



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Public Works

Meeting Date: October 16, 2023

Report #:2308-1935

TITLE

Update on the Memorandum of Understanding and Funding Agreement with Peninsula Corridor Joint Powers Board (JPB/Caltrain) and the City of Menlo Park Regarding Emergency Repairs to the North Bank of San Francisquito Creek and Approval of a Fiscal Year 2024 Budget Amendment in the Capital Improvement Fund; CEQA exempt per Reg. 15269.

RECOMMENDATION

This report provides Council a progress update on the Memorandum of Understanding (MOU) and funding agreement between the City of Palo Alto, Peninsula Corridor Joint Powers Board (JPB/Caltrain) and the City of Menlo Park regarding emergency repairs to the north bank of San Francisquito Creek.

Staff recommends that Council amend the Fiscal Year 2024 Budget Appropriation for the Capital Improvement Fund by (requires 2/3 approval):

1. Increasing the City Bridge Improvements Project (PE-20001) appropriation by \$1,100,000;
2. Decreasing the Capital Improvement Fund Administration project (AS-10000) appropriation by \$30,000; and
3. Decreasing the Capital Improvement Fund Infrastructure Reserve by \$1,070,000.

BACKGROUND

In early January 2023, after a week of heavy rain, JPB/Caltrain staff inspected the rail bridge over San Francisquito Creek at Alma Street and discovered that storms had eroded the soil on the north creek bank supporting the foundation of the rail bridge, owned by JPB/Caltrain. On March 29, 2023, JPB/Caltrain declared an emergency, and the Caltrain board authorized staff to enter into contracts for the purpose of implementing 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 agreement¹. 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 integrity 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.

On June 19, 2023², Council authorized the City Manager to negotiate and execute a Memorandum of Understanding (MOU) and funding agreement with JPB/Caltrain and the City of Menlo Park for emergency repairs to the north bank of San Francisquito Creek. This staff report provides an update on the MOU and funding agreement and recommends that Council approve a budget amendment in the Capital Improvement Fund to appropriate funds to pay for the City's share to implement creek bank repairs.

ANALYSIS

Staff from JPB/Caltrain and the cities of Palo Alto and Menlo Park have coordinated design, permitting, outreach strategies, access and construction logistics, and have executed a MOU to jointly conduct repairs to the northern creek bank supporting the San Francisquito Creek Rail Bridge, the Alma Street Bicycle Bridge, and the storm drain outfall to maintain the integrity of these assets. The MOU is provided in Attachment A.

In accordance with the MOU, the JPB/Caltrain will oversee the emergency repairs on behalf of the JPB/Caltrain and the cities of Palo Alto and Menlo Park. JPB/Caltrain will issue all contracts and make all payments directly to the contractors to complete the scope of work and will invoice the cities of Palo Alto and Menlo Park on a quarterly basis for their respective cost share. Any cost increases resulting from increased contract prices or changes that require additional funding will be evaluated for cost share by all three agencies based on the scope of changes. The cities of Palo Alto and Menlo Park will continue their responsibility for maintenance of the Alma Street Bicycle Bridge during and after completion of the creek stabilization project per the 1996 maintenance agreement. A no-cost encroachment permit for construction access via the south side of San Francisquito Creek has been issued by the City. No impacts on the El Palo Alto tree are expected as part of the construction activities. Any tree and vegetation removal required for construction activities in the City's jurisdiction will be coordinated with the City's Urban Forester. Special consideration and care will be taken for protection of the El Palo Alto tree and restoration of El Palo Alto Park.

¹ 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>

² City Council Staff Report, June 19, 2023, Agenda Item #14

https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/city-council-special-meeting_20230818175340762.pdf

The MOU establishes a cost sharing methodology and funding agreement between JPB/Caltrain and cities of Palo Alto and Menlo Park as follows:

1. The City of Menlo Park will be responsible for 100 percent cost to reconstruct the storm drain outfall.
2. JPB and the cities of Palo Alto and Menlo Park will share cost for the remaining scope of creek stabilization work based on the project size. JPB will be responsible for 66.8 percent and cities of Palo Alto and Menlo Park will each be responsible for 16.6 percent of the total costs. Cost sharing methodology is further explained in Exhibit C of the MOU.

