

PROCEEDINGS OF THE BOARD OF DIRECTORS  
COUNTY OF SANTA CRUZ  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7  
GOVERNMENTAL CENTER BUILDING, ROOM 525  
9:15 A.M.

September 15, 1998

\*\*\*\*\*

- A. Roll Call
- B. Consideration of Late Additions
- C. Additions and Deletions

\*\*\*\*\*

- 1. AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, approve minutes of August 25, 1998
- 1.1 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, approve agreements with Monterey County Water Resources Agency and the City of Watsonville for cost sharing the Pajaro River Levee Resurfacing Project, as recommended by the District Engineer
- 1.2 ASTHEBOARDOFDIRECTORSOFTHESANTACRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, accept and file report on the Monterey County proposed sandbar ripping project report

ADDENDA

- 1.3 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, authorize the District Engineer to call for bids and award the construction contract for the Pajaro Levee Resurfacing Project
  
- 1.4 ORAL COMMUNICATIONS - The Board will receive Oral Communications following completion of all other items on the Agenda. Any person may address the Board during its Oral Communications period. Presentations must not exceed five minutes, must be directed to an item not listed on today's Agenda, and must be within the jurisdiction of the Board. Board members will not take action or respond immediately to any Oral Communications presented, but may choose to follow up at a later time, either individually, or on a subsequent District Agenda.

WRITTEN CORRESPONDENCE AGENDA - The Board of Directors of the Santa Cruz County Flood Control and Water Conservation District, Zone 7, acknowledges receipt of the following items of correspondence which are on file with the District Secretary. Copies of all items listed on this Written Correspondence Agenda have been circulated to all members of the Board.

- I. The Board of Directors has received the following items of correspondence:
  - a) Copy of letter of Karen and Clint Miller dated August 31, 1998

August 31, 1998

Supervisor Ray Belgard  
701 Ocean Street  
Santa Cruz, CA 95060

Re: 1995 Pajaro River Flood

Dear <sup>Ray</sup> Supervisor Belgard:

We wish to thank you for your continued efforts regarding the Pajaro River Flood Control Project. Without your continuous help little or no progress would have been made in bringing the cities, counties and agencies together to prevent future flooding on the Pajaro River. We will continue our good faith efforts to work with the community to solve these problems.

We read the Santa Cruz Sentinel article dated August 26, 1998 with concern. It appears the greater Santa Cruz County government continues to be misinformed about the nature and origin of the County's obligation to maintain the Pajaro River Flood Control Project. In the article, several Santa Cruz County supervisors expressed the view that county maintenance of the Pajaro River Flood Control Project, before and after the March 1995 flood, somehow contributed to a Ending of liability. Such a belief is incorrect. The jury's verdict that county failures caused the flood was based, in part, on a finding that the county defendants failed to perform mandatory maintenance duties that Santa Cruz County assumed in 1947 when they agreed to maintain and operate the Pajaro River Flood Control Project.

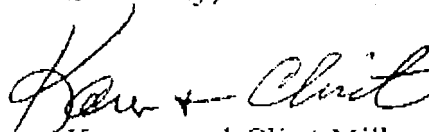
It is also clear from the article that some supervisors are confused about the evidence that the jury was allowed to consider in making their decision that the county defendants were liable for causing the flood. According to the article, some supervisors believe that the jury was allowed to consider evidence that the county defendants performed post-flood maintenance and that such maintenance may have contributed to a finding of liability. Such a belief is erroneous. The judge in the case ruled that all post-flood county maintenance efforts could not be considered by the jury. No evidence on these matters was introduced to the jury. The jury verdict was in no way based upon post-flood maintenance efforts by Santa Cruz County.

**353**

Supervisor Ray Belgard  
August 28, 1998  
Page Two

While we appreciate the efforts that have been made since March 1995 to prevent a reoccurrence of the unnecessary flooding of that year, and we always will be concerned that history not repeat itself, we think that it is essential **that** the Counties of Santa Cruz and Monterey be mindful of and committed to fulfilling their express maintenance obligations on the Pajaro River Flood Control Project. It is with that in mind that we write this letter. Thank you in advance for your sincere consideration of our request to set the record straight, and once again, thank you for your support of efforts to solve local flooding problems.

