

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dan Takasugi, Public Works Director/City Engineer
DATE: August 5, 2008
SUBJECT: Consideration of a Resolution Approving Amendment No. 4 to the Agreement to Fund and Administer the Napa County Stormwater Management Program

APPROVAL FOR FORWARDING:


 James C. McCann, City Manager

1
2 **ISSUE:**
3

4 Consideration of a Resolution approving Amendment No. 4 to the Joint Powers Agreement with
 5 the County of Napa (Agreement No. 6054), City of Napa (Agreement No. 8422), City of St.
 6 Helena (Agreement No. 2003-82), City of Calistoga (Agreement No. 0029), Town of Yountville
 7 (Agreement No. 2003-1), Napa County Flood Control & Water Conservation District (Agreement
 8 No. 211(FC)), and City of American Canyon (Agreement No. _____) to Fund and Administer the
 9 Napa County Stormwater Management Program.

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11 **RECOMMENDATION:**
12

13 Adopt Resolution.
14

15 **BACKGROUND / DISCUSSION:**
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17 On December 8, 1999, Phase II rules were published in the Federal Register requiring Napa
 18 County and the City of Napa to obtain an NPDES permit for stormwater discharges by March
 19 10, 2003. Subsequently, the San Francisco Regional Water Quality Control Board (RWQCB)
 20 added Yountville, St. Helena and Calistoga to the list of Phase II agencies required to obtain the
 21 permit. The City of American Canyon was not initially included in the Phase II regulations
 22 because they were issued a Phase I permit in 2000, but the City was granted Phase II status by
 23 the RWQCB in 2005.
24

25 As required by the Phase II General Permit, a Stormwater Management Program (SWMP) was
 26 developed and submitted to the RWQCB by March 10, 2003. The SWMP consists of Local
 27 Programs implemented by the County and Cities and a County-wide Program implemented by

28 the Flood Control District for the benefit of the NCSWMP co-permittees. The Flood Control
29 District provides \$30,000 from the Maintenance and Watershed Programs Project No. 96-1 fund
30 to cover part of the County-wide Program costs. The remainder of the County-wide program
31 costs are paid for by the NCSWMP co-permittees according to a cost-share formula based on
32 50% population size and 50% Benefit Assessment Units.
33

34 The Phase II General Permit and the current SWMP expired during the 2007/2008 fiscal year.
35 The State Water Resource Control Board is currently drafting a new General Permit which is
36 expected to be issued in the spring of 2009. At this time a new SWMP will need to be submitted
37 to the Regional Water Quality Control Board for approval. On March 20, 2008 the Public works
38 Directors from the cities and the County met with Flood Control District staff to discuss the need
39 to develop a new SWMP and the areas where the SWMP needs to be strengthened. In
40 particular, the RWQCB has commented that public education and outreach efforts should be
41 increased.
42

43 Based on this discussion, the County, cities, and the Flood Control District agreed that staffing
44 for the County-wide Program should be increased from 0.6FTE to 1.0FTE. Amendment No. 4
45 will increase the total budget for the County-wide Program from \$128,4000 to \$148,400 and the
46 City of Calistoga's proportional cost reimbursement obligation will increase from \$3,420 to
47 \$4,133.
48

49 The attached Amendment No. 4 to the agreement would increase the co-permittees'
50 proportional cost obligations to coordinate the development of a new Stormwater Management
51 Program and to increase county-wide educational efforts. All other conditions of that agreement
52 would remain in effect. The attached resolution would approve the amendment and authorize
53 the City Mayor to execute it.
54

55 **GENERAL PLAN CONFORMANCE:**

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57 This project is in compliance with the City's General Plan Objective I-4.3 – Encourage
58 coordination between land use planning, site design and storm water control.
59

60 **FISCAL IMPACT:**

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62 Approval of the agreement amendment would increase the City's proportional share by \$712.40.
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64 **ATTACHMENTS**

- 65
66 1. Resolution
67 2. Amendment No. 4

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RESOLUTION 2008-

**RESOLUTION OF THE CITY OF CALISTOGA AUTHORIZING AMENDMENT NO. 4
TO THE JOINT POWERS AGREEMENT WITH THE NAPA COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT TO FUND AND ADMINISTER
THE NAPA COUNTY STORMWATER MANAGEMENT PROGRAM**

