



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: 3/28/23

TO: Councilmembers

FROM: City Manager's Office

SUBJECT: COUNCIL Q&A FOR MARCH 28, 2023, STUDY SESSION AND CITY COUNCIL REGULAR MEETING

Study Session

Question: I understand staff was going to reach out to the Commission Chairs, is there a summary of responses from their discussions?

Answer: Yes. Staff incorporated the summary of conversations into the presentation for City Council and uploaded the presentation to the meeting agenda in advance of the meeting.

Item 1. Minutes 2/28/23

Question: See pdf sent via email with corrections

Answer: Noted.

Item 2. Minutes 2/21/23

Question: Bottom of page 1 (pg 13 of PDF), please add "High" to "Mountain View Los Altos Union High School District".

Answer: Noted.

Item 3. Treasurer's Report

Question: Why are Measure B and CDBG Funds not included in the report?

Answer: These funds can be found under the "Special Revenue Fund" category. However, CDGB does not have any funds, so it reflects \$0 balance.

Item 5. City Council Goals:

Question: Page 2 of the Resolution (pg 96 of the PDF), the date needs to be changed to "the 28th day of March ...".

Answer: Noted

Item 6. Award Construction Contract for Sewer System Repair Program, Project WW01001:

Comment: In the third “Whereas” of the proposed resolution, the “T” in the word “The” should be lowercase.

Answer: Revision has been made. Revised Resolution is attached.

Comment: Page 1 of the Resolution (pg 101 of the PDF), the date needs to be changed to "the 28th day of March ...".

Answer: Revision has been made. Revised Resolution is attached.

Item 7. Santa Clara Valley Runoff Pollution Prevention Program:

Question: The staff report states that “[a]n overview of new MRP 3.0 requirements was shared with City Council on November 15, 2022, and is attached hereto.” The attachment does not seem to be included with the packet. Please provide.

Answer: The staff report giving an overview of new MRP 3.0 requirements can be found here: <https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-2e1cb6ba80a54058a8c5dc9d13ed48e6/ITEM-Attachment-002-1ab218dac45f43f38d092f4ca6f8300d.pdf>

Additionally, “and is attached hereto”, has been removed from the staff report.

Comment: Please provide a copy of the proposed 4th amendment to the MOA.

Answer: Please see the updated item, including the 4th Amendment to MOA attached.

Comment: Please provide copies (or links to) the original MOA and the three prior amendments thereto.

Answer: The original MOA and the three prior amendments can all be found here: https://scvurppp.org/wp-content/uploads/2019/10/MOA_2016_complete_package_DEC_2016.pdf

Question: What (specifically) will our \$89,970 be used for?

Answer: The \$89,970 will be used for annual programmatic support in meeting all the required provisions in MRP 3.0. The 2022-2023 Workplan outlines the deliverables and provision support to be included this year.

Question: - In the Resolution (pg 109 of the PDF), the 3rd Whereas is inconsistent with the staff report (which says the current MOA expires in July 2023), "WHEREAS, the existing Memorandum of Agreement has already been amended three times prior and SCVURPPP will cease to exist April 19, 2023 if not amended for a fourth time."

Answer: The last MOA Amendment authorized the program to continue for one year past the Effective Date of the adoption of MRP 3.0. Therefore, the statement should be corrected to: “WHEREAS, the existing Memorandum of Agreement has already been amended three times

prior, and SCVURPPP will cease to exist July 1, 2023, if not amended for a fourth time by April 19, 2023.”

Question: - Attachment 1 is not included.

Answer: Please see the updated item, including the 4th Amendment to MOA attached.

Item 8. . 2022 Housing Element Annual Progress Report:

Question: In Table B (pg 119 of the PDF), is this form still pre-populated by HCD with the incorrect numbers we previously reported for above moderate units that included all new units rather than net-new units? I don't think we produced 536 net new above moderate units.

Answer: This table is pre-populated by HCD and locked for editing. Staff is researching whether the numbers represented in past years are correct and will follow up with HCD if amendments need to be made.

