



AGENCY: City Council
MEETING DATE: March 11, 2019
DEPARTMENT: Public Works
PRESENTED BY: Chantell O'Neal
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AGENDA ITEM SUMMARY

TITLE: Receive Report and Provide Direction to Staff Regarding an Integrated Regional Water Management Grant Application for the Implementation of Stormwater Trash Capture Devices Using Special Street Sales Tax Money as Match Funding

ISSUE:

The City is planning to install a total of 12 high-flow capacity (HFC) stormwater trash capture devices in response to Water Code Section 13383 Order, issued by the State Water Board in 2017. The HFC devices will be installed inside of existing City storm drain infrastructure to capture and prevent trash from traveling via the storm drains to receiving waters. Trash in local watersheds presents an aesthetic nuisance to communities, and poses a serious threat to surface water quality if transported to local creeks, rivers, or the Pacific Ocean. City staff is proposing to install six (6) devices in the 2020/2021 FY. Installation of six (6) devices will remove trash from approximately 500 acres of watershed and has a total project cost of \$706,000. City staff is seeking direction regarding the use of special street sales tax to meet the 50% match requirements of the Integrated Regional Water Management grant proposal.

ANALYSIS:

The City of Fort Bragg is a designated Phase II Municipal Separate Storm Sewer System (MS4), regulated by the California State Water Resources Control Board (SWRCB). In June of 2017, the SWRCB began implementing Water Code Order Section 13383 requiring all Small MS4's to address the pervasive impacts trash has on waters of the state. All public storm drain systems throughout the entire State are legally required to install these devices. The Trash Provisions Order details a strategic planning process to capture 100% of trash runoff from priority land use areas using state certified trash capture devices.

The water quality objectives established by the trash provisions are mandated by the federal Clean Water Act, Section 303(c). The provisions of the order require the City to select and implement one of two compliance methods to capture 100% of trash runoff from priority land use areas. MS4's selecting Track 1 will install, operate, and maintain full capture systems for their storm drain network to achieve the established water quality standards for trash. MS4's selecting Track 2 will be required to achieve the same full capture results using a jurisdictionally designed monitoring program and a combination of controls of their choosing to obtain the same results. MS4s are required to garner 10% compliance each year over a 10-year period in order to meet the 100% trash capture requirement by December 2030.

The City of Fort Bragg has chosen to implement Track 1 controls and began the arduous task of identifying key points along the storm drain system where end of line large capture devices will be installed to intercept and remove trash from the runoff stream. After a

thorough cost analysis, City staff has determined that full capture can be achieved through the installation of 12 high-flow capacity devices at various locations throughout the City's MS4 area. The City is currently working on a grant application through the Integrated Regional Water Management (IRWM) Program funded by Proposition 1 money.

Prop 1 requires a minimum cost share of 50% of the total project cost. Applicants must demonstrate that a minimum of 50% of the total proposal costs will be paid for with non-State funds. Costs incurred after January 1, 2015 can be used as local cost share; in-kind services may also be used for local cost share. An applicant may request the local cost share requirement be waived or reduced for projects that directly benefit DACs ^[1] and/or EDAs ^[2]

The City of Fort Bragg is considered a Severely Economically Disadvantaged Community (SDAC): A community with an annual household income that is less than 60% of the statewide median household income (MHI). Thus, the City is eligible to request the cost share reduction or waiver. During the grant solicitation meetings, North Coast Resource Partnership (NCRP) staff indicated projects with adequately identified match will have the most complete advantage as they show the agencies commitment to project implementation. Match funding also allows for project scalability, which could make the difference between the City receiving some funds instead of none.

A variety of data suggests that plastic trash persists for potentially hundreds of years in the environment and can pose a threat to wildlife through ingestion, entrapment, as well as harboring chemicals harmful to the aquatic environment. Types of trash commonly observed in watersheds and water bodies include food and beverage containers, food packaging, cigarette butts, food waste, construction and landscaping materials, furniture, electronics, tires, and hazardous materials like paint and batteries. Certified HFC devices are designed to trap all particles that are 5 mm, (1/4-inch), or greater, have specified treatment capacity, and are designed to carry at least the same flows as, the corresponding storm drains.

Project Scope Overview:

- The HFC installed devices are being selected from a certified list of trash capture systems published by the SWRCB.
- This Project will install a total of six (6) new HFC units listed below and depicted in Map attachment 1.
 - Cypress Street between Mendocino Sports Club and the Mendocino Coast District Hospital - (one unit)
 - Minnesota Ave, last manhole in the City Limits - (one unit)
 - Elm Street, just prior to the entrance of the North Coastal Trail - (two units)
 - Hazel Street, at the South Franklin Street intersection - (one unit)
 - West Alder Street, just east of the Mill Site - (one unit)

- These HFC units will remove trash from a combined watershed of approximately 500 acres.
- The use of street tax dollars on drainage infrastructure is an allowable expenditure in accordance with State Controller guidelines for gas tax expenditures.

