

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

CVA

BOARD AGENDA # B-15

Urgent

Routine

AGENDA DATE October 21, 2008

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept Phase II Funding in the Amount of \$1,300,000 from the State of California Boating and Waterways Grant to Develop a New Boat Launch Area at Heron Point in Woodward Reservoir Regional Park

STAFF RECOMMENDATIONS:

1. Authorize the Parks and Recreation Department to accept the Phase II funding from the State of California Boating and Waterways Grant for \$1,300,000 to develop a new boat launch area at Heron Point in Woodward Reservoir Regional Park.
2. Authorize the Director for Parks and Recreation Department to enter into a Standard Agreement Amendment (STD 213A) with the State of California for the Heron Point Development Project.
3. Authorize the Auditor-Controller to increase appropriations and estimated revenue as detailed in the Budget Journal Form.
4. Adopt a resolution to accept the State of California Boating and Waterways Grant for improvements at Heron Point in Woodward Reservoir Regional Park.

FISCAL IMPACT:

The project budget for developing a new boat launch area at Heron Point in Woodward Reservoir Regional Park is estimated at \$1,866,940. The State of California Boating and Waterways Grant for \$1,500,000, combined with the use of \$366,940 in accrued Public Facility Fee (PFF) funds, will provide adequate funding for the construction of improved facilities at Woodward Reservoir. Phase I grant funding, previously approved by the State, in the amount of \$200,000 will enable the County to develop engineering construction documents and to obtain environmental clearance.

(Continue on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-731

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

ATTEST:

File No.

FISCAL IMPACT (Continued):

Phase II grant funding for \$1,300,000 has been approved by the State for the construction phase including construction contingency, construction management, inspections, permits testing and quality insurance. The PFF funds will purchase picnic tables, benches, pedestal barbeques, American Disability Act (ADA) pathways, and other items not reimbursable by the State.

DISCUSSION:

Heron Point Development Project

In the past, the Department of Parks and Recreation has worked closely with the Department of Public Works to deliver improvements at Woodward Reservoir like the saddle dams, vaulted toilets, sewer lift station and the water well. The Department of Parks and Recreation will continue this partnership with the Department of Public Works to provide project management, engineering design, and construction oversight for the Heron Point Development Project.

The original proposed Heron Point improvements included the development of campsites in addition to the new boat ramp and other amenities. After careful consideration of customer practices and differentiating between day use and overnight camping, the Parks and Recreation Department chose to commit Heron Point to day use only activities and expand camping opportunities in the nearby areas of Muniz Point, Muir Point and Mountain View. This change broadens the planning scope of the south shore developed areas, which, once developed, would more than double the number of existing campgrounds at Woodward Reservoir Regional Park.

On April 19, 2005, the Stanislaus County Board of Supervisors authorized the Parks and Recreation Department to apply for a State of California Department of Boating and Waterways Grant to develop a new boat launch area at Heron Point in Woodward Reservoir Regional Park and authorized the use of Public Facilities Fees (PFF) in the amount of \$366,940. After applying for the grant, the State chose to modify the scope of work to provide additional parking, a fish cleaning station, security lighting, fully plumbed restroom with a sewer lift station, landscaping, accessible pathways, and an increase in project area. (Attachment A).

On August 24, 2006, the Department of Boating and Waterways Commission convened and approved Phase I grant funding for the Heron Point Launching Facility project in the amount of \$200,000. These funds would be dedicated for the development of design construction drawings and to meet environmental requirements. The Board report dated November 21, 2006 accepted the Phase I funding, established a capital project fund, and adopted a resolution with the State of California Boating and Waterways. Phase I of the grant contract was signed on December 1, 2006.

On October 3, 2007, Phase II of the Heron Point Project was presented to the Boating and Waterways Commission for approval. The remaining \$1,300,000 was granted to Stanislaus County for a total grant amount of \$1,500,000. The second phase of funding is to be used for construction costs. Staff's recommendation would allow the Department of Boating and

Waterways and the Department of Parks and Recreation to sign the amended contract agreement for \$1,500,000.

