



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Integrated Planning

CONTACT: Carol Mahoney

AGENDA DATE: July 17, 2013

ITEM NO. 11

SUBJECT: Multi-Party Master Agreement with City of Livermore and Urban Creeks Council for "Living Arroyos Program"

SUMMARY:

- In August 2006, the Zone 7 Board adopted the Stream Management Master Plan which includes integrated water resource management and operation of the Chain of Lakes.
- Zone 7's Board of Directors adopted Values of the organization in September 2012, which include commitments to "pursuing community partnerships and collaboration with other area public agencies when beneficial to the public," and "preserving and enhancing the environment while complying with regulations."
- Zone 7 has also identified Strategic Planning Priorities, revised and approved by the Board of Directors in October 2012, which include goals of cooperation, collaboration and environmental enhancement ("2.5 Cooperate and collaborate where necessary and beneficial with various state and federal agencies in fisheries restoration and related environmental enhancement efforts").
- The proposed Multi-Party Master Agreement among the City of Livermore, Urban Creeks Council, and Zone 7 is specifically for the purposes of initiating a public volunteer and apprenticeship program that engages the community in the stewardship of local streams within the Upper Alameda Creek Watershed and achieving maximum benefits with minimum costs.
- Livermore, UCC, and Zone 7 wish to work together to leverage resources and maximize effectiveness in achieving the goals of the program, which include:
 - Increase opportunities for local residents of all ages to engage in hands-on stewardship of natural resources, and to have contact with nature close to home;
 - Increase public awareness of important watershed issues;
 - Improve habitat and water quality of local streams while maintaining and enhancing both public safety and regional flood protection;
 - Strengthen public/private partnerships within the community.

FUNDING:

Funding for this agreement is from Fund 200 – General Fund/Flood Control and Fund 210 – Flood Protection & Stormwater Drainage DIF.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute the three-year Partnership Agreement among Zone 7, City of Livermore, and Urban Creeks Council for the Living Arroyos Program in a not-to-exceed amount of \$415,000.

ATTACHMENTS:

- Memorandum providing additional background information and Resolution
- Agreement and Exhibits

Interoffice Memo

Date: July 17, 2013
To: Jill Duerig, General Manager
From: Carol Mahoney, Integrated Planning
Subject: Multi-Party Master Agreement with City of Livermore and Urban Creeks Council for “Living Arroyos Program”

BACKGROUND:

There are approximately 120 miles of major creeks, streams, and arroyos within the Livermore-Amador Valley. Zone 7 is responsible for controlling and managing the storm water that flows into the Alameda Creek watershed for flood protection, erosion control and sediment control purposes and provides flood protection and storm water drainage improvements, facilities and services for residents, businesses, visitors, and employees within the Zone 7 Service Area comprised of the Cities of Dublin, Pleasanton and Livermore as well as unincorporated areas of eastern Alameda County. Zone 7 currently owns, manages and maintains approximately 37 miles of both improved and unimproved channels, ranging from engineered trapezoidal-shaped, natural soil and concrete-lined channels to natural creeks, and related flood protection and storm water control facilities. With the adoption of the 2006 Stream Management Master Plan (SMMP) and associated Master Environmental Impact Report, Zone 7 established a set of multidisciplinary goals and objectives that addressed not only flood protection and storm water drainage, but also erosion and sedimentation, water supply, water quality, habitat and environment, trails and recreation, and public education. At that time, the SMMP emphasized that flood protection had made a fundamental shift:

“In recent years, there have been a number of changes that impact the way agencies approach the management of streams and flood control channels. These include regulatory changes that affect nonpoint source water quality and stormwater runoff, impacts associated with development in floodplains and adjacent to streams, increased public interest in habitat protection and enhancement, and public demand for access to flood control channels and stream right-of-ways for recreational purposes. As a result of these changes, the SMMP has been developed as a multi-benefit program to address not only flood and stormwater drainage protection issues, but also to identify opportunities for other local agencies to coordinate their projects with Zone 7’s stormwater management and flood control projects, and to address other issues affecting management of the streams and arroyos such as habitat, water quality, and recreation.”

