

## RESOLUTION NO. 13253

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING PLANS AND SPECIFICATIONS, AUTHORIZING SOLICITATION OF BIDS, AWARDING AND APPROVING CONTRACT, AND OTHER ASSOCIATED ACTIONS FOR THE PRUNEYARD CREEK TRAIL EXTENSION (23-LL)

**WHEREAS**, on October 18, 2016, the City Council adopted Resolution No. 12068 approving a Master Use Permit for the Pruneyard Shopping Center and Offices. The resolution included a Condition of Approval requiring the provision of creating a bicycle pathway as a trail extension from the Los Gatos Creek Trail to Campbell Avenue via Caltrans right-of-way east of State Route 17; and

**WHEREAS**, the pathway would provide a safe, continuous connection from the existing Los Gatos Creek trail spur adjacent to the Pruneyard Shopping Center parking garage to the north side of East Campbell Avenue next to the "Portals"; and

**WHEREAS**, the Pruneyard attempted to work with Caltrans to design and construct a bicycle pathway within Caltrans right-of-way on numerous attempts but was unsuccessful; and

**WHEREAS**, on February 16, 2021, a Fund Transfer Agreement was executed between the City and the Pruneyard whereby the City would take over the design and construction of the bicycle path project as Caltrans is typically accustomed to working with other public agencies; and

**WHEREAS**, in return, the Pruneyard contributed \$250,000 to the project based on very preliminary cost estimates for construction at the time and not having complete information about Caltrans' requirements; and

**WHEREAS**, the project was subsequently added to the City's Capital Improvement Program (CIP) as Pruneyard Creek Trail Extension, Project 23-LL (Project); and

**WHEREAS**, on June 5, 2023, staff was successful in getting Caltrans support for the project; and

**WHEREAS**, on July 24, 2023, HMH Engineers was contracted to provide design services and to process an encroachment permit through Caltrans; and

**WHEREAS**, on January 19, 2024, Caltrans issued an approved encroachment permit to construct the Project on Caltrans right-of-way for public use, and on June 12, 2024, Caltrans finalized the Maintenance Agreement, memorializing the City's responsibility to maintain the new trail connection; and

**WHEREAS**, during the design process, the Project was presented to the Campbell Bicycle and Pedestrian Advisory Committee and to the Campbell Parks and Recreation Commission in March and April of 2024, respectively, receiving support from both committees; and

**WHEREAS**, the Project will connect directly to the existing pathway on the Pruneyard's property along the western side of the Pruneyard parking garage; and

**WHEREAS**, a separate Public Access Easement Agreement was negotiated with the Pruneyard to ensure that this existing portion of the pathway remains available to the public and cannot be closed by the Pruneyard at some future date; and

**WHEREAS**, with the public easement over the existing pathway, the City has agreed to take over maintenance of the pathway; and

**WHEREAS**, a separate (Construction) License Agreement was negotiated to allow temporary permission to work within small areas of the Pruneyard's private property as needed during construction; and

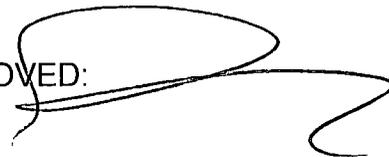
**WHEREAS**, staff recommends a budget adjustment increasing the project budget by \$454,150 for a total Project budget of \$704,150, as follows: allocate \$39,600 of Transportation Fund for Clean Air (TFCA) grant funds; allocate \$61,847 of Transportation Development Act (TDA) Article 3 grant funds; and allocate \$352,703 of Parkland Dedication funds.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell hereby 1) approve the Plans and Specifications for the Pruneyard Creek Trail Extension (23-LL); 2) authorize the solicitation of bids; 3) award and approve the subsequent construction contract to the lowest, responsive bidder, in an amount not to exceed \$510,000, plus a 10% contingency of \$51,000; 4) authorize the City Manager to execute said contract as specified in Campbell Municipal Code Section 3.20.100; 5) authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; 6) authorize the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; 7) authorize the Finance Director to perform associated budget adjustments; 8) approve the Maintenance Agreement with Caltrans and authorize the City Manager to execute said agreement; 9) approve the Trail Easement Agreement with the Pruneyard and authorize the City Manager to execute said agreement; and 10) approve the Construction License Agreement with the Pruneyard and authorize the City Manager to execute said agreement.

**PASSED AND ADOPTED** this 13th day of January 2025, by the following roll call vote:

AYES: Councilmembers: Bybee, Hines, Scozzola, Furtado, Lopez  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED:



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Sergio Lopez, Mayor

ATTEST:

  
\_\_\_\_\_  
Andrea Sanders, City Clerk

**City of Campbell  
Request for Budget Adjustments**

<b>Department/Program</b>	<b>Division</b>	<b>Date</b>	<b>Request No.</b>
Public Works	23-LL - Pruneyard Creek Trail Extension	January 13, 2025	BA-15

**Budget to be Reduced**

<b>Fund/Program</b>	<b>Account Number</b>	<b>Description</b>	<b>Amount</b>

**Budget to be Increased**

<b>Fund/Program</b>	<b>Account Number</b>	<b>Description</b>	<b>Amount</b>
<b>REVENUE</b>			
212.535	4565	Transportation Fund for Clean Air (TFCA) Grant	39,600
216.535	4525	Transportation Development Act (TDA) Article 3 Grant	61,847
435.990	6999	Capital Transfer In	454,150
<b>EXPENDITURES</b>			
435.23LL	7883	Improvements Other Than Building - Construction Costs	454,150
212.990	9999	Capital Transfer Out	39,600
216.990	9999	Capital Transfer Out	61,847
295.990	9999	Capital Transfer Out	352,703

**REASON FOR REQUEST - BE SPECIFIC:**

To appropriate an additional \$454,150 towards the Pruneyard Creek Trail Extension (23-LL) project. The increase is funded by TFCA grant funds (\$39,600), TDA Article 3 Grant Funds (\$61,847), and Parkland Dedication Funds (\$352,703).

<b>Will Fuentes</b> Finance Director	<b>Todd Capurso</b> Public Works Director	<b>Brian Loventhal</b> City Manager
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