



City of East Palo Alto Proposition 1E IRWM Stormwater Flood Management Grant Application Runnymede Storm Drain Phase II and O'Connor Pump Station Outfall Project

Attachment 1 – Authorization and Eligibility Requirements

Attachment 1 is mandatory and consists of authorization and eligibility documentation including the Urban Water Management Planning Act Compliance, CWC §525 compliance, GWMP Compliance, and IRWM Plan consistency. Self-certification documents must be completed and included in Attachment 10 (where applicable) for CWC §525, AB 1420, and GWMP compliance. In Attachment 1, please provide the following items:

Authorizing Documentation: The applicant must provide a resolution adopted by the applicant's governing body designating an authorized representative to submit the application and execute an agreement with the State of California for a SWFM Grant. The following text box provides an example resolution.

Eligible Applicant Documentation – Eligible applicants are local public agencies or non-profit organizations. If DWR determines that the applicant does not have the authority to enter into a grant agreement with the State, the applicant will not be eligible for funding and the application will not be reviewed. The applicant must provide a written statement containing the appropriate information outlined below:

Local Public Agencies

- Is the applicant a local agency as defined in Appendix B of the 2012 Guidelines? Please explain.
- What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?
- Does the applicant have legal authority to enter into a grant agreement with the State of California?
- Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.

Non-Profit Organizations

- Is the applicant a non-profit organization as defined in Appendix B of the 2012 Guidelines? Please explain.
- Does the applicant have legal authority to enter into a grant agreement with the State of California?
- Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.
- Include a copy of the certificate of incorporation for the organization.

GWMP Compliance – For groundwater projects or other projects that directly affect groundwater levels or quality, the applicant or the participating agency responsible for such projects must provide in Attachment 1 the following, as applicable:

- If the Proposal does not contain a groundwater project or other projects that directly affect groundwater levels or quality, either positively or negative, so indicate, and include in Attachment 1 the justification for such a conclusion.
- Identification of groundwater projects or other projects in the Proposal that directly affect groundwater levels or quality.
- The agency(ies) that will implement such project(s).
- The status of the applicable GWMP compliance option as described below:
 - The applicant or participating agency has prepared and implemented a GWMP that is in compliance with CWC §10753.7.
 - The applicant or participating agency consents to be subject to a GWMP, basin-wide management plan, or other IRWM program or plan that meets the requirements of CWC §10753.7.
 - The applicant or participating agency conforms to the requirements of an adjudication of water rights in the subject groundwater basin.
 - The applicant or participating agency is in the process of revising the GWMP to be compliant with CWC §10753. In which case, Attachment 1 must state the estimated date for adoption, which must be within one-year of application due date (see the Schedule in Table 1).

Project Consistency with an adopted IRWM Plan – Consistency with the adopted IRWM Plan means either the project is included as an implementation project in the IRWM Plan, or the project has been added to the IRWM Plan after adoption, but in accordance with the procedures in the adopted IRWM Plan. In Attachment 1, the applicant must provide a listing of projects proposed for funding and how those projects are consistent with the adopted IRWM Plan. In cases where the project has been added post adoption, please discuss how the addition of the project(s) was consistent with the procedures established in the adopted IRWM Plan. Applicant must provide documentation indicating that project(s) added post adoption were vetted by the IRWM group. Meeting minutes and/or project approval letters from the IRWM group are considered acceptable documentation for submittal.



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Authorizing Documentation

Exhibit 1-1 is the resolution to be adopted on 19 February 2013 by the City Council of the City of East Palo Alto authorizing the Manager, or her designee, to submit an application to obtain Stormwater Flood Management Grant funding to the California Department of Water Resources (DWR).

Eligible Applicant Documentation

The discussion below substantiates that the applicant is a public agency as required by the Integrated Regional Water Management Program Guidelines (Guidelines).

1. *Is the applicant a local agency as defined in Appendix B of the Guidelines? Please explain.*

Appendix B of the 2012 Guidelines defines a local agency as “any city, county, city and county, special district, joint powers authority, or other political subdivision of the State, a public utility as defined in Sections 216 of the Public Utilities Code, or a mutual water company as defined in §2725 of the Public Utilities Code (CWC §10535).” The applicant, the City of East Palo Alto (City), is a local agency under this definition.

2. *What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?*

The California Constitution establishes the legal authority of a City. On 5 July 1983, the City of East Palo Alto was incorporated as a general law city in San Mateo County.

3. *Does the applicant have legal authority to enter into a grant agreement with the State of California?*

The City of East Palo Alto has the requisite legal authority to enter into a grant agreement with the State of California, as cited in the 19 February 2013 resolution, which is attached as Exhibit 1-1.

4. *Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.*

The City has entered into a funding agreement with the United States Environmental Protection Agency (USEPA). The USEPA will provide \$859,555, or approximately 56% of the total project costs, in Federal grant funds to applicable City of East Palo Alto projects completed after September 30, 2008.

GWMP Compliance

The Runnymede Storm Drain Phase II and O'Connor Pump Station Outfall Project (Runnymede Phase II) does not contain a groundwater project nor does it directly affect groundwater levels or quality, therefore does not require preparation of a Groundwater Management Plan (GWMP). The Project primarily focuses on flood water, with goals of preventing damage caused by stormwater flooding, improving public health, , and restoring local ecosystems. The minimal groundwater benefits of this project include percolation from the O'Connor Pond, where stormwater is retained until it is pumped into San Francisquito Creek via the O'Connor Pump Station.



