



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Flood Control
Department No.: 054
For Agenda Of: 05/10/11
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: **Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR for the Lower Mission Creek Flood Control and Restoration Project, Construction of Reach 1A, Phase 1, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- a) Certify that the Board, acting as a Responsible Agency, has considered the environmental effects of the EIS/EIR for the Lower Mission Creek Flood Control Project, appendices and technical studies pursuant to the California Environmental Quality Act (CEQA) Section 15096(f), (Attachment 1 and 2);
- b) Certify that the Board, acting as a Responsible Agency, has reviewed and considered the information contained in the Final EIS/EIR for the Lower Mission Creek Flood Control Project, appendices and technical studies, and adopts the CEQA Findings and Statement of Overriding Considerations pursuant to CEQA Section 15091 as required by Section 15095(h), (Attachment 3);
- c) Award the construction contract for the Lower Mission Creek Flood Control and Restoration Project, Reach 1A, Phase I in the amount of \$2,609,161 to the lowest responsible bidder Lash Construction, Inc. (a local vendor), subject to the provisions of documents and certifications, as set forth in the plans and specification applicable to the project and as required by law;

- d) Authorize the Chair to execute the construction contract upon return of the contractor's executed contract documents, and the review and approval of the County Counsel, Auditor-Controller, and Risk Manager or their authorized representatives;
- e) Approve a contingency in the amount of \$142,958.05 for the above subject project;
- f) Approve plans and specifications for the project;
- g) Approve and authorize the Chair to execute the Agreement with Fugro West, Inc. (a local vendor) for construction inspection services for the Lower Mission Creek Flood Control and Restoration Project, Reach 1A, Phase I in the amount of \$288,200 for the period of May 3, 2011 through June 30, 2012; and
- h) Authorize a 15% contingency in the amount of \$43,230 with Fugro West, Inc. for additional work that may be needed to complete work for the project; and
- i) Authorize the Chair of the Board of Directors to accept the Nonexclusive Easement Deed from Antonio R. Romasanta for flood control improvements located on a portion of 28 West Cabrillo, County Assessor's Parcel Number 033-102-002, by authorizing the Clerk of the Board to execute the Certificates of Acceptance attached thereto.

Summary Text:

Pursuant to the requirements of CEQA and the National Environmental Policy Act (NEPA), an EIS/EIR for the Lower Mission Creek Flood Control Project was prepared by the U.S. Army Corps of Engineers to identify alternatives, analyze impacts and identify associated mitigation measures for the Lower Mission Creek Flood Control Project. Acting as the lead agency, under CEQA, the City of Santa Barbara Planning Commission approved and adopted the EIS/EIR in 2001. The District is a responsible agency for this project. The entire project reach is located from Canon Perdido Street to Cabrillo Boulevard in the City of Santa Barbara.

The EIS/SIR analysis identified that the project would result in significant and unavoidable impacts (Class I) to cultural resources and aesthetics and significant but mitigable to less than significant impacts (Class II) to water resources, geology, biological resources, land use, socioeconomic, aesthetics, recreation, hazardous waste, and safety, and will require that the Board of Directors, acting as a Responsible Agency, adopt Findings and a Statement of Overriding Considerations should the Board decide to approve the project. As described below, Reach 1A is scheduled for construction beginning in June 2011. Approval of the project and adoption of the Findings and Statement of Overriding Considerations by the Board will satisfy CEQA requirement for the entire project reach in the event that the District pursues construction of subsequent phases of the project.

The Lower Mission Creek Flood Control and Restoration Project, Reach 1A, Phase 1 is located along Mission Creek in the City of Santa Barbara, extending upstream from State Street for a distance of approximately 220 feet towards Mason Street. The project will consist of demolishing existing structures; widening the portion of the creek from State Street to the Romasanta pedestrian bridge by constructing a vertical pile wall system; excavating, placing and hauling compacted fill; adding

architectural treatment to walls; installing storm drainage inlets; and installing fish friendly features that include fish ledges and boulder clusters.

