



City of Culver City

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Staff Report Details (With Text)

File #: 22-1132 **Version:** 1 **Name:** 1) Approval of a Memorandum of Understanding (MOU) with the City of Beverly Hills to Fund Operations & Maintenance of the Culver Boulevard Stormwater Filtration/Retention Regional Project; and (2) FOUR-FIFTHS VOTE REQUIREMENT: Approval of a Related Budget

Type: Minute Order **Status:** Consent Agenda

File created: 6/6/2022 **In control:** City Council Meeting Agenda

On agenda: 6/27/2022 **Final action:**

Title: CC - CONSENT ITEM -Approval of a Memorandum of Understanding (MOU) with the City of Beverly Hills to Fund Operations & Maintenance of the Culver Boulevard Stormwater Filtration/Retention Regional Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2022-06-27-ATT - BH Culver City MOU Agreement-Final

Date	Ver.	Action By	Action	Result
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CC - CONSENT ITEM -Approval of a Memorandum of Understanding (MOU) with the City of Beverly Hills to Fund Operations & Maintenance of the Culver Boulevard Stormwater Filtration/Retention Regional Project.

Meeting Date: June 27, 2022

Contact Person/Dept: Sean Singletary/Public Works - EPO
Phone Number: 310-253-6457

Fiscal Impact: Yes ☒ No ☐ **General Fund:** Yes ☐ No ☒

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒

Public Notification: (E-Mail) Meetings and Agendas: (06/22/2022)

Department Approval: Yanni Demitri, Public Works Director/City Engineer (06/06/2022)

RECOMMENDATION

Staff recommends the City Council approve a Memorandum of Understanding (MOU) with the City of Beverly Hills to fund operations and maintenance of the Culver Boulevard Stormwater Filtration/Retention Regional Project.

BACKGROUND/DISCUSSION

The City's discharge of urban and stormwater runoff through its Municipal Separate Storm Sewer System (MS4) is regulated by the Federal Clean Water Act (CWA), and the State implementation law known as the Porter-Cologne Act. The current MS4 Permit issued by the Los Angeles Regional Water Quality Control Board ("Regional Board") allows permittees, including the City, to meet water quality standards under the CWA by implementing Watershed Management Programs (WMPs) or Enhanced Watershed Management Programs, which are technical planning documents that use Low Impact Development (LID), green streets and regional projects that capture and treat urban runoff. The Cities of Culver City and Beverly Hills are members of the Ballona Creek Watershed Management Group (BC-WMG) which developed the Ballona Creek Enhanced Watershed Management Program (BC-EWMP) that formulated each member's compliance strategies and milestones.

The Culver Boulevard Stormwater Filtration and Retention Project is a signature regional project identified in the BC-EWMP. The project is designed to treat 796 acres of drainage area and capture and treat 19.5 acre-ft. of runoff per rain event. During the design phase, it was determined that Culver City will need 13.1 acre-ft. of capacity to capture and treat its tributary drainage area, leaving 6.4 acre-ft. in excess capacity available for credit trading for compliance. The project design includes diversion structures, pre-treatment units, underground storage facility and treatment systems, and a re-use irrigation system for landscape. The project was completed in May 2022.

The City approached Beverly Hills about collaborating on the construction phase of this project after the City of Los Angeles de-committed due to lack of funding. This partnership will involve a novel concept of cost-sharing to obtain compliance credits for municipalities that do not drain urban run-off directly into the project area. In addition to compliance credit, this opportunity is precedent-setting in that it promotes inter-agency collaboration to meet regional stormwater compliance requirements. This is the first interagency collaboration for which the Regional Board has granted compliance credit to a city that does not drain to a regional project because the Board recognized the water quality benefits to the entire Ballona Creek watershed.

Culver City and the City of Beverly Hills presented this concept to the Regional Board, asking whether the Regional Board would approve Beverly Hills receiving the compliance credit originally designated for the City of Los Angeles. In 2018, the Regional Board provided a letter to Beverly Hills and Culver City expressing its willingness to provide such compliance credit to Beverly Hills. More recently, the Regional Board stated that it will provide the compliance credit by approving an amendment of the BC-EWMP so that it reflects the shift of BMP capacities between the cities of Los Angeles and Beverly Hills.

On October 26, 2020, Council approved a construction-related MOU between Beverly Hills and Culver City that included payment terms, a formula to calculate compliance credit and submittal of a BC-EWMP amendment to the Regional Board for approval that would have Beverly Hills replace Los Angeles as a project partner and amend BMP capacity responsibilities for Los Angeles and Beverly Hills. Beverly Hills has paid the \$3,500,000 contribution toward the construction phase of the project that this MOU dictated. That agreement dictated that a separate MOU for Operations and Maintenance costs would be submitted later.

The expected functional life of the Project is estimated at 50 years. Culver City and Beverly Hills will have a proportional cost-sharing responsibility for maintenance, with Beverly Hills' share being 23%, based on their 4.4 acre feet structural BMP capacity. City Council approved a contract on January 10, 2022 with Downstream Technologies, Inc. to perform maintenance of the Culver Boulevard Stormwater Facility. Both agencies have collaborated on an MOU defining the terms of Beverly Hills' contribution, which will not exceed \$230,000 over the four-year term of the MOU. The four-year term matches the current operations and maintenance contract, and a successor MOU will be approved at a later date.

Once the MOU is approved by both agencies, Culver City will invoice Beverly Hills on a quarterly basis for 23% of the operations and maintenance costs.

FISCAL ANALYSIS

Sufficient funding for operations and maintenance of the Culver Boulevard Stormwater Facility has been included in the Proposed Budget for Fiscal Year 2022/2023 in Account 434.8000.730100.PZ497 - Stormwater MS4 Permit Compliance Program. Offsetting revenue for Beverly Hills' participation in the Culver Boulevard Stormwater Filtration and Retention Project will be included at midyear for Fiscal Year 2022/2023 and in future budgets.

ATTACHMENTS

1. 2022-06-27-ATT - BH Culver City OM Agreement-Final

MOTION

That the City Council:

1. Approve a Memorandum of Understanding (MOU) with the City of Beverly Hills to fund operations and maintenance of the Culver Boulevard Stormwater Filtration/Retention Regional Project; and
2. Authorize the City Attorney to review/prepare the necessary documents; and
3. Authorize the City Manager to execute such documents on behalf of the City.