

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Karen Kinser, Deputy Director of Public Works

VIA: Randy Breault, Director of Public Works/City Engineer via City Manager

DATE: Council Meeting of July 19, 2018

SUBJECT: City of Brisbane Local Stormwater Program Fees

City Council Goals:

To provide for effective and efficient delivery of City Services (1)

To maintain and improve infrastructure (3)

To develop management and fiscal systems to maximize effectiveness of City services and accountability to Brisbane taxpayers and citizens (11)

Purpose:

To provide a public hearing and consider imposition of annual tax roll charges that fund Brisbane's Local Stormwater Program, which minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements.

Recommendation:

1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the NPDES Program.
2. Adopt Resolution No. 2018-55, "A Resolution of the City Council of the City of Brisbane Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2018-2019 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges."

Background:

In 1987, the Environmental Protection Agency, under amendments to the 1972 Clean Water Act, imposed regulations that mandate control and reduction of pollutants in stormwater runoff through the National Pollutant Discharge Elimination System (NPDES) permitting program. In the Bay Area, under the authority of the Porter-Cologne Water Quality Control Act, the San Francisco Bay Regional Water Quality Control Board (Water Board) issues and enforces municipal stormwater NPDES permits.

The City's costs to maintain compliance with the various clean water requirements (frequently referred to as NPDES) have increased significantly since the Water Board's 2015 issuance of the Municipal Regional Permit (MRP 2.0).

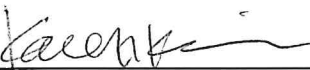
The following general description indicates the large number of city employees who participate both in daily/weekly activities to comply with the MRP, and who also attend regular meetings with C/CAG to address permit requirements:

- Director of Public Works/City Engineer – overall permit compliance, illicit discharge control, construction controls, serves as Chairperson of C/CAG Stormwater Committee
- Regional Compliance/Maintenance Program Manager – facilities inspections, trash capture program, corporation yard site controls, and new MRP 2.0 requirements such as PCB and mercury regulations and green infrastructure requirements
- Senior Planner – new development controls, copper controls
- Senior Civil Engineer (utilities) – monitoring potable water discharges, storm drain maintenance
- Deputy Director of Public Works – street sweeping
- Team Leader (Buildings & Grounds) – pesticides toxicity control
- Team Leader (Utilities) – storm drain cleaning, potable water discharge monitoring
- Public Works Inspector – construction controls
- Administrative Assistant – assists with overall permit compliance, public information and outreach, compiles annual report


Pending implementation of the recently passed SB231 Stormwater Capture bill (D- Herzberg), Council may wish to pursue increasing assessments to begin to address the above listed shortfall.

Attachments:


- A. Resolution No. 2018-55
- B. 2018 Engineer's Report for Stormwater Management Fees



Deputy Director of Public Works



Director of Public Works/City Engineer



City Manager

**2018 ENGINEER'S REPORT
for
STORMWATER MANAGEMENT FEES**

Purpose

The purpose of this report is to define the City of Brisbane stormwater management program and the method utilized in determining the user fee structure to be applied by Assessor's Parcel Number (APN) and to appear on the County Tax Roll for Fiscal Year 2018-2019.

History

The Environmental Protection Agency, under the 1987 amendments to Section 402(p) of the Clean Water Act, imposed regulations mandating local governments manage stormwater discharges as a means of reducing pollution in public bodies of water. The California State Water Resources Control Board delegated enforcement authority to the Regional Water Quality Control Boards (RWQCB) to ensure compliance with the Clean Water Act. The San Francisco Bay RWQCB, under Section 13370 *et seq* of the California Water Code, requires the City of Brisbane and all other municipal stormwater dischargers in San Mateo, Santa Clara, Alameda, and Contra Costa counties, as well as the cities of Fairfield, Vallejo, and Suisun City to control significant sources of stormwater pollution as co-permittees under a Municipal Regional Stormwater Permit 2.0, referenced as Order R2-2015-0049 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008.

As a condition of the Municipal Regional Stormwater Permit, the City of Brisbane and other municipal stormwater dischargers are required to meet specific requirements in a variety of program areas that address the multiple potential pollutant sources that can impact a municipal storm drain system. Compliance efforts in San Mateo County are implemented in two ways: those that have countywide benefit or significance are implemented by the City/County Association of Governments of San Mateo County (C/CAG) through its San Mateo Countywide Water Pollution Prevention Program (Countywide Program), and those that are specific to a local jurisdiction are implemented through municipality-specific programs. Administration of Brisbane's local program is primarily managed by the City's Public Works Department.

