



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 14, 2018  
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. 1 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, 2018 to December 31, 2020 and increasing the contract amount of \$362,575 to a not-to-exceed amount of \$434,545, an increase of \$71,970;
- b) Authorize an increase of \$7,197 to the contingency amount of \$36,257.50 to a total contingency amount to \$43,454.50 with Bengal Engineering for additional work that may be needed to complete work for the project; and
- c) 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 authorize an amendment 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).

This Item was previously on the Board's agenda for both January 9, 2018 and January 30, 2018 and was continued in both instances due to the District's ongoing response to the 1-9 Debris Flow disaster and in consideration of a request for postponement from the subject property's owner. This Item was subsequently withdrawn on February 22, 2018.

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. The Board also authorized the Public Works Director to approve changes up to an additional amount of \$36,257.50 for a total contract amount of \$398,832.50. This amendment amount exceeds that authority; therefore, the Board's approval is required.

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 developed a Contaminated Materials Management Plan (CMMP) based upon available records of previously known site contamination. Additional engineering design services are required to conduct actual site sampling and analysis of the soil and ground water and to develop a Phase II Environmental Assessment. These are needed in order to 1.) further refine the project plans and specifications to adequately address the presence of contaminated material and 2.) determine if the appraisal valuations of the subject property at 324 De La Vina Street need to be adjusted due to the presence of contaminated materials.

324 De La Vina Street is being appraised as part of the real property acquisition process for Lower Mission Creek Project Reach 2B, Phase 2, and Reach 3. A 'Resolution of Necessity' for the acquisition of 324 De La Vina Street is anticipated to be considered by Board at the meeting held on August 14, 2018.

**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	\$ 79,167.00		
State			
Federal			
Fees			
Other:			
<b>Total</b>	<b>\$ 79,167.00</b>	<b>\$ -</b>	<b>\$ -</b>

**Narrative:**

This project was included in the adopted FY 2018-19 budget in the Water Resources Division of the Public Works Department as shown on page D-309 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 on page D-141.

**Key Contract Risks:**

The key risk factors for this agreement are low.

**Special Instructions:**

Direct the Clerk of the Board to send two originals of Amendment No. 1 and minute order of these actions to the Flood Control District Office, Attn: Christina Lopez.

**Attachments:**

- Attachment A - Amendment No. 1 to the Agreement with Bengal Engineering (3 originals) w/ Contract Summary
- Attachment B - Agreement for Services of Independent Contractor with Bengal Engineering (copy of original contract)

**Authored by:**

Matt Griffin, Civil Engineer Specialist, 884-8074.

### Exhibit 1