Sincerely,



Karen and Clint Miller  
P. O. Box 399  
Watsonville, CA 95077-0399

Enclosure

cc: Supervisor Symons  
Supervisor Almquist  
Supervisor Beautz  
Supervisor Wormhoudt  
Zone 7 Chairperson Bobeda  
Santa Cruz Sentinel

8-26-98

# LOCAL

Pajaro  
Valley  
Bureau

Staff Writer Donna Kimura: 761-7403  
11 Alexander St., Suite H Watsonville, CA 95076

## New tack on Pajaro flooding

By **DONNA KIMURA**  
Sentinel staff writer

WATSONVILLE — In a rare instance of speedy cooperation, leaders of several local governments agreed Tuesday to work together to assess floods risks along the Pajaro River.

The Santa Cruz County Board of Supervisors and Watsonville City Council both decided to take part in a multi-jurisdictional study of the river, which caused a disastrous flood in 1995.

The effort aims to unite upstream and downstream parties, including Santa Cruz, Monterey, Santa Clara and San Benito counties. The four counties built the river levee together in 1938, said Watsonville Mayor Dennis Osmer.

"Since then there has been no voluntary association on the Pajaro River," he said, calling Tuesday's move "significant."

Santa Cruz supervisors unanimously approved the four-county agreement, and separately approved a plan to resurface a portion of the levee along the Pajaro River, but not without some grumbling about the county's role in flood prevention.

Supervisor Jeff Almquist noted that a jury recently held Santa Cruz and Monterey counties and the state Department of Transportation responsible for the flood that washed through Pajaro in 1995 when a levee broke east of Watsonville. A second trial will be held to determine damages.

Work done on the levee last year to prevent

flooding made the county liable in the jurors' opinion, Almquist said. Paying for the resurfacing could again make the county liable in lawsuits that might result from flooding, he said.

"Maybe we shouldn't put any money into the levee," Almquist suggested.

Supervisor Mardi Wormhoudt agreed, saying it was hard for her to approve spending money for the levee. "What you seem to get for it is nothing much more than increased liability," she said.

To do nothing, argued Supervisor Ray Belgard, could be "devastating."

"What would we say? 'Well, we're going to get sued anyway so sue us for twice as much?'"

In the end, the supervisors — acting in their capacity as the Santa Cruz County Flood Con-

trol and Water Conservation District directors — approved the levee improvements.

The different jurisdictions are joining forces as the result of efforts by Assemblyman Fred Keeley, D-Boulder Creek. He authored Assembly Bill 1986, which would have established a joint powers authority comprised of the four counties and local water agencies that contribute runoff to the river.

Following the introduction of the bill, some of the proposed members voiced opposition, saying they would rather try to come to an agreement on their own. Keeley agreed to let them try.

Tuesday's action was part of a negotiated settlement on stopping the legislation, according to Osmer. "It's a real positive step," he said.

ACTION SUMMARY MINUTES  
COUNTY OF SANTA CRUZ  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7 MEETING  
AUGUST 25, 1998

\*\*\*\*\*

- A. Roll Call  
 Voting Members Present: Directors Beautz, Symons, Wormhoudt, Belgard, Almquist, Carroll and Chair Bobeda  
 Voting Members Absent: None  
 Non-Voting Members Present: Cooley  
 Non-Voting Members Absent: Rider, Clifton and Meschi
- B. Consideration of Late Additions
- C. Additions and Deletions
- D. Oral Communications - One person addressed the Board

\*\*\*\*\*

- 1. AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, APPROVED Minutes of June 18, 1998

Motion was made by Director Wormhoudt, duly seconded by Director Symons:

Ayes: Beautz, Symons, Wormhoudt, Belgard, Almquist, Carroll and Bobeda  
 Noes : None  
 Abstain: None  
 Absent: None

- 1.1 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, APPROVED California Environmental Quality Act (CEQA) Notice of Exemption for the Pajaro River and Salsipuedes Creek levee resurfacing projects and authorized the District Engineer to sign the notice; directed the District Engineer to enter into a cooperative agreement with Monterey County Water Resources Agency for work to be done on the Monterey County levee; and directed the District Engineer to enter into a cooperative agreement with the City of Watsonville for additional levee resurfacing work along the Watsonville Sewage Treatment Plant and return on September 15, 1998 for Board approval of agreements

