



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:** August 25, 2020  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**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:** Lower Mission Creek Flood Control Project Reaches 3 & 4, First Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to Form: Yes

**Recommended Actions:**

That the Board of Directors:

- a) Approve and authorize the Chair to execute Amendment No. 2 to the Agreement for Services of Independent Contractor with Bengal Engineering (a local vendor) to provide engineering design services for the Lower Mission Creek Flood Control Project, Reaches 3 and 4 (BC 17-117), extending the term from December 31, 2020 to December 31, 2022 and adding a clause delegating authority to approve future Immaterial Changes to the Agreement;
- b) Approve and authorize the Chair to execute the Agreement for Services of Independent Contractor with Padre Associates (a tri-county vendor) to provide environmental support services for construction of the Lower Mission Creek Flood Control Project Reach 3, for the period of August 25, 2020 through June 30, 2022 in an amount not to exceed \$52,560;
- c) Authorize the Public Works Director or designee to approve amendments to the professional services agreement with Padre Associates in an amount not to exceed \$5,256; and
- d) Find that pursuant to the California Environmental Quality Act Guidelines section 15162, no substantial changes are proposed, there are no substantial changes in circumstances and no new information of substantial importance has come to light regarding environmental effects of the

project or feasibility of mitigation measures and, therefore, this action is within the scope of the project covered by the Environmental Impact Report/Environmental Impact Statement for the Lower Mission Creek Flood Control Project as well as the Findings, and Statement of Overriding Considerations approved and adopted by the Board on May 10, 2011, and therefore, no subsequent environmental document is required. The Findings, Statement of Overriding Considerations, Environmental Impact Report/Environmental Impact Statement, and associated information can be found at: <http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>.

**Summary Text:**

This item is on the agenda in order to approve Amendment No. 2 to the agreement with Bengal Engineering for engineering design services for work necessary to complete the Lower Mission Creek Flood Control Project, Reaches 3 and 4 (Attachment A) and to approve the construction environmental support services contract with Padre Associates (Attachment B) for the Lower Mission Creek Flood Control Project Reach 3.

On August 23, 2016, the Board entered into an agreement with Bengal Engineering to perform engineering design services for the Lower Mission Creek Flood Control Project, Reaches 3 & 4, in the amount of \$362,575, with a term expiring on December 31, 2018. On August 14, 2018, the Board authorized the approval of Amendment No. 1 to the engineering design services agreement, increasing the contract not to exceed amount to \$434,545 and extending the expiration date to December 31, 2020. A contract contingency of \$43,454.50 was also previously authorized.

Bengal Engineering is currently developing detailed plans and specifications for the Lower Mission Creek Flood Control Project, Reaches 3 & 4. As part of their original scope of work, Bengal Engineering is responsible for the development of proposed easement legal descriptions, which have been completed for Reach 3. Due to extenuating circumstances, the limits of proposed easements associated with Reach 4 have not yet been determined. An extension of the design contract expiration date is necessary to allow time only for the development of easement legal descriptions.

Padre Associates is on the Prequalified Consultant List for Professional Services for Hazardous Material Assessment for the Public Works Department. Padre Associates developed an Environmental Site Assessment for Lower Mission Creek Flood Control Project Reach 3, which found both contaminated soil and groundwater that will need to be properly managed and disposed of during construction. Padre Associates was selected to oversee the construction contractor's contaminated material management based on their knowledge of the project and demonstrated competence and professional qualification to enter into an agreement to provide construction environmental support services needed for this project.

**Background:**

The Lower Mission Creek Flood Control Project is a federal, U.S. Army Corps of Engineers project and has been under development since the 1960s. The City of Santa Barbara (City) and the District, acting as local sponsors for the federal project, worked with the community in the 1990s to develop the current project that addresses the flood control concerns and environmental issues.

In 2001, the City certified the EIR/EIS and approved the project for Lower Mission Creek, as did the U.S Army Corps of Engineers subsequent to the City’s approval. Since that time, federal funding for construction has not come forward and the City and the Flood Control District have been working on finding opportunities to construct elements of the project as funding options arise. To date, the following project elements have been completed:

**Flood Control District Work**

**City Work**

Union Pacific Railroad Culvert work	Haley – De La Vina Bridge
Reach 1A-1	Ortega Street Bridge
Reach 1A-2	Cota Street Bridge
Reach 2B-1	Mason Street Bridge
Reach 1B	
Reach 2A	

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
South Coast FZ			\$ 57,816.00
State			
Federal			
Fees			
Other:			
<b>Total</b>	\$ -	\$ -	\$ 57,816.00

**Narrative:**

This project was included in the adopted FY 2020-21 budget in the Water Resources Division of the Public Works Department as shown on page D-332 in the budget book. No General Fund monies will be utilized by this project.

This project is also included in the County Capital Improvement Program.

**Special Instructions:**

Direct the Clerk of the Board to send two originals of Amendment No. 2, two originals of the Agreement with Padre Associates, and minute order of these actions to the Flood Control District Office, Attn: Christina Lopez.

**Attachments:**

- Attachment A - Amendment No. 2 to the Agreement with Bengal Engineering (3 originals) w/Contract Summary
- Attachment B - Copy of Original Agreement with Bengal Engineering (BC 17-117)
- Attachment C - Agreement for Services of Independent Contractor with Padre Associates (3 originals) w/ Contract Summary

**Authored by:**

Matt Griffin, Civil Engineer Specialist, 884-8074

**Exhibit 1**