STORMWATER MANAGEMENT PROGRAM

Background Information

The process of urbanization increases rainwater runoff. As trees and grass are cleared, pervious ground cover is frequently replaced by impervious concrete, asphalt, or brick. Rainwater can no longer seep into the ground. If this stormwater is not properly managed, flooding may result. Often, municipal drainage systems are designed for flows resulting from pre-development runoff, and become undersized when impervious area is increased by building structures, driveways, and parking lots. Further, increased stormwater runoff makes areas not covered by impervious

3. Industrial, Commercial, and Illicit Discharge Controls

A. Industrial and Commercial Site Controls – Implement an industrial and commercial site control program at all sites which could reasonably be considered to cause or contribute to pollution of stormwater runoff, with inspections and effective follow-up and enforcement to abate actual or potential pollution sources consistent with an enforcement response plan to prevent discharge of pollutants and impacts on beneficial uses of receiving waters.

B. Illicit Discharge Detection and Elimination – Implement illicit discharge prohibitions and ensure illicit discharges are detected and controlled. Municipalities shall develop and implement an illicit discharge program that includes an active surveillance component and a centralized complaint collection and follow-up component to target illicit discharge and non-stormwater sources.

4. Public Information and Outreach – Increase the knowledge of the target audiences regarding the impacts of stormwater pollution on receiving water and potential solutions to mitigate the problems caused, change the waste disposal and runoff pollution generation behavior of the target audiences by encouraging implementation of appropriate solutions, and involve various citizens in mitigating the impacts of stormwater pollution.

5. Water Quality Monitoring – Perform water quality monitoring activities to address specific management questions related to the health of San Francisco Bay and local receiving waters, including status and trends monitoring and pollutants of concern/long-term trends monitoring. Additional specific monitoring projects are required, including projects addressing water quality stressor/source identification, Best Management Practices effectiveness evaluations for stormwater treatment or hydrograph modification control, and geomorphic analyses to identify how and where creeks can be restored or protected to cost-effectively reduce the impacts of pollutants, increased flow rates, and increased durations of urban runoff.

6. Pollutants of Concern

A. Pesticides Toxicity Control – Implement control programs to prevent the impairment of urban streams by pesticide-related toxicity. The control programs addresses municipalities' and others' use of pesticides within municipal jurisdictions that pose a threat to water quality and have the potential to enter the municipal storm drain system. Pesticides of concern include organophosphorous pesticides, pyrethroids, carbamates, and fipronil.

B. Trash Load Reduction – Implement control measures and other actions to reduce trash loads from municipal storm sewers by 70% by 2017, and 100% or no adverse impacts to receiving waters from trash by 2022. This includes developing and implementing Short-Term Trash Load Reduction Plans, which includes installation and maintenance of trash capture devices within the storm drain system and cleanup and abatement progress on trash hot spots.

The Basic and Additional Fees are calculated as follows:

Basic Annual Charges:

- Single Family Residence: \$3.44/parcel
- Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/parcel
- All Other Land Uses: \$3.44/parcel for the first 11,000 square feet plus \$0.3127 per 1,000 additional square feet of parcel area

Additional Annual Charge (Adjusted Annually by Consumer Price Index):

- Single Family Resident: \$3.6530/parcel
- Miscellaneous, Agriculture, Vacant and Condominium: \$1.8265/parcel
- All Other Land Uses: \$3.6530/parcel for the first 11,000 square feet plus \$0.3321 per 1,000 additional square feet of parcel area

The Countywide Program's Basic and Additional Fees for 2018/19 that will be charged to the City of Brisbane are estimated at approximately \$8,960 and \$9,525, respectively. The City of Brisbane has historically authorized the Countywide Program to assess and collect the Basic Fees directly through separate property tax assessments, whereas the Additional Fees are paid to C/CAG out of the City's General Fund. This approach prevents the Additional Fees from being billed to property owners.

CITY OF BRISBANE LOCAL PROGRAM

City Facilities

The City of Brisbane is responsible for all public drainage facilities within its jurisdiction that collect stormwater and convey it to San Francisco Bay. Brisbane's facilities include the City's streets, curbs and gutters, catch basins, pipelines, culverts, and open channels.

Stormwater is collected from private property and public streets in two open channels; the Guadalupe Valley Municipal Improvement District (GVMID) Basin Channel and the Bayshore Storm Drain Basin Channel. This stormwater is generally conveyed through these channels to underground box culverts which ultimately outfall to the Bay. The GVMID Basin Channel outfall delivers stormwater via the Lagoon box culvert. This outfall receives water from most of Central Brisbane as well as the Guadalupe Valley and discharges this water into the Lagoon. Stormwater that enters the Lagoon eventually flows to the Bay through two box culverts under US 101. The Bayshore Storm Drain Basin Channel receives stormwater mainly from the undeveloped land in northern Brisbane as well as portions of Daly City and discharges this water to the Bay through a single box culvert under US 101. Stormwater from Sierra Point generally outfalls to the Bay through multiple culverts located along the perimeter of the Sierra Point Peninsula.

