CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 17, 2005 **ITEM NUMBER:**

SUBJECT: SANTA ANA RIVER CROSSING STUDY (SARX) SUPPLEMENTAL ENVIRONMENT IMPACT REPORT MEMORANDUM OF UNDERSTANDING (MOU)

DATE: MAY 3, 2005

FROM: PUBLIC SERVICES DEPARTMENT - TRANSPORTATION SERVICES DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: PETER NAGHAVI, TRANSPORTATION SERVICES MANAGER, 714-754-5182

RECOMMENDATION:

1. Approve the Memorandum of Understanding (MOU) between the Orange County Transportation Authority (OCTA); the City of Costa Mesa, and the City of Fountain Valley for a Supplemental Environmental Impact Report (EIR) for Garfield Avenue/Gisler Avenue bridge over the Santa Ana River (Attachment 1).
2. Authorize the Mayor to execute the MOU.
3. Authorize OCTA staff to utilize the $100,000 in Growth Management Area (GMA) funds allocated to City of Costa Mesa for the Supplemental EIR.

BACKGROUND:

The OCTA's Master Plan of Arterial Highways (MPAH) currently designates two future crossings over the Santa Ana River south of the I-405 Freeway. These crossings are located at Gisler Avenue/Garfield Avenue within the Cities of Costa Mesa, Fountain Valley, and Huntington Beach, at 19th Street/Banning Avenue within the Cities of Costa Mesa and Huntington Beach (Attachment 2). The City of Costa Mesa believes that the construction of bridges at these locations would impose a significant impact to a number of residential areas, schools, and parks that are in close proximity. Staff further believes that a 19th Street/Banning Avenue bridge would create significant adverse impacts on the existing wetlands and biological resources along the Santa Ana River bed. In consideration of these impacts, the City of Costa Mesa, since November 1991, has been working with involved agencies to remove these bridges from the MPAH.

Kimley-Horn and Associates was retained in 1998 to perform the required studies to prepare a program level EIR for the SARX Study. The study cost $200,000, and was funded by contributions from OCTA ($50,000), Costa Mesa ($100,000), Newport Beach ($35,000), and Huntington Beach ($15,000). The draft EIR was completed and circulated for cities' review and public comment on June 22, 2001. Comments from 11 agencies and 545 citizens and/or associations and the respective responses to comments were included in the final EIR dated April 2002. During the entire program EIR process, OCTA staff has maintained that, in order for OCTA's Board of Directors to take action on this EIR, all

agencies must agree on a collectively acceptable recommendation. Several meetings were held with technical staff as well as City Managers from all involved cities to discuss the results of this study, but no consensus was reached.

In 2004, the City of Fountain Valley solicited grant funds from OCTA through the Combined Transportation Funding Program (CTFP) for **preliminary** and **final** design for the Gisler Avenue/Garfield Avenue bridge. Following objections expressed by the City of Costa Mesa, OCTA did not approve grant funding for the final design and worked with the Cities of Costa Mesa and Fountain Valley to develop an alternative wherein a Supplemental EIR will be prepared under OCTA direction. This supplemental EIR will be considered in conjunction with the previous EIR developed in 2002. This alternative ensures that the new study on Garfield Avenue/Gisler Avenue bridge would be conducted with input and direction from both cities, Costa Mesa and Fountain Valley. In order to conduct this study, the City of Costa Mesa will be contributing $100,000 of OCTA Measure M Growth Management Area (GMA) funds. The City of Fountain Valley is contributing $250,000 from Measure M GMA funds and an additional $100,000 from their City funds.

The attached MOU provides details on agency roles and responsibilities on the process and incorporates all agreed upon details between OCTA and the Cities of Costa Mesa and Fountain Valley. The MOU states that the Supplemental EIR will be adopted only if all involved Cities reach consensus on the recommendations. The MOU also establishes a deadline of June 30, 2006 for the completion and adoption of the Supplemental EIR. If the study is not completed by that deadline, OCTA will consider the Program EIR for adoption.

With the approval of the MOU, staff requests that City Council authorize OCTA staff to utilize the $100,000 of the allocated City of Costa Mesa GMA funds for the Supplemental EIR.

ALTERNATIVES CONSIDERED:

The City Council may elect to not approve the attached MOU. This will result in OCTA canceling their efforts on the Supplemental EIR process and may provide the funding directly to City of Fountain Valley to conduct the supplemental EIR. The City of Fountain Valley may conduct the study without City of Costa Mesa's direct involvement.

FISCAL REVIEW:

The GMA elected officials and OCTA staff have approved the allocation of $100,000 of Measure M GMA funds in the current Combined Transportation Funding Program (CTFP) process towards the SARX Supplemental EIR. It is expected that OCTA Board will provide their final approval at their meeting in June 2005. The City has budgeted the grant funds in fiscal year 2005-06 for this project. If the MOU is approved by the City Council, staff will direct OCTA to secure the City of Costa Mesa's allocation of $100,000 from Measure M GMA through an internal transfer of funds.

LEGAL REVIEW:

The City Attorney's office has reviewed the draft MOU and has provided comments, which have been incorporated. The City Attorney's office has approved the attached MOU as to form.

CONCLUSION:

In 2002, a "Program level" Environmental Impact Report (EIR) was completed that identifies the necessary mitigations if planned bridges at 19th/Banning and Garfield/Gisler were deleted from the County's Master Plan of Highways. Staff from all involved cities have met on several occasions to discuss the results of the study and to arrive at a mutually agreeable resolution on the future of the proposed bridges. However, to date, no particular alternative has been acceptable to all cities.

The City of Fountain Valley has requested OCTA grant funds to independently study and design the Garfield Avenue/Gisler Avenue bridge project. However, following objection by the City of Costa Mesa, OCTA has agreed to take the lead in conducting a Supplemental EIR of the Garfield Avenue/Gisler Avenue bridge with input and direction from the Cities of Costa Mesa, Fountain Valley and Huntington Beach. The City of Costa Mesa has secured $100,000 in Measure M GMA funds for this project. The City of Fountain Valley is contributing $350,000 towards the project.

OCTA staff has prepared an MOU outlining the details of agreement between the Cities and OCTA, and the roles and responsibilities of involved agencies. Staff requests that City Council approve the MOU and authorize the Mayor and the Deputy City Clerk to execute the document. In addition, staff requests City Council approval of the transfer of $100,000 in GMA funds allocated by OCTA to the City of Costa Mesa for Supplemental EIR.

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File

ATTACHMENTS:
1 Memorandum of Understanding
2 Study Area – Map depicting location of proposed bridges

File Name Date Time