

Legislation Text

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PREPARED BY: AMANDA BOOTH

DATE OF MEETING: 04/01/19

SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING THE STORMWATER UTILITY ASSESSMENT RATE FOR FY 2019/20 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

FY 2019-21 Council Priority Workplan Compliance Statement

Infrastructure: Enhance Community Resilience - (202) Develop Long-Term Environmental Stewardship Goals is an adopted policy item under the adopted FY 2019-21 Council Priority Workplan, effective March 1, 2019.

CEQA Compliance Statement

Establishing the Stormwater Utility Assessment (SUA) does not trigger CEQA since it is not a project per Section 15378. This section of the CEQA Guidelines states that a project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

BACKGROUND

As a result of amendments to the Federal Clean Water Act, the Environmental Protection Agency was given the authority to regulate stormwater discharges from municipal storm drains under the National Pollutant Discharge Elimination System (NPDES) regulations. In California, the NPDES permit is administered by Regional Water Quality Control Boards. The San Francisco Regional Water Quality Control Board (Board) is the local authority for most of Contra Costa County.

The Bay Area wide NPDES permit is jointly held by San Pablo and other public agencies in Contra Costa, Alameda, Santa Clara, and San Mateo Counties, and the cities of Fairfield, Suisun, and Vallejo. The objective of the permit is to improve the water quality of the San Francisco Bay through reduction and/or elimination of pollutants that drain from the watershed. Permit implementation is funded by the SUA. A new resolution is required to formally establish the stormwater utility assessment rate each year.

Annual assessment fees are collected as part of the annual property tax collection. The methodology used to determine stormwater fees is based upon parcel area and the amount of impervious surface

on each parcel. This methodology, developed by the Contra Costa County Flood Control District, assigns a certain number of Equivalent Runoff Units (ERUs) for each type of zoned parcel.

The majority of residential parcels in San Pablo are assessed on a basis of 0.7 ERUs per parcel, which applies to lots less than 5,000 square feet in size; lots above this size but below 20,000 square feet have a basis of 1.0 ERU. The ERU rating for other land uses is determined by calculating the number of ERUs on a per acre basis. As an example, based on the amount of impervious surface generally found on commercial properties, the assessments for parcels zoned commercial are set at 12 ERUs per acre.

The Contra Costa County Flood Control District has calculated the total number of ERUs for the City of San Pablo. The total ERU count for fiscal year 2018/19 is listed at 9,363. It is estimated that the ERU count for Fiscal Year 2019/20 will be similar. To obtain the total assessments available for the NPDES program, this number is multiplied by the City's SUA rate.

Each city within the County program is required to adopt a resolution annually indicating their intent to levy assessments and the SUA rate to be utilized to fund each local jurisdiction's NPDES activities. The City Council adopted Resolution 2018-036 for Fiscal Year 2018/19 approving a SUA rate of \$45 and generating \$421,373 in revenue for the program. The \$45 assessment rate is the maximum rate authorized by Resolution 93-21. Staff is recommending adoption of the resolution to set the assessment rate at \$45.

The mission of the San Pablo NPDES program is to efficiently utilize available funding to reduce stormwater pollution and effectively maintain public storm drain facilities. The program's activities are performed in accordance with NPDES Permit requirements. The City of San Pablo's NPDES program includes the following activities:

- inspections of the City's three creeks and of the storm drain systems;
- monitoring, documentation, and cleanup of trash "hot spots";
- maintenance and monitoring of trash capture devices at key storm drain inlet(s);
- cleaning and maintenance of City-owned storm drain systems;
- annual creek cleanups on Wildcat and San Pablo Creeks (Rheem Creek is maintained by the County);
- annual inspections of automotive service and restaurant facilities for proper materials and hazardous waste handling;
- educational and community outreach activities, such as the annual Wildcat Creek Cleanup, information booths at city-sponsored events, volunteer work days at creek sites, in-classroom presentations on pollution prevention, and distribution of educational materials (brochures, coloring books, etc.);
- inspections of construction sites for compliance with permit requirements addressing runoff, erosion, and pollution;
- review of developer plans for handling of stormwater runoff;
- reduction of City use of pesticides and herbicides;
- investigation and enforcement of illegal dumping;
- development and implementation of the City's Green Infrastructure Plan;
- participation on Contra Costa Clean Water Program committees and regional permit activities (water monitoring and pollutant identification/remediation); and
- submittal of an Annual Report to the Water Board which summarizes NPDES activities for the

fiscal year.

FISCAL IMPACT

The proposed \$45 per parcel ERU rate for FY 2019/20 is the same rate as that adopted for FY 2018/19-hence, no new revenues will be generated. The fee has been \$45 per parcel for the past eight years. The City anticipates receiving approximately \$421,373 in FY 2019/20. Revenues collected through this program fund part of the budgeted Environmental Program activities (Fund 255). The General Fund covers the remainder of the program costs.