

Special Meeting of the Pajaro River Watershed Flood Prevention Authority Board of Directors

Agenda

c/o RAPS, Inc.
P.O. Box 2453
Seaside, CA 93955
(831) 883-3750

PRWFPA Chair - John Varela
PRWFPA Vice Chair - John Phillips

Conference Call

Dial-In Number: (605) 475-4700

Access Code: 203466#

November 16, 2016

10:00 a.m.

Conference Call

PRWFPA Board of Directors:

| | | |
|---------------------------|---|---------------------|
| Margie Barrios: | 481 4th Street, Hollister, CA 95023 | 831-636-4000 |
| Frank Bettencourt: | 30 Mansfield Road, Hollister, CA 95023 | 831-637-8218 |
| Nancy Bilich: | 275 Main Street, Watsonville, CA 95076 | 831-768-3008 |
| Greg Caput: | 215 E. Beach Street, Watsonville, CA 95076 | 831-763-4712 |
| John Phillips: | 11140 Speegle Street, Castroville, CA 95012 | 831-755-5022 |
| John Varela: | 5750 Almaden Expressway, San Jose, CA 95118 | 408-265-2600 |
| Mike Wasserman: | 70 W. Hedding Street, San Jose, CA 95110 | 408-299-5010 |

RECOMMENDED ACTION

1. CALL TO ORDER
2. ROLL CALL
3. ORAL COMMUNICATIONS FROM THE PUBLIC
ON ITEMS NOT ON THE AGENDA *(A maximum of three minutes on any subject not on the agenda)*
4. ORAL COMMUNICATIONS FROM THE BOARD
ON ITEMS NOT ON THE AGENDA

5. PLANNING

- A. Soap Lake Floodplain Preservation Project Update
-Lidia Gutierrez, Gutierrez Consultants

APPROVE

Approve amendment to the terms of the contingent grant awarded to the Open Space Authority for the Leung Property. (Page 3)

6. OTHER BUSINESS

7. ADJOURN

REFERENCE ITEMS:

- A. *2017 PRWFPA Meeting Schedule (Page 7)*
B. *Acronym Guide (Page 9)*

NEXT BOARD OF DIRECTORS MEETING:

Date: February 3, 2017
Location: Marina Library, Community Room
Time: 9:00 AM

PRWFPA WORKSHOP:

Date: February 3, 2017
Location: Marina Library, Community Room
Time: 10:00 AM

Note: Action listed for each Agenda item represents the staff recommendation. The Board of Directors may, at its discretion, take any action on the items listed in the Agenda.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

If you have a request for disability-related modification or accommodation, including auxiliary aids or services, contact Ana Flores at 831-883-3750, or by email aflores@ambag.org, at least 48 hours prior to the meeting date.

Mission: The purpose of the Authority is to identify, evaluate, fund and implement environmentally sound flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental, cooperative basis as required by the Pajaro River Watershed Flood Prevention Authority Act.

MEMORANDUM

Member Agencies:

County of Monterey

County of San Benito

County of Santa Clara

County of Santa Cruz

Monterey County Water
Resources Agency

San Benito County
Water District

Santa Clara Valley
Water District

Santa Cruz County Zone
7 Flood Control District

TO: PRWFPA Board of Directors

FROM: Lidia Gutierrez, Gutierrez Consultants

SUBJECT: Soap Lake Floodplain Preservation Project Update

MEETING DATE: November 16, 2016

RECOMMENDATION:

The Staff Working Group (SWG) is recommending Board approval of an amendment to the terms of the \$1,882,500 contingent grant award to the Open Space Authority (OSA) for the acquisition of the Leung Property. The amendment extends the close of escrow date by two weeks. The recommended amendment is shown in redline below:

Approve OSA grant award of \$1,882,500 and direct staff to proceed with grant contracting with OSA, contingent upon OSA's satisfaction of all of the following conditions precedent:

- (a) OSA entering into and fully executing a purchase and sale agreement with the sellers for fee title acquisition of the Leung Property by no later than February 29, 2016,*
- (b) If required by the State of California Department of Water Resources (DWR), OSA obtaining an updated appraisal that supports the specified grant award amount and is approved by the State of California Department of Water Resources, Pajaro Valley Water Management Agency, and FPA,*
- (c) OSA closing escrow and completing the transaction (acquisition of fee title of the Leung Property) by no later than ~~November 30, 2016~~ December 14, 2016,*

- (d) OSA executing a Grant Agreement for Acquisition of Fee Interest with the FPA in form approved by FPA, which incorporates the Proposition 50 Grant Agreement Between State of California Department of Water Resources (DWR) and Pajaro Valley Water Management Agency (PVWMA), Agreement Number 4600007652 Under Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (“Proposition 50 Grant Agreement”), and the Standard Conditions incorporated therein (including, but not limited, Standard Conditions D.6, Budget Contingency, D.16, Income Restrictions, and D.23, Prohibition Against Disposal of Project Without State Permission), and includes any conditions relating to environmental site conditions and CEQA review required by the DWR, and*
- (e) Approval of the invoices (by FPA, Pajaro Valley Water Management Agency and the State) and availability and disbursement of funds from the State under the Proposition 50 Grant Agreement.*

