



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: January 9, 2015

Board Meeting Date: February 10, 2015

Special Notice / Hearing: None

Vote Required: Majority

To: Honorable Board of Supervisors, Acting as the Governing Board of the San Mateo County Flood District

From: James C. Porter, Director of Public Works

Subject: Amendment Number Three to the Agreement for Funding of the Planning, Design, and Environmental Analysis of an Initial Flood Control Capital Project on San Francisquito Creek

RECOMMENDATION:

Acting as the Governing Board of the San Mateo County Flood Control District, adopt a resolution authorizing an amendment to the agreement for funding of the planning and design of the initial capital project on San Francisquito Creek between East Bayshore Road and San Francisco Bay with the San Francisquito Creek Joint Powers Authority, the Santa Clara Valley Water District, and the San Mateo County Flood Control District.

BACKGROUND:

The San Francisquito Creek Joint Powers Authority (SFCJPA) was formed between the cities of Palo Alto, East Palo Alto and Menlo Park together with the San Mateo County Flood Control District (SMCFCD), and the Santa Clara Valley Water District (SCVWD) to address issues regarding San Francisquito Creek (Creek). The Creek forms the boundary between San Mateo and Santa Clara Counties, as well as a portion of the city limits of Palo Alto, East Palo Alto and Menlo Park and has a history of flooding within the three (3) cities.

In November 2005, the SFCJPA and Army Corps of Engineers (Corps) executed the Feasibility Cost Share Agreement, which enabled the Corps to start work on a Feasibility Study for flood control projects related to the Creek. The SFCJPA, SMCFCD, and SCVWD executed a funding agreement in which the SMCFCD and SCVWD would each provide \$1,500,000 (\$3,000,000 total) to fund the Feasibility Study.

On November 3, 2009, your Board adopted Resolution No.070491, which authorized the execution of an Agreement for Funding of the Planning and Design of the Initial Capital Project on San Francisquito Creek between East Bayshore Road and San

Francisco Bay with the SFCJPA, the SCVWD, and the SMCFCFCD. Your Board also adopted Resolution No. 070492 on November 3, 2009, which approved an Appropriation Transfer Request to provide an appropriation in the San Francisquito Creek Flood Control Zone 2 in the amount of \$400,000 to fund a portion of the Agreement.

On August 3, 2011, your Board adopted Resolution Nos. 071571 and 071572, which authorized execution of Amendment Number One to the Agreement and an Appropriation Transfer Request to provide an appropriation in the San Francisquito Creek Flood Control Zone 2 in the amount of \$186,252 to fund a portion of Amendment Number One, respectively.

On October 8, 2013, your Board adopted Resolution No. 072844, which authorized execution of Amendment Number Two to the Agreement to fund design and environmental work that were outside the scope of the design and environmental consultant contracts. The Amendment provided additional funding in the amount of \$375,000 from the SCVWD and no additional funding from the SMCFCFCD.

Due to inconsistent federal funding and the desire to move forward with projects that would result in flood damage reduction and ecosystem restoration, the SFCJPA Board authorized the SFCJPA staff to evaluate upstream retention projects and downstream improvement projects that could also receive credit towards the local share of project(s) identified through the Feasibility Study through Section 104 of the Water Resources Development Act of 1986.

Based on an evaluation of upstream and downstream improvement options presented to the SFCJPA Board and all member agencies' Boards or Councils, the SFCJPA Board directed SFCJPA staff to retain consultants to perform planning and design services and environmental analysis for the Creek between East Bayshore Road and the San Francisco Bay. The Funding Agreement executed in 2009 was to fund the work of the consultants and SFCJPA staff time associated with the consultants' work based on contributions of \$400,000 from the SMCFCFCD and \$1,000,000 from the SCVWD.

Amendment Number One was executed to fund unanticipated design and project costs. These costs related to the design consultant's work, PG&E's engineering work, design associated with reconfiguring portions of the Palo Alto Golf Course, and an allowance for a contingency amount for additional services.

Amendment Number Two was to fund design and environmental work that was outside the scope of the consultant contracts. The majority of this work included a feasibility assessment and design services for extending the fourth Caltrans bridge cell under Highway 101 on the Santa Clara County side of the Creek. It has been determined that extending the fourth bridge cell is infeasible and the funding should be reallocated to work that must be performed to complete the design and permitting for the Initial Capital Project.

DISCUSSION:

Amendment Number Three transfers unused funding in the amount of \$275,000 from certain scopes of work described in Amendment Number Two, namely the work at Highway 101, to support engineering design and environmental planning services included in and added to the original design services for this project. The work to be performed under Amendment Number Three includes: additional hydraulic calculation and evaluation in support of responses to the San Francisco Bay Region of the California Regional Water Quality Control Board, permitting requests, and additional permitting reapplication support following required revisions to the Project design. Amendment Number Three does not include additional funding from the SMCFCFCD or the SCVWD. However this Amendment is necessary to reallocate funds from work not required in the prior Amendment to support work that must be accomplished to complete the permitting requirements for the project.

The following outlines the funding commitments from the SMCFCFCD and SCVWD based upon the Funding Agreement and the subsequent Amendments:

	SMCFCD	SCVWD	Total
Funding Agreement	\$ 400,000	\$ 1,000,000	\$ 1,400,000
Amendment Number One	\$ 186,252	\$ 466,000	\$ 652,252
Amendment Number Two	\$ 0	\$ 375,000	\$ 375,000
Amendment Number	\$ 0	\$ 0	\$ 0
Total	\$586,252	\$ 1,841,000	\$ 2,427,252

The SFCJPA staff believes that the reallocation of funding will be sufficient to complete the remaining design and environmental work for the Project. The financing for construction of the Project will need to be determined at a later time. Revenues from the San Francisquito Creek Flood Control Zone 2 are limited and can only support a small portion of the construction project.

County Counsel has reviewed and approved the Resolution and Amendment as to form.

Approval of this Amendment contributes to the Shared Vision 2025 outcome of a Collaborative Community by continuing to support the framework for the collaborative work of the SFCJPA member agencies in evaluating and developing solutions to Creek flooding within a specific reach of the Creek.

FISCAL IMPACT:

There is no impact to the General Fund and no additional funding is needed from the SMCFCFCD.