



Legislation Text

File #: 20-0216, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

Shawn Igoe, Utilities Division Manager

SUBJECT:

Consider Adopting a Resolution Approving a New Memorandum of Understanding (MOU) Between the Cities of Manhattan Beach, Torrance, Redondo Beach and Hermosa Beach for Implementation of a Beach Cities Green Streets Project, and Agreement to Dissolve the Prior MOU (Public Works Director Katsouleas).

ADOPT RESOLUTION NO. 20-0065

RECOMMENDATION:

Staff recommends that City Council: (1) adopt a Resolution approving a new Memorandum of Understanding (MOU #2) between the Cities of Manhattan Beach, Torrance, Redondo Beach and Hermosa Beach for Implementation of a Beach Cities Green Streets Project; and (2) approve dissolution of the prior MOU#1 for the Hermosa Greenbelt Project.

FISCAL IMPLICATIONS:

If the new MOU is approved, Manhattan Beach will be responsible for \$137,500, which is the City's share of the matching funds required for a \$2,000,0000 Proposition 12 grant for preliminary engineering and final design of a variety of green streets pollution control measures to address storm water pollution. The City's share also includes an administrative fee for Torrance as the lead agency for the grant. Sufficient funds are available under the Joint Watershed Infiltration Project in the approved Capital Improvement Program. A construction award recommendation will come back to City Council once the actual costs are known following preliminary design and engineering.

If the dissolution of the prior MOU agreement is approved, the City will be reimbursed \$21,240.90, which is the total amount previously deposited with Hermosa Beach in its capacity as Lead Agency for the Hermosa Greenbelt Project.

BACKGROUND:

Per the 2012 Los Angeles Regional Water Quality Control Board's (Regional Board) 2012 NPDES Permit, cities were provided the opportunity to establish a regional approach to address storm water pollution through an Enhanced Watershed Management Program (EWMP). The cities of Manhattan Beach, Torrance, Redondo Beach, Hermosa Beach, and the Los Angeles County Flood Control District formed a group and submitted an EWMP document to the Regional Board which identified

projects and programs that would be implemented to comply with the Santa Monica Bay Beaches Bacteria (SMBBB) Total Maximum Daily Load (TMDL) and Santa Monica Bay Toxics TMDL. The EMWP was approved by the Regional Board on February 9, 2016. In September 2017, the same parties entered into an MOU (MOU #1) to establish proportionate responsibility for the first regional structural storm water project, proposed to be constructed within Hermosa's greenbelt area. After further deliberation, the parties opted not to proceed with that project. As described below, the parties have proposed a series of new, smaller storm water structural projects instead. Thus, staff recommends that the Council agree to dissolve MOU #1. The proposed dissolution agreement is attached.

Recently, the City of Torrance successfully applied for a Proposition 12 Santa Monica Bay Restoration Grant (attached) to fund several Beach Cities Green Street Projects that were identified in the EWMP. The successful grant application will help fund a number of individual green street projects in Torrance, Manhattan Beach, Redondo Beach and Hermosa Beach. In Manhattan Beach, specific target areas include 19th Street, between Sepulveda Boulevard and Pine Avenue, and along with the north side of Artesia Boulevard, between Redondo Avenue and Herrin Street. Green Streets projects are typically smaller local control measures in available rights-of-way and augment regional structural projects to achieve water quality objectives. The 19th Street and Artesia Boulevard Green Street Projects were identified in the 2016 Beach Cities EWMP as a distributed structural approach to receive and treat dry-weather and some storm water runoff from an approximately 38-acre drainage area (combined) in Manhattan Beach (Attachment). As envisioned, the projects will help reduce pollution from storm water runoff while also providing additional aesthetic benefits. Adopting the attached resolution approving the MOU #2 will allow Manhattan Beach to utilize these grant funds to help plan for construction of our projects.

DISCUSSION:

In addition to the two projects located in Manhattan Beach, an additional 11 sites were identified in Hermosa Beach, Redondo Beach, and Torrance. The projects will incorporate a variety of green street elements such as dry wells, trash capture devices, trees and plants in medians and parkways, permeable pavement, and bio-retention swales. These elements all serve to improve storm drainage, reduce pollutants, and simultaneously help beautify the area. These projects will also help alleviate runoff impacts resulting from smaller storm events.

The City of Torrance is the lead agency for the Beach Cities Green Streets Project grant. By approving the attached resolution and entering into the MOU#2, the four municipalities agree to:

- Share equally in the cost for preliminary engineering and final design.
- Work cooperatively to fund design and construction costs of projects.
- Pay the City of Torrance, as lead agency, a 10% Administration Fee.

The term of the MOU #2 is for three years. The cost for engineering and design of the entire project will be split evenly by the partner cities because the core design elements are expected to be applicable to all 11 locations. The total cost for engineering and design is estimated to be \$1,100,000, with \$550,000 funded by the grant and the other \$550,000 funded equally by the four cities as match funding. Each city's share of this cost is thus \$137,500. Once design services are underway, the group will be better positioned to seek funds for soon-to-be shovel ready projects, including the annual Measure W regional grant program.

While entering into this type of MOU for cost sharing is common practice for watershed-based storm water efforts, this proposed MOU has some notable provisions that are worth mentioning. First, the MOU states that if a party withdraws or terminates the MOU in a manner that renders Torrance in violation of its grant agreement, the party(s) that terminate or withdraw are individually responsible for any interest and penalties and repayment of any grant funds forfeited. This is a standard term in state grant agreements and is reflected in the proposed MOU as applying to all four partner cities. Additionally, this MOU states that if a party breaches the terms of the MOU, it shall be responsible for the payment of fines, penalties and costs incurred by the other parties as a result of non-performance of the EWMP implementation. Typically, parties are responsible for their own penalties for failure to meet their EWMP and storm water obligations; however, this MOU would potentially shift that liability to a party that unilaterally breaches the MOU. Under the MOU, defaulting parties would be given 60 days to cure a default before any punitive provision would be triggered. Still, this group effort will accomplish significant water quality improvements, demonstrate to the Water Board the region's continued commitment to meet the NPDES pollution reduction mandates, and set a precedent for future inter-agency cooperation for larger joint projects in the future.

Therefore, staff recommends that City Council adopt a resolution approving the attached MOU #2, and approve dissolution of MOU #1.

PUBLIC OUTREACH:

No public outreach was conducted in preparation of recommending the approval of this MOU. Public outreach will occur at the appropriate time as plans are developed and we near bidding and construction.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to Section 15301 Class 1 of the State CEQA Guidelines.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Resolution No. 20-0065
2. MOU - Beach Cities Green Streets Project
3. MOU - Dissolution Agreement
4. Agreement - City of Torrance Grant
5. Manhattan Beach Green Street Project Locations
6. Beach Cities Green Streets Locations