Item 9. SVCE Decarbonization Grant Program Agreement

Question: Where in front of the LACY building will this be located?

Answer: The location of the proposed Energization Station is not determined yet. The City is hoping to meet with PG&E to determine local energy connection options.

Question: What impact will this have to the playground?

Answer: This depends on the chosen location of the proposed Energization Station, which has yet to be determined. However, if the location near LAYC is chosen then there will be minimal long-term impacts on the playground, including the potential removal of the two small concrete pads and the dog statue. The playground area may not be accessible for a couple of days during construction.

Question: How many City vehicles are electric?

Answer: Currently, the City only has one electric vehicle used by Parks and Recreation and several hybrids used for City fleet vehicles. This project aims to begin developing infrastructure and providing education so the City can continue purchasing more electric fleet vehicles.

Question: Please provide a diagram of the Energization Station.

Answer: The layout of the Energization Station depends on the chosen location, which is still to be determined. However, the Energization Station plans to include the following elements:

1. 4 Energy Generating Workout Equipment Units
2. Energy Display Unit acting as battery storage
3. 4-6 Electric Vehicle Charging Stations (For public and fleet vehicles)
4. A Solar Charging Table
5. Learning Lab including tables, chairs, whiteboard, and area to study

Item 10. 2023 Update of City Investment Policy:

Question: The conclusion to the staff report makes two recommendations which do not appear to be mutually exclusive. But the conclusion of the report is to adopt only the first option (recommendation). Why doesn't staff also recommend option (recommendation) 2?

Answer: Sorry, I was using the old format. There is no option 2. Staff recommends moving and adopting the revised investment policy as stated on the Agenda Report Summary page.

Question: Is CAMP an alternative to LAIF? If so, then what is the purpose of having money on deposit with both programs? Wouldn't it behoove the City to place all of our funds into the better performing account?

Answer: CAMP has much shorter term portfolio (as short as 7 days) than LAIF. Having both in the City's investment portfolio will reduce the risk. Both CAMP and LAIF provide the same liquidity.

Question: At the end of the staff report (pg 164 of the PDF), staff recommends Option 1, but no options are provided, so I assume the correct recommendation is as expressed on page 1 (pg 162 of the PDF), "... adopt the revised Investment Policy for 2023"?

Answer: Yes, this is correct.

Item 12. Hybrid Ford Police Interceptor Vehicles:

Question: The staff report implies that the City has already spent the \$114,284.88 on the two, new patrol cars. Is that correct? If so, then what is the purpose of this resolution?

Answer The Police Department submitted a supplemental budget request for these vehicles which was approved by the City Council. The purchasing policy requires all purchases greater than \$100,000 to be approved by the City Council regardless of budget authority. The vehicles have been ordered pursuant to the approval of the supplemental budget request but have not been purchased as Council approval has not been granted. If the City Council does not approve the resolution, the vehicles will not be purchased.

Question: What would be the effect of the Council declining to approve this purchase?

Answer Police vehicles are in high demand and facing long wait times due to chip shortages during the pandemic. If Council does not approve this purchase, the City will not accept the vehicles and continue to utilize the two patrol vehicles that have been identified for retirement. Additionally, the supplier has notified the City of price increases for the new model year, meaning when vehicles are replaced, they will be more expensive.

Question: If the City purchased three all electric patrol vehicles, would the cars have enough downtime to charge properly?

Answer If three EV patrol vehicles were purchased, one vehicle would be used as a "spare", meaning it would be charged and ready for deployment. The other two vehicles could be deployed into the field, however, at some point, one of the two would need to be replaced by the spare so it could charge. The remaining vehicle would be down for a significant amount of charging time, reducing our available fleet while the vehicle is charging.

Question: How much would an all-electric patrol vehicle (comparable to the Ford's on order) cost?