In 2010, the Zone 7 Board authorized the General Manager to negotiate and execute an agreement with the City of Livermore for the El Charro Specific Plan flood protection improvements, which included not only channel improvements, but also floodplain preservation, land dedications, and environmental enhancements. Through that partnership, portions of SMMP Project R.5-3 for the Arroyo Las Positas were refined and constructed. These initial facilities are a part of the necessary improvements that will allow flood waters to be detained in the Chain of Lakes.

In recent discussions with the City regarding upcoming and on-going projects, Zone 7 staff determined that a mutual partnership could facilitate community education and involvement with local streams while furthering the construction, maintenance, and monitoring of projects in the Livermore-Amador Valley. Urban Creeks Council (UCC) has been a non-profit partner working with Zone 7 on projects since 2009, and brings to the partnership the expertise to recruit and manage a successful community engagement program, having undertaken a similar program in Contra Costa County in recent years. They also have staff that are experienced in stream ecology and riparian environments, which rounds out the City’s and Zone 7’s engineers, geologists, and planners.

The “Living Arroyos Program” is envisioned as a means to explore long-term vegetation management strategies across the Valley that increases opportunities for local residents to engage in hands-on stewardship and establish relationships to the streams in their backyards. The program also seeks to engage local college students as intern ‘apprentices’ who will be instructed by the experienced staff of UCC on stream management techniques and then allowed to interact with and guide the volunteers. The initial program has been coordinated internally with Flood Control and Communications staff and externally with the City of Livermore to address near-term opportunities for collaboration on routine maintenance activities, mitigation, stream enhancement, and other habitat concerns. This program is not meant to supersede Zone 7’s long-term maintenance or project mitigation strategies, but is designed to augment both while increasing awareness of Zone 7’s on-going efforts to provide effective flood protection as part of integrated water resource management for the Valley.

DISCUSSION:

To achieve successful long-term stream management and increase community engagement the Livermore, Zone 7 and the Urban Creeks Council collectively seek to enter a partnership agreement to:

- Increase opportunities for local residents to engage in hands-on stewardship of natural resources and to have contact with nature close to home;
- Increase public awareness of important watershed issues;
- Improve habitat and water quality of local streams while maintaining and enhancing both public safety and regional flood protection;
- Strengthen public/private partnerships within the community.

These objectives relate to Zone 7’s “Values” that include commitments to “pursuing community partnerships and collaboration with other area public agencies when beneficial to the public,” and “preserving and enhancing the environment while complying with regulations;” and further meets the Strategic Planning Priority – 2.5 “Cooperate and collaborate where necessary and beneficial with various state and federal agencies in fisheries restoration and related environmental enhancement efforts.”

Urban Creeks Council (UCC) is a non-profit organization that has been a pioneer in the field of urban stream restoration and management since 1984 with a mission to preserve, protect and restore urban streams. UCC has successfully managed interns from local colleges and volunteers within local communities to restore, maintain and monitor creeks in their neighborhoods. UCC is seeking to do the same in the Tri-Valley and has agreed to fund half of the program cost of the Living Arroyos Program through in-kind labor and material resources.

The City of Livermore and Zone 7 have a history of successful collaboration. Livermore was an important partner in our public stakeholder process during the SMMP outreach. After this plan was approved in 2006, Livermore and Zone 7 collaborated successfully on the regional flood protection improvements within the El Charro Specific Plan area and entered into an agreement, which was approved by the Board in December 2010 and finalized in 2011. In 2009, Zone 7 and UCC began working on various projects including the update to SMMP projects. UCC has repeatedly assisted Zone 7 in obtaining grants to assist Zone 7 staff in understanding, managing, and planning for future stream projects. Their experience and labor resources will be used to assist the partners with mitigation planting, mitigation area identification, maintenance, monitoring and reporting to meet permit requirements. By entering into a partnership agreement each of the partners hopes to leverage funding, expertise and resources to accomplish long-term, multi-benefit stream management, while promoting public education and involvement in long-term creek stewardship and a better understanding of the flood and stormwater system in the Valley.

