ITEM NO. 13

STAFF REPORT

CITY OF OCEANSIDE

DATE: December 5, 2007

TO: Honorable Mayor and City Councilmembers
Honorable Harbor Board President and Directors

FROM: Harbor and Beaches Department

SUBJECT: **RESOLUTION SUPPORTING A REGIONAL SAND PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING**

SYNOPSIS

Staff recommends that the City Council and Harbor Board of Directors adopt a resolution authorizing the Mayor to execute a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) supporting a Regional Beach Sand Project and committing to funding preliminary design and studies in the amount of $41,500.

BACKGROUND

In July 1993, the San Diego Association of Governments (SANDAG) adopted a long-term vision, known as the Shoreline Preservation (Strategy) for restoring the region's beaches. The Strategy proposes an extensive beach-building and maintenance program for the critical shoreline erosion areas in the region that includes sand nourishment, sand-retention structures, protective structures, and policies and regulations regarding the use of the shoreline and its development.

The strategy sets out regional objectives, policies, and recommendations for implementing a list of solutions for each of the region's shoreline problem areas. To realize these objectives, coordination among the region's jurisdictions is necessary. This cooperation is particularly important given that events on one part of the coast or inland can affect beaches and coastal bluffs on another part. The coastal cities and other regional stakeholders have been working through the SANDAG Shoreline Preservation Working Group (SPWG) by providing guidance on regional solutions to coastal erosion problems. Collaboration has resulted in a preferred approach to a region-wide problem, regional beach replenishment, and has led to more efficient implementation on the strategy.

Another important issue guiding the Strategy is the long-term and ongoing commitment required to accomplish the objectives. Stewardship of the shoreline will involve a number of coordinated actions taking place over years, if not decades. In the summer of 2004, SANDAG adopted the Regional Comprehensive Plan (RCP) which is the strategic

overall planning framework for the San Diego region through 2030. The RCP supports the continued implementation of the Strategy, outlining the preservation and enhancement of the region's beaches and near shore areas as environmental and recreational resources that must be protected.

ANALYSIS

In September, 2001, SANDAG completed construction of the Regional Beach Sand Project (RBSP) which placed 2.1 million cubic yards of clean, beach-quality sand at 12 eroded beaches from Imperial Beach to Oceanside. The $17.5 million RBSP was a first-of-its-kind pilot sand-restoration project for the West Coast of the United States. The main objective of the RBSP was to place sand on the region's eroded beaches, as well as to demonstrate that cost-effective beach-restoration technology could be successfully implemented in the San Diego region. While many of the objectives outlined in the Strategy were met, the RBSP did not include a specific determination as to how these activities would be funded in the future.

Beginning earlier this year, the SANDAG SPWG began the process necessary to fund and implement the next RBSP – projected to place sand on the region's beaches in 2009. The SANDAG SPWG began work on a feasibility study meeting the requirements of the State Department of Boating and Waterways to allow SANDAG to compete for state Beach Erosion and Public Beach Restoration Program funds.

At the July 12, 2007, SANDAG SPWG meeting methodologies to be used for the allocation of preliminary planning costs among coastal cities were discussed. The preliminary planning efforts would include investigation of the potential as well as viability of offshore sand sources, preliminary design studies, and the identification of potential environmental impacts. The SPWG recommended the preliminary planning costs be distributed based on miles of coastline in each jurisdiction. The following is a breakdown of the allocated costs based on miles of coastline:

City	Coastline Miles	% of Coastline	Cost Based on Miles of Coastline
Carlsbad	6.5	15%	$74,500
Coronado	3.1	7%	$35,500
Del Mar	3.0	7%	$34,500
Encinitas	5.8	13%	$66,500
Imperial Beach	2.7	6%	$31,000
Oceanside	**3.6**	**8%**	**$41,500**
San Diego	17.3	40%	$199,000
Solana Beach	1.5	4%	$17,500
TOTAL	**43.5**	**100%**	**$500,000**

Prior to work beginning on the preliminary planning activities, each coastal city would need to provide a written commitment to fund their prorated portion of the work. The commitment should come in the form of a Memorandum of Understanding (MOU) between SANDAG and the applicable coastal cities. Staff recommends that the City

Council enter into an MOU with SANDAG and commit to provide funds in the amount of $41,500 for the preliminary planning costs.