BACKGROUND:

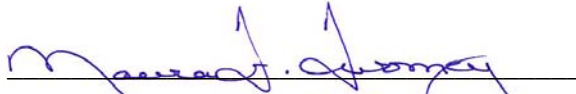
At the February 2016 Board of Directors meeting, the Pajaro River Watershed Flood Prevention Authority (FPA) approved a conditional grant award of \$1,882,500 to the Open Space Authority for the fee title purchase of the 100-acre Leung property in the Soap Lake Floodplain. The grant award required that OSA close escrow and complete the transaction no later than June 1, 2016. However, during the due diligence period, OSA consultants confirmed the presence of a leaking UST on the property. Given the additional time required to complete the site investigation, remove the tank, and receive environmental clearances, the close of escrow date was extended to November 30, 2016. Since then, the tank has been removed and the Santa Clara County Environmental Health Department has issued a No Further Action letter.

OSA is working through the close of escrow process and intends to secure all property owner signatures by November 28, 2016. However, one of the property owners is out of the country and, if delayed, could miss the signing deadline. To account for potential delays, the SWG is recommending a two week extension of the close of escrow date, extending the date from November 30, 2016 to December 14, 2016.

FISCAL DISCUSSION

There is no fiscal impact from the extension to the condition of the OSA grant award or the term of the grant agreement.

APPROVED BY:



Maura F. Twomey, Executive Coordinator

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Member Agencies:

2017 PRWFPA Schedule of Meetings

County of Monterey

County of San Benito

February 3, 2017:

Marina Library Community Room

190 Seaside Circle, Marina, CA 93933

County of Santa Clara

Meeting Time: 9 am

County of Santa Cruz

Workshop: 10 am

Monterey County Water Resources Agency

April 7, 2017:

San Benito County Board of Supervisors Chambers

481 Fourth Street, Hollister, CA 95023

San Benito County Water District

Meeting Time: 9 am

Santa Clara Valley Water District

June 2, 2017:

Gilroy City Hall

7351 Rosanna Street, Gilroy, CA 95020

Santa Cruz County Zone 7 Flood Control District

Meeting Time: 9 am

September 8, 2017:

Watsonville Council Chambers

275 Main Street, 4th Floor, (6th Flr. Parking),
Watsonville, CA 95077

Meeting Time: 9 am

November 3, 2017:

Monterey County Water Resources Agency

Location to be determined

Meeting Time: 9 am

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PRWFPA Acronym Guide

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| ABC Law | Atchison Barisone Condotti & Kovacevich |
| AEP | Annual Exceedance Probability |
| AFB | Alternate Formulation Briefing |
| ASA-CW | Assistant Secretary of the Army, Civil Works |
| CFS | Cubic feet per second |
| CEQA | California Environmental Quality Act |
| DWR | Department of Water Resources |
| EIR | Environmental Impact Report |
| EIS | Environmental Impact Statement |
| EPA | Environmental Protection Agency |
| ESA | Environmental Science Associates |
| FCSA | Federal Cost Sharing Agreement |
| FEIS | Final Environmental Impact Statement |
| FRM | Flood Risk Management |
| FRRP | Flood Risk Reduction Project |
| FY | Fiscal Year |
| FFY | Federal Fiscal Year |
| GRR | General Reevaluation Report |
| LPP | Locally Preferred Plan |
| LRP | Locally Requested Plan |
| MCWRA | Monterey County Water Resources Agency |
| NED | National Economic Development |
| NFS | Non-Federal Sponsors |
| NEPA | National Environmental Policy Act |
| OMB | Office of Management & Budget |
| OSA | Santa Clara County Open Space Authority |
| PED | Preconstruction Engineering and Design |
| PDT | Project Delivery Team |

| | |
|----------------|--|
| PRWFPA | Pajaro River Watershed Flood Prevention Authority |
| RAPS, Inc. | Regional Analysis Planning Services, Inc. |
| RWQCB | Regional Water Quality Control Board |
| SBCWD | San Benito County Water District |
| SCVWD | Santa Clara Valley Water District |
| SF | San Francisco |
| SMART Planning | Specific, Measurable, Attainable, Risk Informed, Timely Planning |
| SWG | Staff Working Group |
| SWRCB | State Water Resources Control Board |
| TNC | The Nature Conservancy |
| TSP | Tentatively Selected Plan |
| USACE | U.S. Army Corps of Engineers |
| WRDA | Water Resources Development Act |