During normal rainfall, flooding potential in Brisbane is low. During heavy rains, however, localized flooding can and has occurred in some areas. Some trunk lines, drain pipes, catch basins and other structures are undersized, and additional catch basins are needed. The City's 2003 Storm Drainage Master Plan proposed Capital Improvement Projects to address these issues.

- b. Illicit Discharge Detection and Elimination – This program element focuses on identifying and eliminating illicit discharges to the storm drain system by identifying major outfalls, conducting inspections of the storm drain system, identifying and eliminating illicit connections, inspecting for evidence of illegal dumping and tracking illicit discharges to their sources, providing information to the public about proper disposal alternatives, and implementing an effective enforcement response plan. This program includes staff participation in Countywide Program activities, City staff monitoring of illicit discharges in coordination with County Hazardous Waste Inspectors, and compliance with inspection procedures and enforcement activities.
4. Public Information and Outreach – This program is intended to inform the public about sources of stormwater pollution, how it reaches local waterways, types of common activities that contribute to stormwater pollution, its effects on receiving waters, and to encourage public involvement in reducing the amount of pollutants entering the City's storm drain system. The public information component of this program overlaps with other program elements described below. This program includes participation in Countywide Program activities, dissemination of educational materials, including the preparation of periodic notices to be placed in the local media, and the planning and implementation of local community volunteer activities.
5. Water Quality Monitoring – This element of the program on the City level is to support Countywide Program staff in performing required monitoring activities as part of a Regional Monitoring Collaborative with other Bay Area stormwater permittees. This program element includes participation in Countywide Program activities and providing input to Countywide Program staff on proposed monitoring activities and programs.
6. Pollutants of Concern
 - a. Pesticides Toxicity Control – This element of the program includes implementation of the City's adopted Integrated Pest Management resolution and ensuring less toxic methods of pest control in all City operations, including activities performed through contractors. City staff also provides outreach materials on less-toxic methods of pest control to the public. This program element includes participation in Countywide Program activities and supporting the Our Water Our World program implementation in local retailers selling pest control materials.
 - b. Trash Load Reduction – This element of the program includes developing and implementing Short and Long-Term Trash Load Reduction plans, identification and annual cleanup/assessment of one trash hot spot, and implementation of various control measures to reduce trash loadings in the City's storm drain system. This program also includes participation in Countywide Program's trash control subcommittee.

USER FEE FORMULA

Method

The City of Brisbane developed a formula for calculating stormwater fees that remains unchanged since it was first utilized after stormwater fees were authorized by the Council in July 1994. The user fee formula is based on two distinct concepts: (1) an administrative fee should be shared equally by all parcels to cover program administration costs; and (2) an assessment fee should be charged in proportion to the storm drainage service utilized and the amount of pollutants or sediment generated by each type of parcel. Average parcel square footage and assumptions explained below regarding the types of land uses for each zone were used to develop an equitable assessment fee structure.

Generally speaking, residential properties contribute equal amounts of water to the storm drain system. For this reason, the formula charges single-family residential properties a uniform user fee based on estimated runoff from an average single-family property. This practice is common in other cities and is equitable because these properties benefit equally from City-wide services such as public streets, sidewalks and parking.

On average, 50% impervious cover per parcel is generally accepted as the typical impervious area for a single-family residential dwelling. Using an average single-family parcel area of 5,224 square feet and 50% impervious cover, a standard impervious area of 2,612 square feet was defined as an Equivalent Single-family Unit (ESU). In determining the assessment portion of the stormwater user fee for the various parcels in the City, the following formula is used:

$$\text{User Fee} = \text{Single Family Fee} \times (\text{Number of ESUs})$$

The impervious area for non-residential properties and vacant land was devised by use of runoff area and general land characteristics and use. As shown on Exhibit A, entitled "Storm Drain Program Rate Analysis," small commercial and industrial land uses are estimated to have approximately 100% runoff area, large commercial and industrial land uses are estimated to have approximately 80% runoff area, and vacant land is estimated to have 20-50% runoff area, as opposed to single family residential properties, which are estimated to have approximately 50% impervious area. These estimates, along with the other land use runoff area estimates on the attachment, are all consistent with the general runoff coefficients used in standard engineering practices.

For the storm drain user fee formula, current land use classifications are generally consolidated into the following four categories and further broken down to group commercial/industrial and vacant land by average lot size:

1. Single-Family Residential (R-1 and R-2) - This classification is based upon 50% impervious area which equate to a runoff coefficient of 0.5.