The time lapse during Phase II and the current date occurred primarily due to staff changes at the Department of Boating and Waterways and Stanislaus County Department of Parks and Recreation. On June 4, 2008, a new project manager from the Department of Boating and Waterways was assigned.

Improvements to Woodward Reservoir Regional Park

On November 16, 2004, the California Environmental Quality Act (CEQA) Initial Study and Negative Declaration for physical improvements at Woodward Reservoir Regional Park was completed and forwarded to the State of California Clearinghouse and Planning Unit and the Stanislaus County Environmental Review Committee (ERC) for review. The State Clearinghouse review period closed on December 17, 2004, and no State agencies submitted comments by that date. The ERC reviewed the project and provided no comments. The Department of Parks and Recreation received no challenges to the findings of the CEQA Initial Study and Negative Declaration. On July 12, 2005, the Board approved the findings of the California Environmental Quality Act (CEQA) Initial Study and adopted the Negative Declaration for physical improvements at Woodward Reservoir Regional Park.

The Woodward Reservoir Park Improvement Projects are consistent with the Stanislaus County Parks Master Plan and is a Capital Improvement Plan eligible project. Woodward Reservoir Regional Park operations are permitted through a contract with South San Joaquin Irrigation District (SSJID). The Department met with SSJID representatives on March 11, 2005 to discuss the proposed developments. SSJID was supportive of the proposed project but indicated that approval would need to be provided from the State of California Department of Health Services (DHS). On April 4, 2005, Joe Spano, DHS representative, approved the plan for campground and boat launching facility developments at Woodward Reservoir.

POLICY ISSUE:

The Board of Supervisors should determine whether or not approval of this item would be consistent with the new Board priorities to strive for a safe community, effective partnerships and a well-planned infrastructure.

STAFFING IMPACTS:

At this time, there are no additional staffing impacts associated with this item.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: October 21, 2008

No. 2008-731

On motion of Supervisor O'Brien Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *B-15

A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF STANISLAUS, TO THE STATE OF CALIFORNIA, ACCEPTING A GRANT IN THE AMOUNT OF \$1,300,000 FROM THE DEPT. OF BOATING AND WATERWAYS FOR THE IMPROVEMENT OF THE BOAT LAUNCHING FACILITY AT HERON POINT LOCATED AT WOODWARD RESERVOIR REGIONAL PARK.

WHEREAS, Stanislaus County Department of Parks and Recreation operates Heron Point boat launching facility at Woodward Reservoir Regional Park located at 14528 Twenty-Six Mile Road in Oakdale, California 95361; and

WHEREAS, Stanislaus County Department of Parks and Recreation is desirous of improving the boat launching facility at Heron Point, Woodward Reservoir Regional Park, to meet the needs of watercraft users and to provide public amenities to those utilizing the boat launching facilities; and

WHEREAS, the Department of Boating and Waterways is authorized to provide grants to cities, counties, districts, and other agencies for the construction and improvement of small craft launching area; and

WHEREAS, Stanislaus County Department of Parks and Recreation has made the determination, given the fact Stanislaus County and the State of California have the only public boat launching facilities utilized for recreation boating withing a 55-mile radius, the proposed project will not be detrimental to the operations of private boating businesses in the area; and

WHEREAS, Stanislaus County Department of Parks and Recreation has determined the proposed project to be engineering and financially feasible, and economically justified; and

WHEREAS, Stanislaus County Department of Parks and Recreation is willing to provide for the operation and maintenance of the proposed facilities at no cost to the State; and

THEREFORE BE IT RESOLVED that the Stanislaus County Board of Supervisors, by adoption of this resolution, hereby requests the Department of Boating and Waterways provide a grant for the purpose of improving a public use boating launching facility at Heron Point at Woodward Reservoir Regional Park.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California

by Elizabeth A. King
Elizabeth A. King, Assistant Clerk

Continued

A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF STANISLAUS, TO THE STATE OF CALIFORNIA, ACCEPTING A GRANT IN THE AMOUNT OF \$1,300,000 FROM THE DEPT. OF BOATING AND WATERWAYS FOR THE IMPROVEMENT OF THE BOAT LAUNCHING FACILITY AT HERON POINT LOCATED AT WOODWARD RESERVOIR REGIONAL PARK.

