



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** 04/16/13  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Scott D. McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

**SUBJECT:** Approve the Agreement with Dan Cloak Environmental Consulting to provide technical assistance to implement new water quality post construction requirements, All Supervisorial Districts

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence: Risk Management**

As to form: Yes

**Recommended Actions:**

- a) Approve and authorize the Chair to execute the Agreement with Dan Cloak Environmental Consulting (not a local vendor) to provide technical assistance to implement new water quality post construction requirements for Santa Barbara County from the period of April 16, 2013 through December 31, 2015 in the amount not to exceed \$243,415.00;
- b) Authorize the Public Works Director or designee to approve changes or additions to the work totaling no more than 10% of the contract amount or \$24,341.50 with Dan Cloak Environmental Consulting for additional work that may be needed to complete the project; and
- c) Find that the proposed action is exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15306, Basic Data Collection, Research, Experimental Management, and Resource Evaluation Activities, and Section 15322, Educational or Training Programs Involving No Physical Changes. Approve and direct the Clerk of the Board to file the attached CEQA Notice of Exemption (POST).

**Summary Text:**

The Central Coast Regional Water Quality Control Board (Regional Board) adopted new mandatory requirements (Resolution No. R3-2012-0025) to implement new controls to reduce impacts from urban storm water runoff which must be implemented by September 6, 2013. This requirement is now part of

every Public Agency's Stormwater Management Plan. Failure to comply with State Regulations regarding Stormwater Management can result in State Imposed fines of up to \$10,000 per day, or in extreme cases up to \$25,000 per day of non-compliance.

The new requirements, "Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region" establish specific, numeric criteria for storm water control measures on new and redevelopment projects. These measures are required by the State to address concerns over pollutant loading and *hydromodification* impacts (volume, velocity, frequency, and duration of storm water runoff), which together the State considers a leading cause of water pollution throughout the Central Coast region. The requirements were developed through a two-year "Joint Effort" where municipalities agreed to implement interim measures while the Regional Board developed a watershed-based approach to hydromodification control using the expertise of technical consultants.

Santa Barbara County has been awarded a Proposition 84 Stormwater Grant in the amount of \$346,915 to hire consultants to assist the County and cities within the County in implementing the Joint Effort requirements. The project includes an analysis of current codes, standards, conditions of approval and guidelines, however in particular, this grant will help private engineers, architects, and developers comply with these regulations. In particular, this work will greatly assist redevelopment of areas that now are required to comply with runoff controls as if the site were not previously developed.

On October 16, 2012, your Board adopted a resolution that authorizes the Public Works Director to approve and enter into a grant agreement with the State to receive Prop 84 Grant funds for this work. The State has provided Staff a Draft Grant agreement and full execution is expected by the end of April.

Due the highly specific nature of this work, staff sent out 8 Request for Proposals to qualified firms and received 5 responses. Dan Cloak Environmental Consulting was selected to provide technical assistance to implement the Joint Effort requirements through a Request for Qualifications (RFQ) process. Dan Cloak is a registered civil engineer with extensive experience designing and assisting municipalities to implement low impact development and hydromodification controls.

The attached Notice of Exemption will satisfy CEQA requirements for the consultant's work in implementing the Joint Effort.

### **Background:**

The County is mandated under Federal Clean Water Act regulations and the State Municipal General Permit for Stormwater Discharges to comply with minimum stormwater management program requirements. To comply with these minimum requirements, the County must implement over 100 activities, including the new requirement to apply hydromodification controls to new and redevelopment projects. Hydromodification is a term used to describe the changing effect of water moving across the landscape. In urban areas where development occurs, changes are triggered by development through compaction of soils, reducing vegetative cover, and increases in impervious surfaces from roads, parking lots, and roof tops which convey rain water quickly without infiltration. The hydromodification requirements will result runoff characteristics in alignment with pre-development conditions. Managing hydromodification impacts can reduce ongoing erosion of natural channels, minimize the need for bank protection, and protect habitat from deterioration while reducing the overall pollutant load.

In order to assist the implementation of the new post construction requirements, the County Water Resources Division applied for and received a \$346,915 Proposition 84 Stormwater Grant from the State Water Resources Control Board. The grant includes funding for analysis of current codes and standards,

education, training, and tools for the County and cities within the County to implement the new post construction requirements. Approval of the agreement with Dan Cloak Environmental Consulting will provide the necessary technical assistance to implement the post construction requirements by September 6, 2013. The balance of the grant funding will be used for modeling and professional peer review by consultants hired through the Public Works Master Service Agreement process.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State Prop 84 Grant	\$ 40,000.00		\$ 267,756.50
Federal			
Fees			
Other:			
Total	\$ 40,000.00	\$ -	\$ 267,756.50

**Narrative:**

Budget Revision BJE No. 0002529 was approved by the Board on October 16, 2012 which increased revenue estimates and appropriations for professional services in the amount of \$40,000 for FY 2012-2013. The proposed Water Resources Division budgets for FY 2013-2014 and 2014-2015 includes funding for the remainder of the contract amount since this work will be done over the next three fiscal years. Costs from this agreement will be reimbursed through the Proposition 84 grant. No General Fund monies will be utilized with this project.

In compliance with the newly adopted Service Contract and Grant Compliance Management Policy, a contract risk assessment was completed for this professional services agreement. The risk assessment determined that the contract would have a medium risk rating, primarily because this agreement is being reimbursed through State funding that carries with it specific program requirements and a corresponding higher risk rating. Those requirements have been reviewed and can be met following standard departmental operating and grant management practices.

**Special Instructions:**

Direct the Clerk of the Board to post the attached CEQA Notice of Exemption. Send the following to the Water Resources Division, Attn: Christina Lopez:

- two originals of the Agreement w/Dan Cloak Environmental Consulting
- a copy of the minute order
- a copy of the stamped Notice of Exemption

**Attachments:**

Agreement with Dan Cloak Environmental Consulting (3 originals)  
Contract Summary  
Notice of Exemption

Authored by: Joy Hufschmid, Project Clean Water Manager, 568-3373