Motion was made by Director Belgard, duly seconded by Director Symons:

Ayes: Beautz, Symons, Wormhoudt, Belgard, Almqvist, Carroll and Bobeda  
 Noes : None  
 Abstain: None  
 Absent: None

- 1.2 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, ADOPTED RESOLUTION NO. 41-9877 of intent to develop an agreement to undertake a multi-jurisdictional study to assess the nature of flood risks throughout the Pajaro River Watershed Basin: with an additional directive for staff to return January, 1999 with a progress report

Motion was made by Director Wormhoudt, duly seconded by Director Belgard:

Ayes: Beautz, Symons, Wormhoudt, Belgard, Almqvist, Carroll and Bobeda  
 Noes : None  
 Abstain: None  
 Absent: None

- 1.3 ORAL COMMUNICATIONS - One person addressed the Board

Approved: \_\_\_\_\_  
Chair, Zone 7 Board

Attest: \_\_\_\_\_  
Clerk of the Board

Date: \_\_\_\_\_



FLOOD CONTROL & WATER  
CONSERVATION DISTRICT  
ZONE 7



AGENDA: September 15, 1998 **359**

## COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

JOHN A. FANTHAM  
DISTRICT ENGINEER

701 OCEAN STREET, SANTA CRUZ, CALIFORNIA 950604070

(831) 454-2160

FAX (831) 454-2385

September 3, 1998

BOARD OF DIRECTORS-ZONE 7  
SANTA CRUZ COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
701 Ocean Street  
Santa Cruz, CA 95060

SUBJECT: PAJARO RIVER LEVEE RESURFACING PROJECT  
AGREEMENTS WITH MONTEREY COUNTY AND  
THE CITY OF WATSONVILLE

Members of the Board:

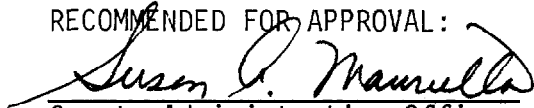
At the August 25, 1998, meeting your Board directed staff to prepare agreements with both the Monterey County Water Resources Agency and the City of Watsonville for cost sharing on the Pajaro River Levee Resurfacing Project. The agreements are attached with this letter for your Board's review and approval.

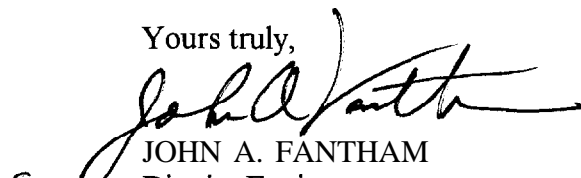
The agreements have been forwarded to the agencies and are tentatively scheduled for approval by Monterey County on September 28, 1998, and by the Watsonville City Council on September 22, 1998. Costs for work on the Monterey levee have been estimated to be \$142,000. Watsonville's contribution for the additional freeboard at the sewage treatment plant will be approximately \$35,000.

It is therefore recommended that your Board approve the agreements with the Monterey County Water Resources Agency and the City of Watsonville for cost sharing on the Pajaro River Levee Resurfacing Project and authorize the District Engineer to sign the agreements on behalf of the District.

Yours truly,

RECOMMENDED FOR APPROVAL:

  
County Administrative Officer

  
JOHN A. FANTHAM  
District Engineer

DJH:rw

Attachments

copy to: Mike Armstrong, Monterey County Water Resources Agency  
David Koch, City of Watsonville  
Eric Bluhm, Tom Kendall, Eric Behn  
Army Corps of Engineers  
Zone 7 Board of Directors

**1.1**  
PRLR

**AGREEMENT REGARDING THE PAJARO RIVER LEVEE RESURFACING PROJECT**

**BETWEEN**

**CITY OF WATSONVILLE**

**AND**

**SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT ZONE 7**

The City of Watsonville (City) and the Santa Cruz County Flood Control and Water Conservation District Zone 7 (Zone 7) enter into this Agreement to construct the Pajaro River Levee Resurfacing Project. The City and Zone 7 agree as follows:

