

**COUNTY OF SAN MATEO
APPROPRIATION TRANSFER REQUEST**

REQUEST NO.

DEPARTMENT

Department of Public Works

DATE

7/22/2011

1. REQUEST TRANSFER OF APPROPRIATIONS AS LISTED BELOW:

	C O D E S		AMOUNT	DESCRIPTION
	FUND OR ORG.	ACCOUNT		
From	48482	8611	186,252 00	San Francisquito Creek Flood - Appropriation
				from Contingency
To	48482	6263	186,252 00	San Francisquito Creek Flood - Contribution to
				other Agencies

Justification. (Attach Memo if Necessary)

To transfer funds from Appropriations to Other Charges to fund additional design work, PG&E's engineering work, design associated with reconfiguring portions of the Palo Alto Golf course, and allowance for contingencies for additional services in conjunction for the San Francisquito Flood Control Zone project between East Bayshore Road and San Francisco Bay.

DEPARTMENT HEAD

BY:

DATE

7-22-11

2. ☐ Board Action Required

☐ Four-Fifths Vote Required

☐ Board Action Not Required

Remarks:

COUNTY CONTROLLER

BY:

DATE

7/25/11

3. ☒ Approve as Requested

☐ Approve as Revised

☐ Disapprove

Remarks:

COUNTY MANAGER

BY:

DATE

7/25/11

DO NOT WRITE BELOW THIS LINE — FOR BOARD OF SUPERVISORS' USE ONLY

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION TRANSFERRING FUNDS

RESOLUTION NO. 071572

RESOLVED, by the Board of Supervisors of the County of San Mateo, that

WHEREAS, the Department hereinabove named in the Request for Appropriation, Allotment or Transfer of Funds has requested the transfer of certain funds as described in said Request; and

WHEREAS, the County Controller has approved said Request as to accounting and available balances, and the County Manager has recommended the transfer of funds as set forth hereinabove:

NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED that the recommendations of the County Manager be approved and that the transfer of funds as set forth in said Request be effected.

Regularly passed and adopted this 9th day of AUGUST, 2011

Ayes and In favor of said resolution:

Noes and against said resolution:

Supervisors: DAVE PINE
CAROLE GROOM
DON HORSLEY
ROSE JACOBS GIBSON

Supervisors: NONE

Absent
Supervisors: ADRIENNE TISSIER

ATTEST:

[Signature]
Clerk of Said Board

carole groom
PRESIDENT CHAIRMAN, BOARD OF SUPERVISORS
COUNTY OF SAN MATEO

Certificate of Delivery

(Government Code Section 25103)

I certify that a copy of the original document filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

[Signature]
Deputy Clerk of the Board of Supervisors

DISTRIBUTION:

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GREEN	— CONTROLLER
CANARY	— COUNTY MANAGER
PINK	— DEPARTMENT
GOLDENROD	— TREASURER



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Department of Public Works



DATE: July 22, 2011
BOARD MEETING DATE: August 9, 2011
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: 4/5ths

TO: Honorable Board of Supervisors

FROM: James C. Porter, Director of Public Works

SUBJECT: **Executive Summary:** Amendment Number One to the Agreement for Funding of the Planning, Design, and Environmental Analysis of an Initial Flood Control Capital Project on San Francisquito Creek (between East Bayshore Road and San Francisco Bay) and Adoption of an Appropriation Transfer Request to Support the Amendment

RECOMMENDATION:

Acting as the Governing Board of the San Mateo County Flood Control District, adopt Resolutions:

- A. Authorizing the President of the Board to execute Amendment Number One 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.
- B. Adopting 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 the Agreement.

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).

On November 3, 2009, your Board adopted Resolution No. 070491, which authorized 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 San Francisquito Creek Joint Powers Authority, the Santa Clara Valley Water District, and the San Mateo County Flood Control District. Your Board also adopted Resolution No. 070492 on November 3, 2009, which adopted 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 the Agreement.

DISCUSSION:

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.

The SFCJPA has been managing the design and environmental consultants, however, unanticipated design and project costs have been identified and require additional funding in order to complete the work. These costs relate to the design consultant's work, PG&E's engineering work, design associated with reconfiguring portions of the Palo Alto Golf Course, and allowance for a contingency amount for additional services. The Amendment provides additional funding from the SCVWD and the SMCFCFCD in amounts proportionate to the Funding Agreement, \$466,000 and \$186,252, respectively, to pay for these additional costs. The SFCJPA staff believes that design of the Initial Capital Project can be completed with the additional funding provided through the Amendment.

The total amount required to complete the project had not been determined prior to the budget process and was not included in the County's San Francisquito Creek Zone 2 budget. An Appropriation Transfer Request must be approved to allocate the additional funding for this Amendment. The financial requirements specified in the Amendment and Agreement will not pay for costs associated with a construction project. The financing for construction will need to be determined at a later time as annual revenues from the San Francisquito Creek Flood Control Zone 2 are not sufficient to support a construction project.

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

Your Board authorizing the execution of the Amendment and approval of the Appropriation Transfer Request contributes to the Shared Vision 2025 outcome of a Collaborative Community by providing the framework and a portion of the financing to continue 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. The funding for the Agreement with SMCFCFCD will be from the San Francisquito Creek Flood Control Zone 2.