WHEREAS, on July 15, 2003, the City of Calistoga entered into a Joint Powers Agreement (Calistoga Agreement No. 0029) with the Napa County Flood Control and Water Conservation District, City of Napa, City of St. Helena, Town of Yountville, and the County of Napa to fund and administer the Napa County Stormwater Management Program; and

WHEREAS, on June 1, 2004, the Council approved Amendment No. 1 extending the term of said agreement; and on November 15, 2005, the Council approved Amendment No. 2 extending the term of said agreement, and

WHEREAS, on November 15, 2005, the City of Calistoga along with all of the other parties to said agreement approved Amendment No. 2 to add the City of American Canyon as a party to said agreement; and

WHEREAS, on July 24, 2007, the City of Calistoga along with all of the other parties to said agreement approved Amendment No. 3 to increase their proportional cost reimbursement obligations set forth in Flood Control District Agreement 211(FC) in order to fund additional staff time for the District to facilitate the development of a new NCSWMP, and

WHEREAS, the Stormwater Management Program developed and implemented by the Cities and Counties of Napa County terminated on June 30, 2008; and

WHEREAS, the parties to the Agreement now wish to increase the Cities' and County's Proportional Cost Reimbursement Obligations, through this Amendment No. 4, in order to fund additional staff time to coordinate the development of a new Stormwater Management Program (SWMP) and to increase county-wide education efforts.

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 4 to the Joint Powers Agreement with the Napa County Flood Control and Water Conservation District, attached hereto and incorporated herein, is hereby approved contingent upon approval by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Calistoga hereby authorizes the Mayor to execute, on behalf of the City, Amendment No. 4 to the Joint Powers Agreement with the Napa County Flood Control and Water Conservation District to Fund and Administer the Napa County Stormwater Management Program.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 5th day of August, 2008, by the following vote:

AYES:

NOES:

ABSTAIN/ABSENT:

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk

County of Napa Agreement No. 6054
City of Napa Agreement No. 8422
City of St. Helena Agreement No. 2003-82
City of Calistoga Agreement No. 0029
Town of Yountville Agreement No. 2003-1
Napa Co. Flood Control & Water Conservation District Agreement No. 211(FC)
American Canyon Agreement No. _____

**AGREEMENT TO FUND AND ADMINISTER THE NAPA COUNTY
STORMWATER MANAGEMENT PROGRAM
AMENDMENT NO. 4**

**THIS AMENDMENT NO. 4 TO THE AGREEMENT TO FUND AND
ADMINISTER THE NAPA COUNTY STORMWATER MANAGEMENT PROGRAM**
("Agreement"), is made and entered into as of this ____ day of _____, 2008 by and between
the Napa County Flood Control and Water Conservation District, a special district of the State of
California, ("DISTRICT"), the City of Napa, the City of St. Helena, the City of Calistoga, the
Town of Yountville and the City of American Canyon, (collectively, "CITIES"), and the County
of Napa, a political subdivision of the State of California, ("COUNTY"). DISTRICT, CITIES
and COUNTY are also referred to herein as "party" individually and "parties" collectively.

RECITALS

WHEREAS, the parties entered into the Agreement on July 1, 2003 and subsequently
amended it on June 15, 2004, November 15, 2005, and July 24, 2007; and

WHEREAS, the Phase II Municipal Stormwater NPDES General Permit (CAS000004)
expired on April 30, 2008 and a new General Permit is expected to be issued in the Spring of
2009; and

WHEREAS, the Stormwater Management Program (SWMP) developed and
implemented by the Cities and County ended on June 30, 2008; and

WHEREAS, the parties now wish to increase the Cities' and County's Proportional Cost
Reimbursement Obligations in order to fund additional staff time to coordinate the development
of a new SWMP and to increase county-wide education efforts.

NOW, THEREFORE, the parties amend the Agreement in accordance with the terms
and conditions set forth herein:

TERMS

1. The Cities' and County's Proportional Costs Reimbursement Obligations in Section 3 of the Agreement shall be set forth in Exhibit B1, B2, B3, B4 attached hereto and hereby incorporated by reference herein. All references to Exhibit B in Section 3 of the Agreement shall mean that Exhibit B (B1, B2, B3, B4) which corresponds to the period noted below.

