



# Agenda Report

June 11, 2018

**TO:** Honorable Mayor and City Council

**FROM:** Departments of Public Works

**SUBJECT: AUTHORIZATION TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN CITY OF PASADENA, SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS AND EIGHT PUBLIC AGENCIES REGARDING THE ADMINISTRATION AND COST SHARING FOR BACTERIA LOAD REDUCTION STRATEGY FOR RIO HONDO WATERSHED**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find the Memorandum of Agreement (MOA) proposed herein to be exempt under the California Environmental Quality Act (CEQA) in accordance with Title 14 Chapter 3, Article 19, Section 15308, Class 8, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment; and
2. Authorize the City Manager to execute a Memorandum of Agreement (MOA) between City of Pasadena, San Gabriel Valley Council of Governments (SGVCOG) and eight public agencies regarding the administration and cost sharing for the preparation of design plans and environmental documents for three bacteria load reduction strategies (LRS) for the Rio Hondo River and tributaries.

## **BACKGROUND:**

Under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program reduces water pollution by regulating the discharge of pollutants into lakes, rivers, and streams. The implementation of this permit program has resulted in significant improvement in the quality of this country's water resources since 1972.

On December 28, 2012, the Los Angeles County Municipal Separate Storm Sewer System Permit (MS4 Permit) became effective in accordance with the Clean Water Act.

The Los Angeles MS4 Permit covers unincorporated areas of Los Angeles County, the Los Angeles County Flood Control District, and 84 cities within Los Angeles County.

The City of Pasadena partnered with 18 other co-permittees to form the Upper Los Angeles River (ULAR) watershed management group and jointly established an Enhanced Watershed Management Program (EWMP) for the ULAR. Co-permittees include the cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Los Angeles, Montebello, Monterey Park, Rosemead, San Fernando, San Gabriel, San Marino, South El Monte, South Pasadena, Temple City, the County of Los Angeles, and the Los Angeles County Flood Control District. The EWMP prescribes regional compliance pathways.

The eastern portion of the City of Pasadena drains to the tributaries of Alhambra Wash, Eaton Wash, and Rubio Wash, and then into the Rio Hondo River. The Rio Hondo River watershed is a subset of the Upper Los Angeles River watershed. Therefore, it is desirable for the City to join eight co-permittees (that also drain into the Rio Hondo River) to address the bacteria Total Maximum Daily Load (TMDL) requirements regionally for the Rio Hondo River watershed. Under the Municipal NPDES Permit, the eight agencies include the cities of Alhambra, Monterey Park, Rosemead, San Gabriel, San Marino, South Pasadena, Temple City, and the County of Los Angeles. The County of Los Angeles is the lead agency for the LRS (MOA). The co-permittees decided to include the SGVCOG as an independent billing agency, which will bill and collect each co-permittee's share of the costs.

The MOA will allow the agencies to collaborate on and cooperatively fund the implementation of an LRS to comply with the bacteria TMDL, to protect recreational uses in the waterbody by meeting targets to reduce the E. coli bacterium. The bacteria TMDL became effective on March 23, 2012 pursuant to the new Municipal NPDES Permit. The original Rio Hondo LRS report was collaboratively developed by the Upper Los Angeles River Watershed Group, Los Angeles River Upper Reach 2 Subwatershed Group, Lower Los Angeles River Watershed Group, and the cities of El Monte and Irwindale, and was submitted to the Los Angeles Regional Water Quality Control Board on March 22, 2016, to address dry weather bacteria discharges in the Los Angeles River Bacteria Total Maximum Daily Load Resolution No. R10-007.

On October 25, 2017, a Rio Hondo LRS Addendum to Revise Actions for Alhambra Wash, Eaton Wash, and Rubio Wash incorporated comments and feedback received from the Los Angeles Regional Water Quality Control Board staff. The Rio Hondo LRS identifies 26 priority outfalls that would have to be diverted or "turned off" by 2020 in order to meet the Los Angeles River bacteria TMDL requirements for Alhambra Wash, Rubio Wash, Eaton Wash, and the Rio Hondo; and the Addendum defines a regional phased approach proposed to construct three diversions at the mouth of Alhambra Wash, Rubio Wash, and Eaton Wash. As Pasadena drainage accounts for approximately 47.27% of the tributary area, almost half of the costs are borne by the City. Attachment A contains a map of the project area.