1. Zone 7 is the lead agency and shall contract with a contractor to perform work on the Pajaro River Levee to raise the elevation of portions of the top of the levees on the Santa Cruz County side which will provide an increased and more uniform flow capacity for all of the sections of the Levee system.
2. Zone 7 will direct and oversee the work of the contractor and shall keep an accounting of all quantities, equipment, and labor used for such work.
3. Upon completion of the work, when final billing is received from the contractor and verified by the County, the City shall pay to Zone 7, within 30 days of contractor's invoice date, the cost of the work, plus County Public Works overhead charges of 7%, necessary to raise the levee one additional foot as proposed between stations 136+00 to station 160+00.

This Agreement shall become effective on the date it is signed by the two parties shown below:

\_\_\_\_\_  
 Carlos J. Palacios                      Date  
 City Manager  
 City of Watsonville

\_\_\_\_\_  
 John A. Fantham                      Date  
 District Engineer  
 Santa Cruz County Flood Control  
 and Water Conservation District Zone 7

2

**AGREEMENT REGARDING THE PAJARO RIVER LEVEE RESURFACING PROJECT**

**BETWEEN**

**MONTEREY COUNTY WATER RESOURCES AGENCY**

**AND**

**SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT ZONE 7**

The Monterey County Water Resources Agency (Agency) and the Santa Cruz County Flood Control and Water Conservation District Zone 7 (Zone 7) enter into this Agreement to construct the Pajaro River Levee Resurfacing Project. The Agency and Zone 7 agree as follows:

1. Zone 7 is the lead agency and shall contract with a contractor to perform work on the Pajaro River Levee to raise the elevation of portions of the tops of the levees on both the north side and the south side which will provide an increased and more uniform flow capacity for all of the sections of the Levee system.
2. Zone 7 will direct and oversee the work of the contractor on the north Levee and shall keep an accounting of all quantities, equipment, and labor used for such work.
3. The Agency shall direct and oversee the work of the contractor on the south Levee, shall keep an accounting of all quantities, equipment, and labor used for such work, and the Agency shall reimburse to Zone 7 the full amount of the cost charged to Zone 7 by the contractor for all such work on the south Levee.
4. Upon execution of this agreement, the Agency shall pay to Zone 7 the amount of \$50,000 as a first installment for the cost of the work by the contractor. Upon completion of the work, when final billing is received from the contractor and verified by the Agency, the Agency shall pay to Zone 7, within 30 days of the contractor's invoice date, the remainder of the cost of the work plus County Public Works contract overhead charges of 7% of the final project costs for all work done on the south Levee side, in a second installment, not to exceed a total of \$200,000 in any case.

This Agreement shall become effective on the date it is signed by the two parties shown below:

\_\_\_\_\_  
 Michael D. Armstrong                      Date  
 General Manager  
 Monterey County Water Resources  
 Agency

\_\_\_\_\_  
 John A. Fantham                              Date  
 District Engineer  
 Santa Cruz County Flood Control and Water  
 Conservation District Zone 7

3



AGENDA: SEPTEMBER 15, 1998<sup>363</sup>

FLOOD CONTROL & WATER  
CONSERVATION DISTRICT  
ZONE 7



## COUNTY OF SANTA CRUZ

701 OCEAN STREET, SANTA CRUZ, CALIFORNIA 950604070

(931) 454-2160

FAX (831) 454-2385

September 4, 1998

GOVERNMENTAL CENTER

JOHN A. FANTHAM  
DISTRICT ENGINEER

BOARD OF DIRECTORS-ZONE 7  
SANTA CRUZ COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
701 Ocean Street  
Santa Cruz, CA 95060

SUBJECT: MONTEREY COUNTY PROPOSED SANDBAR RIPPING PROJECT

Members of the Board:

At the August 25, 1998, meeting, Narayan Thadani, Water Resources Engineer for the Monterey County Water Resources Agency (Agency), addressed your Board regarding a request he had received from the Pajaro Levee Citizens Advisory Committee (PLCAC). The PLCAC, whose members are from the Pajaro community, was formed to give advice to and support for the efforts of the Agency in providing and maintaining flood control services on the Monterey County Pajaro River Levee. The PLCAC was concerned about sandbar formation within the levee system and asked Agency staff to investigate what would be required (permits, funding, etc.) to rid the river of the sandbars.

