



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JULY 5, 2022**

**FROM: PUBLIC WORKS DEPARTMENT** **WARDS: ALL**

**SUBJECT: STORMWATER TASK FORCE AGREEMENTS – THIRD AMENDMENT TO THE AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE, EXTENDING THE AGREEMENT TO JUNE 30, 2025, WITH THE OPTION FOR AN ADDITIONAL TWO YEARS – IN THE ESTIMATED ANNUAL AMOUNT OF \$32,082; SECOND AMENDMENT TO THE AGREEMENT TO FORM THE MIDDLE SANTA ANA RIVER TMDL TASK FORCE, EXTENDING THE AGREEMENT TO JUNE 30, 2027 – IN THE ESTIMATED ANNUAL AMOUNT OF \$12,155**

**ISSUE:**

Approve stormwater task force agreements for the City of Riverside to participate in the Lake Elsinore and Canyon Lake, and Middle Santa Ana River Watershed Total Maximum Daily Load Task Forces; Third Amendment to the Agreement to form the Lake Elsinore and Canyon Lake TMDL Task Force to extend the term to June 30, 2025, with an optional two-year extension, in the estimated annual amount of \$32,082; Second Amendment to the Agreement to form the Middle Santa Ana River TMDL Task Force, extending the agreement to June 30, 2027, in the estimated annual amount of \$12,155.

**RECOMMENDATIONS:**

That the City Council:

1. Approve the Third Amendment to the Agreement to form the Lake Elsinore and Canyon Lake Total Maximum Daily Load Task Force, extending the term to June 30, 2025 with an option to extend for one additional two-year term, in the annual amount of \$32,082;
2. Authorize the City Manager, or designee, to execute the Third Amendment to the Agreement to form the Lake Elsinore and Canyon Lake Total Maximum Daily Load Task Force including execution of the additional two-year extension and making minor and non-substantive changes as necessary;
3. Approve the Second Amendment to the Agreement to form the Middle Santa Ana River Total Maximum Daily Load Task Force, extending the agreement to June 30, 2027, in the annual amount of \$12,155; and
4. Authorize the City Manager, or designee, to execute the Second Amendment to the

Agreement to form the Middle Santa Ana River Total Maximum Daily Load Task Force including making minor and non-substantive changes as necessary.

**BACKGROUND:**

The City, along with fifteen other local agencies, is a “Co-Permittee” on an area-wide stormwater permit (Permit) issued by the Santa Ana Regional Water Quality Control Board. Each Co-Permittee owns and/or operates portions of the stormwater system through which urban runoff is discharged. The Permit approaches compliance from a regional perspective and, by and large, defines responsibilities collectively to the agencies discharging to the watersheds covered under the Permit. The City drains into the Middle Santa Ana River (MSAR) and San Jacinto Watershed.

Since 2001, the Public Works Department has worked with other stakeholders to develop the most cost-effective methods to accomplish Permit required tasks. In 2006 and 2007, formal watershed specific Task Forces were formed to pool resources and eliminate redundant efforts in accomplishing the tasks applicable to each. The City entered into agreements to form the Lake Elsinore-Canyon Lake (LE/CL) and MSAR Task Forces in August 2006 and April 2007, respectively. Those agreements first expired on July 9, 2013, and the Council approved Amendment No.1 to form the LE/CL Total Maximum Daily Load (TMDL) Task Force and the MSAR TMDL Task Force.

The LE/CL TMDL Task Force and MSAR TMDL Task Force expired again on June 30, 2017, and December 21, 2017, respectively. The Council approved Amendment No.2 to form the LE/CL TMDL Task Force and the MSAR TMDL Task Force.

The LE/CL TMDL Task Force and MSAR TMDL Task Force expire on June 30, 2022, and December 31, 2022, and it is now desired to amend those agreements to extend the terms. Table 1 below identifies the other stakeholders participating in each Task Force.

<b>Table 1: Task Force Agencies</b>	
<b>Lake Elsinore-Canyon Lake Task Force</b>	
California Department of Fish and Game (Wildlife)	Eastern Municipal Water District
California Department of Transportation	Elsinore Valley Municipal Water District
City of Beaumont	March Joint Powers Authority
City of Canyon Lake	Riverside County Flood Control and Water Conservation District
City of Hemet	
City of Lake Elsinore	Santa Ana Regional Water Quality Control Board
City of Menifee	
City of Moreno Valley	U.S. Air Force (March Air Reserve Base)
City of Murrieta	
City of Perris	Western Riverside County Agriculture Coalition (on behalf of the participating Dairy Operators and participating Agricultural Operators in the San Jacinto River Basin)
City of Riverside	
City of San Jacinto	
City of Wildomar	
County of Riverside	
<b>Middle Santa Ana River Watershed Task Force</b>	
City of Claremont	County of Riverside
City of Corona	Agricultural Operators (represented by Chino Basin Watermaster)
City of Eastvale	Riverside County Flood Control and Water Conservation District
City of Jurupa Valley	San Bernardino County Flood Control District

City of Norco	Santa Ana Regional Water Quality Control Board
City of Pomona	Santa Ana Watershed Project Authority
City of Riverside	Riverside County Flood Control and Water Conservation District

## **DISCUSSION:**

Staff recommends that the City continue its participation in these Task Forces to collectively address compliance obligations and reduce costs through shared resources. The City has the right to withdraw from either Task Force at any time upon sixty (60) days' written notice.