Answer: The current cost for a Tesla Model Y starts at approximately \$58,000. Ford is currently producing a pickup truck, the 2023 F-150 Lightning Pro SSV police vehicle. It appears the cost for the F150 starts at \$49,974. This is the cost for just the vehicle and does not include the police equipment or outfitting, which adds significant cost to a vehicle. While the Ford F150 is specifically designed for police equipment, the Teslas are not. The cost of adding the police equipment into the Tesla is substantially higher because of the modifications that have to be made.

Question: What infrastructure is needed to support all electric patrol vehicles? How much would it cost? How long would it take to install?

Answer: These questions would require analysis of the police station's electrical system by an electrical engineer. Thus, staff is not able to answer these questions at this time.

Question: By 2035, California will not allow the sale of new ICE cars. Therefore, it is inevitable that the City will have to switch from gasoline (even hybrid) patrol vehicles to all electric at some point. What is staff's plan to eventually have the infrastructure in place to comply with California's policy?

Answer: Staff is able to plan for the infrastructure needs once or if a new police facility is approved. The police facility in its current state is unable to handle the electrical infrastructure needs required of EV's.

Question: What agencies have switched to all electric patrol vehicles, and why were they able to make the switch but we are not?

Answer: To our knowledge, no agencies in the greater Bay Area have gone all electric with their patrol fleet.

Question: Does the proposed purchase of the two ICE patrol vehicles comply with the Council's policy position as set forth in the CAAP? If not, how does staff reconcile the discrepancy?

Answer: To our knowledge there are currently limited options for EV patrol vehicles that have been tested and proven viable based on performance and feasibility. The EV patrol vehicles in use have been shown to have limitations in performance, a higher cost to modify for police use, and require infrastructure that City facilities do not have installed.

The City is currently working on initial stages of EV infrastructure planning, but as there are potential plans to redevelop/move the Police Department, installing the infrastructure for chargers may not make sense at this time, even if it was determined to be feasible.

Item 14. Administrative Appeal

Question: Please explain the implications of both applications being incomplete. How have the projects progressed this far if the applications are incomplete? If the applications are incomplete, then isn't this appeal not yet ripe?

Answer: The Projects (389 and 475) design review applications were complete and approved by the Council. After that building permits were issued, and the projects were constructed. The underground encroachment and/or trenching permit applications are **post** Project approvals and they were not deemed complete.

Question: Do the property owners of the two "unduly burdened" parcels where the proposed, new poles will be erected consent to the applicant's proposal?

Answer: Consent from the property owners is NOT sufficient to avoid complying with the LAMC. The Council should determine whether or not the LAMC allows Appellant to relocate the two poles.

Question: What precedential effect (if any) will our decision have on future appeals?

Answer: Yes, this could be precedent to other developers. The LAMC does not allow new poles or relocation of poles.

Question: Would staff's analysis be different if the applicant sought a variance instead of an appeal from staff's decision?

Answer: A variance would not be allowed because this is not a zoning requirement like a setback. It is a subdivision requirement.

Question: If the Council denies the appeal, why will it cause a "significant delay" to complete the projects? (Appeal, ¶ 2.)

Answer: Appellant will have to submit new plans to PGE and the City for him to underground the drop for the power line since there will not be a pole to drop to.

Question: The applicant claims that they "anticipate that the remainder of the overhead utility lines currently located in the alley behind First Republic Bank (including the transformer) would be undergrounded by the [other property owners]." (Appeal, pp. 2-3.) What is the basis for this anticipation? Why does the applicant think that other property owners will want to underground these utility lines?

Answer: We are not sure why Appellant thinks this.

Question: What is "Rule 20?"

Answer: It is a PGE regulation that helps with funding for undergrounding of utilities. PGE wants lines underground and it provides funds to qualifying property owners to help offset undergrounding costs. That is why the City adopted the Underground District Ordinances.

Question: Please explain what is depicted in the 1947 as built diagram

Answer: 1947 As-Built shows the installation of high voltage power line (4KV) with 4 new power poles (power pole is the circle with half circle marked black) in the alleyway. However, other detail information will need to be explained by PG&E since City does not have the expertise.