The agreement contains the following terms, among others:

- The Program agreement has been set up in such a way that other agencies who own streams in the Tri-Valley could join the Program in the future.
- Urban Creeks Council (UCC) contributes one-half of the total program cost for partner projects in in-kind labor and materials as identified in the annual workplan. UCC agrees to be the 'managing partner' using experienced and certified staff to coordinate, supervise and manage apprentices and volunteers.
- Zone 7 agrees to be the Fiscal Agent for the program for the first three years, and to grant access to partners for program implementation.
- Program costs are calculated based on length of stream channels owned or managed within, relative to the total owned or managed by all partners within the project area. These percentages may be modified if other partners join the Program in the future. Overall benefit is agreed to be roughly proportional to the contribution. Zone 7's Program contribution is 36.7% of the total cost of the program. City's Program contribution is 13.3% of the total cost of the program.
- UCC is allocating their time to the Program based on their actual expenses with no markup or profit margin, except those for non-partner projects. Non-partner projects will be charged according to a separate rate schedule that is set forth in the workplan. Income earned in excess of costs through the completion of non-partner projects will be set against overall Program cost in order to reduce costs for partners in the next Program year.

Projects were carefully considered and the limitations and liability of working with members of the public were reviewed and addressed. Zone 7, Livermore and UCC have determined that some tasks should only be performed by experienced and paid staff members from UCC. Volunteer activities will be confined to those activities that pose the least risk to the public such as planting, weeding, watering, monitoring, minor debris removal and minor pruning or invasive plant removal. For year two, it was estimated that Zone 7 could use this Program to install any required mitigation plantings and irrigation system for SMMP Project R.1-7 (Arroyo Las Positas Improvements @ Vasco Road), continue to maintain and monitor the Stanley Reach, and/or possibly maintain portions of Tassajara Creek, Arroyo Del Valle, Alamo Creek, Pleasanton Canal – as appropriate and timely.

Although many project sites throughout Zone 7's jurisdiction were evaluated, the initial workplan includes projects that were deemed to be the best suited to initiate the Living Arroyos Program for Year 2013-14. Zone 7's primary project is the Arroyo Mocho – Stanley Reach. This project was selected for public participation because of the timing of construction, ease of access, proximity to surrounding neighborhoods, and the nature of the work available to volunteers. The site offers opportunities for the volunteers and student apprentices to install plants, provide vegetation maintenance (watering/weeding), monitor survival, and assist in general debris removal. Should the Stanley Reach site not provide enough activities to cover the program year, other Zone 7 owned sites are on the list that can be added. Due to the nature of the work at these other sites, access for volunteers may be limited. Zone 7 staff anticipate that planned construction of SMMP Project R.1-7 (Arroyo Las Positas @ N. Vasco Road) in the next year may provide future opportunities for community involvement similarly to the Stanley Reach project. Other CIP projects will be evaluated as they near construction to see if they provide similar opportunities.

The City of Livermore selected two sites for their activities which include 1.) Galaxy Court Flood Protection and trail bridge improvement (along the Arroyo Las Positas between the Altamont Creek and Bluebell Drive) tree planting and mitigation planting, maintenance, monitoring and reporting; and 2.)

Airway Blvd. Culvert Desilting – mitigation maintenance, monitoring and reporting. Due to the nature of the work associated with these sites, only two volunteer days will be undertaken at the Galaxy Court location. The remaining work will be conducted by UCC staff and apprentices.

The last project included in the Workplan for Year 2013-14 is a non-partner project from Alameda County Surplus Property Authority (ACSPA). The construction of the Stoneridge Drive Bridge over the Arroyo Mocho required mitigation planting, maintenance, monitoring and reporting. In addition to the \$268,000 funding that ACSPA is providing to the Stanley Reach project to cover their offsite mitigation requirements (under the agreement approved by the Board in March 2013), they also requested to be included in the Workplan for related activities near the bridge site. Their contribution will be assessed on a separate rate schedule (per the agreement among the partners) and any profit will be added to the Program in the subsequent year. The estimated project cost is approximately \$30,000 for UCC staff and student apprentices to perform the work. No volunteer activities are planned at this site.

FISCAL IMPACTS AND FUNDING:

The “Living Arroyos Program” was still under discussion at the time of budgeting for fiscal year 2013-2014; therefore, potential funds were estimated and incorporated within two locations of the Board-approved FY13/14 Budget: Fund 200 – General Fund/Flood Control and Fund 210 – Flood Protection & Stormwater Drainage DIF through line-items “Stanley Reach Planting, Maintenance & Monitoring” and “Reach 3-5 Arroyo Mocho @ Stanley.”