BE IT FURTHER RESOLVED, the Stanislaus County Board of Supervisors authorizes the Director of the Parks and Recreation Department to sign the grant agreement for submission of Boating and Waterways, and accept the grant for the purpose stated above.

**County of Stanislaus: Auditor-Controller
Legal Budget Journal**

Database
Set of Books

FMS11IDB.CO.STANISLAUS.CA.US.PROD
County of Stanislaus

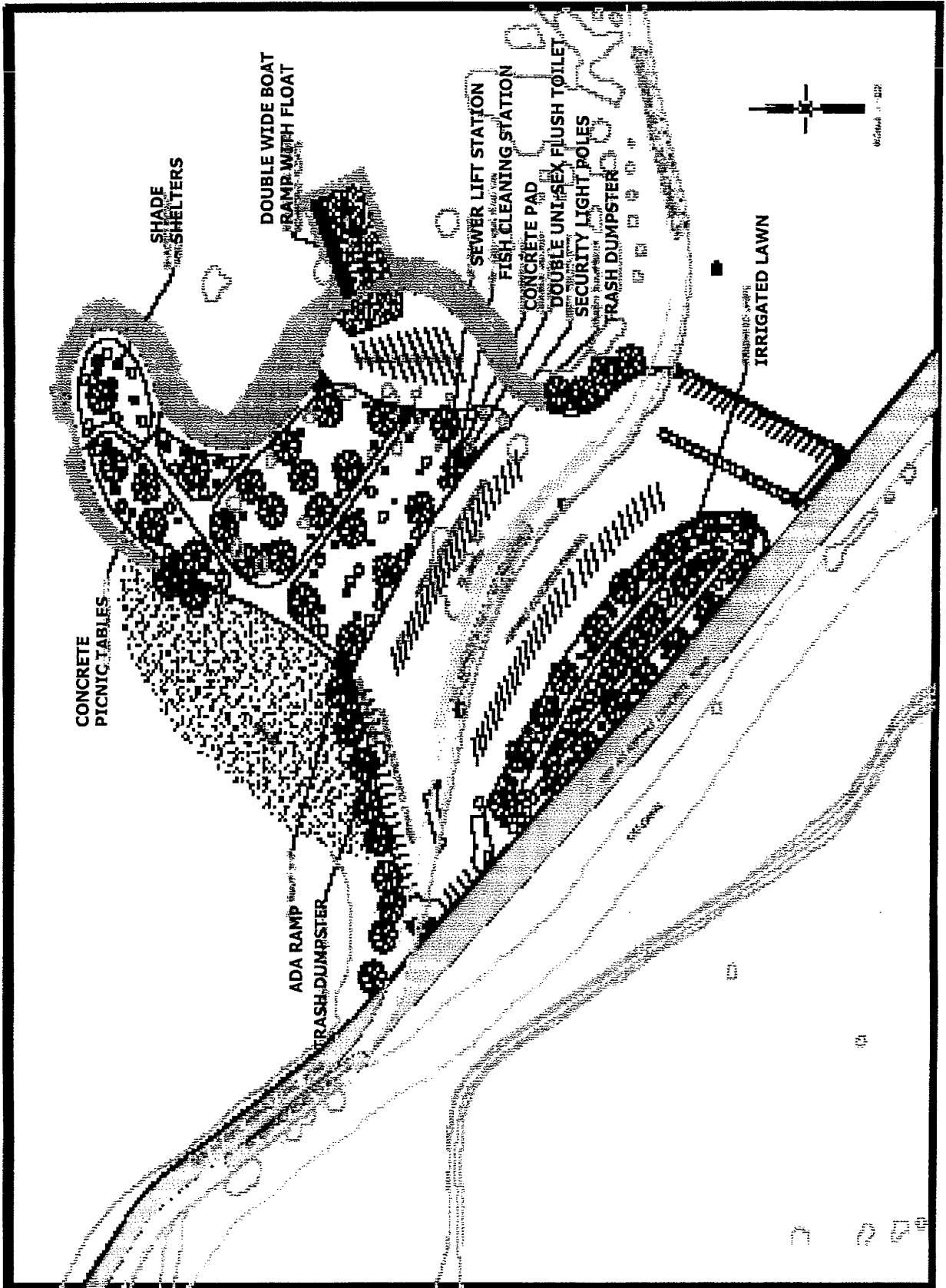
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Source	* List - Text	
Currency	* List - Text	USD
Budget Name	List - Text	LEGAL BUDGET
Batch Name	Text	
Journal Name	Text	
Journal Description	Text	Set up appropriations
Journal Reference	Text	Heron Point Boat Ramp
Organization	List - Text	Stanislaus Budget Org