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Consistency with an Adopted IRWM Plan

The Bay Area Integrated Regional Water Management Plan (BAIRWM Plan) includes collaboration from nine-counties surrounding the San Francisco Bay. In 2006, the BAIRWM Plan was finalized. The BAIRWM Group is currently hosting workshops to complete the 2013 Update to the BAIRWM Plan. The Runnymede Phase II project has been submitted for inclusion in the BAIRWM Plan. The BAIRWM Plan workshops will include analysis of a suite of projects, including stormwater conveyance system projects such as the Runnymede Phase II project. The 2013 Update to the BAIRWM Plan will complete activities to select projects for inclusion in the Plan, prepare the IRWM Plan document, adopt the IRWM Plan, and appropriately document the final 2013 update. Once the BAIRWM Plan is finalized, the City of East Palo Alto will adopt the plan and appropriate documentation will be submitted to Department of Water Resources.

The process for adding projects to the BAIRWM Plan is detailed in Appendix G of the Plan, which is illustrated in Exhibit 1-2: Bay Area IRWMP Project Process.

The BAIRWM Plan's Vision is "working together to enhance sustainable water resources management to support a high quality of life in the Bay Area" (BAIRWM Plan, 2006). In order to achieve this vision, the Plan established four management areas, including Flood Protection and Stormwater Management (FP-SM). The Runnymede Phase II project will help achieve the vision of the BAIRWM Plan in the FM-SM management area by reducing damage caused by flooding and improving stormwater management in East Palo Alto.

The BAIRWM Plan also focuses on regional water resources management. The Runnymede Phase II project is inherently linked to the San Francisquito Creek Joint Powers Authority (SFCJPA), which formed following the 1998 storm/flood event that caused severe damage in residential and commercial neighborhoods in East Palo Alto. By completing the improvements in the Runnymede Phase II project and the projects identified by the SFCJPA, the City of East Palo Alto will successfully achieve the objectives of the BAIRWM Plan.

Attachments

Exhibit 1-1: City of East Palo Alto Resolution

Exhibit 1-2: BAIRWM Plan Project Addition Process

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RESOLUTION NO

**A RESOLUTION OF THE CITY COUNCIL OF
AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE
CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN STORMWATER
FLOOD MANAGEMENT GRANT ROUND 2 FUNDING, AND IF AWARDED, EXECUTE A
GRANT AGREEMENT**

WHEREAS, in July 2009, deficiencies in East Palo Alto's storm drainage system were identified in a report prepared for the City by Wilsey-Ham, consulting civil engineers; and

WHEREAS, the report stated that the existing storm drain system requires improvements in order to adequately drain stormwater away from the City's neighborhoods and business districts; and

WHEREAS, as a result, the Runnymede Storm Drain Phase II Project (the Project) was planned to improve flood water conveyance by diverting flows at the existing outfall at the end of Runnymede Street, through the drainage channel that discharges into the O'Connor Pond at the eastern terminus of O'Connor Street, for pumping into the San Francisquito Creek; and

WHEREAS, the Project is intended to improve the capacity of the channel and pump station detention pond, allowing stormwaters to be more rapidly conveyed to the pump station, and more water to be contained before flooding occurs; and

WHEREAS, \$848,000 was appropriated by Congress under Fiscal Year (FY) 2010 Special Line-item Appropriation, of which \$254,000 was awarded under a United States Environmental Protection Agency (US EPA) State and Tribal Assistance Grant (STAG) program to prepare and provide environmental information documentation under the National Environmental Policy Act (NEPA) and all applicable laws and regulations for the Project; and

WHEREAS, the City has completed a Project feasibility analysis and the necessary environmental studies; prepared the Environmental Information Documents necessary to meet the National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) requirements; and is in the process of receiving all necessary environmental permits and completing the CEQA and NEPA clearance for the project to proceed; and

WHEREAS, approximately \$594,000 remains from the FY2010 Special Line-item Appropriation for completion of the plans, specifications and an engineer's estimate (PS&Es), with no local match requirement, and the City submitted a request for award of the remaining appropriation funds under a STAG in January 2013; and

WHEREAS, the estimated project cost is anticipated to be \$1,527,508 of which the FY2010 Special Line-item Appropriation would contribute approximately 56.3 percent of the project cost; and

WHEREAS, the City has been actively seeking other opportunities to augment current funding to complete the project; and

WHEREAS, in November 2012, the DWR issued a Proposal Solicitation Package (PSP) for Stormwater Flood Management (SWFM) Grants, funded by Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Public Resource Code Section 5096.800 et seq.);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO adopt a resolution authorizing the City Manager to submit an application to the California Department of Water Resources to obtain Stormwater Flood Management Grant Round 2 funding, and if awarded, execute a grant agreement.

PASSED AND ADOPTED this 19 day of February 2013, by the following vote:

AYES:

NAES:

ABSENT:

ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Kathleen Kane, City Attorney

Figure 1: Bay Area IRWMP Project Process