Question: Please explain what the “Electric R20 Plan” depicts in relation to the 1947 as built. (Last page of Attachment 2.)

Answer: “Electric R20 Plan” shows transferring the existing aerial high voltage power from 1947 As-Built to underground with two new power poles.

Question: Why does our code treat poles installed before 1965 differently from others?

Answer: We understand that undergrounding of utilities was part of the *Lady Bird Johnson Highway Beautification Act of 1965*. County and cities received funds from the State and PGE from the Federal Act. The undergrounding ordinances (that provide for the establishment of the underground districts) adopted after the Act had protection for the pre-existing utility facilities.

Question: Regarding the poles that the applicant wants to remove, is it correct that one of them was installed in 1971 and the other in 2019?

Answer: Yes, the poles at issue were installed at some point between 1971 and 2019. According to PG&E’s representative’s email, dated 2/9/2023. (Attachment 5-A, Pg 1)

Question: Please explain how the “Electric Plan” (sheet E2; Attachment 5-C, p. 5) relates to the 1947 as built. What does sheet E2 depict?

Answer: Sheet E2 shows the new underground layout with two service lines to 389 First St and 425 First St. 1947 As-Built shows the existing aerial high voltage power lines.

Question: - Is the crux of the issue here that regardless of the utility under-grounding that is happening at this property, there is no net decrease in the number of poles because the poles are proposed to be moved, one off the property, rather than be eliminated?

Answer: Yes, but the LAMC does not allow new poles or relocation of poles.

Item 16. Adopt Housing Element Update Ordinance:

Question: Subchapter 14.78.010: do not delete the word “the.”

Answer: Acknowledged.

Question: Why are we removing C. under 14.76.040? Can we keep C

Answer: Staff will provide verbal response at the meeting

Item 19. Tentative Council Calendar

Question: Program 2E must be initiated by March 31, 2023. Is the City prepared to accomplish that?

Answer: City staff is working on the Annual Budget to include this so that it will be accomplished.

Question: Please provide information about the “financial analysis” required by program 1H, which must be initiated by July 31, 2023.

Answer: *Financial analysis for Parking Plaza 7 and 8 by independent third-party consultant by the end of 2023*; release request for proposals by December 2023; complete entitlements within one (1) year of application if not sooner (by December 2026).

City staff are including a line-item project within the Development Services Department budget to hire a third-party consultant to complete the financial analysis. Concurrently City staff are creating an RFP to bring on a third-party independent consultant to complete the financial analysis. Once budgeted, and a third-party consultant is under contract, this financial analysis will be completed.

**FOURTH AMENDMENT TO AGREEMENT
PROVIDING FOR IMPLEMENTATION OF
THE SANTA CLARA VALLEY URBAN RUNOFF
POLLUTION PREVENTION PROGRAM**

THIS FOURTH AMENDMENT TO AGREEMENT PROVIDING FOR IMPLEMENTATION OF THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (the “Amendment”) is entered into by and between the SANTA CLARA VALLEY WATER DISTRICT, a local public agency of the State of California (“District”); CITY OF CAMPBELL, a municipal corporation of the State of California; CITY OF CUPERTINO, a municipal corporation of the State of California; CITY OF LOS ALTOS, a municipal corporation of the State of California; TOWN OF LOS ALTOS HILLS, a municipal corporation of the State of California; TOWN OF LOS GATOS, a municipal corporation of the State of California; CITY OF MILPITAS, a municipal corporation of the State of California; CITY OF MONTE SERENO, a municipal corporation of the State of California; CITY OF MOUNTAIN VIEW, a municipal corporation of the State of California; CITY OF PALO ALTO, a municipal corporation of the State of California; CITY OF SAN JOSE, a municipal corporation of the State of California; CITY OF SANTA CLARA, a municipal corporation of the State of California; CITY OF SARATOGA, a municipal corporation of the State of California; CITY OF SUNNYVALE, a municipal corporation of the State of California; and COUNTY OF SANTA CLARA, a political subdivision of the State of California.