RECOMMENDED ACTION:

Approve the use of special street sales tax funds in the amount of \$353,000 as match funding for the IRWM grant application for the implementation of stormwater trash capture devices.

ALTERNATIVE ACTION(S):

Recommend alternate funding sources as match.

CONSISTENCY:

Restoration, maintenance, and repair of storm drain systems is often conceptually disconnected from roadway construction, when in fact road constructing maintenance goes well beyond the simple repair and replacement of blacktop. As an aid to better understand this relationship, staff examined the State Controller's *"Guidelines Relating to Gas Tax Expenditures for Cities and Counties"*. The State gas tax is spent on street maintenance and improvements not unlike the City's Street Sales tax. This guidance provides useful examples of relevant projects beyond simple asphalt replacement that could be determined appropriate for the expenditure of local street sales tax money. The guide breaks allowable expenses into four construction categories. 1) New construction; 2) Reconstruction; 3) Preventative Maintenance; and 4) 3R Work (resurfacing, restoration, and rehabilitation). Category 3, preventative maintenance includes restoration of drainage systems addition of culverts, repairing curb, gutter, rip-rap, underdrain, storm drains, and catch basins. This is a short list of roadway expenditures eligible for funding with gas tax money from the state fund sources like SB-1 Road Maintenance and Repair Account (RMRA) and Highway User Tax Accounts (HUTA). For consistency, these guidelines could be applied uniformly to the expenditures of local streets tax money as well.

Paved streets are the unfortunate and inevitable collectors of litter and trash as it is carried by the wind or storm water run-off. Roads become trash conveyance systems when rain carries debris down into the storm drain and out eventually into receiving waters. As Federal and State regulations that apply to storm drain systems become more stringent, and maintenance needs of storm drain systems, as they relate to roadway conditions, become more problematic, it will be necessary for street resources to be utilized to meet these requirements. Staff feels that the use of Street Sales tax funds are appropriate for this project.

FISCAL IMPACT:

City staff is proposing to install six (6) of the 12 devices in the 2020/2021 FY. This will allow the City to achieve 50% of trash capture requirements set forth by the SWRCB Order and provide additional time for Public Works Maintenance employees to gain direct experience using and maintaining the devices. Another six (6) devices will need to be installed between 2026 and 2029; so future considerations for covering this expense will be built into the Capital Improvement Program (CIP). As no storm drain enterprise currently exists, funding storm drain work with street sales tax is a reasonable and viable option in accordance with

the State Controllers guidance on spending gas tax money (both of which are collected for a similar purpose).

The total estimated cost for the contract to purchase and install six (6) devices is \$706,000. City staff is requesting a waiver of match funding requirements for the grant to cover the entire cost. However, it is recommended that a 50 % cost match be identified prior to seeking grant funding to increase the competitiveness of the grant application. The total amount needed to satisfy 50% match is \$353,000, staff is seeking approval for the uses of special street sales tax from Special Fund 250 to cover this portion of the project.

The City's five year CIP currently allocates \$2,000,000 for street repair and \$750,000 for alley rehab, where street and alley rehab projects are projected to alternate each year for the next few years. The Storm Water Trash Capture Device project will appear for the first time in the FY 2019/20 budget as a Capital Improvement Project. Should the cost share waiver not be approved by the IRWM grant and a local match required, then the requested funds for this project of \$353,000 would result in adjusting the rest of the street projects in the CIP budget in future fiscal years to absorb the reduction. This could be accomplished with revisions to streets projects in FY 2019/20 and/or FY 2020/21. Specific adjustments can be examined in greater detail during the upcoming annual budget process.

IMPLEMENTATION/TIMEFRAMES:

March 2019: NCRP Proposition 1 IRWM Project applications due

April 2019: North Coast Resource Partnership 2018/19 Project Review & Selection

July 2019: Regional applications due to Department of Water Resources (DWR) for the NCRP Proposition 1 IRWM Round 1 Implementation Project Grant

2020: Anticipated rollout of Proposition 1 IRWM funding

ATTACHMENTS:

1. Proposed Device Location Map
2. Example High-Flow Capacity Devices

NOTIFICATION:

Notify Me: Storm Water News List serve

References:

^[1] A DAC is defined by DWR as a community with an annual median household income that is less than 80% of the Statewide annual median household income. Severely Economically Disadvantaged Community (SDAC): A community with an annual household income that is less than 60% of the statewide MHI.

^[2] An EDA is an area with a state median household income between 80% and 85% of the statewide annual MHI. While the EDA definition is similar to the DAC definition in utilizing state MHI as a determining factor, it also includes other factors such as financial hardship, unemployment and population density.