FISCAL IMPACT

Prior to work beginning on the preliminary planning activities, each coastal city would need to provide a written commitment to fund their prorated portion of the work. The commitment is to be in the form of a Memorandum of Understanding (MOU) between SANDAG and the applicable coastal cities. Staff recommends that the City Council enter into an MOU with SANDAG and commit to provide funds in the amount of $41,500 for the preliminary planning costs. The funds are budgeted in the FY 2007-08 Harbor and Beaches accounts.

COMMISSION OR COMMITTEE REPORT

This was presented to the Harbor & Beaches Advisory Committee at its September 27, 2007, meeting for information only.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council and Harbor Board of Directors adopt a resolution authorizing the Mayor to execute a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) supporting a Regional Beach Sand Project and committing to funding preliminary design and studies in the amount of $41,500.

PREPARED BY:

Ray Duncan
Harbor and Beaches Manager

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Donald L. Hadley, Deputy City Manager
Teri Ferro, Financial Services Director

Attachments:
1. Resolution
2. Memorandum of Understanding

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL AND HARBOR BOARD OF DIRECTORS OF THE CITY OF OCEANSIDE, CALIFORNIA AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) SUPPORTING A REGIONAL BEACH SAND PROJECT AND COMMITTING TO FUNDING PRELIMINARY DESIGN AND STUDIES

WHEREAS, the City Council and Harbor Board of Directors of the City of Oceanside, California, have determined it necessary and in the public interest to enter into a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) supporting a Regional Beach Sand Project and committing funds for preliminary design and studies; and

WHEREAS, in 1996, SANDAG adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2004, SANDAG adopted the Regional Comprehensive Plan (RCP), which is a strategic land use planning framework for the San Diego region through 2030 that supports the continued implementation of the Strategy, outlining the preservation and enhancement of the region's beaches and nearshore areas as environmental and recreational resources that must be protected; and

WHEREAS, the San Diego region is committed to implementing the Strategy and RCP; and

WHEREAS, the region's coastal cities, including the cities of Carlsbad, Coronado, Del Mar, Encinitas, Imperial Beach, Oceanside, San Diego, and Solana Beach, have expressed an interest and desire to implement another such project on a regional basis, as economies of scale and efficiencies would likely result in a more productive and successful project; and

WHEREAS, a number of benefits, including recreational, economic, and public safety enhancements, protection of infrastructure, and increases in habitat would occur as the result of beach nourishment; and

WHEREAS, SANDAG has initiated the necessary steps to compete for beach sand replenishment funds from the California Department of Boating and Waterways through the development and delivery of a feasibility study (the "Project"); and

WHEREAS, the total estimated Project cost of approximately $22 million includes an estimated $500,000 in preliminary planning activities, which is requested to be paid by the region; and

WHEREAS, the preliminary planning activities include an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project; and

WHEREAS, the SANDAG Board of Directors decided that the allocation of funds among the coastal cities be based upon the miles of coastline within each city, which is a method used for the Regional Shoreline Monitoring Program that is currently funded by the coastal cities; and

WHEREAS, SANDAG requires a funding commitment from each coastal city prior to work beginning on the preliminary planning activities; and

WHEREAS, the City of Oceanside has 3.6 miles of shoreline within San Diego County which is 8 percent of the region's coastline equaling a total contribution of $41,500 (proportional share) for preliminary planning activities necessary for the development of a regional beach sand project; and

WHEREAS, the City Council and Harbor Board of Director recognize SANDAG is the appropriate agency to coordinate the efforts of the coastal cities for the development of a regional beach nourishment project and believes it is appropriate and beneficial to join the region-wide effort and implement the Oceanside Beach Nourishment Project as part of a regional, rather than local only, project.

NOW, THEREFORE, the City Council and Harbor Board of Directors of the City of Oceanside does resolve as follows:

1. That the above recitations are true and correct.

2. That the Mayor of the City of Oceanside, California is authorized to execute a Memorandum of Understanding with the San Diego Association of Governments supporting a

regional beach sand project and committing to funding preliminary design and studies.

