



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 21, 2009

ITEM NUMBER:

SUBJECT: APPROVAL FOR TALBERT NATURE PRESERVE HABITAT REHABILITATION PROJECT BY THE ORANGE COUNTY FLOOD CONTROL DISTRICT

DATE: APRIL 9, 2009

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

RECOMMENDATION:

Adopt the attached Resolution (Attachment 1) approving the Orange County Flood Control District Plans and Special Provisions for the construction of Talbert Nature Preserve Habitat Restoration for the San Diego Creek Capacity Flood Protection Project and the Peters Canyon Channel Bikeway Undercrossing Project.

BACKGROUND:

The Orange County Flood Control District (District) proposes to advertise for bids to restore approximately 20 acres of native habitat in the Talbert Nature Preserve, approximately 19 acres of which is located southerly of Victoria Street adjacent to the Greenville-Banning Channel and the Santa Ana River in the City of Costa Mesa (Attachment 2). California Public Contract Code 21020.9 requires that the District seek approval from the municipality in which their proposed project takes place, prior to the contract being awarded and commencing the work.

On April 7, 2009, the Board of Supervisors (Board) acting on behalf of the Orange County Flood Control District (OCFCD), was scheduled to approve the project Plans and Special Provisions, and authorize OC Public Works to submit them to the City of Costa Mesa for approval as required by California Public Contract Code 21020.9. OC Public Works intends to advertise the project upon Board approval, and has set May 6, 2009 as the date of the bid opening. The project contract is scheduled to be awarded by the end of the fiscal year in June 2009. The restoration work is expected to begin no earlier than September 2009 and will require approximately 90 working days to complete installation followed by a 90-day plant establishment period, an additional year for maintenance and monitoring by the contractor, and an additional four years of monitoring and reporting by a biologist.

On December 16, 2003 the Board declared an emergency and initiated the removal of sediment and vegetation from San Diego Creek Channel to improve flood protection. The permits for the emergency project from the Federal and State agencies include mitigation measures that require the District to restore habitat.

The proposed work fulfills mitigation requirements for the San Diego Creek Emergency Flood Control Protection Project. Additionally, 1 acre of habitat will be restored in Talbert Nature Preserve as mitigation for the Peters Canyon Channel Bikeway Undercrossing Project. The restoration will create and enhance Southern Willow Scrub and Coastal Sage Scrub habitats and includes invasive plant species removal; shallow depth excavation and grading; irrigation installation; native habitat planting and hydro-seeding.

Negative Declaration IP 05-369 and Addendum IP 09-055 for the San Diego Creek Interim Flood Protection project, and Negative Declaration IP 04-320 and Addendum IP 09-055 for the Peters Canyon Channel Bikeway Undercrossing Project, were found adequate in addressing the requirements of the California Environmental Quality Act (CEQA).

All mitigation measures are fully enforceable pursuant to CEQA Statutes Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the design or included in the procedures of project implementation. No additional regulatory permits are required for this project, however, the contractor will be required to complete a Notice Of Intent (NOI) to the Regional Water Quality Control Board (RWQCB) and provide an approved Storm Water Pollution Prevention Plan (SWPPP) prior to commencing work.

On November 24, 2008 the project was presented to the City Planning Commission outlining the proposed work as required by California Government Code 65402. Subsequently, the Planning Commission adopted Resolution PC-08-82 finding that the proposed project is consistent with the General Plan (Attachment 3).

Prior to starting the work, the contractor for the project will be required to obtain City encroachment and access permits.

ALTERNATIVES CONSIDERED:

The City could decide not to approve the rehabilitation project. This decision would not allow the District to proceed with this project and will require available funds be redirected towards another County project. This alternative is not recommended as it would result in the Talbert Nature preserve not being rehabilitated and park areas within City limits not receiving the proposed enhancements.

FISCAL REVIEW:

There is no fiscal impact to the City due to this item.

LEGAL REVIEW:

The City Attorney's office has approved the attached resolution as to form.

CONCLUSION:

Engineering staff has reviewed the proposed habitat restoration work by the County in the Talbert Nature Preserve, and recommends the City Council adopt a resolution (Attachment 1) approving the Orange County Flood Control District Plans and Special Provisions for the construction of Talbert Nature Preserve Habitat Restoration for the San Diego Creek Capacity Flood Protection Project and the Peters Canyon Channel Bikeway Undercrossing Project.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

ATTACHMENTS: "1" [Resolution](#)
 "2" [Location Map](#)
 "3" [Planning Resolution PC-08-82](#)

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