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations decr est revenue (format > number > general)		decr appropriations incr est revenue			
Rb	2128	0035624	63280	0000000	000000	000000	00000	50000				Oct-08	Set up Appr
Rb	2128	0035624	65000	0000000	000000	000000	00000	5000				Oct-08	Set up Appr
Rb	2128	0035624	74220	0000000	000000	000000	00000	265000				Oct-08	Set up Appr
Rb	2128	0035624	74230	0000000	000000	000000	00000	25000				Oct-08	Set up Appr
Rb	2128	0035624	80300	0000000	000000	000000	00000	1521940				Oct-08	Set up Appr
Rb	2128	0035624	25000	0000000	000000	000000	00000			1500000		Oct-08	Set up Appr
Rb	2128	0035624	46615	0000000	000000	000000	00000			366940		Oct-08	Set up Appr
Totals:								1866940		1866940			

Explanation: To set up appropriations for Heron Point Boat Ramp

Requesting Department		Data Entry		Auditors Office Only	
Jennifer Figueroa	<i>Raul Mendez</i> Raul Mendez				<i>B. Smith</i> B. Smith
Signature	Signature	Keyed by	Prepared By	Approved By	
10/06/08	10/6/2008			10/13/08	
Date	Date	Date	Date	Date	

Woodward Reservoir – Heron Point *Preliminary Site Plan*



DEPARTMENT OF BOATING AND WATERWAYS

2000 EVERGREEN STREET, SUITE 100
SACRAMENTO, CA 95815-3888
(888) 326-2822
www.dbw.ca.gov



January 15, 2009

Ms. Cathy Gomez, Staff Services Coordinator
County of Stanislaus, Dept. of Parks and Recreation
3800 Cornucopia Way, Suite C
Modesto, California 95358-9492

Subject: Heron Point Boat Launching Facility
First Amendment to Contract
(Contract No. 06-101-308) (Project Code 607)

Dear Ms. Gomez

Enclosed is the amendment to the contract between the County of Stanislaus and the Department of Boating and Waterways to fund the Phase II (\$1,300,000) construction of the Heron Point boat launching facilities project. In addition, this amendment includes an update to the grant indemnity language.

Please complete the following item(s) and return to my attention at the address stated above, expeditious handling is appreciated. This Amendment cannot be considered binding on either party until approved by appropriate authorized state agencies. No services should be provided prior to approval, as the State is not obligated to make any payments on any agreement prior to final approval.

- Standard Agreement Amendment (STD 213A), please have the proper individual sign **two (2)** originals and return for further processing.
- Resolution or Minute Order for acceptance of additional grant funds.
- Retain for your files one copy marked "Pending Copy".
- The enclosed approved Amendment to Agreement is for your records.**

For inquires regarding the implementation of this contract, please contact Mr. Jim Patterson, Contract Administrator at (916) 263-8152 or by email at jpatterson@dbw.ca.gov.

For inquires regarding the processing of this amendment, please contact me at (916) 263-8156 or by email at slarot@dbw.ca.gov. **View the progressive status of the project at the Department's new Facilities Project Blogs Webpage at <http://www.dbw.ca.gov/ProjectBlog/Default.aspx>.**

Sincerely,

Handwritten signature of Sam Larot in black ink.

