



Department: Administration
Cost Center: 5301
For Agenda of: 9/7/2021
Placement: Consent
Estimated Time: N/A

FROM: Greg Hermann, Deputy City Manager
Prepared By: Freddy Otte, City Biologist

SUBJECT: AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR CITY-COUNTY FLOOD CONTROL COLLABORATION

RECOMMENDATION

Approve an amendment to the existing Memorandum of Understanding between the City of San Luis Obispo and the County of San Luis Obispo, as administrator of the Zone 9 Flood Control and Water Conservation District ("Zone 9"), in order to provide funding support in the amount of \$60,000 for additional vegetation management activities in San Luis Obispo Creek Watershed.

DISCUSSION

Background

The Zone 9 Flood Control and Water Conservation District was formed in 1973 in response to historic flooding events. It encompasses the entire San Luis Obispo Creek watershed and its tributaries, which fall within the San Luis Obispo city limits. Zone 9 collects parcel tax revenue that is used to conduct flood control planning and projects, as well as watershed management and enhancement projects. The County of San Luis Obispo is the administrator for Zone 9 and enjoys active participation from the appointed Advisory Committee (the "Committee") and regular collaboration with the City.

The City has an existing vegetation management program funded through Zone 9 where regular assessment of flood risks are identified and addressed to protect the public and improve flows in the watershed. Recent flooding events that have occurred in the County, but just downstream from the City, have highlighted the need to take an inter-jurisdictional approach (Attachment C). Because the City has a pre-existing program, staffing, resource agency permitting knowledge, and prioritizes regional resiliency, it is desirable for the County and City to continue to collaborate and expand the vegetation management program into County areas of Zone 9 immediately adjacent to City limits through the proposed amendments to the existing MOU (Attachments A and B). The expansion of the program will provide additional certainty to the City that appropriate mitigation efforts both upstream and downstream of the City occur to help prevent flood events that could directly impact the City.

City staff developed the scope of this program with input from the Committee and County staff. The City Biologist assisted in identifying the tasks that will help complete the following efforts: setting up a baseline of creek conditions, identifying problematic locations, and performing work to improve stream flows throughout the watershed.

This proposed program includes five main tasks with several subtasks (Attachment D). These include:

- Task 1 – Administrative tasks such as: assignment of duties for staff direction, provide quarterly reports, secure Right of Entry and complete permitting requirements as needed (County Staff Responsibility)
- Task 2 – Conduct an Assessment and Develop Comprehensive Baseline (City Staff Responsibility)
- Task 3 – Identify Priority Locations and Develop Recommendations (City Staff Responsibility)
- Task 4 – Vegetation Maintenance and Removal Activities (City Staff Responsibility)
- Task 5 – Property Owner Assistance/Access (County Staff Responsibility)

Previous Council or Advisory Body Action

The proposed program was presented to, voted on, and approved by the Zone 9 Committee at the April 10, 2019, meeting. The attached amended MOU was presented to the Committee and recommended for approval on August 11, 2021. The last Memorandum of Understanding (Reimbursement Agreement) was approved by the City Council on August 21, 2018. This updated Agreement is also going to the Board of Supervisors on September 28th for consideration and approval.

Policy Context

General Plan Safety Element Policy: 2.1.A: The City shall develop and carry out environmentally sensitive programs to reduce or eliminate the potential for flooding in previously developed, flood prone areas of the City. City staff has worked with County staff to identify these areas where work can be accomplished to advance and support this policy. Flooding has occurred along Buckley Road many times in the past, where Prefumo Creek comes out of the Irish Hills has experienced flooding in the past and as San Luis Obispo Creek comes into City limits (Cuesta Park), has the potential to bring debris from County jurisdictional areas that could impact City residents.

Public Engagement

The Zone 9 Committee is advisory body to the Board of Supervisors and has bi-monthly meetings that are open to the public. Public comment has been received and recorded from the Zone 9 meetings with members of the public expressing concerns about frequent flooding in that part of the creek. Past flooding events have inundated portions of Buckley Road near the confluence of East Fork of San Luis Obispo Creek and one of its tributaries. Additional proactive flood control surveys and debris removal efforts have been requested to ensure safe passage for residents along Buckley Road (Attachment E).

This item is on the agenda for the September 7, 2021, City Council meeting and will follow all required postings and notifications. The public may have an opportunity to comment on this item at or before the meeting.

CONCURRENCE

The Public Works Director and the City Engineer concur with this program.

ENVIRONMENTAL REVIEW

The process of approving the Agreement is not a “project” as defined under the California Environmental Quality Act (CEQA). The County is the Lead Agency for this expanded vegetation management program outside of City limits and is therefore responsible for ensuring compliance with CEQA as stated in the MOU. For project implementation, the City will follow typical streambed maintenance procedures as outlined in the Waterway Management Plan by targeting dead and down material for the initial clean up and trimming of vegetation as needed to increase capacity in the channels. These activities do not require permitting from the resource agencies and can be completed by contracted crews with oversight from City/County staff. If larger, more complex vegetation management needs to be undertaken to alleviate a debris jam or constriction point, City staff will inform County staff and they will develop a larger project to be completed under their Routine Maintenance Agreement with the California Department of Fish and Wildlife and any other necessary agency as needed.

FISCAL IMPACT

Budgeted: No

Budget Year: 2021-22

Funding Identified: Yes

Fiscal Analysis:

County of San Luis Obispo staff identified three areas where creeks enter or exit County jurisdictional areas and influence the City and identified additional funding (in addition to the annual Zone 9 funding the City receives from the County for flood control activities) in the amount of \$60,000 for maintenance efforts. A portion of this funding will support the City’s Flood Control Technicians to complete creek surveys, identify dead material to be removed from the creeks and other threats County staff should be aware of. The majority of this funding will be used to hire crews (the California Conservation Corps or tree contractors) to remove dead and down material to ensure the creeks are clear and able to handle winter flows.

Funding Sources	Total Budget Available	Current Funding Request		Remaining Balance	Annual Ongoing Cost
General Fund					
State					
Federal					
Fees					
Other (Zone 9):	\$60,000				
Total	\$60,000	N/A		N/A	N/A

ALTERNATIVES

1. ***Request additional information or clarification prior to taking action.***
2. ***Request further changes to the MOU amendment.***
3. ***Deny the MOU amendment.*** This action is not recommended as staff have worked in good faith to develop the Annual Work Plan in coordination with the Zone 9 Advisory Committee.

ATTACHMENTS

- A – Redline of existing Memorandum of Understanding (Reimbursement Agreement) with County of San Luis Obispo
- B – Clean copy of Memorandum of Understanding (Reimbursement Agreement) with County of San Luis Obispo
- C – Vicinity Map of County Jurisdictional Area
- D – 2021/22 Annual Work Plan
- E – Zone 9 Meeting Minutes of April 10, 2019