3. That the City Council and Harbor Board of Directors approve the expenditure of $41,500 budgeted in the Department of Harbor & Beaches for Oceanside's share of supporting a Regional Beach Sand Project study, preliminary design and planning.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2007, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MEMORANDUM OF UNDERSTANDING
BETWEEN SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND CITY OF OCEANSIDE
REGARDING REGIONAL SAND PROJECT

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into by and between the San Diego Association of Governments (SANDAG) and the City of Oceanside, a municipal corporation, organized and existing under the Constitution and laws of the state of California, based on the following recitals:

WHEREAS, in 1996, SANDAG adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2001, SANDAG successfully implemented a Regional Beach Sand Project (RBSP) that placed 2.1 million cubic yards of sand on 12 beaches in the San Diego region; and

WHEREAS, in 2004, SANDAG adopted the Regional Comprehensive Plan (RCP), which is a strategic land use planning framework for the San Diego region through 2030 that supports the continued implementation of the Strategy, outlining the preservation and enhancement of the region's beaches and nearshore areas as environmental and recreational resources that must be protected; and

WHEREAS, the San Diego region is committed to implementing the Strategy and RCP; and

WHEREAS, the region's coastal cities, including the cities of Carlsbad, Coronado, Del Mar, Encinitas, Imperial Beach, Oceanside, San Diego, and Solana Beach, have expressed an interest and desire to implement another such project on a regional basis, as economies of scale and efficiencies would likely result in a more productive and successful project; and

WHEREAS, a number of benefits, including recreational, economic, and public safety enhancements, protection of infrastructure, and increases in habitat, would occur as the result of beach nourishment; and

WHEREAS, SANDAG has initiated the necessary steps to compete for beach sand replenishment funds from the California Department of Boating and Waterways through the development and delivery of a feasibility study (the "Project"); and

WHEREAS, the total estimated beach sand replenishment project cost of approximately $22 million includes an estimated $500,000 in preliminary planning activities for the Project, which is requested to be paid by the region; and

WHEREAS, the preliminary planning activities include an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project; and

WHEREAS, the SANDAG Board of Directors decided that the allocation of funds among the coastal cities be based upon the number of miles of coastline within each city, which is a method used for the Regional Shoreline Monitoring Program that is currently funded by the coastal cities; and

WHEREAS, SANDAG requires a funding commitment from each coastal city prior to work beginning on the preliminary planning activities; and

WHEREAS, this MOU is not intended to commit any of the parties to working on any portion of the beach sand replenishment project beyond the stage of preliminary planning activities; and

WHEREAS, the City of Oceanside has 3.6 miles of shoreline within San Diego County which is eight percent of the region's coastline equaling a total contribution of $41,500 (Proportional Share) for preliminary planning activities necessary for the development of a regional beach sand project;

NOW THEREFORE, the parties understand and agree to the following:

1. The City of Oceanside has approved an appropriation of $41,500, such amount being its Proportional Share to SANDAG for the Project, which funds will be paid to SANDAG prior to the Project start date (anticipated to occur on or about March, 2008).

2. The City of Oceanside's Proportional Share shall be expended by SANDAG solely for preliminary planning activities in support of the Project, which includes an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project. Any funds not used will be kept by SANDAG in an interest-bearing account with interest credited to City of Oceanside prorated to reflect its contribution to the Project as compared to each coastal jurisdiction's contributions, until the completion of the Project. Unused funds will be returned to each City on a similarly pro-rated basis.

3. The City understands that SANDAG would not proceed with the Project without assurances that each coastal jurisdiction has entered into a memorandum of understanding identical in terms to this MOU, reflecting approvals of appropriations, the aggregate of which will fund the Project.

4. This MOU may be altered, changed, or amended only by mutual written consent of the parties hereto.

5. For purposes of this MOU, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.

6. Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties to this MOU or affect the legal liability of the parties to this MOU to third parties.

7. This MOU shall be interpreted in accordance with the laws of the State of California.

SAN DIEGO ASSOCIATION OF
GOVERNMENTS

GARY L. GALLEGOS
Executive Director

JIM WOOD
Mayor of the City of Oceanside

APPROVED AS TO FORM:

Office of General Counsel

APPROVED AS TO FORM:

City Attorney