The Rio Hondo LRS identified 26 priority outfalls, 10 of which Pasadena contributes to, and as such would be partially or wholly responsible for mitigation. The original LRS report described 18 structural actions to mitigate the bacterial load; however, the revised implementation approach proposes to construct a total of three Regional Dry Weather Projects – one each at the mouth of Alhambra Wash, Rubio Wash, and Eaton Wash. These three regional projects will replace the structural actions previously proposed in the submitted March 2016 plan, and relieves Pasadena from contributing to the design and construction of 10 outfalls.

The LRS MOA directs the SGVCOG to: (a) administer this MOA; (b) retain and manage a consultant to prepare design plans and environmental documents for three regional projects; and (c) invoice and collect funds from the permittees to cover the cost of the consultants.

Under the direction of the permittees, SGVCOG will advertise and award a contract with a consultant to analyze the design concept and create construction plans; evaluate environmental clearance processes required; procure survey; conduct utility search and geotechnical studies; coordinate any necessary traffic control; and other design-related tasks. The City will have a representative on the consultant selection panel.

A breakdown of the costs anticipated is based on a not-to-exceed amount as follows:

<u>Item</u>	<u>City of Pasadena Share</u>	<u>Total Rio Hondo Cost</u>
Estimated Environmental & Design Costs	\$816,451	\$1,789,000
LRS Report Costs	\$15,717	\$33,250
SGVCOG Administration Fee	\$28,362	\$60,000
<b>Total</b>	<b>\$860,530</b>	<b>\$1,882,250</b>

Estimated design costs are based on Los Angeles County pricing for in-house design and environmental analysis. By utilizing a consultant, actual costs are anticipated to be less. LRS Report costs reimburse Los Angeles County for the cost of preparing the amendment and presenting the solution to the Regional Board.

Once a design is finalized, a separate MOA will be processed to address the construction costs, and operation and administration of the proposed LRS project. Construction costs are preliminarily anticipated to be in the \$6-8 million range, and 47.27% of these costs will be borne by the City of Pasadena.

#### **COUNCIL POLICY CONSIDERATION:**

The proposed action is consistent with the City Council's goal to increase conservation and sustainability and the General Plan Land Use policy to encourage and promote the stewardship of Pasadena's natural environment, including water conservation and the protection of water quality and natural open space.

**ENVIRONMENTAL ANALYSIS:**

The proposed action to approve the Memorandum of Agreement has been determined to be exempt from CEQA per Section 15308, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. The action proposed herein is to design Rio Hondo LRS project(s), and includes preparation of environmental documents and conduct the appropriate environmental review for each particular project. As the project will occur outside of the jurisdiction of the City of Pasadena, environmental determination will be completed by the appropriate agency.

**FISCAL IMPACT:**

The City's total share for the MOA is not to exceed \$860,530, with payments based on actual costs accrued across several fiscal years. The total cost of this action is \$900,000. Expenditures for FY 2019 are anticipated not to exceed \$600,000: funding for FY 2019 expenditures will be addressed by the utilization of Capital Improvement Project funding appropriated in the project "NPDES Rio Hondo Bacteria Load Reduction – Design Phase", funded by the Sewer Maintenance and Construction Fund.

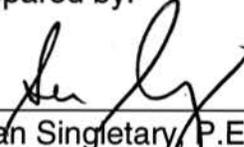
The following table represents a total cost summary.

Memorandum of Agreement	\$860,530
City Staff Administration	\$ 39,470
<b>Total Fiscal Impact</b>	<b>\$900,000</b>

Respectfully submitted,

  
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Prepared by:

  
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Approved by:

  
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Attachment A – Map of Rio Hondo Watershed