

DATE: July 20, 2020

TO: RMC Governing Board

FROM: Sally Gee, Project Analyst II

THROUGH: Mark Stanley, Executive Officer

SUBJECT: Item 9: Consideration of a resolution approving a grant amendment to the City of Long Beach for the Municipal Urban Stormwater Treatment (LB-MUST) Project (RMC 17009)

RECOMMENDATION: That the RMC Board approve a grant amendment to the City of Long Beach for the Municipal Urban Stormwater Treatment (LB-MUST) Project (RMC 17009).

PROJECT DESCRIPTION:

Exhibit A – Extension Request Letter
 Exhibit B – Revised Timeline

This grant amendment request from the City of Long Beach extends grant funds from December 30, 2020 to December 31, 2022 (see Exhibit A). The project experienced delays due to issues vacating an existing business tenant on the project site. Earlier this year, the City was able to negotiate an agreement with the tenant to vacate the property by the end of this calendar year. The designs for the wetlands will be completed by the end of this year, and this extension will allow the City to complete the construction of the wetlands and other nature-based components of the project. The updated project timeline and expenditures is attached as Exhibit B, with demolition and construction set to begin in early 2021.

BACKGROUND: The City's Municipal Urban Stormwater Treatment (LB-MUST) Facility is a stormwater treatment facility and a system of conveyances that will improve water quality of the Los Angeles River and Long Beach Harbor by diverting and treating dry weather runoff and first flush of stormwater runoff that would otherwise discharge directly into the Los Angeles River. The proposed site for the facility is in the south-west region of Long Beach, south of Shoemaker Bridge, within Cesar Chavez Park. The City of Long Beach is situated at the confluence of the LA River watershed, which has a footprint of approximately 1,610 square miles. Runoff from this large tributary area empties into the LA River, to the Long Beach Harbor, and ultimately into the Pacific Ocean. The runoff carries contaminants, such as heavy metals, oil and grease, into receiving waterways where they can impact water quality. The proposed site optimizes existing tributary systems and is in close proximity to the LA River.

Additionally, the City plans to expand public open space in the region by creating new wetlands habitat in Cesar Chavez/ Drake Park. The wetland habitat will be developed from a storage/polishing pond that implements biofiltration as the final step in the treatment process of the LB-MUST Facility. The recycled water will be used to create and sustain the wetlands and will also be used in place of potable water for irrigation in the park. There is a large potential for the treated water to support additional urban greening along the Lower LA River and Interstate 710, which is part of the West Long Beach disadvantaged community livability plan.

The implementation of this facility is multi-beneficial by improving water quality for aquatic life and recreational beach activities, increasing open space, and increasing water supply and storage in the region. This project aims to achieve the three core objectives of wetlands restoration, water quality compliance, and reduction of potable water use. Furthermore, the LB-MUST is in line with the City's Sustainable City Action Plan and will provide a variety of neighborhood benefits by enhancing urban nature.

FISCAL INFORMATION: This amendment does not change to total amount of Proposition 1 grant funds awarded to the City of Long Beach. A total of \$2,000,000 was initially authorized through RMC Board Resolution 2016-23.

Funding for this project is allocated from the following:

Proposition 1, Chapter 188, Statutes of 2014
Water Quality, Supply, and Infrastructure Improvement Act of 2014 allocations, Chapter 6 under statute:

79735 (a) of the funds authorized by Section 79730, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, for projects to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048, and its tributaries pursuant to Division 22.8 (commencing with Section 32600) of, and Division 23 (commencing with Section 33000) of, the Public Resources Code and Section 79508.

LEGISLATIVE AUTHORITY AND RMC ADOPTED POLICIES/AUTHORITIES:

Public Resources Code Division 22.8 provides in part that:

Section 32602: There is in the Resources Agency, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, which is created as a state agency for the following purposes:

- (a) To acquire and manage public lands within the Lower Los Angeles River and San Gabriel River watersheds, and to provide open-space, low-impact recreational and educational uses, water conservation, watershed improvement, wildlife and habitat restoration and protection, and watershed improvement within the territory.
- (b) To preserve the San Gabriel River and the Lower Los Angeles River consistent with existing and adopted river and flood control projects for the protection of life and property.
- (c) To acquire open-space lands within the territory of the conservancy.

Section 32604: The conservancy shall do all of the following:

- (a) Establish policies and priorities for the conservancy regarding the San Gabriel River and the Lower Los Angeles River, and their watersheds, and conduct any necessary planning activities, in accordance with the purposes set forth in Section 32602.
- (b) Approve conservancy funded projects that advance the policies and priorities set forth in Section 32602.
- (d) To provide for the public's enjoyment and enhancement of recreational and educational experiences on public lands in the San Gabriel Watershed and Lower Los Angeles River,

and the San Gabriel Mountains in a manner consistent with the protection of lands and resources in those watersheds.

