



Legislation Details (With Text)

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Title: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF REDONDO BEACH, THE CITY OF HERMOSA BEACH, THE CITY OF MANHATTAN BEACH, THE CITY OF TORRANCE, AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT REGARDING THE ADMINISTRATION AND COST SHARING FOR UPDATING THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND REASONABLE ASSURANCE ANALYSIS FOR THE BEACH CITIES WATERSHED MANAGEMENT GROUP (Environmental Programs Manager Douglas Krauss)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Approved MOU 2013, 2. 2. MOU Updated EWMP RAA 111020 f, 3. 3. Beach Cities Revised EWMP Proposal_01152020

Date	Ver.	Action By	Action	Result
10/27/2020	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of October 27, 2020**

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF REDONDO BEACH, THE CITY OF HERMOSA BEACH, THE CITY OF MANHATTAN BEACH, THE CITY OF TORRANCE, AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT REGARDING THE ADMINISTRATION AND COST SHARING FOR UPDATING THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND REASONABLE ASSURANCE ANALYSIS FOR THE BEACH CITIES WATERSHED MANAGEMENT GROUP
(Environmental Programs Manager Douglas Krauss)

Recommended Action:

Staff recommends that the City Council:

1. Approve the Memorandum of Understanding between the City of Redondo Beach, the City of Hermosa Beach, the City of Manhattan Beach, the City of Torrance, and the Los Angeles County Flood Control District Regarding the Administration, and Cost Sharing for Updating the Enhanced Watershed Management Program and Reasonable Assurance Analysis for the Beach Cities Watershed Management Group (EWMP MOU); and
2. Appropriate \$107,964 from the Storm Drain Fund to Study 401, EWMP Update/Feasibility Study.

Executive Summary:

Updating the Enhanced Watershed Management Plan and Reasonable Assurance Analysis is a requirement of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit. The proposed MOU would facilitate this update and the corresponding feasibility studies required to identify new storm water improvement projects, which are necessary to help the City meet its pollutant reduction requirements. The MOU would also ensure the continuity of the Beach Cities Watershed Management Group's storm water compliance efforts. The draft MOU reflects revisions requested by Council at its September 8, 2020 meeting.

Background:

The cities of Hermosa Beach, Torrance, Redondo Beach, Manhattan Beach, and the Los Angeles County Flood Control District formed the Beach Cities Group to develop an Enhanced Watershed Management Program (EWMP) to comply with the Los Angeles Regional Water Quality Control Board's (Regional Board) 2012 National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (MS4 Permit). The Beach Cities Group entered into an MOU to cost share the development of the EWMP and a Coordinated Integrated Monitoring Plan (CIMP) in 2013 (**Attachment 1**). The Beach Cities EWMP was submitted to the Regional Board on February 9, 2016 and was approved by the Executive Officer of the Regional Board via a letter dated April 18, 2016. The Beach Cities Group was directed by the Executive Officer of the Regional Board to begin implementation of the EWMP immediately, including construction of identified capital projects.

Upon approval of the EWMP and CIMP by the Regional Board in 2016, the cities entered into an MOU to implement the CIMP and the monitoring and reporting activities it outlines (CIMP MOU). Annual administration of the EWMP program and coordination between the cities is included in the CIMP MOU and is performed by consultants, and administered by Manhattan Beach. An amendment to the CIMP MOU to continue those activities will be brought to Council separately. This new EWMP MOU (**Attachment 2**) is for the update of the existing EWMP and Reasonable Assurance Analysis (RAA) and will be administered by the City of Redondo Beach. Redondo Beach received a proposal for these services from Geosyntec (**Attachment 3**), the consultant that currently performs monitoring activities outlined in the CIMP and modeled the original RAA for the Beach Cities Group EWMP. Geosyntec's familiarity with the Beach Cities Group EWMP and CIMP makes it qualified to perform this work and Redondo Beach staff was able to get approval from its City Council to proceed with this MOU.

This item was first brought before City Council at the September 8, 2020 meeting. Council expressed concern with some of the language in the draft MOU. Specifically, Council questioned:

1. The cost sharing split between the agencies for Tasks 1-3 (EWMP Update and RAA)
2. The absence of language stating this MOU will not supersede the Greenbelt Infiltration Project Dissolution MOU
3. A need for language that would allow for adjustment of Torrance's cost share if their proposed basin expansion projects are not implemented.