* Additional vacant land designations were added to equally distribute charges based upon land area and runoff generated. The vacant land areas were divided into groups so that the average parcel size more closely reflected the parcel area and distribution within that designation. This was done by creating new limits as identified in notes 3 through 6 inclusive so that a parcel in the “Acres” was not charged the same as a parcel in the Baylands or in Northwest Bayshore sub-areas.

** Annual charge includes an administrative fee of \$4.50 per parcel.

Please note annual charges have been rounded by \$0.01 in some cases to allow fees to be evenly divided into semi-annual tax bills received by property owners.

Fee Summary

Exhibit B, entitled "User Classification Fee Summary," presents the anticipated fees to be collected for fiscal year 2018-19. These fees remain unchanged from previous years. As shown, the anticipated income from special assessments is \$53,415.04 which funds just over half of the services and supplies category of the 2018-19 NPDES budget.

CATEGORY	# OF PARCELS	ADMIN. FEE	ESU	TOTAL ESUs	ASSMT/ PARCEL	ASSMT. FEE TOT.	TOT. FEE/ PARCEL	TOTAL FEES
SINGLE FAMILY RESIDENTIAL (R-1)	1445	\$6,502.50	1.00	1445.00	\$4.98	\$7,196.10	\$9.48	\$13,689.60
MULTI-FAMILY RESIDENTIAL (R-3)	31	\$139.50	3.44	106.64	\$17.14	\$531.34	\$21.64	\$670.84
COMMERCIAL/ INDUSTRIAL (1)	173	\$778.50	3.10	536.30	\$15.44	\$2,671.12	\$19.94	\$3,449.62
COMMERCIAL/ INDUSTRIAL (2)	73	\$328.50	50.14	3660.22	\$249.70	\$18,228.10	\$254.20	\$18,556.60
VACANT LAND (3)	204	\$918.00	2.78	567.12	\$13.84	\$2,823.36	\$18.34	\$3,741.36
VACANT LAND (4)	32	\$144.00	10.17	325.44	\$50.66	\$1,621.12	\$55.16	\$1,765.12
VACANT LAND (5)	15	\$67.50	41.70	625.50	\$207.68	\$3,115.20	\$212.18	\$3,182.70
VACANT LAND (6)	9	\$40.50	185.40	1668.60	\$923.30	\$8,309.70	\$927.80	\$8,350.20
TOTALS	1982	\$8,919.00				\$44,496.04		\$53,415.04

TOTAL FEES = \$53,415.04
CARRY OVER (estimated) = \$0.00

ADMIN. FEE / PARCEL = \$4.50
ASSMT. FEE / ESU = \$4.98

RESOLUTION NO. 2018-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE IMPOSING CHARGES FOR FUNDING THE LOCAL BRISBANE STORMWATER PROGRAM, AUTHORIZING PLACEMENT OF SAID CHARGES ON THE 2018-2019 COUNTY TAX ROLL, AND AUTHORIZING THE COUNTY TAX COLLECTOR TO COLLECT SUCH CHARGES

WHEREAS, the Environmental Protection Agency, under the 1987 amendments to the Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of storm water pollutant runoff into receiving waters; and

WHEREAS, under the authority of the California Porter-Cologne Water Quality Control Act, the State Water Resources Control Board has delegated authority to its Regional Water Quality Control Boards to invoke permitting requirements upon counties and cities; and

WHEREAS, in 1993 and 1999, the San Francisco Bay Regional Water Quality Control Board issued countywide National Pollutant Discharge Elimination System (NPDES) stormwater permits to all municipalities within San Mateo County; and

WHEREAS, in fall of 2015, the San Francisco Bay Regional Water Quality Control Board issued a new NPDES stormwater permit, the Municipal Regional Stormwater Permit MRP 2.0 that applies to all municipalities within San Mateo County and other portions of the Bay Area; and

WHEREAS, the efforts for the control of stormwater pollution under the Municipal Regional Stormwater Permit require a Local Brisbane Stormwater Program; and

WHEREAS, Section 5471 of the California Health and Safety Code and Section 13.06.060 of the City's Storm Water Ordinance authorize imposition of charges for a Local Brisbane Stormwater Program; and

WHEREAS, said Local Brisbane Stormwater Program has been submitted to the City Council pursuant to the 2018 Engineer's Report for Stormwater Management Fees, which includes mandated tasks and associated costs, and an estimated amount to be collected of \$54,000; and

WHEREAS, the City held a public hearing to consider imposition of annual tax roll charges that fund the Local Brisbane Stormwater Program; and

WHEREAS, the San Mateo County Tax Collector has agreed to place such charges on the 2018-2019 County Tax Roll.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The City Council of the City of Brisbane hereby adopts the 2018 Engineer's Report for Stormwater Management Fees as filed with the City Clerk, and overrules any objections or protests to the Engineer's estimate of costs and user fee structure, or to the implementation of the stormwater management program described therein.