Sandbar formation is accelerated when vegetation is allowed to grow in the river channel. The vegetation acts to slow the higher river flows and sediment can drop out and deposit into sandbars. Agency staff looked at several options and determined that "ripping" the sandbars would be the most cost-effective way to eliminate forming sandbars. Ripping uses a bulldozer that has a plow-like attachment to dig in the sand and cut or rip the root mass of the vegetation. Once the root mass is disturbed, the sandbar often washes out with the next high flow.

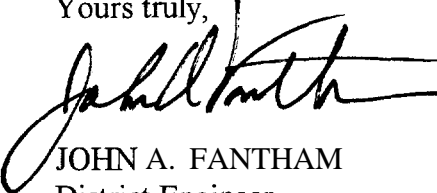
1

1.2

Per your Board's direction, Zone 7 staff met with Agency staff on August 27, 1998, at the Pajaro River to investigate possible locations for sandbar ripping. After a thorough review and site visit, staff from both agencies concluded that there are no sandbar sites that would require ripping this year. The few small sandbars that do exist do not appear to be a significant threat to river flows at this time. The sites will be reevaluated next year.

It is therefore recommended that the Board of Directors accept and file this report.

Yours truly,



JOHN A. FANTHAM  
District Engineer

DJH:mg

Attachments

RECOMMENDED FOR APPROVAL,:



County Administrative Officer

copy to: Zone 7 Board of Directors  
Eric Bluhm, Army Corps of Engineers  
Narayan Thadani, Monterey County Water Resources  
David Koch, City of Watsonville  
Public Works

BDM



---

**COUNTY OF SANTA CRUZ**


---

701 OCEAN STREET, SANTA CRUZ, CALIFORNIA 950604070

(631) 454-2160

FAX (831) 454-2385

September 8, 1998

---

**FLOOD CONTROL & WATER  
CONSERVATION DISTRICT  
ZONE 7**


---

**GOVERNMENTAL CENTER****JOHN A. FANTHAM  
DISTRICT ENGINEER**

BOARD OF DIRECTORS-ZONE 7  
SANTA CRUZ COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT: PAJARO RIVER LEVEE RESURFACING PROJECT**

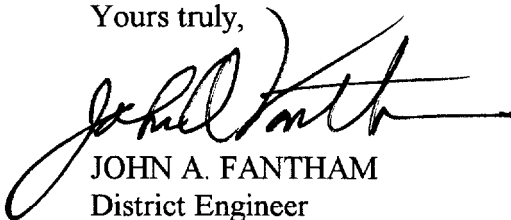
Members of the Board:

Per the Board's direction, District staff have been working to insure that the subject project will be ready for construction this year. Plans and specifications are currently being reviewed by the Army Corps of Engineers. The project is also scheduled for the September 11, 1998, Zoning Administrator's hearing. The working agreements with Monterey County and the City of Watsonville (the subject of a separate Board item today) have been sent to them for their review and approval. The construction cost for the Zone 7 portion of the work is estimated at \$215,000.

We plan to advertise the project for bidding upon approval by the Corps of Engineers and permitting agencies. Since there are no other regularly scheduled Zone 7 meetings until January 1999, it will be necessary for your Board to authorize the District Engineer to bid and award the contract in order to construct the project before this year's rainy season.

It is therefore recommended that your Board authorize the District Engineer to call for bids and award the construction contract for the Pajaro Levee Resurfacing Project on the Board's behalf.

Yours truly,

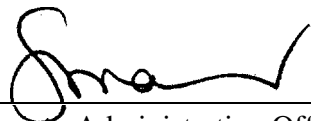


JOHN A. FANTHAM  
District Engineer

DJH:rw

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Eric Bluhm, Army Corps of Engineers  
Tom Kendall, Army Corps of Engineers  
Zone 7 Board of Directors  
David Lee, Planning Department  
Public Works

1.3

PRR

2