



## City Council Staff Report

**From: City Manager**

**Report Type: CONSENT CALENDAR**

**Lead Department: Public Works**

**Meeting Date: June 19, 2023**

Report #:2305-1580

### **TITLE**

Authorization for the City Manager to Negotiate and Execute a Memorandum of Understanding and Funding Agreement with Peninsula Corridor Joint Powers Board (Caltrain) and the City of Menlo Park Regarding Emergency Repairs to the North Bank of the San Francisquito Creek

### **RECOMMENDATION**

Staff recommends that Council authorize the City Manager or their designee to negotiate and execute a Memorandum of Understanding and Funding Agreement with the Peninsula Corridor Joint Powers Board and the City of Menlo Park for Emergency Repairs to the North Bank of the San Francisquito Creek

### **BACKGROUND/ANALYSIS**

In early January 2023, after a week of heavy rain, Peninsula Corridor Joint Powers Board/Caltrain (Caltrain) engineering staff inspected the Caltrain bridge over San Francisquito Creek (SFC) at Alma Street and discovered that storms had eroded the soil on the north creek bank supporting the foundation of the rail bridge, threatening the integrity of the structure. On March 29, 2023, Caltrain declared an emergency, and the Caltrain board authorized staff to enter into contracts for the purpose of conducting emergency repairs.

In early April 2023, staff from Public Works Engineering Services Division identified erosion on the same northern creek bank supporting the Alma Street Bicycle Bridge, which was constructed and is maintained by the City of Palo Alto, with the City of Menlo Park responsible for 50 percent of maintenance costs under a 1996 maintenance agreement.<sup>1</sup> On April 7, 2023, the City's on-call structural engineering consultant, Biggs Cardosa & Associates, conducted a structural assessment of the Alma Street Bicycle Bridge. The consultant recommended that the north creek bank be restored in conjunction with Caltrain's bank restoration to prevent further erosion that could threaten the stability of the Alma Street Bicycle Bridge. Additionally, the high creek flows undermined a storm drain outfall owned and maintained by the City of Menlo Park.

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<sup>1</sup> 1996 Alma Street Bicycle Bridge Maintenance Agreement

<https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/cip-contracts/alma-street-bicycle-bridge-maintenance-agreement.pdf>

The two bridges, outfall and repair area can be seen in Attachment A.

Staff from Caltrain, Menlo Park, Palo Alto and San Francisquito Creek Joint Powers Authority began meeting biweekly in April to discuss the needed repair work on the SFC north embankment. Caltrain has identified a consultant, AECOM, to complete the design and a contractor, Walsh Construction, to do the construction. Caltrain has also started discussions with the permitting agencies to obtain the necessary permits to do the work in the creek during the limited construction access of April 15 to October 15. The City recommends authorizing the City Manager to negotiate and sign a Memorandum of Understanding and Funding Agreement (MOU) to partner with Caltrain and the City of Menlo Park in completing these necessary creek embankment repairs prior to next winter. If Council does not provide authorization for the City Manager to negotiate and sign the MOU agreement, the City would not be able to design, permit, and make repairs on its own to the creek embankment prior to the upcoming winter season. Additionally, if the MOU is not authorized, staff would need to monitor erosion and potentially close the bridge until the City was able to develop its own repair project.

The scope of work for the project includes the implementation of measures for the stabilization of the north bank of the SFC in the immediate vicinity of the SFC Caltrain Bridge, the City of Menlo Park drain outfall and Alma Street Bicycle Bridge. Required activities are anticipated to include, but are not limited to:

- Topographic survey and site observations
- Hydraulic modeling and engineering design
- Acquisition of permits and environmental clearances
- Preparation and negotiation of construction contract(s)
- Material procurement and construction services
- Construction management and inspection
- Safety oversight and operational safety support
- Project management and project controls
- Administration for consultant and construction contracts
- Public outreach and community engagement
- Project construction per plans and specifications
- Post construction environmental compliance, monitoring and mitigation

Additionally, the MOU will include requirements for a no-cost encroachment permit for construction access via the south side of SFC. Special consideration and care will be taken for protection/restoration of El Palo Alto Park and for protection of the El Palo Alto tree. Caltrain's project team is reviewing project drawings and lessons learned from the 2013 Bonde Weir Fish Passage Improvement project to limit construction impacts. Specific construction impacts will be better known as the design progresses this summer. The most recent update to Caltrain's

Finance Committee on May 22, 2023 can be found here.<sup>2</sup> Councilmember Burt currently serves on the Caltrain Board.

### **FISCAL/RESOURCE IMPACT**

Plans are currently at 30% design and the estimated project cost is \$5.3 million. Staff will negotiate with Caltrain and Menlo Park to determine what portion of the repair cost would be due to the Alma Street Bicycle Bridge area. Staff will return to Council after the summer break to update the progress on the MOU and bring a budget amendment for the City's funding share as there is no funding programmed for this activity at this time. This funding is anticipated to come from the capital Infrastructure Reserve.

### **STAKEHOLDER ENGAGEMENT**

Staff from Caltrain, San Francisquito Creek Joint Powers Authority and the cities of Menlo Park and Palo Alto are meeting biweekly to discuss updates on MOU agreement language, design, permitting, and construction logistics. Staff from all three partnering agencies will also provide outreach during construction to all users of the facilities as well as nearby residents on any construction impacts.

### **ENVIRONMENTAL REVIEW**

The level of environmental review required under CEQA will be determined by Caltrain, as the lead agency, as part of project design and permitting.

### **ATTACHMENTS**

Attachment A: Project Location/Preliminary Design Concept

### **APPROVED BY:**

Brad Eggleston, Director Public Works/City Engineer

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<sup>2</sup> Joint Powers Board Finance Committee Meeting 5/22/2023 Item #9 San Francisquito North Bank Restoration Presentation <https://www.caltrain.com/meetings/2023/05/jpb-finance-committee>