The purpose of estimating the budget in this way was to offer flexibility in either establishing the Program and leveraging costs at Stanley Reach or not establishing the Program and accomplishing the planting and maintenance needed for Stanley Reach through contractors alone. The funding request in the FY13-14 budget was included under the Stanley Reach line-items because it was the first project identified to benefit from the potential Program and funding for plant installation and establishment was necessary regardless of the method used. Total Board-approved budget for FY13-14 for “Reach 3-5 Arroyo Mocho @ Stanley” is \$415,000. This anticipates that the funds will be encumbered for use in the installation and monitoring of plants at the Stanley Reach by either the Living Arroyos Program or by a contractor. Because the Living Arroyos Program brings additional outside funding through grants and local donors, other sites beyond Stanley Reach can be planted, monitored or maintained for that same amount of funding from Zone 7 as would have been spent for just one site. Likewise, the Program offers other benefits in that it engages the community and explores alternatives to long-term maintenance of vegetated channels.

The following table shows the estimated expenditure for the Living Arroyos Program for Program Year 2013-14 along with the funding pledged by UCC as matching funds and grants.

FY 2013-2014	Total	Zone 7 Water Agency	UCC (Match)
Program costs	215,515	92,874	122,641
Project costs	34,865	4,863 (Stanley)	30,002 (Grant)
Total	250,379	97,737	152,643

In Program Year 2013-14, roughly \$5,000 are direct Project costs to Zone for items to be installed at the Stanley Reach site that would not be relocatable to other sites (e.g. plants and seeding). Urban Creeks Council received a grant through the Estuary 2100 Program for planting activities at the Stanley Reach site and will be contributing roughly \$30,000 to the project.

The estimated annual Program costs were assumed to be \$100,000 for budgeting purposes, which allows for a seven percent contingency over the first year's estimate of \$92,874. Staff evaluated various sites that may be included in the Program in the future including upcoming CIP projects and on-going maintenance reaches. A total three-year Program cost has been estimate at \$415,000 to cover both the cost of being in the program (\$100,000/year x three years) and the potential costs of unanticipated project needs (\$115,000). Specific project costs include such things as irrigation systems, container plants, seeds or any item that will remain with the site.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to:

- 1.) Negotiate and execute the three-year Partnership Agreement among Zone 7, City of Livermore, and Urban Creeks Council for the Living Arroyos Program; and
- 2.) Adopt an annual workplan for the Living Arroyos Program for each fiscal year this agreement is in force; and
- 3.) Authorize Zone 7's contribution to the Living Arroyos Program not-to-exceed \$415,000 total for the three-year period the agreement is in force.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

LIVING ARROYOS PROGRAM

WHEREAS, Zone 7, City of Livermore and Urban Creeks Council (UCC) staff have been in negotiations regarding coordination of long-term flood protection improvements and maintenance, riparian enhancements, channel restoration, and community involvement in stream management and stewardship proposed as a part of the Living Arroyos Program and have reached tentative agreement on the final elements of the Partnership Agreement; and

WHEREAS, Livermore, Zone 7 and the Urban Creeks Council collectively seek to enter a partnership agreement to:

- Increase opportunities for local residents to engage in hands-on stewardship of natural resources and to have contact with nature close to home;
- Increase public awareness of important watershed issues;
- Improve habitat and water quality of local streams while maintaining and enhancing both public safety and regional flood protection; and
- Strengthen public/private partnerships within the community; and

WHEREAS, the Living Arroyos Program meets several goals of Zone 7's 2006 Stream Management Master Plan, September 2012 Vision and Values statement, and October 2012 Revised Strategic Planning Priorities; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the General Manager to negotiate and execute the Partnership Agreement among Zone 7, City of Livermore, and Urban Creeks Council for the Living Arroyos Program; and

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the General Manager to adopt an annual workplan for the Living Arroyos Program for each fiscal year this agreement is in force; and

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the General Manager to authorize Zone 7's contribution to the Living Arroyos Program in a not-to-exceed total amount of \$415,000 for the three-year period the agreement is in force.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District on July 17, 2013.

By: _____
President, Board of Directors