



**Contra  
Costa  
County**

To: Contra Costa County Flood Control District Board of Supervisors  
 From: Brian M. Balbas, Public Works Director/Chief Engineer  
 Date: October 20, 2020

Subject: APPROVE and AUTHORIZE a License Agreement with Tesoro Refining & Marketing Company, LLC, Martinez area.

**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 a License Agreement from Tesoro Refining & Marketing Company, LLC (Tesoro) for the District to construct the Lower Walnut Creek Restoration Project on Assessor's Parcel Number 159-310-029 in Martinez. Project No.: 7520-6B8285

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

In 2019, the County Board of Supervisors approved the Lower Walnut Creek Restoration Project (Project) and CEQA Clearinghouse No. 19-25 for the purpose of restoring and enhancing wetlands and associated habitats in Lower Walnut Creek and providing sustainable flood management, while allowing opportunities for public access and recreation.

By entering into the License Agreement with Tesoro, the District will be able to construct the project on Assessor's Parcel No. 159-310-029, located between

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/20/2020** ☒ 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  
 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 20, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Angela Bell, 925.  
 957-2451



### BACKGROUND: (CONT'D)

Waterfront Road and the Lower Walnut Creek in Martinez. This additional area improves the project by increasing the total restoration acreage. Following project construction, Tesoro (or the then-current owner) will be responsible for maintaining the improvements. The District will have access for required monitoring and other activities.

As a condition of the License, Tesoro is requiring the District to indemnify Tesoro from liabilities that arise from the District's construction and monitoring activities. Tesoro will release the District from liabilities related to ongoing maintenance of project improvements after they are constructed, as Tesoro will then be responsible for maintenance. The license agreement has been approved as to form by County Counsel.

### CONSEQUENCE OF NEGATIVE ACTION:

Without approval from the Board of Supervisors, the District will not be able to construct a portion of the Project. As a result, there may be a delay in advertising and construction of the Project. This may jeopardize funding for the Project, as well as reducing the scope and project benefit.

### ATTACHMENTS

License Agreement