



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: 10/15/13
Placement: Administrative
Estimated Tme: N/A
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: **Temporary Assignment of Flood Control Easements for the Lower Mission Creek Flood Control Project, First and Second Supervisorial Districts**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Public Works Director to execute the attached Temporary Assignment of Flood Control Easements for the construction of the Mason Street Bridge Project and adjacent elements of the Lower Mission Creek Flood Control Project (Project) for a period of not to exceed 2 years from the date of execution;
- b) Direct staff to negotiate a Cost Sharing Agreement with the City of Santa Barbara for the construction of elements of Phases 1A-2 and 1B of the Project to be built concurrent with the Mason Street Bridge Project and return to the Board for execution;
- c) Direct staff to negotiate a Project Implementation Agreement with the City of Santa Barbara to address the respective needs of the City and County on future elements of the Project and return to the Board for execution; and
- d) Find that pursuant to the California Environmental Quality Act (CEQA) 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 (EIR/EIS) 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, EIS/ EIR, and associated information can be found at: <http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>

Summary Text:

The City of Santa Barbara (City) is proposing to replace the Mason Street Bridge on the lower end of Mission Creek. As a part of this construction the City will be constructing certain connected elements of the Lower Mission Creek Flood Control Project.

To expedite and facilitate the construction of the Bridge, the City has requested the Santa Barbara County Flood Control District (District) temporarily assign the rights of the adjacent District easements to the City for this construction. Consent of the affected underlying property owner will be obtained. As a part of this Temporary Assignment, the City will agree to implement all City imposed conditions on reaches 1A and 1B that exceed the requirements of the approved Project as described in the Project's EIS/EIR and within state and federal permits. Recent hearings at the City's various committees and commissions for the Project has shown a desire by the City to include additional betterments not originally considered nor approved as a part of the Project. This allows the City to move forward on additional work at their expense.

As a part of the Mason Street Bridge Project, the City would be constructing a portion of the channel improvements adjacent and connected to the bridge work. These channel elements will include channel walls downstream, of Mason Street (Reach 1A), and may include all or part of the channel walls upstream (Reach 1B). Both City and District staff recognized that bidding elements of channel work with the bridge project offer an economy of scale and efficiency of implementation. The cost sharing agreement will provide for reimbursement of the work the District would have otherwise constructed separately. This agreement will return to your Board for execution at a later date.

Finally, as implementation of the Lower Mission Creek Project moves forward, a project implementation agreement will allow the City and District to better coordinate and address respective needs. The City will need additional assignment of easements to construct future bridges and the District will require the City to implement additional project betterments desired by the City at their cost. This agreement will also return to your Board for execution.

Background:

The Lower Mission Creek Flood Control Project has been under development since the 1960's. 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.

In recent years, federal funding for construction has not come forward. Issues with the availability of federal construction funds and cost/benefit ratio concerns of the Project have stopped progress at the

federal level. However, staff of the City and the District pushed forward to implement phases of the project locally. To date, the following project elements have been completed:

<u>Flood Control District Work</u>	<u>City Work</u>
Union Pacific Railroad Culvert work	Haley – De La Vina Bridge
Railroad Depot Culvert	Ortega Street Bridge
Reach 1A-1	Chapala/Yanonali Street Bridge (under construction)

In addition to the work above, the City will soon begin construction on the replacement of the Cabrillo Boulevard Bridge and the upstream channel improvements. As noted above, so will the replacement of the Mason Street Bridge and associated channel improvements downstream and potentially channel improvements directly upstream as well.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

Execution of the Temporary Assignment will have no direct fiscal impacts. However, due to the increased desire by the City to include additional betterments to the Project, the Temporary Assignment will preserve the ability of the District to fund additional elements of the Project that provide direct flood control benefits. As the Lower Mission Creek Project has not received federal funding to date, and that situation stands to continue, the District nonetheless has pressed forward with implementation of the Project using local funding only. City desired betterments beyond the approved project conditions stand to threaten the District's ability to fund future phases of the Project. As such, the City and District will negotiate a new Project Implementation Agreement that will make the City responsible for additional betterments outside of the approved Project and authorize future easement assignments to facilitate future work.

Staff will be returning to the Board with the subsequent agreements with associated fiscal costs in the future.

Special Instructions:

Direct the Clerk of the Board to send a copy of the minute order of this action to the Flood Control District office: Attn: Christina Lopez.

Attachments:

Copy of Temporary Assignment of Permanent Easement Rights

Authored by: Thomas Fayram, Deputy Public Works Director, 568-3436