



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 15, 2011

ITEM NUMBER:

SUBJECT: APPROVAL OF AGREEMENT NO. C-1-2394 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT

DATE: FEBRUARY 3, 2011

FROM: PUBLIC SERVICES DEPARTMENT

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

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

RECOMMENDATION:

1. Approve Agreement No. C-1-2394 (Attachment 1) with the Orange County Transportation Authority (OCTA) for the use of Measure M (M2) Environmental Mitigation Program (EMP) Grant funding in the amount of \$2,000,000 for the Fairview Park Wetlands and Riparian Habitat Project.
2. Authorize the Mayor and City Clerk to execute the agreement.
3. Approve Budget Adjustment No. 11-012 (Attachment 2) to recognize the grant and appropriate funds for the Fairview Park Wetlands and Riparian Habitat Project.

BACKGROUND:

On November 7, 2006 voters approved M2 to fund transportation facility and service improvement programs for a period of thirty years commencing on April 1, 2011. M2 provides for the allocation of five percent (5%) of net freeway program revenues for mitigation of freeway projects. In Fiscal Year 2009/10 the first allocation of EMP funding for countywide restoration projects was \$5.5 million.

On September 27, 2010 the OCTA Board of Directors approved providing \$2,000,000 of Fiscal Year 2009/10 EMP funds for the City's Fairview Park Wetlands and Riparian Habitat Project. Funding will be utilized for Phase II of the project which includes the construction of a water delivery system from the Greenville-Banning Channel to the uppermost pond, the grading of wetland ponds, planting of 23 acres of coastal sage scrub, native grassland, oak and alder woodlands, wetland pond plantings, and the installation of an irrigation system. Phase I of the project was completed in September 2009 and included the grading of wetland ponds and streams, planting 17 acres of riparian habitat, and the installation of an irrigation system.

ANALYSIS:

The design of the Fairview Park Wetlands and Riparian Habitat Project, Phase II has been completed and is ready to be advertised for construction. If the attached agreement is approved by the City Council, the project will be advertised for construction immediately following the execution of the agreement. Construction would begin in the spring of 2011 and be completed by the spring of 2012. The City will be responsible for reporting the success of the project to the California Department of Fish and Game and the U.S. Fish and Wildlife Service during construction and through the plant establishment period for a total of eleven (11) years until 2022. The M2 Grant

pays for the maintenance of the project during the first year and for the entire monitoring and reporting period. The City will maintain the site in perpetuity after the first year of maintenance has been completed.

ALTERNATIVES CONSIDERED:

The City Council may opt not to approve the attached agreement and forfeit the M2 Grant. This action would delay the construction of the proposed Fairview Park Wetlands and Riparian Habitat Project, Phase II improvements indefinitely until a new funding source is secured by staff.

FISCAL REVIEW:

The Budget Adjustment No. 11-012 increases revenue and appropriates \$2,000,000 from the M2 Grant to the Capital Improvement Project budget for the Fairview Park Wetlands and Riparian Habitat Project.

Staff does not anticipate a City funded matching requirement to implement this phase of the project. The \$2,000,000 M2 Grant will be combined with the \$350,000 donation from the MiOcean Foundation for a total estimated project cost of \$2,350,000.

LEGAL REVIEW:

The proposed agreement has been approved as to form by the City Attorney.

CONCLUSION:

It is recommended that the Council approve Agreement No. C-1-2394 with the Orange County Transportation Authority (OCTA) for the use of Measure M (M2) Environmental Mitigation Program grant funding in the amount of \$2,000,000 for the Fairview Park Wetlands and Riparian Habitat Project, authorize the Mayor and City Clerk to execute the agreement, and approve the attached Budget Adjustment No. 11-012.

PETER NAGHAVI, Director
Department of Public Services

ERNESTO MUÑOZ
City Engineer

COLLEEN O'DONOGHUE
Assistant Finance Director

- Attachments: 1. [Agreement No. C-1-2394](#)
2. [Budget Adjustment No. 11-012](#)

- C: City Manager
Assistant City Manager
City Attorney
City Clerk
Parks Project Manager
Contract Administrator