

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

**Agenda Number:**  
**Prepared on:** 1/8/03  
**Department Name:** Flood Control/Public Works  
**Department No.:** 054-04-05  
**Agenda Date:** 03/04/03  
**Placement:** Administrative  
**Estimate Time:** N/A  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Directors  
Santa Barbara County Flood Control & Water Conservation District

**FROM:** Phillip M. Demery  
Public Works Director

**STAFF  
CONTACT:** Thomas Fayram, Deputy Public Works Director, Ext. 3436

**SUBJECT:** **Lower Mission Creek Project Cost Sharing Agreements,  
First and Second Supervisorial Districts**

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## **Recommendation(s):**

That the Board of Directors:

- A. Approve and authorize the Chair to execute the Pre-Construction Engineering and Design Agreement (PED) and to sign the Certification Regarding Lobbying with the US Army Corps of Engineers (Corps) for design of the Lower Mission Creek Corps Project at an estimated local cost of \$530,500.
- B. Approve a 10% contingency fund in the amount of \$53,050 and authorize the Public Works Director to execute increases in the PED Agreement up to that amount; and
- C. Approve and Authorize the Chair to execute the Local Sponsor Cost Sharing Agreement with the City of Santa Barbara (City) for cost sharing of the local costs at an estimated cost share of \$397,875 Flood Control District (District) and \$132,625 City.

## **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

## **Executive Summary and Discussion:**

On September 21, 1993, your Board and the City Council formed the Mission Creek Consensus Group to work cooperatively in the pursuit of a flood control project along lower Mission Creek. Since the completion of the Mission Creek Consensus Group, City and District staff have worked

with the Corps and the community on furthering a naturalized project on Mission Creek. Although the District is the local sponsor for the project, the City has acted as co-sponsor since the project is located entirely within the City of Santa Barbara. The City is also the lead agency under CEQA.

On June 24, 1997, your Board entered into an agreement with the Corps for preparation of a Feasibility Study and associated environmental documents for the Mission Creek Flood Control Project. Associated with the feasibility agreement with the Corps was an agreement with the City of Santa Barbara for cost sharing of the local costs of the study. The cost sharing of the local costs was split 75% District and 25% City.

The Corps has completed the feasibility and environmental impact studies pursuant to the feasibility agreement with the publishing of "Lower Mission Creek Flood Control Feasibility Study and Environmental Impact Statement/Environmental Impact Report (EIS/EIR)", dated September 2000.

On December 4, 2001, the City Council certified the EIR for the project completing the CEQA process. The Corps has also filed a Record of Decision (ROD) completing the NEPA process.

On August 9, 2001, the Lower Mission Creek Project went before the California Coastal Commission for a Coastal Consistency Determination. At that meeting, the Coastal Commission conditionally approved the project pending three items to be returned to the Coastal Commission. These items are:

1. The Corps was directed to return to the Commission with an adaptive maintenance plan for on-going maintenance of the project after construction.
2. The Corps was directed to return to the Commission with a plan for a low flow channel within the project to address sediment transport and fish passage.
3. The Commission directed the Corps to prepare a Management Plan for addressing concerns over Tidewater Gobies in the Mission Creek Estuary.

The Corps, City, and District staff have been working on these conditions and hope to return to the Coastal Commission this year for approval of this item.

The Pre-Construction Engineer and Design (PED) phase is estimated to cost \$2,122,000. Of that cost, the local sponsors would be required to pay 25% or \$530,500. Of this local cost, the District and City have customarily shared these costs at 75% District and 25% City. Thus for this phase of the project, the cost shares would be estimated at \$397,875 District and \$132,625 City. The PED will provide engineering plans including required rights-of-way with associated estimated costs.

### **Future Actions**

The City Council has adopted the necessary findings under CEQA at its meeting of December 4, 2001. As a responsible agency under CEQA, the District needs to adopt CEQA findings as well. Although a separate EIR is not needed, your Board needs to adopt the EIR and make findings as a responsible agency. Staff intends to bring this action to your Board at the same time you consider the cost sharing agreements for the construction phase of the project. This will be sometime after the design phase of the project is completed.

**Mandates and Service Levels:**

The project will increase flood protection to residents and infrastructure in the area.

**Fiscal and Facilities Impacts:**

The Lower Mission Creek Project was included in the County's Capital Improvement Plan (Project No.SC8042). The project was also included in the Adopted 2002-03 Budget and costs were allocated under the Design Cost Center of the Water Resources Division as shown on page D-300 of the budget book. Since this project will take several years to complete, funding will be allocated each fiscal year until the project is completed. Funds for this project will be paid from Dept: 054, Fund: 2610, Acct: 8700, Program: 3005.

Lower Mission Creek was a project specifically identified to be funded through the South Coast Flood Zone Benefit Assessment Increase approved by the voters in March of 1996.

Upon execution by the Corps, the anticipated local share for the remainder of the federal fiscal year will be due. The Corps will invoice each fiscal year thereafter for the anticipated local share needed for that year.

The total cost estimate for the project is listed at approximately \$20 million. Upon completion of the PED phase, a better-cost estimate will be available. Depending on right-of-way costs, the local share for project construction and right-of-way will be no more than 50% of the total cost, with the Corps paying the balance.

**Special Instructions:**

Direct the Clerk of the Board to send the originals of the PED agreement with a copy of the minute order to the Flood Control District office, Attn: Christina Lopez. After the Corps has executed the agreement, the District will return a fully executed original to the Clerk of the Board. The originals of the Cost Sharing Agreement with the City will be given to the Clerk of the Board after the City has executed the agreement.

**Concurrence:** County Counsel, Auditor-Controller, and Risk Management