Exhibit	Period
B1	July 1, 2003 through June 30, 2005
B2	July 1, 2005 through June 30, 2007
B3	July 1, 2007 through June 30, 2008
B4	July 1, 2008 through June 30, 2009

2. All other terms and provision of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

COUNTY OF NAPA

By: _____
BRAD WAGENKNECHT, Chair of the
Board of Supervisors

"COUNTY"

ATTEST: GLADYS L COIL
Napa Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM:
ROBERT WESTMEYER,
Napa County Counsel

By: __

CITY OF NAPA

By: _____
JILL TECHEL, Mayor

“CITY”

ATTEST: SARA T. COX
Napa City Clerk

By: _____

APPROVED AS TO FORM:
MICHAEL BARRETT, Napa City Attorney

By: _____

CITY OF ST. HELENA

By: _____
DEL BRITTON, Mayor

“CITY”

ATTEST: DELIA GUIJOSA
St. Helena City Clerk

By: _____

APPROVED AS TO FORM:
AMY VALUKEVICH,
St. Helena City Attorney

By: _____

CITY OF CALISTOGA

By: _____
JACK GINGLES, Mayor

“CITY”

ATTEST: SUSAN SNEDDON
Calistoga City Clerk

By: _____

APPROVED AS TO FORM:
MICHELLE KENYON,
Calistoga City Attorney

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor
"CITY"

ATTEST: DOROTHY ROADMAN,
American Canyon City Clerk

By: _____

APPROVED AS TO FORM:
BILL ROSS, American Canyon City Attorney

By: _____

TOWN OF YOUNTVILLE

By: _____
CYNTHIA SAUCERMAN, Mayor

“TOWN”

ATTEST: MICHELLE PRICE,
Yountville Town Clerk

By: _____

APPROVED AS TO FORM:
AMY VALUKEVICH,
Yountville Town Attorney

By: _____

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT, as
special district of the State of California

By: _____
SUPERVISOR BRAD WAGENKNECHT,
Chair of the Board of Directors
"DISTRICT"

ATTEST: GLADYS I. COIL
Secretary of the District Board

By: _____

APPROVED AS TO FORM:
Counsel for Napa County Flood Control and
Water Conservation District

By:
Date:

APPROVED BY THE NAPA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

Date: _____
Processed by:

Deputy Secretary of the District Board

EXHIBIT B1
(July 1, 2003 through June 30, 2005)

PROPORTIONAL COST REIMBURSEMENT

CITIES and COUNTY shall each reimburse the DISTRICT for a proportional percentage of the costs for DISTRICT'S administration of the NCSWMP based upon the following formula: Cost share = (% of the DISTRICT population)(0.50) + (% Total Number of Benefit Assessment Units)(0.50). DISTRICT shall contribute \$30,000 of the budget under this Agreement from its Maintenance and Watershed Programs Project No. 96-1 funds for fiscal year 2003/2004.

	Population	BAU	Combined	Fiscal Year 2003/2004 Cost
Napa County	24 %	42 %	33.0 %	\$ 26,400
City of Napa	63 %	48 %	55.5 %	44,400
City of St. Helena	5 %	5 %	5.0 %	4,000
City of Calistoga	5 %	3 %	4.0 %	3,200
Town of Yountville	3 %	2 %	2.5 %	2,000
District				30,000
Total	100 %	100 %	100 %	\$ 110,000

EXHIBIT B2

(July 1, 2005 through June 30, 2007)

PROPORTIONAL COST REIMBURSEMENT

COST-SHARE TOWARD ASSESSMENT FUND

DISTRICT shall contribute \$27,600 of the budget under this Agreement from Maintenance and Watershed Programs Project No. 96-1 funds for fiscal year 2005/2006. In addition, the City of American Canyon will contribute \$2,400 to this fund to compensate for its share of assessments not collected for Maintenance and Watershed Programs Project No. 96-1. American Canyon's share toward the assessment fund is based upon its percentage of BAU's (8%) in Napa County.

COST-SHARE TOWARD REMAINING BALANCE

CITIES and COUNTY shall each reimburse the DISTRICT for a proportional percentage of the costs for DISTRICT'S administration of the NCSWMP based upon the following formula: Cost share = (% of the DISTRICT population)(0.50) + (% Total Number of Benefit Assessment Units)(0.50).

