

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.3
(ID # 12151)

MEETING DATE:
Tuesday, May 19, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of Amendment No. 1 to Cooperative Funding Agreement for Eastvale MDP Line H Extension, Stage 2, CEQA Exempt, District 2. [Not-to-Exceed \$953,497 - District Zone 2 Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3);
2. Approve the Amendment No. 1 to Cooperative Funding Agreement (Agreement) between the Riverside County Flood Control and Water Conservation District (District) and the City of Eastvale (City);
3. Authorize the Chairwoman to execute the Agreement on behalf of the District;
4. Authorize the District's General Manager-Chief Engineer to sign future amendments that do not change the substantive terms of the Agreement subject to County Counsel approval; and
5. Direct the Clerk of the Board to return two (2) fully executed originals to the District.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

5/5/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: May 19, 2020
xc: FLOOD

Kecia R. Harper
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$953,497	\$0	\$953,497	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: 25120-947420-536200 Contribution Non-County Agency Zone 2 (97%) 25120-947420-523220 License and Permits Zone 2 (3%)			Budget Adjustment: No	
			For Fiscal Year: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Agreement sets forth the terms and conditions by which the District will increase its previous contribution from seven hundred sixty-four thousand dollars (\$764,000) to nine hundred thirty-three thousand five hundred fifty-two dollars and sixty cents (\$933,552.60) in funding to the City for the design and construction of Eastvale MDP Line H Extension, Stage 2 (Project) as part of a City-administered contract. The previous contribution amount was based on estimates, and the increased contribution amount is based on actual prices for design and bid prices for construction. Upon completion of construction, the City will accept sole responsibility for the ownership, operation and maintenance of the facility.

Prev. Agn. Ref.: MT# 7086, 11.2 of 06/05/2018

Environmental Findings

Pursuant to CEQA, execution of the Agreement was determined to be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) or the "common sense exemption" applies to activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Agreement merely identifies the standard provisions that the District and the City shall adhere to when providing funding for the proposed action. Based on the details provided in the Agreement, the District has determined that there is no possibility that the activity may have a significant effect on the environment. Additionally, the City is the Lead Agency for any future construction and any potential impacts will be analyzed in that CEQA document.

County Counsel has approved the Agreement as to legal form, and the City has executed the Agreement.

Impact on Residents and Businesses

The Agreement will be funded by ad valorem property tax revenue and entails no new fees, taxes or bonded indebtedness to residents and businesses.

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Additional Fiscal Information

Engineer's Estimated Project Cost

\$764,000 Previously Estimated Price for Design and Construction

\$113,160 Actual Price for Design

\$22,636 20% for City Administration of Design

\$664,800.50 Actual Bid Price for Construction

\$66,480.05 10% for Construction Change Orders

\$66,480.05 10% for City Administration of Construction

\$933,552.60 Total District Contribution to the City

\$19,944.02 Multiple Species Habitat Conservation Plan Mitigation Fee

\$953,496.62 Total Project Cost

The District is providing up to \$933,552.60 in funding to the City for project design and construction. Sufficient funds are available in the District's Zone 2 budget for FY 2019-2020 and will be included in the proposed budget in the future years as appropriate. Future operations and maintenance costs associated with the project will accrue to the City.

Pursuant to the Implementing Agreement for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) executed on June 22, 2004, the District is a participating agency. The District is making a payment to the Western Riverside County Regional Conservation Authority for up to 3% of the total capital costs as required mitigation for the construction of flood control facilities in cooperation with and on behalf of the City. The MSHCP mitigation fee is based on the actual 3% payment of the project's lowest responsive contract bid price. The actual mitigation payment that will be made by the District may be reduced based on acquisition of replacement habitat for the benefit of Covered Species, as defined in the Implementing Agreement and the MSHCP.

Contract History and Price Reasonableness

ATTACHMENTS:

1. Vicinity Map
2. Funding Agreement


Jason Farin, Senior Management Analyst

5/13/2020


Gregory L. Priamos, Director County Counsel

5/6/2020

AMENDMENT NO. 1 TO COOPERATIVE FUNDING AGREEMENT
Eastvale MDP Line H Extension, Stage 2
Eastvale Line H Lateral
Project No. 2-6-10026

This First Amendment to Cooperative Funding Agreement ("Amendment"), dated May 19th, 2020, is entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("DISTRICT") and the CITY OF EASTVALE, a municipal corporation ("CITY"), to amend that certain Cooperative Funding Agreement ("Agreement") dated June 5, 2018 in relation to Eastvale MDP Line H Extension, Stage 2 ("EXTENSION") and Eastvale Line H Lateral ("LATERAL"), with respect to the following:

RECITALS

WHEREAS, DISTRICT and CITY wish to amend the Agreement to revise the amount of DISTRICT contribution, and place a limit on that contribution associated with the changes in design and construction of EXTENSION and LATERAL as described in Recitals B, C and H of the original Agreement.

NOW, THEREFORE, DISTRICT and CITY agree as follows:

1. RECITAL B of the Agreement is amended by replacing the original language with the following:
 - B. EXTENSION as identified in DISTRICT's Eastvale MDP consists of approximately 1,150 lineal feet of underground storm drain system to be constructed to extend the existing DISTRICT's Eastvale MDP Line H from the intersection of Hamner Avenue and Schleisman Road northerly to the intersection of Riverboat Drive and Hamner Avenue as

MAY 19 2020

11.3

shown in concept in yellow on Exhibit "A" attached hereto and made a part hereof; and

2. RECITAL C of the Agreement is amended by replacing the original language with the following:

C. LATERAL as identified in DISTRICT's Eastvale MDP consists of approximately 800 lineal feet of underground storm drain system to be constructed east of the existing DISTRICT's MDP Line H at the intersection of Schleisman Road and Hamner Avenue as shown in concept in yellow on Exhibit "A" attached hereto and made a part hereof; and

3. RECITAL H of the Agreement is amended by replacing the original language with the following:

H. Altogether, TOTAL DESIGN CONTRIBUTION, TOTAL CONSTRUCTION CONTRIBUTION and MSHCP CONTRIBUTION are hereinafter called "DISTRICT TOTAL CONTRIBUTION". DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of nine hundred thirty-three thousand five hundred and fifty-two dollars and sixty cents (\$933,552.60); and

4. Section I.35 of the Agreement is amended by replacing the original language with the following:

35. Upon completion of PROJECT as set forth in Section I.32, invoice DISTRICT (Attention: Contract Services Section) for the remainder payment of TOTAL CONSTRUCTION CONTRIBUTION as follows:
i) ten percent (10%) of ORIGINAL BID as set forth in Section I.15 for

CONTRACT ADMINISTRATION CONTRIBUTION; and ii) up to an additional ten percent (10%) of ORIGINAL BID for CONSTRUCTION CHANGE ORDERS CONTRIBUTION, provided, however, that DISTRICT TOTAL CONTRIBUTION shall not exceed the total sum of nine hundred thirty-three thousand five hundred and fifty-two dollars and sixty cents (\$933,552.60); and

5. Section II.15 of the Agreement is amended by replacing the original language with the following:

15. Pay CITY, within thirty (30) days after receipt of CITY's appropriate invoice, for remainder of TOTAL CONSTRUCTION CONTRIBUTION as set forth in Sections I.34 and I.35, provided, however, that DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of nine hundred thirty-three thousand five hundred and fifty-two dollars and sixty cents (\$933,552.60); and

SECTION III

6. Section III.1 of the Agreement is amended by replacing the original language with the following:

1. DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of nine hundred thirty-three thousand five hundred and fifty-two dollars and sixty cents (\$933,552.60); and shall be used by CITY solely for the purpose of designing and constructing PROJECT as set forth herein.
7. Exhibit "A" of the original Agreement is hereby replaced in its entirety with the attached Exhibit "A" showing the revised EXTENSION and LATERAL in yellow.

8. Except to the extent specifically deleted, added to or amended herein, all of the terms, covenants and conditions of said Agreement executed on June 5, 2018 shall remain in full force and effect between the parties hereto.
9. This Amendment may be executed and delivered in any number of counterparts or copies ("Counterparts").

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

05-19-2020

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By [Signature]
JASON E. UHLEY
General Manager-Chief Engineer

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By [Signature]
KAREN SPIEGEL, Chairwoman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

GREGORY P. PRIAMOS
County Counsel

ATTEST:
KECIA HARPER
Clerk of the Board

By [Signature]
SYNTHIA GUNZEL *Chief Deputy*
Deputy County Counsel


By [Signature]
Deputy

(SEAL)



Cooperative Funding Agreement with City of Eastvale
Eastvale MDP Line H Extension
Eastvale Line H Lateral
Project No. 2-6-10026
03/10/20
RSM:mcv

RECOMMENDED FOR APPROVAL:

By 
BRYAN JONES
City Manager

CITY OF EASTVALE

By 
BRANDON PLOTT
Mayor

APPROVED AS TO FORM:

By 
ERICA VEGA
City Attorney

ATTEST:

By 
MARC DONOHUE
City Clerk

(SEAL)

Cooperative Funding Agreement with City of Eastvale
Eastvale MDP Line H Extension
Eastvale Line H Lateral
Project No. 2-6-10026
03/10/20
RSM:mcv

EXHIBIT A