### *San Jacinto Watershed*

Approximately 500 acres of the Orangecrest Neighborhood drain into the San Jacinto Watershed, which ultimately discharges to Canyon Lake and Lake Elsinore. Canyon Lake and Lake Elsinore are both impaired for nutrients.

The total proposed budget for FY 22-23 (Attachment 6) is \$901,951, of which the City's anticipated share is \$32,082. The cost allocation amongst the agencies is determined through a pro-rata cost share formula based upon the extent of each agency's individual compliance obligation. The Third Amendment to the Agreement to form the Lake Elsinore and Canyon Lake TMDL Task Force will extend the 2017 agreement through June 30, 2025, and can be extended for an additional two years, to June 30, 2027, by administrative action taken by the Task Force Administrator.

### *Middle Santa Ana River Watershed*

The Middle Santa Ana River Watershed covers approximately 488 square miles and lies largely in the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The City's Water Quality Control Plant and portions of the storm drain system discharge to this segment of the SAR along with other upstream agencies. Reach 3 of the MSAR is impaired for pathogens.

The total proposed budget for FY 2022-23 (Attachment 10) is \$230,939 of which the City's anticipated share is \$12,155. The cost allocation amongst the agencies is determined through a pro-rata cost share formula based upon the extent of each agency's individual compliance obligation. The Second Amendment to the Agreement to Form the Middle Santa Ana River TMDL Task Force will extend the 2017 agreement through June 30, 2027. Riverside is transparent in supportive services regarding policy.

These amendments are in compliance with Purchasing Resolution No. 23812, Section 702(w), which states, "Competitive Procurement through the Informal Procurement and Formal Procurement process shall not be required in any of the following circumstances:...(w) When approved by the Manager, Services not subject to the bidding requirements of Section 1109 of the City Charter, which are of such a nature that suitable technical or performance specifications describing them are not readily available and cannot be developed in a timely manner to meet the needs of the City, in which case the Manager shall be authorized to negotiate with any Person or Persons for the Procurement thereof upon the price, terms and conditions need by the Manger to be in the best interest of the City and in doing so may utilize Informal Procurement or Negotiated Procurement process".

The Purchasing Manager concurs that the recommendations to approve the amendments are in compliance with Purchasing Resolution No. 23812.

## **STRATEGIC PLAN ALIGNMENT:**

The program described in this report supports **Strategic Priority 4 – Environmental Stewardship** and **goal 4.2** - Sustainably manage local water resources to maximize reliability and advance water reuse to ensure safe, reliable and affordable water to our community.

Participation in the MSAR and LE/CL TMDL task force groups aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Participating in the TMDL task force groups serves the public interest, supports clean water in the community, and ensures beneficial recreational uses for the community. Water quality solutions are developed and executed so that the region’s water resources are clean and available for current and future generations to enjoy.
2. **Equity** – This program supports clean water throughout the City, ensuring that all residents can enjoy the beneficial recreational uses of local waterways.
3. **Fiscal Responsibility** –The TMDL task force groups use a collaborative approach to watershed management. This group effort distributes the costs amongst several agencies, therefore reducing costs. Resources are allocated on a risk-reduction priority basis in order to achieve compliance where it will provide the greatest improvement.
4. **Innovation** – The proposed approval of the agreements will continue the efforts in improving water quality in both watersheds. These efforts are meant to meet the community’s changing needs and prepares for the future through collaborative partnerships and adaptive processes.
5. **Sustainability & Resiliency** – Locations throughout the watershed have seen reductions in pollutant loads since the implementation of the TMDL task forces. Participation in the TMDL task force groups allows the City to work collaboratively to achieve an accessible and sustainable watershed.

## **FISCAL IMPACT:**

The total fiscal impact of this action is estimated at \$44,237 annually, or \$157,021 over the term of the agreements. Sufficient funds for Fiscal Years 2022/23 and 2023/24 are budgeted and available in the NPDES Storm Drain Fund, Public Works NPDES Urban Run-off, Total Max Daily Load LECL account no. 4140200-450374, and Total Max Daily Load MSAR account number 4140200-450375. Appropriations for future fiscal years will be included in the Public Works Department’s budget submission and will be presented to the City Council for approval.

Prepared by: Gilbert Hernandez, Public Works Director  
Certified as to  
availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/Treasurer  
Approved by: Kris Martinez, Assistant City Manager  
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Map — Middle Santa Ana River and San Jacinto Watersheds
2. 2013 Agreement to Form the LE/CL TMDL Task Force
3. Amendment 1 to the 2013 Agreement to Form the LE/CL TMDL Task Force
4. Amendment 2 to the 2013 Agreement to Form the LE/CL TMDL Task Force
5. Amendment 3 to the 2013 Agreement to Form the LE/CL TMDL Task Force
6. Approved FY 2022-23 Lake Elsinore & Canyon Lake TMDL Task Force Budget
7. 2013 Agreement to Form the MSAR TMDL Task Force
8. Amendment 1 to the 2013 Agreement to Form the MSAR TMDL Task Force
9. Amendment 2 to the 2013 Agreement to Form the MSAR TMDL Task Force
10. Approved FY 2022-23 Budget Middle Santa Ana River Pathogen TMDL Task Force