Section 32614: The conservancy may do all of the following:

- (b) Enter into contracts with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties, and enter into a joint powers agreement with a public agency, in furtherance of the purposes set forth in Section 32602.
- (e) Enter into any other agreement with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties for the purposes set forth in Section 32602.
- (f) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs and assist with construction projects and the maintenance of parkway facilities.

Further, Section 32614 provides that: The conservancy may do all of the following:

- (g) Undertake, within the territory, site improvement projects, regulate public access, and revegetate and otherwise rehabilitate degraded areas, in consultation with any other public agency with appropriate jurisdiction and expertise, in accordance with the purposes set forth in Section 32602. The conservancy may also, within the territory, upgrade deteriorating facilities and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resources projection. The conservancy may undertake those projects by itself or in conjunction with another local agency; however, the conservancy shall provide overall coordination of those projects by setting priorities for the projects and by ensuring a uniform approach to projects. The conservancy may undertake those projects with prior notification to the legislative body of the local agency that has jurisdiction in the area in which the conservancy proposes to undertake that activity.

Section 32614.5:

- (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.
- (b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:
 - (1) The purchase price of any interest in land acquired by the nonprofit organization may not exceed fair market value as established by an appraisal approved by the conservancy.
 - (2) The conservancy approves the terms under which the interest in land is acquired.
 - (3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.
 - (4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the state.
 - (5) The state shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.
 - (6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

- (c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executor interest or right of entry on the part of the state.

RMC Resolution 2015-19 approved guidelines consistent with the Proposition 1 bond language; RMC Resolution 2016-05 approved review of forty-four grant applications submitted for the Rivers and Mountains Conservancy Proposition 1 Grant Program; RMC Resolution 2016-13 approved the RMC Proposition 1 (2015) Tier 1 and Tier 2 Grant Recommendations; RMC Resolution 2016-23 approved the RMC Proposition 1 Grant Program (2015) Tier 1 and Tier 2 Grant Recommendations and authorized grant distributions of \$20,261,564; RMC Resolution 2018-19 approved a grant extension from May 31, 2018 to December 30, 2020.

June 18, 2020

Mr. Mark Stanley
Executive Officer
State of California, Rivers and Mountains Conservancy
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702

Subject: Request for Extension of Performance Period for State of California, Rivers
Mountains Conservancy (RMC) Agreement Number RMC17009

Dear Mr. Stanley:

The City of Long Beach (COLB) requests extension of the performance period for State of California, Rivers Mountains Conservancy (RMC) agreement Number RMC17009.

On September 26, 2016, the RMC Board approved a resolution authorizing a Proposition 1 (Water Bond) Tier 1 grant allocation of \$2 million to the Long Beach Municipal Urban Stormwater Treatment (LB-MUST) project. Following the approval, a grant agreement was signed by COLB and the RMC on April 10, 2017 and June 19, 2017, respectively.

Per the original agreement, the performance period was from January 23, 2017 through May 31, 2018. A first amendment to the grant agreement was signed by COLB and the RMC on November 12, 2018 and November 14, 2018, respectively. The first amendment extended the performance period from May 31, 2018 to December 30, 2018.

Based on our revised schedule (see attachment), we request an additional extension of the performance period to be extended through December 31, 2022 to increase the time period for the construction of the wetlands.

If you have any questions, or require additional information, please contact Alvin Papa, City Engineer, at (562)570-6386. Thank you.

Respectfully,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

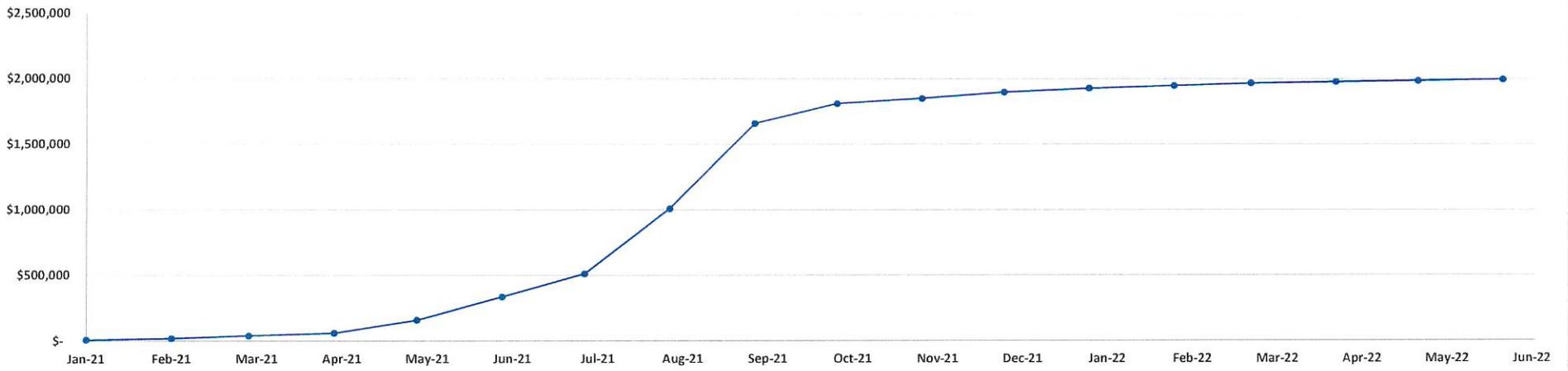
Cc: Sally Gee, Project Analyst, RMC
Tom Modica, City Manager
Melissa You, Stormwater/Environmental Compliance Officer
Alvin Papa, City Engineer