All of the above-mentioned entities are hereinafter collectively referred to as “Parties” or individually as “Party.”

RECITALS

A. The Parties previously entered into that certain Agreement Providing For Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (the “Agreement” or “MOA”) pursuant to which the Parties established certain terms and conditions relating to the implementation and oversight of the Santa Clara Valley Urban Runoff Pollution Prevention Program (the “Program”), including a cost sharing allocation, which was appended thereto as Exhibit A. Unless otherwise set forth herein, all terms shall have the meaning set forth in the Agreement as amended. A copy of the Agreement inclusive of Exhibit A is attached hereto as Appendix 1. A copy of the Agreement inclusive of all of its previous amendments is available via the internet at https://scvurppp.org/wp-content/uploads/2019/10/MOA_2016_complete_package_DEC_2016.pdf);

B. The Agreement originally provided for a five-year term, which, based on its execution, was set to conclude on or about March 10, 2005. However, on or about February 20, 2005, the Parties unanimously entered into a First Amendment to the Agreement, which extended the term of the Agreement by one additional year;

C. The Parties thereafter unanimously entered into a Second Amendment to the Agreement, which extended the term of the amended Agreement by “one fiscal year beyond the termination date of the (then) next NPDES Permit issued to the Parties, including any administrative extension of the (then) next NPDES Permit’s term which occurred pursuant to the NPDES regulations.” The next NPDES permit applicable to the Parties (and others) was subsequently adopted the California Regional Water Quality Control Board, San Francisco Bay Region (“RWQCB SFBR”) on October 14, 2009 and was known as the Municipal Regional Permit (“MRP”) because it covered numerous public agencies in the San Francisco Bay Region in addition to the Parties. The MRP was then administratively extended until a new NPDES Permit applicable to the Parties (and the other public entities in the San Francisco Bay Region) was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 19, 2015 (“MRP 2.0”). MRP 2.0 became effective on January 1, 2016 and was originally scheduled to terminate on December 31, 2020;

D. The Parties thereafter unanimously entered into a Third Amendment to the Agreement, which once again extended the term of the amended Agreement by “one fiscal year beyond the termination date of the next NPDES Permit issued to the Parties, including any administrative extension of the next NPDES Permit’s term which occurred pursuant to the NPDES regulations.” MRP 2.0 was then administratively extended, largely due to the COVID-19 pandemic, until a new NPDES Permit applicable to the Parties (and the other public entities in the San Francisco Bay Region) was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 11, 2022 (“MRP 3.0”). MRP 3.0 became effective on July 1, 2022 and is currently scheduled to terminate on June 30, 2027 unless administratively extended;

E. The Parties expect to utilize the Program to continue to represent their interests relative to MRP 3.0 (including with respect to an administrative appeal of its adoption that the State Water Resources Control Board is considering to pursue on its own motion), to help them effectuate certain aspects of compliance with MRP 3.0, and, beyond that, in negotiating the terms of a further renewed NPDES Permit when MRP 3.0 nears the end of its anticipated five-year term and any administrative extension provided thereto;

F. The Parties also expect to continue to utilize the Program’s preferred approach of achieving consensus to resolve issues and reach decisions, and to rely on the Majority Vote mechanism set forth in Section 2.08 of the Agreement at the Management Committee level only when consensus-based resolutions appear or become elusive;

G. The Parties now desire to update the Agreement as previously amended and further extend the term of the MOA as set forth below;

H. Section 7.02 of the MOA provides that it may be amended by the unanimous written agreement of the Parties and that all Parties agree to bring any proposed amendments to their Council or Board, as applicable, within three (3) months following acceptance by the Management Committee; and

I. The Program's Management Committee accepted this Amendment for referral to the Parties' Councils and/or Boards at its meeting on [JANUARY XX, 2023].

