

August 3, 2016

STATEMENT OF PROCEEDINGS

The Minutes of the

***FLOOD CONTROL DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY FLOOD CONTROL DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 3, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

MORNING SESSION: Called to order at 9:03 a.m.

PRESENT: Directors Ron Roberts, Chairman; Dianne Jacob, Vice Chairwoman; Greg Cox; Dave Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board.

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Flood Agenda Items

Agenda # Subject

1. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ACCESS RAMPS, DELEGATE AUTHORITY TO AMEND AND EXECUTE AGREEMENTS, AND NEGOTIATE FUNDING FOR BIOLOGICAL MAINTENANCE OF KEYS CREEK CHANNEL
[FUNDING SOURCE: PRIOR YEAR AVAILABLE FLOOD CONTROL DISTRICT FUND BALANCE]

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 1)

FL1. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ACCESS RAMPS, DELEGATE AUTHORITY TO AMEND AND EXECUTE AGREEMENTS, AND NEGOTIATE FUNDING FOR BIOLOGICAL MAINTENANCE OF KEYS CREEK CHANNEL (DISTRICT: 5)

OVERVIEW:

Keys Creek flood control channel, in the vicinity of Fallbrook, is a tributary of the San Luis Rey River (58th Edition Thomas Guide, Page 1048-H3). The channel was constructed as part of the Lake Rancho Viejo Unit 3 Development Project to convey floodwaters and requires routine flood control management to maintain its functionality. The San Diego County Flood Control District is responsible for maintaining the channel for flood control purposes.

In addition to serving as a flood control facility, the Keys Creek channel is also an 8.38 acre biological mitigation site (Creek Mitigation Site) maintained by the developer, K. Hovnanian at Lake Rancho Viejo, LLC (K. Hovnanian). K. Hovnanian's maintenance and management responsibilities for the Creek Mitigation Site and two other parcels are set forth in an Agreement for Maintenance of Habitat Preserves (Preserve Agreement) entered into on August 18, 2006 with the County.

In order to facilitate maintenance of the Keys Creek flood control channel, the Flood Control District proposes to construct two access ramps into the channel to provide improved access. In addition, the Flood Control District will assume K. Hovnanian's biological responsibilities for one of the three sites, the Creek Mitigation Site, addressed by the Preserve Agreement to streamline management of the channel for both purposes. K. Hovnanian has agreed to post an endowment that will fund the annual operating costs for the biological mitigation site in perpetuity, and satisfy obligations imposed by the Preserve Agreement for the Creek Mitigation Site before transferring management responsibility for this site to the Flood Control District.

Today's action, adopts the Mitigated Negative Declaration for all actions anticipated for access ramp construction, sediment removal and ongoing management of the flood control channel and biological open space. It also delegates authority to the Director, Department of Public Works, to take action on behalf of the County and Flood Control District to effectuate the transfer of K. Hovnanian's responsibilities for the Creek Mitigation Site to the Flood Control District and negotiate an endowment amount to fund these responsibilities. Finally, today's action authorizes County staff acting on behalf of the Flood Control District to advertise, award and manage a contract to construct access ramps into the Keys Creek channel to allow for maintenance access by the Flood Control District. Construction is scheduled to begin in late fall 2016 and be completed by early 2017. The estimated construction cost for the project will be \$180,000, including contingency.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Detailed Work Program. If approved, this request will result in costs and revenues of \$180,000 in Fiscal Year 2016-17. Construction costs are estimated to be \$180,000, including contingency. The funding source is prior year available Flood Control District fund balance (\$180,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

Flood Control District construction contracts are competitively bid and will help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Directors for the San Diego County Flood Control District:

1. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401, et seq. of the Administrative Code with respect to contracting for the Keys Creek Channel Access Ramps Project.
2. Designate the Director, Department of Public Works, as the person responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.
3. Delegate authority authorizing the Director, Department of Public Works, as an agent of the Flood Control District, to enter into an agreement with the developer of the Lake Rancho Viejo Unit 3 Development Project and the County to assume responsibility for the management of the Creek Mitigation Site.
4. Delegate authority authorizing the Director, Department of Public Works, as an agent of the Flood Control District, to negotiate an amount, estimated at \$2,400,000, from the developer to provide an endowment for the long-term biological maintenance of the Creek Mitigation Site in perpetuity, and to enter into an agreement with a financial organization to manage the endowment.
5. Delegate authority authorizing the Director, Department of Public Works, as an agent of the Flood Control District, to take such other action as may be necessary for the Flood Control District to assume responsibility for the management of the Creek Mitigation Site from the developer of the Lake Rancho Viejo Unit 3 Development Project, including, without limitation, entering into an agreement with the United States Army Corps of Engineers (USACOE) for the long-term biological maintenance of the site.

(Relates to Board of Supervisors Agenda No. 1)

ACTION:

ON MOTION of Director Horn, seconded by Director Cox, the Board of Directors of the San Diego County Flood Control District took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

There being no further business, the Board of Directors of the San Diego County Flood Control District adjourned at 9:40 a.m.

DAVID HALL

Clerk of the Board of Directors of the
San Diego County Flood Control District

Notes: Miller

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Flood Control District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Tuesday, December 13, 2016.



RON ROBERTS
Chairman

Attest:



DAVID HALL
Clerk of the Board