

## **RESOLUTION NO. .**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA  
ACTING AS THE GOVERNING BOARD OF THE SAN MATEO COUNTY FLOOD  
CONTROL DISTRICT**

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**RESOLUTION AUTHORIZING AMENDMENT NUMBER THREE 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**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, acting as the Governing Board of the San Mateo County Flood Control District (District), that

**WHEREAS**, the District is a member of the San Francisquito Creek Joint Powers Authority (SFCJPA); and

**WHEREAS**, San Francisquito Creek (Creek) has a history of flooding the communities in and around East Palo Alto, Menlo Park and Palo Alto; and

**WHEREAS**, the Army Corps of Engineers (Corps), working with the SFCJPA, completed a Reconnaissance Study for San Francisquito Creek which indicated a federal interest in developing a flood control project for San Francisquito Creek thereby allowing the Corps to progress to the Feasibility Study (Study) phase provided a Feasibility Cost Sharing Agreement (FCSA) with a local sponsor was executed; and

**WHEREAS**, the SFCJPA was authorized to be the “Local Sponsor” for the Study and entered into a FCSA with the Corps; and

**WHEREAS**, the FCSA required the SFCJPA to contribute to the Corps, in cash or in-kind services, fifty percent (50%) of the cost of the Corps’ Study as defined in the FCSA; and

**WHEREAS**, the District and the Santa Clara Valley Water District (SCVWD), on behalf of themselves and the other members of the SFCJPA within their respective jurisdictions, entered into a Three Party Funding Agreement with the SFCJPA to provide up to \$1,500,000 each to fund the local share of Study costs prior to the execution of the FCSA; and

**WHEREAS**, the District’s funding contribution of a not-to-exceed amount of \$1,500,000 is being financed from the San Francisquito Creek Flood Control Zone; and

**WHEREAS**, given the inconsistent appropriations from the federal government for the Feasibility Study and associated effect on the Study timeline, 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 Study through Section 104 of the Water Resources Development Act of 1986; and

**WHEREAS**, based on the evaluation of upstream retention and downstream improvement projects, the SFCJPA Board approved the retention of consultants to perform planning and design services and environmental analysis for improvements to the section of San Francisquito Creek between East Bayshore Road and the San Francisco Bay as an Initial Capital Project (Project); and

**WHEREAS**, the consultants' work and the SFCJPA costs above normal operating costs to administer the consultant contracts for the Project were estimated to cost approximately \$1,400,000, which was agreed to be financed by the District and the SCVWD; and

**WHEREAS**, on November 3, 2009, this Board adopted Resolution Nos. 070491 and 070492, which authorized execution of the Agreement for Funding of the Planning and Design of the Initial Capital Project on San Francisquito Creek East Bayshore Road to San Francisco Bay (Agreement) between the San Francisquito Creek Joint Powers Authority, the SCVWD, and the San Mateo County Flood Control District and an Appropriation Transfer Request to provide an appropriation in the San Francisquito Creek Flood Control Zone 2 to fund a portion of the Agreement, respectively; and

**WHEREAS**, the Agreement provided for the District to fund \$400,000 and the SCVWD to fund \$1,000,000 of the planning and design services and environmental analysis for the Project; and

**WHEREAS**, unanticipated design and project 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 were identified and required additional funding in order to complete the design and environmental work; and

**WHEREAS**, on August 3, 2011, this 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 \$182,252 to fund the Amendment; and

**WHEREAS**, Amendment Number One provided additional funding in the amount of \$652,252 with the remaining \$466,000 from the SCVWD; and

**WHEREAS**, Amendment Number Two was to fund design and environmental work that was outside the scope of the consultant contracts in an amount equal to \$375,000, which was funded by the SCVWD; and

**WHEREAS**, the funds were to support additional geotechnical investigations for underground utility crossings, revised feasibility assessment and design costs for extending a fourth Caltrans bridge cell under Highway 101 on the Santa Clara County side of the Creek, additional environmental work associated with changes in design and preparation of supplemental materials requested by the regulatory agencies, and additional contingency funds; and

**WHEREAS**, it has been determined that extending the Caltrans bridge cell is infeasible and the funding should be reallocated to work that must be performed to complete the design and permitting for the Project; and

**WHEREAS**, Amendment Number Three transfers unused funding in the amount of \$275,000 from Amendment Number Two for work determined to be

infeasible to support engineering design and environmental planning services included in and added to the original design services for this project; and

**WHEREAS**, 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; and

**WHEREAS**, the Director of Public Works has recommended that this Board execute said Amendment Number Three on behalf of the District and this Board concurs in the recommendation of the Director of Public Works.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that:

The President of the Board of Supervisors is hereby authorized and directed to execute Amendment Number Three to the Agreement for Funding of the Planning, Design, and Environmental Analysis of the Initial Capital Project on San Francisquito Creek between East Bayshore Road and San Francisco Bay on behalf of the San Mateo County Flood Control District, and the Clerk of the Board of Supervisors be, and is hereby, authorized to attest to the President's signature thereon.

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