NOW, THEREFORE, THE PARTIES HERETO FURTHER AGREE AS FOLLOWS:

1. Recognition of Current Permit. Recital F of the Agreement, as previously amended, is hereby further amended by the addition of the following subsections:

6. Order No. R2-2009-0074 (the Municipal Regional Permit, NPDES Permit CAS612008); adopted, October 14, 2009 and amended by the RWQCB SFBR on November 28, 2011;

7. Order No. R2-2015-0049 (MRP 2.0, NPDES Permit CAS612008); adopted by the RWQCB SFBR on November 19, 2015;

8. Order No. R2-2022-0018 (MRP 3.0, NPDES Permit CAS612008); adopted by the RWQCB SFBR on May 11, 2022.

2. Extension of Term of Agreement. Sections 6.02 and 6.02.01 of the Agreement, as previously amended, are hereby replaced as follows:

This Agreement shall have a term extending one fiscal year beyond the date of termination of MRP 3.0; such termination date shall, however, be deemed to include any administrative extension of MRP 3.0 which occurs or arises pursuant to the NPDES regulations or any modification of the MRP 3.0 termination date that arises from an NPDES permitting action undertaken by the RWQCB SFBR or California State Water Resources Control Board.

3. Superseding Effect. This Fourth Amendment of the Agreement shall supplement all prior amendments of the Agreement and supersede any conflicting provisions of the prior amendments of the Agreement.

[remainder of page intentionally blank]

IN WITNESS WHEREOF, the Parties have executed this Third Amendment effective as of the last date indicated below or [APRIL ZZ, 2023], whichever arises earlier.

Santa Clara Valley Water District: By: _____
Name: _____
Title: _____
Date: _____

County of Santa Clara: By: _____
Name: _____
Title: _____
Date: _____

City of _____: By: _____
Name: _____
Title: _____
Date: _____

ATTACHMENT A

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS DIRECTING THE CITY MANAGER TO APPROVE AND EXECUTE THE FOURTH AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH OTHER SANTA CLARA VALLEY MUNICIPALITIES TO ALLOW FOR CONTINUATION OF THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

WHEREAS, the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was originally formed in 1990 through the Memorandum of Agreement to aid Santa Clara Valley-based jurisdictions with stormwater permit compliance per the Municipal Regional Permit; and

WHEREAS, the SCVURPPP is invaluable in providing and pooling resources to meet permit requirements since its' formation; and

WHEREAS, the existing Memorandum of Agreement has already been amended three times prior and SCVURPPP will cease to exist July 1, 2023 if not amended for a fourth time by April 19, 2023.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the following:

1. That the City Manager is directed to execute the Fourth Ammendment to the Memorandum of Agreement; and
2. That the acceptance of the work under this MOA is exempt from review under the California Environmental Quality Act ("CEQA") for reasons stated in the staff report.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 28th day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Meadows, MAYOR

Attest:

Angel Rodriguez, INTERIM CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 28, 2023

Subject: Consider Approving Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program (SCVURPPP); find that the approval of the amendment is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308

Prepared by: Erin McDannold, Assistant Civil Engineer

Reviewed by: Aida Fairman, Director of Environmental Services & Utilities Department

Approved by: Gabriel Engeland, City Manager

Attachments:

1. Fourth Amendment to Memorandum of Agreement (MOA) and Appendices
A. Resolution No. 2023-XX

Initiated by:

SCVURPPP/City Staff

Previous Council Consideration:

November 22, 1999 – Original SCVURPPP Memorandum of Agreement (MOA)

November 23, 2004 – First Amendment

December 21, 2005 – Second Amendment

October 25, 2016 – Third Amendment

November 15, 2022 – Municipal Regional Stormwater Permit: Overview of New Requirements

Fiscal Impact:

None at this time.