Work Plan - Budget/Expenditure Tracking

LB-MUST WETLANDS EXPENDITURE	2021												2022					
	FY 2020-21 Q2			FY 2020-21 Q3			FY 2020-21 Q4			FY 2021-22 Q1			FY 2021-22 Q2			FY 2021-22 Q3		
	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Phase	Bid/Award/Demolition			Construction						Landscaping and Establishment								
Planned Quarterly Expenditure	\$ 10,000	\$ 10,000	\$ 20,000	\$ 20,000	\$ 100,000	\$ 175,000	\$ 175,000	\$ 500,000	\$ 650,000	\$ 150,000	\$ 40,000	\$ 50,000	\$ 30,000	\$ 20,000	\$ 20,000	\$ 10,000	\$ 10,000	\$ 10,000
Planned Cumulative Expenditure	\$ 10,000	\$ 20,000	\$ 40,000	\$ 60,000	\$ 160,000	\$ 335,000	\$ 510,000	\$ 1,010,000	\$ 1,660,000	\$ 1,810,000	\$ 1,850,000	\$ 1,900,000	\$ 1,930,000	\$ 1,950,000	\$ 1,970,000	\$ 1,980,000	\$ 1,990,000	\$ 2,000,000

LB-MUST Wetlands Planned Cumulative Expenditure



6/18/2020 C.Averill

July 20, 2020 – Item 9

RESOLUTION 2020-27

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES
RIVERS AND MOUNTAINS CONSERVANCY (RMC) APPROVING A
GRANT AMENDMENT TO THE CITY OF LONG BEACH FOR THE
MUNICIPAL URBAN STORMWATER TREATMENT (LB-MUST)
PROJECT (RMC 17009)

WHEREAS, The legislature has found and declared that the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, Puente Hills, and San Jose Hills constitute a unique and important open space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations; and

WHEREAS, The people of the State of California have enacted the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”) and

WHEREAS, the State of California has authorized an expenditure of funds from Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for capital outlay and local assistance multi-benefit grants for ecosystem and watershed protection and restoration projects; and

WHEREAS, The RMC may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of Division 22.8 the Public Resources Code; and

WHEREAS, The proposed project meets an objective of the California Water Action Plan for more reliable water supplies, restoration of important species and habitat, more resilient and sustainably managed water infrastructure; and

WHEREAS, The proposed project meets the goals of reducing greenhouse gas emissions consistent with AB 32; and

WHEREAS, The proposed project is consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan; and

WHEREAS, The proposed project protects land and water resources; and

WHEREAS, The grantee has requested a grant from Proposition 1, Section 79731 (f) or Section 79735 (a) of the Water Code; and

WHEREAS, This action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW

Therefore be it resolved that the RMC hereby:

- 1 FINDS that this action is consistent with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Act and is necessary to carry out the purposes and objectives of Division 22.8 of the Public Resources Code.
- 2 FINDS that the Proposition 1 RMC Grant Program is consistent with the Water Quality, Supply, and Infrastructure Improvement Act of 2014 ("Proposition 1"), which provides funds for the RMC grant program.
- 3 FINDS the proposed project meets at least one of the purposes of Proposition 1.
- 4 FINDS the proposed project meets at least one of the three objectives of the California Water Action Plan.
- 5 FINDS that the proposed action is consistent with the San Gabriel and Lower San Gabriel and Los Angeles River Watershed and Open Space Plan as adopted by the Rivers and Mountains Conservancy;
- 6 FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
- 7 ADOPTS the staff report dated July 20, 2020.
- 8 APPROVES a grant amendment to the City of Long Beach for the Municipal Urban Stormwater Treatment (LB-MUST) Project (RMC 19003), extending the timeline from December 30, 2020 to December 31, 2022.

~ End of Resolution ~

Passed and Adopted by the Board of the
SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS
CONSERVANCY on July 20, 2020.

Motion _____ Second: _____

Ayes: _____ Nays: _____ Abstentions: _____

Frank Colonna, Chair

ATTEST: _____
David Edsall, Jr.
Deputy Attorney General