The 100% design was completed in August 2023 and the engineer's opinion of probable cost for design and construction is \$6,471,067. This includes a 15% design and construction contingency. Menlo Park's storm drain outfall replacement cost is estimated to be \$100,000. A high-level cost share summary for the three partnering agencies is presented below.

Engineer's estimate

Design, permitting, and construction	\$5,627,015
15% design and construction contingencies	\$844,052
Total cost	\$6,471,067
JPB/Caltrain (66.8%)	\$4,255,871
City of Palo Alto (16.6%)	\$1,057,598
City of Menlo Park (16.6% plus cost of replacing storm drain outfall)	\$1,157,598

JPB/Caltrain was planning to complete the emergency repairs work during the dry season ending October 15, 2023, pending approval of the regulatory permits. However, construction has been deferred to the 2024 dry season because of the additional review needed by the US Army Corps of Engineers for the project's Section 404 permit and approval required from the State Historic Preservation Officer. JPB/Caltrain will continue to coordinate permits from the regulatory agencies to begin construction in summer 2024. In the meantime, JPB/Caltrain and the cities of Palo Alto and Menlo Park will continue to monitor the creek's condition and if significant erosion occurs in winter of 2023, a temporary contingency plan will be implemented to protect the creek bank. The most recent update to Caltrain's Finance Committee on October 5, 2023 can be found here³.

FISCAL/RESOURCE IMPACT

There is no funding programmed in Fiscal Year 2024 for the emergency repairs to the San Francisquito Creek north bank. A budget amendment is needed for the City to pay for its cost share in the amount of \$1,100,000. Staff recommends that Council approve allocating

³ Joint Powers Board Finance Committee Meeting 10/5/2023 Item #6.b. Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge
<https://www.caltrain.com/meetings/2023/10/caltrain-board-meeting>

\$1,070,000 from the Capital Improvement Fund Infrastructure Reserve to the City Bridge Improvements Project (PE-20001) for the City's cost share and shifting \$30,000 from the Capital Improvement Fund Administration project (AS-10000) to PE-20001 for estimated staff salaries and benefits to monitor construction activities in the right-of-way and respond to contractor and public inquiries.

The Infrastructure Reserve was adopted with \$3.6 million in FY 2024, and together with other budget amendments to date in FY 2024, the recommended action would bring the estimated available fund balance down to \$2.4 million. In addition, approximately \$1.1 million will remain in AS-10000 to address additional or unforeseen salaries and benefits needs for projects in the Capital Improvement Fund.

STAKEHOLDER ENGAGEMENT

Staff from JPB/Caltrain, San Francisquito Creek Joint Powers Authority, and cities of Palo Alto and Menlo Park will provide outreach during construction to all users of the facilities as well as nearby residents on construction impacts.

ENVIRONMENTAL REVIEW

JPB filed a CEQA Notice of Exemption with the County Clerks of Santa Clara and San Mateo for the project citing PRC sec. 21080(b)(3) [CEQA Guidelines sec. 15269(a)]. The project is statutorily exempt as the project would repair and restore the slope of a streambank supporting the JPB San Francisquito Bridge and Alma Street bicycle/pedestrian bridge that was damaged as a result of substantial erosion and scour that occurred from heavy storms and high water levels as observed in January 2023. The Governor included San Mateo and Santa Clara counties in a Storm State of Emergency on March 8, 2023.

ATTACHMENTS

Attachment A: Memorandum of Understanding and Funding Agreement

APPROVED BY:

Brad Eggleston, Director Public Works/City Engineer