6	5.38	N34° 52' 12.62"E	-
L7	9.56	N72° 05' 58.17"E	-
L8	25.34	S86° 27' 40.67"E	-
L9	16.03	S74° 45' 49.83"E	-
L10	22.75	S49° 56' 41.52"E	-



**MATT LOESCH**  
DIRECTOR OF PUBLIC WORKS

DESIGN TEAM:  
CIVIL / STRUCTURAL / SURVEY:



1"  
IF THIS DOES NOT MEASURE ONE INCH, THESE PLANS ARE NOT FULL SCALE.

PROJECT TITLE:  
**ATTACHMENT A-  
PLAN EXHIBIT  
8721- FEMA SAN JOSE  
FAMILY CAMP STORM  
DAMAGE REPAIR  
PROJECT**

REV	DATE	REASON FOR ISSUE

SCALE: AS SHOWN  
DATE: 08/19/2022  
SECTION MANAGER:

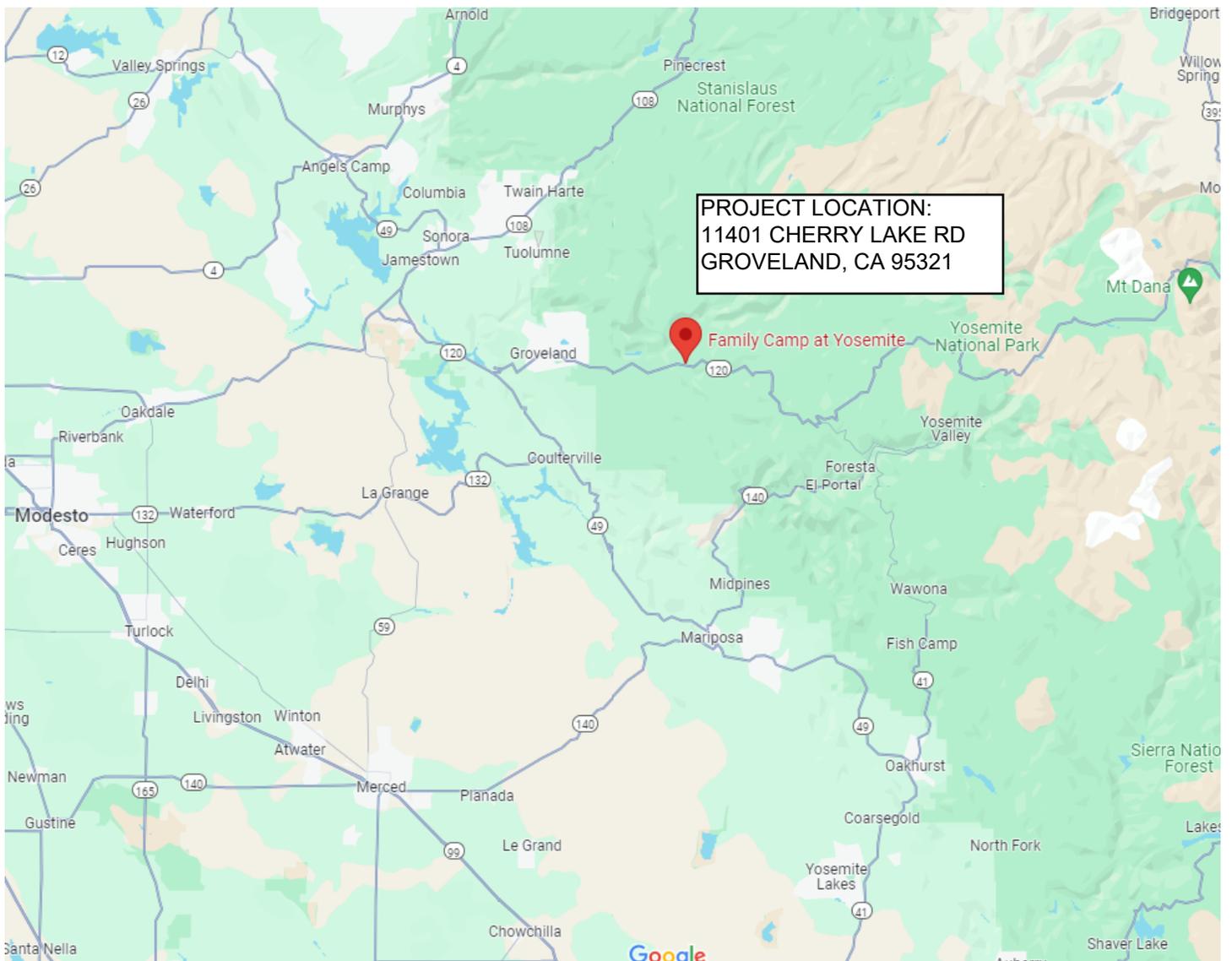
DRAWN BY: BD  
CHECKED BY: KM

CPMS ID NUMBER: 8721  
SHEET TITLE:  
**POOL AREA  
RETAINING WALL  
HORIZONTAL  
CONTROL PLAN**

SHEET NUMBER: 8 OF 23  
SHEET IDEN: **C2.2**

# Attachment B Location Map

## 8721- FEMA SAN JOSE FAMILY CAMP



SOURCE: 2024 GOOGLE MAPS