

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**

* * * * *

**RESOLUTION AUTHORIZING AMENDMENT NUMBER TWO 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**

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 affect 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 Santa Clara Valley Water District, 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 will fund design and environmental work that are outside the scope of the design and environmental consultant contracts in an amount equal to \$375,000, which will be funded by the SCVWD; and

WHEREAS, the funds will support additional geotechnical investigations for underground utility crossings, revised feasibility assessment and design costs for extending a Caltrans culvert from Highway 101 under and adjacent to 2023 and 2025 East Bayshore Road in Palo Alto, additional environmental work associated with changes in design and preparation of supplemental materials requested by the regulatory agencies, and additional contingency funds; and

WHEREAS, the Director of Public Works has recommended that this Board execute said Amendment Number Two 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 Two 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 in substantially the form presented to this meeting with such non-substantive additions, clarifications and other changes as the Director of Public Works deems necessary or advisable after consultation with County Counsel 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.

* * * * *