MAXIMUM COST-SHARE TOWARD ASSESSMENT FUND

City of American Canyon	\$2,400
Napa County Flood Control and Water Conservation District	\$27,600
Total Share of Assessment fund	\$30,000

MAXIMUM COST-SHARE TOWARD REMAINING BALANCE

	Population (2005)	Population %	BAU (FY 05/06)	BAU%	Combined %	FY05/06 Cost
City of American Canyon	14,306	10.7	5,021	8.4	9.6	\$7,641.63
City of Napa	76,346	57.3	26,244	43.8	50.5	\$40,412.98
Town of Yountville	3,257	2.4	865	1.4	1.9	\$1,554.27
City of St. Helena	6,006	4.5	3,012	5.0	4.8	\$3,811.07
City of Calistoga	5,223	3.9	1,924	3.2	3.6	\$2,850.50
Napa County	28,156	21.1	22,912	38.2	29.7	\$23,729.56
Totals	133,294	100	59,978	100	100	\$80,000.00

TOTAL JPA BUDGET:

\$110,000

EXHIBIT B3
(July 1, 2007 through June 30, 2008)

PROPORTIONAL COST REIMBURSEMENT

COST-SHARE TOWARD ASSESSMENT FUND

DISTRICT shall contribute \$30,000 from its Maintenance and Watershed Programs Project No. 96-1 funds. In addition, the City of American Canyon will contribute \$2,400 to compensate for its share of assessments not collected for Maintenance and Watershed Programs Project No. 96-1. American Canyon's share toward the assessment fund is based upon its percentage of BAU's (8%) in Napa County.

COST-SHARE TOWARD REMAINING BALANCE

CITIES and COUNTY shall each reimburse DISTRICT for a proportional percentage of the costs for DISTRICT'S administration of the NCSWMP based upon the following formula: Cost share = (% of the DISTRICT population)(0.50) + (% Total Number of Benefit Assessment Units)(0.50).

MAXIMUM COST-SHARE TOWARD ASSESSMENT FUND

City of American Canyon	\$2,400
Napa County Flood Control and Water Conservation District	\$30,000
Total Share of Assessment fund	\$32,400

MAXIMUM COST-SHARE TOWARD REMAINING BALANCE

	Population (2005)	Population %	BAU (FY 05/06)	BAU%	Combined %	FY07/08 Cost
City of American Canyon	14,306	10.7	5,021	8.4	9.6	\$9,169.95
City of Napa	76,346	57.3	26,244	43.8	50.5	\$48,495.57
Town of Yountville	3,257	2.4	865	1.4	1.9	\$1,865.12
City of St. Helena	6,006	4.5	3,012	5.0	4.8	\$4,573.28
City of Calistoga	5,223	3.9	1,924	3.2	3.6	\$3,420.60
Napa County	28,156	21.1	22,912	38.2	29.7	\$28,475.47
Totals	133,294	100	59,978	100	100	\$96,000

TOTAL JPA BUDGET:

\$128,400

EXHIBIT B4
(July 1, 2008 through June 30, 2009)

PROPORTIONAL COST REIMBURSEMENT

COST-SHARE TOWARD ASSESSMENT FUND

DISTRICT shall contribute \$30,000 from its Maintenance and Watershed Programs Project No. 96-1 funds. In addition, the City of American Canyon will contribute \$2,400 to compensate for its share of assessments not collected for Maintenance and Watershed Programs Project No. 96-1. American Canyon's share toward the assessment fund is based upon its percentage of BAU's (8%) in Napa County.

COST-SHARE TOWARD REMAINING BALANCE

CITIES and COUNTY shall each reimburse DISTRICT for a proportional percentage of the costs for DISTRICT'S administration of the NCSWMP based upon the following formula: Cost share = (% of the DISTRICT population)(0.50) + (% Total Number of Benefit Assessment Units)(0.50).

MAXIMUM COST-SHARE TOWARD ASSESSMENT FUND

City of American Canyon	\$2,400
Napa County Flood Control and Water Conservation District	\$30,000
Total Share of Assessment fund	\$32,400

MAXIMUM COST-SHARE TOWARD REMAINING BALANCE

	Population (2005)	Population %	BAU (FY 05/06)	BAU%	Combined %	FY08/09 Cost
City of American Canyon	14,306	10.7	5,021	8.4	9.6	\$11,080
City of Napa	76,346	57.3	26,244	43.8	50.5	\$58,599
Town of Yountville	3,257	2.4	865	1.4	1.9	\$2,254
City of St. Helena	6,006	4.5	3,012	5.0	4.8	\$5,526
City of Calistoga	5,223	3.9	1,924	3.2	3.6	\$4,133
Napa County	28,156	21.1	22,912	38.2	29.7	\$34,408
Totals	133,294	100	59,978	100	100	\$116,000

TOTAL JPA BUDGET:

\$148,400