Ms. Sam Larot
Contracts Coordinator

Enclosure

2010 DEC - 8 A 11:47

BOARD OF SUPERVISORS

STANDARD AGREEMENT AMENDMENT

STD. 213 A (Rev 6/03)

 CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED 1 Pages

AGREEMENT NUMBER	AMENDMENT NUMBER
06-101-308	1
REGISTRATION NUMBER	
36800107160805.1	

PROJECT CODE 607

1. This Agreement is entered into between the State Agency and Contractor named below:

STATE AGENCY'S NAME

DEPARTMENT OF BOATING AND WATERWAYS (DEPARTMENT)

CONTRACTOR'S NAME

COUNTY OF STANISLAUS (GRANTEE)

2. The term of this

Agreement is August 28, 2006 through (20 years from Date of Acceptance of the Project)

3. The maximum amount of this \$ 1,500,000.00

Agreement after this amendment is: ONE MILLION FIVE HUNDRED THOUSAND DOLLARS

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

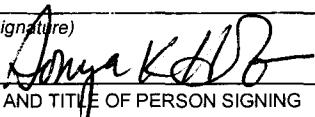
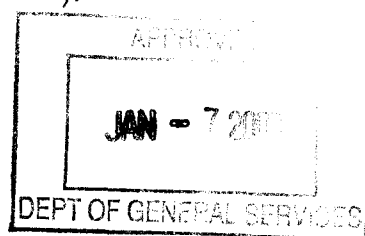

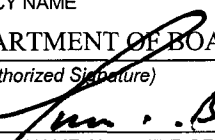
**Heron Point Launching Facility
Phase II (\$1,300,000 Increase)**

This amendment is entered into on May 12, 2008.

- a. In October 2007 the Department and its Commission approved the additional Phase II of the grant.
- b. This amendment adds \$1,300,000 for Phase II of the Project in accordance with the terms and conditions of the Agreement. The maximum amount of this Agreement after this amendment is \$1,500,000 (ONE MILLION FIVE HUNDRED THOUSAND DOLLARS).

(continued)

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		CALIFORNIA Department of General Services Use Only
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) COUNTY OF STANISLAUS		
BY (Authorized Signature) 	DATE SIGNED (Do not type) 10-27-08	 
PRINTED NAME AND TITLE OF PERSON SIGNING SONYA K. HARRIGFELD, Director - Parks and Recreation		
ADDRESS 3800 CORNUCOPIA WAY, SUITE C MODESTO, CALIFORNIA 95358-9492		
STATE OF CALIFORNIA		
AGENCY NAME DEPARTMENT OF BOATING AND WATERWAYS		<input type="checkbox"/> Exempt per:
BY (Authorized Signature) 	DATE SIGNED (Do not type) 12/3/08	
PRINTED NAME AND TITLE OF PERSON SIGNING LUCIA BECERRA, Chief Deputy Director		
ADDRESS 2000 EVERGREEN STREET, SUITE 100, SACRAMENTO, CALIF. 95815-3888		

- c. Article 20 of Exhibit A is hereby amended with the following changes to read:

Article 20 – Liability

- “A. The Grantee waives all claims and recourse against the Department, including the right to contribution for any losses or damages arising from, growing out of, or in any way connected with or incident to this Agreement.
- B. The Grantee agrees to indemnify, defend and hold harmless, the Department, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm, entity or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and/or from any and all claims and losses accruing or resulting to any person, firm, entity or corporation who may be injured or damaged by Grantee in the performance of this Agreement.
- C. The Grantee shall indemnify, hold harmless, and defend the Department, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability connected with or arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the project.
- D. If the Department is named as a co-defendant pursuant to Government Code section 895, et seq., the Grantee shall notify the Department and represent it unless the Department elects to represent itself. If the Department undertakes its own defense, it shall bear its own litigation costs, expenses and attorney's fees.”

Save as herein or previously amended, the contract of August 28, 2006 shall remain in full force and effect.