Staff worked with the City Attorney to add language addressing items 2 and 3. Item 1 remained unchanged. Staff discussed the cost share rationale with the EWMP group and its consultant and decided that maintaining the proposed cost sharing was reasonable and would help avoid any additional delays in

approving the MOU. The MOU also includes implementing the feasibility studies needed to identify projects to replace the storm water pollution reduction goals planned for the cancelled Greenbelt Infiltration project. The revised MOU was recirculated between the EWMP group member agencies for approval and the version attached here is the final draft.

Discussion:

The MS4 Permit requires that Permittees submit an updated EWMP with an updated RAA by June 30, 2021. The Updated EWMP and RAA must incorporate both water quality data and control measure performance data and any other information informing the adaptive management process gathered through December 31, 2020. The document will also reflect any new information or lessons learned from the group's implementation thus far of the EWMP. This means the group's monitoring data and planned or constructed projects will be assessed and incorporated into the updated RAA.

A working proposal of the next MS4 Permit, which will supersede the current permit, has been released by the Regional Board and will also require an Updated EWMP and RAA by June 30, 2021, and every five years thereafter, consistent with the current permit's requirement. This update will revise sections of the existing EWMP to reflect current guidance from the Regional Board.

Importantly, this EWMP update and MOU will incorporate new feasibility studies to identify regional storm water projects to ensure the group meets the pollutant reduction goals outlined in the existing EWMP. The City of Hermosa Beach and its Beach Cities Group partners are actively seeking alternate projects to achieve storm water diversion and pollution reductions equivalent to what would have been achieved by the cancelled Hermosa Greenbelt Infiltration Project. A separate MOU dissolving the prior MOU between the Beach Cities to implement the Greenbelt Infiltration Project was approved by Council and included a payment by the City of Hermosa Beach of \$160,000 to help directly fund the updated EWMP's feasibility studies. This search for alternative projects involves reanalyzing existing concepts and researching new projects throughout the area with the possibility of combining multiple smaller projects to achieve compliance goals. This effort also includes discussions with the Regional Board for a time extension on pollutant reduction goals as the group's deadline for compliance by 2021 approaches.

Cost sharing for the work is determined by a combination of proportional watershed area (for feasibility study costs) and equal shares for baseline EWMP update and RAA tasks. Cost sharing tables are included in the draft MOU. The City of Hermosa Beach's share will be \$107,963.33 plus the amount of \$160,000 committed separately by the City to help fund the feasibility studies. The MOU also includes language stating that any party defaulting or unilaterally withdrawing from the MOU will be responsible for any fines, penalties or interest.

Past Council Actions

Meeting Date	Description
November 12, 2013	Authorized an MOU with the Beach Cities Group to develop EMWP and CIMP
June 23, 2015	Authorized submission of the draft EWMP to the Regional Quality Control Board and Adoption of the Los Angeles County Program Environmental Impact Report
February 9, 2016	Approved an MOU to develop and implement a CIMP with Beach Cities WMG
July 28, 2020	Approved Dissolution of the MOU for the Greenbelt Infiltration Project and reappropriated \$160,000 from CIP 542 to fund the feasibility studies
September 8, 2020	Council sent the draft MOU back to staff to revise

General Plan Consistency:

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

*Infrastructure***Goal 5. The stormwater management system is safe, sanitary, and environmentally and fiscally sustainable.***Policies:*

- **5.1 Integration of stormwater best practices.** Integrate stormwater infiltration best practices when initiating streetscape redevelopment or public facility improvement projects.
- **5.8 Low impact development.** Require new development and redevelopment projects to incorporate low impact development (LID) techniques in project designs, including but not limited to on-site drainage improvements using native vegetation to capture and clean stormwater runoff and minimize impervious surfaces.

Fiscal Impact:

The City of Hermosa will be responsible for its share of the costs for the EWMP MOU. These costs will be \$267,963.33 which includes \$160,000 committed by the City to fund feasibility studies as part of the dissolution of the Greenbelt Project MOU. The \$160,000 for the feasibility study was previously reappropriated from CIP #542 for this purpose and the difference of \$107,963.33 is being appropriated to the same account, Study 401, EWMP Update and Feasibility Study.

Attachments:

1. 2013 MOU for Development of EWMP and CIMP
2. Draft EWMP MOU with Cost Tables
3. Proposal from Geosyntec

Respectfully Submitted by: Douglas Krauss, Environmental Program Manager

Concur: Marnell Gibson, Public Works Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager