



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 2, 2005

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**SUPPLEMENT NO. 2 TO COST-SHARING AGREEMENT NO. 70548 FOR THE  
MARINA DEL REY AND BALLONA CREEK FEASIBILITY STUDY  
SUPERVISORIAL DISTRICTS 2, 3, AND 4  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Approve and instruct the Chair to execute Supplement No. 2 for Agreement No. 70548, Marina del Rey and Ballona Creek Feasibility Study, between the County of Los Angeles and U.S. Army Corps of Engineers to complete the Sediment Study.
2. Authorize the Acting Director of Public Works to expend \$100,000.
3. Authorize the Director of Beaches and Harbors to contribute \$100,000 in in-kind services.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On February 4, 1997, your Board approved the Marina del Rey and Ballona Creek Feasibility Study Cost-Sharing Agreement with the Corps. The study's purpose was to produce both short- and long-term solutions to Marina del Rey's dredging problem and provide a sediment management plan to reduce contaminated sediments transported through the Ballona Creek Watershed. The estimated cost was \$2,715,000. On June 19, 2001, your Board approved a \$220,000 Supplement No. 1 to the Agreement. This supplement was for additional engineering analysis.

The preliminary results of the study produced two alternatives: a sediment trap or a curved jetty extension. The curved jetty extension was initially identified as the preferred alternative.

The Corps presented this alternative to the Santa Monica Bay Restoration Commission Technical Advisory Committee, the Ballona Creek Watershed Task Force, environmental groups, and other interested stakeholders. These groups reacted negatively to the proposed curved jetty extension citing probable detrimental environmental impacts to the Santa Monica Bay and Dockweiler State Beach from redirecting potentially contaminated sediments from the Marina/Ballona Creek entrance to areas further out in the bay. They suggested and we agreed that a better solution would be to control the sediments upstream in the watershed before they reached Ballona Creek. This alternative solution will be further pursued in the Lower Ballona Creek Restoration Study to be performed by the Corps with the Santa Monica Bay Restoration Commission as the lead local agency.

Supplement No. 2 for \$400,000 is paying for a stakeholder input process, partial development of the upstream watershed controls, and preparation of new recommendations to complete the study. The Corps will contribute one-half (\$200,000) of the total additional cost, Public Works will contribute one-quarter (\$100,000) in cash, and Beaches and Harbors will contribute one-quarter (\$100,000) in in-kind services.

**Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility by leveraging funds from other sources.

**FISCAL IMPACT/FINANCING**

There will be no impact on the County's General Fund. Public Works' contribution to complete the study (\$100,000) is available in the Flood Control District Fund's Fiscal Year 2004-05 Budget. Beaches and Harbors will provide existing reports, information, and documentation as its in-kind contribution.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Supplement No. 2 for Agreement No. 70548 has been approved as to form by County Counsel.

**ENVIRONMENTAL DOCUMENTATION**

A finding of environmental impact is not required for the execution of this supplement. Any project that may be proposed, as a result of these services, will undergo the appropriate environmental review.

**CONTRACTING PROCESS**

Not applicable.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current County services or projects due to the cost of this additional work.

The Honorable Board of Supervisors  
June 2, 2005  
Page 4

**CONCLUSION**

Please return three approved copies of this letter and six originals of the signed supplement to Public Works.

Respectfully submitted,

DONALD L. WOLFE  
Acting Director of Public Works

STAN WISNIEWSKI  
Director of Beaches and Harbors

SR/SA:kk

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Enc.

cc: Chief Administrative Office  
County Counsel  
Department of Beaches and Harbors (Joseph Chesler)

SUPPLEMENT NO. 2  
TO  
AGREEMENT  
BETWEEN THE DEPARTMENT OF THE ARMY  
AND  
THE COUNTY OF LOS ANGELES  
FOR THE MARINA DEL REY AND BALLONA CREEK FEASIBILITY STUDY

THIS SUPPLEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2005 by the Department of the Army, hereinafter referred to as "the Government," represented by the United States Army Corps of Engineers Los Angeles District Engineer executing the SUPPLEMENT, and the County of Los Angeles, hereinafter referred to as the "Local Sponsor."

W I T N E S S E T H

WHEREAS, the Government and the Local Sponsor entered into an Agreement on February 4, 1997, to perform a feasibility study of Marina del Rey and Ballona Creek, hereinafter referred to as the "Study"; and

WHEREAS, the Government and the Local Sponsor entered into a SUPPLEMENT 1 to the Agreement on June 19, 2001 to increase the amount by \$220,000 to perform additional engineering analysis; and

WHEREAS, the Government and the Local Sponsor desire to expand the scope of the project and, thus increase the cost of the Study by \$400,000 due to the need for additional sediment transport modeling and environmental impact analysis and associated administrative costs necessary to address comments in the Draft Feasibility Report for the Sediment Control Management Plan and to finalize said report. The Local Sponsor has agreed to bear one-half of the total Study cost increase, which equals \$200,000. Of this, the Local Sponsor has already identified its in-kind contribution of \$100,000. The Local Sponsor agrees to satisfy its cash contribution of \$100,000 on or before 30 June 2005.

NOW, THEREFORE, The Government and the Local Sponsor agree to supplement the Agreement as follows:

1. Page 2, Article II - OBLIGATION OF PARTIES, Section D, sentence shall read as follows: "If, upon the award of any contract or the performance of any in-house work for the Study by the Government or the Local Sponsor, cumulative financial obligations of the Government and the Local Sponsor would exceed \$3.555 million, the Government and the Local Sponsor agree to defer award of that and all subsequent contracts, and performance of that and all subsequent in-house work, for the Study until the Government and the Local Sponsor agree to proceed, but in no event shall such a deferral exceed two years."



IN WITNESS, THEREOF I the parties hereto have executed this SUPPLEMENT which shall become effective the date it is signed by the District Engineer for the United States Army Corps of Engineers, Los Angeles District.

DEPARTMENT OF THE ARMY

COUNTY OF LOS ANGELES

BY \_\_\_\_\_  
Alex C. Dornstauder  
Colonel, US Army  
District Engineer

BY \_\_\_\_\_  
Chair, Board of Supervisors

Date \_\_\_\_\_

Date \_\_\_\_\_

ATTEST

Violet Varona-Lukens  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

BY \_\_\_\_\_

APPROVED AS TO FORM:

Raymond G. Fortner, Jr.  
County Counsel

BY \_\_\_\_\_  
Deputy

CERTIFICATION OF LEGAL REVIEW

SUPPLEMENT NO. 2 to the Feasibility Cost Sharing Agreement for the Marina del Rey and Ballona Creek Feasibility Study has been fully reviewed by the Office of Counsel, USAED, Los Angeles District and is legally sufficient.



Lawrence N. Minch  
District Counsel



Date