



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: October 22, 2019

Subject: Approve and Authorize the Chief Engineer to execute a license agreement between CCC FCWCD and the City of Walnut Creek related to paved trails.

### **RECOMMENDATION(S):**

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute on behalf of the District, a license agreement with the City of Walnut Creek (City) for the purpose of operating and maintaining trails along the Pine Creek Channel and Milton Kubicek Detention Basin, effective October 22, 2019, and shall remain in effect for 25 years, pursuant to Section 31 of the Contra Costa County Flood Control and Water Conservation District Act. (Project No.: 7520-6B8315)(CP#18-31).

DETERMINE that the conveyance of the license is in the public interest and will not substantially conflict or interfere with the use of the property by the District.

DETERMINE that the activity is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(B)(3) of the State CEQA guidelines; and DIRECT the Director of the Department of Conservation and Development (DCD) to file a Notice of Exemption with the County Clerk.

DIRECT the Chief Engineer to arrange for payment of a \$50.00 fee to the County Clerk for

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Diane Burgis, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor

ABSENT: Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 22, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Jewel Lopez (925)  
957-2485

filing and a \$25.00 fee to DCD for processing the Notice of Exemption.

#### RECOMMENDATION(S): (CONT'D)

DIRECT the Real Estate Division of the Public Works Department to cause said license agreement be delivered to the City of Walnut Creek.

#### FISCAL IMPACT:

No fiscal impact.

#### BACKGROUND:

In June 2017, the District issued an encroachment permit, for a period of five years, to the City for the maintenance and operation of the existing trail within the Milton Kubicek Detention Basin and the existing wood pedestrian bridge, known as the Diablo Shadows pedestrian bridge, over the Pine Creek Flood Control Channel, which connects a City-maintained regional trail with Diablo Shadows Park. By entering into a License Agreement with the City, the City would be able to operate and maintain the existing trail within the Milton Kubicek Detention Basin for a longer term. The City would also have the ability to operate and maintain the Diablo Shadows pedestrian bridge, an existing trail and any new permitted trails along the Pine Creek Flood Control Channel. The City has agreed to accept responsibility for liability, vegetation maintenance, and litter control within the trail area.

#### CONSEQUENCE OF NEGATIVE ACTION:

The District would continue to have the responsibility to maintain the areas that the City utilizes as trails.

#### ATTACHMENTS

License Agreement

CEQA