TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS
DATE: MAY 20, 2002 CMR:251:02

SUBJECT: APPROVAL OF AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY FOR THE FUNDING AND MAINTENANCE OF THE SAN FRANCISQUITO CREEK LEVEE RESTORATION PROJECT

RECOMMENDATION
Staff recommends that Council approve and authorize the Mayor to execute the attached agreement between the member agencies of the San Francisquito Creek Joint Powers Authority for the funding and maintenance of the San Francisquito Creek Levee Restoration Project.

BACKGROUND
In March 2000, the San Francisquito Creek Joint Powers Authority (JPA) Board of Directors approved a project to restore the creek levees downstream of Highway 101 to their as-built (year 1958) conditions, in order to provide an increased level of flood protection for adjacent residents and businesses. In June 2000, Council approved project funding of $150,000 as part of the FY 2000-01 City budget. As work on project design and environmental documentation proceeded in subsequent months, several new issues were identified, making the levee project more complex and more costly than originally envisioned. The primary issues included upstream mitigation measures, right-of-way requirements, and increased project costs. At the September 27, 2001 JPA meeting, the Board approved a resolution outlining the revised scope of the levee project and a process for completing the project design, obtaining regulatory permits and environmental approvals, and constructing the improvements. The JPA Board also gave conceptual approval to a cost-sharing methodology for the project. Since that time, staff of the JPA member agencies have been conferencing on a weekly basis to coordinate the design, permitting, and environmental approvals for the project.
DISCUSSION
Development and implementation of the levee restoration project has required extensive cooperation between the member agencies of the San Francisquito Creek JPA. Over the past several months, staff from the various agencies, with the concurrence of the JPA Board, have identified and resolved a number of detailed issues surrounding the project. The attached agreement (Attachment A) documents the final project scope of work and the roles and responsibilities for each agency with respect to project funding and maintenance.

The agreement describes the final scope of work for the levee restoration project as follows:

- Restoration of the levees downstream of Highway 101 on both sides of the creek to their as-built (year 1958) elevation (see vicinity map, Attachment B).

- Raising or replacement of the flood wall upstream of Highway 101 on the south (Palo Alto) side of the creek for a distance of approximately 1400 feet (see vicinity map, Attachment B). The flood wall will be raised by an amount that will restore the level of flood protection that existed prior to the construction of the Woodland Creek Apartments project.

- Closure of the overflow weir and the “Caltrans gap” in the levee upstream of Highway 101 on the north (East Palo Alto) side of the creek. These modifications will provide a level of flood protection on the north side of the creek that is satisfactory to the City of East Palo Alto and the San Mateo County Flood Control District (SMCFCD).

The agreement dictates that the levee restoration project be implemented in accordance with the following methodology:

- The SMCFCD has served as the lead agency for adoption of the CEQA document for the levee restoration project.

- The final design, bidding, and construction of the levee restoration project has been split into two separate, but concurrent and coordinated projects. The Santa Clara Valley Water District (SCVWD) is responsible for the work on the south side of the creek, and the City of East Palo Alto is responsible for the north side.

- Each flood control agency (SCVWD and SMCFCD) will be responsible for monitoring costs and obtaining funding for the work within its jurisdiction, including
obtaining contributions (if any) from the cities on their side of the creek. The agreement stipulates that Palo Alto will pay a total of $50,000, plus the actual cost to replace the existing bicycle/pedestrian path, estimated at $100,000. The SCVWD will fund the remaining cost of the work on the south side of the creek.

- The SCVWD and the City of East Palo Alto will assume future maintenance responsibility for downstream levees on their respective sides of the creek.

The governing body of each agency must approve the attached agreement in order for the project to proceed to the construction phase. The agreement has been reviewed by Public Works Department staff and the City Attorney’s Office. Staff recommends that Council approve the agreement.

**RESOURCE IMPACT**
Funds for Palo Alto’s share of the project costs have already been budgeted. In June 2000, Council approved project funding of $150,000 as part of the FY 2000-01 City budget. An allocation of $50,000 was budgeted in the Storm Drainage Fund to pay the City’s general share of the levee restoration project. An allocation of $100,000 was budgeted in CIP 10119 Baylands Bike Trail Replacement, to pay for the replacement of the existing bicycle/pedestrian path atop the levee. These amounts have been carried forward into fiscal year 2001-02.

**POLICY IMPLICATIONS**
This recommendation does not represent any change to existing City policy.

**TIMELINE**
The Santa Clara Valley Water District Board of Directors is expected to award a contract for the levee restoration and floodwall reconstruction work on the southern bank of San Francisquito Creek in early June. The East Palo Alto City Council is expected to award a similar contract for the work on the northern levee. The construction is scheduled to take place between June and October 2002.

**ENVIRONMENTAL REVIEW**
An Initial Study of environmental impacts and a Mitigated Negative Declaration (IS/NMD) were prepared for the project by the San Mateo County Flood Control District, the designated lead agency for this project for CEQA purposes. The Draft IS/NMD was available for public review and comment during a 30-day comment period. The San Mateo County Board of Supervisors held a public hearing on April 30, 2002 to review the
IS/NMD and to receive formal public comments on the project. Following the public hearing, the Board of Supervisors approved the IS/MND.

ATTACHMENTS
Attachment A: Agreement
Attachment B: Vicinity Map

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