The City’s proportionate share of the Program costs is 1.59%. Program costs are paid from the allocated Stormwater Operating Budget, which is funded by the General Fund. The Progress Assessment for the City of Los Altos for FY 22-23 was \$82,568, which was paid for from the adopted budget. The Progress Assessment for FY 23-24 will be \$89,970.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Environmental Review:

The approval of the Fourth Amendment to the MOA is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) (Commonsense Exemption) and 15308 (Actions Taken by Regulatory Agencies for the Protection of the Environment), in that the action merely continues the City’s existing participation in a program that fosters compliance with state and federal law intended to protect water quality, the action will not involve construction activities or relaxation of standards allowing for environmental degradation, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Policy Questions for Council Consideration:

Not applicable



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Summary:

- The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists the City of Los Altos and other agencies in Santa Clara County to negotiate and comply with a federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit that cities are required to have for stormwater that flows to creeks, streams, and, ultimately, San Francisco Bay.
- The City of Los Altos and other agencies in Santa Clara County expect to use the Program to continue to represent their interests relative to Municipal Regional Permit (MRP 3.0), to help them effectuate certain aspects of compliance with MRP 3.0, and to negotiate the terms of a further renewed NPDES Permit when MRP 3.0 nears the end of its five-year term and any administrative extension provided.
- All Program participants are required to obtain approval from the legislative authority for the MOA amendment extending the agreement through 2028. The current MOA will expire in July of 2023, if not extended.

Staff Recommendation:

Approve the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program's Memorandum of Agreement (MOA) and direct the City Manager to execute the Amendment on behalf of the City



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Purpose

Execute the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program MOA.

Background

The Santa Clara Valley Urban Pollution Prevention and Urban Runoff Program (Program) was originally formed through a memorandum of agreement (MOA) with other Santa Clara Valley-based local governments in the late 1980s. This was a means to assist the City of Los Altos in negotiating and complying with a federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit that cities are required to have for stormwater that flows to creeks, streams, and, ultimately, the San Francisco Bay. Bay Area municipalities were recently issued a new Municipal Regional Stormwater Permit in May 2022, which became effective July 1, 2022. This permit is shared by 76 permittees in the San Francisco Area.

This MRP 3.0 includes and expands on many of the previous requirements and contains new provisions. MRP 3.0 includes more stringent requirements on existing provisions for new development/redevelopment, trash load reduction, PCB, mercury and bacteria controls, and water quality monitoring and introduces new provisions on unsheltered homeless populations, cost reporting, and asset management. Outside those mentioned above, previously existing provisions also encountered minor changes. An overview of new MRP 3.0 requirements was shared with City Council on November 15, 2022. Thus far, the Program has been highly engaged in understanding these changes with local regulatory agencies and helping permittees adapt to new MRP 3.0 requirements.

The Program allows the City of Los Altos to undertake a coordinated approach and leverage resources with respect to our stormwater permit. This method has been highly effective in assisting the City to address our responsibilities, twice winning national awards issued by the U.S. Environmental Protection Agency. Since its original formation, the participating local governments, including the City of Los Altos, have thrice previously authorized a continuation of the Program without changing its original terms.

Discussion/Analysis

Based on a recent vote of the Program's Management Committee, in which the City participates, a fourth amendment of the MOA to extend the Program on its original terms was unanimously approved for referral to our governing body for execution. The extension will allow the Program to continue to operate and serve the participating agencies throughout the current Clean Water Act Permit's term plus one additional fiscal year (providing Program assistance until at least the July of 2028 and addressing the Permit's next re-issuance by the Regional Water Quality Control Board).



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

All Program participants are required to obtain approval from the legislative authority for the MOA amendment extending the agreement through July 2028. The current MOA will expire in July of 2023 if not extended.

The City of Los Altos and other agencies in Santa Clara County expect to utilize the Program to continue to represent their interests relative to Municipal Regional Permit (MRP 3.0), to help them effectuate certain aspects of compliance with MRP 3.0, and to negotiate the terms of a further renewed NPDES Permit when MRP 3.0 nears the end of its five-year term and any administrative extension provided.

Recommendation

Approve the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program's Memorandum of Agreement (MOA) and direct the City Manager to execute the Amendment on behalf of the City