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Department of Public Works



DATE: July 22, 2011
BOARD MEETING DATE: August 9, 2011
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: 4/5ths

TO: Honorable Board of Supervisors

FROM: James C. Porter, Director of Public Works

SUBJECT: Amendment Number One to the Agreement for Funding of the Planning, Design, and Environmental Analysis of an Initial Flood Control Capital Project on San Francisquito Creek (between East Bayshore Road and San Francisco Bay) and Adoption of an Appropriation Transfer Request to Support the Amendment

RECOMMENDATION:

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- B. Adopting 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 the Agreement.

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 with the most recent flooding occurring in 1998.

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 SMCFCFCD 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 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 San Francisquito Creek Joint Powers Authority, the Santa Clara Valley Water District, and the San Mateo County Flood Control District. Your Board also adopted Resolution No. 070492 on November 3, 2009, which adopted 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 the Agreement.

DISCUSSION:

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.

The SFCJPA has been managing the design and environmental consultants, however, unanticipated design and project costs have been identified and require additional funding in order to complete the work. These costs relate to the design consultant's work, PG&E's engineering work, design associated with reconfiguring portions of the Palo Alto Golf Course, and allowance for a contingency amount for additional services.

Design Costs

The design consultant's costs have exceed the original contract amount based on the following factors: increasing the level of flood protection for the design (100-year storm event with a 100-year tide, protection against sea level rise, and complying with the Federal Emergency Management Agency freeboard requirements), additional work performed by the design consultant due to insufficient data for design (hydraulic modeling and survey data), requests from the SFCJPA and member agencies to modify the original design concepts, and design of a boardwalk structure to connect an existing bridge to the proposed levee. The Amendment includes funding to increase the design consultant contract by \$340,252 from the original amount of \$695,000 to a new contract amount of \$1,035,252. The SFCJPA has significantly revised their contract requirements with the design consultant, HDR, Inc., through a contract amendment. The contract amendment stipulates the additional scope needed to complete the design and provides improved cost control to avoid future cost overruns. The contract amendment

was approved by the SFCJPA Board at their June 23, 2011 meeting.

PG&E Costs

The project will impact existing PG&E facilities (two electric towers, electric poles, and a gas transmission line). PG&E has informed the SFCJPA that the advanced engineering fees to evaluate and design modifications to their facilities will cost \$175,000 and must be performed by PG&E.

Golf Course Reconfiguration Design

The project and associated proposed levee will encroach into a portion of the Palo Alto Municipal Golf Course and several holes will need to be reconfigured. The anticipated cost to redesign the affected portion of the golf course is \$150,000. The SFCJPA staff will select and manage a consultant to perform this work.

Contingency for Additional Services

The Amendment stipulates that a contingency amount of \$100,000 will be available as needed to complete design of the Initial Capital Project and describes how it may be authorized. The Amendment stipulates that the SFCJPA Executive Director may approve task orders up to \$10,000 and must provide the SFCJPA Board with a written report at the subsequent Board meeting describing the approved task orders. The SFCJPA Board must approve task orders greater than \$10,000.

To cover the additional design costs, PG&E costs, golf course reconfiguration design and contingency amount, the Amendment provides additional funding from the SCVWD and the SMCFCFCD in amounts proportionate to the Funding Agreement, \$466,000 and \$186,252, respectively. The following table outlines the costs and work associated with the Funding Agreement and the Amendment.

Funding Agreement

Environmental Consultant Contract (ICF)	\$592,000
Design Consultant (HDR)	\$695,000
Contingency Amount	\$100,000
Excess Funding to be utilized for HDR Contract	\$13,000
Subtotal	\$1,400,000

Amendment to Funding Agreement

HDR Contract Amendment No. 1	\$340,252
(\$13,000 to be funded from Funding Agreement)	(\$13,000)
PG&E Costs	\$175,000
Golf Course Reconfiguration Design	\$150,000
Subtotal	\$652,252

Total \$2,052,252

The SFCJPA staff believes that design of the Initial Capital Project can be completed with the additional funding provided through the Amendment.

The total amount required to complete the project had not been determined prior to the budget process and was not included in the County's San Francisquito Creek Zone 2 budget. An Appropriation Transfer Request must be approved to allocate the additional funding for this Amendment. The financial requirements specified in the Amendment and Agreement will not pay for costs associated with a construction project. The financing for construction will need to be determined at a later time as annual revenues from the San Francisquito Creek Flood Control Zone 2 are not sufficient to support a construction project.

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

Your Board authorizing the execution of the Amendment and approval of the Appropriation Transfer Request contributes to the Shared Vision 2025 outcome of a Collaborative Community by providing the framework and a portion of the financing to continue 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. The funding for the Agreement with SMCFCFCD will be from the San Francisquito Creek Flood Control Zone 2, which receives property tax apportionments totaling approximately \$195,000 per year. Authorization of the Appropriation Transfer Request will transfer an appropriation of \$186,252 from the San Francisquito Creek Flood Control Zone 2 Appropriation for Contingency category to the Project Contribution category. Payments by the SMCFCFCD and the SCVWD will be made in proportion to the contributions from each agency.