On April 12, 2011, the Flood Control District received three bids for the Lower Mission Creek Flood Control and Restoration Project, Reach 1A, Phase 1. Lash Construction, Inc. submitted the apparent lowest bid in the amount of \$2,609,161. The second apparent lowest bid was in the amount of \$3,084,876. The engineer's construction cost estimate is \$3,070,000.

This work is costly for a number of reasons: Access to the site is extremely limited and constrained, and special requirements that affect schedule and cost were imposed upon the contractor to accommodate the needs of the adjacent businesses; the work site is located within an active flowing creek that is subject to the presence of two federally endangered species (tidewater goby and steelhead), thus imposing special requirements that affect the schedule during construction and additional costs both during the construction and the project design; further, regulatory and other permitting requirements placed a very limited window of opportunity to construct the project along with a host of other project requirements, raising significantly the costs of construction.

The agreement with Fugro will provide for construction inspection services for this phase of the project. This agreement will provide full-time inspection services based on 125 working-day construction schedule.

Acceptance and recordation of the Nonexclusive Easement will convey a permanent flood control easement from Mr. Romasanta to the Flood Control District. The easement will allow for the installation, operation and maintenance of a flood control channel and related drainage improvements on a portion of 28 West Cabrillo Street.

Background:

The Lower Mission Creek Flood Control Project is a U.S. Army Corps of Engineers project. The project will improve the channel along its length with channel widening to increase channel capacity. The project will reduce flooding and property damage to the surrounding area. The County and the City are the local co-sponsors of the project. All permits needed to construct this phase are in hand with the exception of the Clean Water Act Section 404 permit which is impending.

While the Lower Mission Creek Flood Control Project is a federal project, the Flood Control District in cooperation with the City of Santa Barbara is pursuing the construction of Reach 1A with a combination of state and local funding. Currently, federal funding for construction has not been allocated or made available for this project. Reach 1A will be constructed in two phases. Construction of the first phase will begin this summer and Phase 2 construction is planned for the summer/fall of 2012.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ			\$ 2,083,519.25
State Prop 50 grant			\$ 1,000,000.00
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 3,083,519.25

Narrative:

Partial costs for this project were included in the adopted 2010-11 budget under the Design Cost Center of the Water Resources Division of the Public Works Department as shown on page D-366 in the budget book. The majority of the project costs for this phase of the project were included in the proposed 2011-12 budget since most of the construction costs will occur next fiscal year. Funding for this phase of the project will be paid up to \$1 million from the State Prop. 50 grant funding with the remainder being paid from the South Coast Flood Zone.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

After Board action, distribute as follows:

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| 1. Original Easement Deed | Surveyor’s Division, Attn: Jeff Havlik |
| 2. Copies of Easement Deed | Clerk of the Board Files |
| 3. Agreement w/Fugro (2 originals) | Flood Control, Attn: Christina Lopez. |
| 4. Minute Order | Flood Control, Attn: Christina Lopez |
| 5. Minute Order | Surveyor’s Division, Attn: Jeff Havlik |

The Real Property Section of the Surveyor’s Division will deliver the original Nonexclusive Easement Deed to the County Recorder’s office for recordation. Once the Easement Deed has been recorded, Real Property will return the recorded original to the Clerk of the Board. Real Property will keep copies of the Easement in its files and will provide copies to the Grantor and to the Flood Control District.

Attachments:

- Lower Mission Creek Flood Control Project Final EIS/EIR and associated appendices (Attachment 1)
- Lower Mission Creek Flood Control Project Feasibility Study and Technical Studies (Attachment 2)
- CEQA Findings and Statement of Overriding Considerations (Attachment 3)
- Copy of Construction Contract
- Agreement with Fugro (3 originals)
- Contract Summary
- Nonexclusive Easement Deed

Authored by: Matt Griffin, Interim Civil Engineer Manager, 884-8074

