Measure M2 Environmental Cleanup Allocation Committee

December 8, 2011
Meeting Minutes

Committee Members Present:
Chair Mary Anne Skorpanich, County of Orange-Watershed & Coastal Resources Program
Vice Chair Garry Brown, Orange County CoastKeeper
John Bahorski, City of Cypress
Tim Casey, City of Laguna Niguel
William Cooper, UCI
Gene Estrada, City of Orange
Dick Wilson, City of Anaheim
Sat Tamaribuchi, Environmental Consultant

Committee Members Absent:
Mark Adelson, Santa Ana Regional Water Quality Control Board
Chad Loflen, San Diego Water Quality Control Board
Joe Parco, City of Santa Ana
Tom Rosales, General Manager, South Orange County Wastewater Authority
Hector B. Salas, Caltrans

Orange County Transportation Authority Staff Present:
Marissa Espino, Senior Community Relations Specialist
Janice Kadlec, Public Reporter
Charlie Larwood, Planning & Analysis Section Manager
Abbe McClenahan, Manager of Programming
Dan Phu, Project Development Section Manager

Guests
Richard Boon, County of Orange
Ken Susilo, Geosyntec
Wallace Walrod, Orange County Business Council

1. **Welcome**
   Chair Mary Anne Skorpanich welcomed everyone and began the meeting at 10 a.m.

2. **Approval of the November 10, 2011 Meeting Minutes**
   Chair Mary Anne Skorpanich asked if there were any additions or corrections to the November 10, 2011 Environmental Cleanup Allocation Committee (ECAC) Meeting Minutes. A motion was made by William Cooper, seconded by Garry Brown, and carried unanimously to approve the November 10, 2011 meeting minutes as presented.

3. **Tier 1 Status Update/Recommendations**
   Dan Phu presented the final draft of the Tier 1 Guidelines. He went over the marked-up version of the Guidelines and explained where changes were made and the reasons for these changes.

   John Bahorski asked about the statement on page two, paragraph four, sentence one – *The Tier 1 Grant Program is designed to mitigate the more visible forms of pollutants….* – He asked if the ECAC would really want to tie Program into this. He suggested in the future when everyone may have screens the Program may be locked in with this language. Dan Phu said he can soften the language to reflect changes to the types of devices in future years.

   Gene Estrada suggested the following change: page five, third paragraph, second sentence: *OCTA is seeking applications for projects which can* ~~start~~ **award** *construction no later than June 30, 2013."* After further review of the paragraph, it was decided the second sentence in this paragraph can be deleted because the correct language is in the following sentence.

   Chair Mary Anne Skorpanich asked if the statement – *Retroactive expenditures cannot be credited towards the matching fund threshold.* – on page six under Overmatch also apply to the section on Matching Funds on page five. Dan Phu said yes.

   Tim Casey asked about paragraph two, on page seven, under Tier 1 Selection Criteria. Does it make sense to award extra points for projects previously funded and could it potentially include projects completed under the first round of funding? Tim Casey said he would lean toward awarding points for projects done independent to the Tier 1 Program. John Bahorski agreed. The simple fix would be a statement indicating prior Tier 1 funds cannot be used for extra points.

   Sat Tamaribuchi asked if at some time a point is reached where cities with resources get the funding and cities that do not have the money are unable to qualify for projects. Are we going in that direction? Tim Casey said he is not sure we are going in that direction yet. He argued that during this time everyone has limited resources and are using their resources differently.

   Tim Casey asked what the reasons the 11 cities gave for not applying for round one funding. Charlie Larwood said the reasons they did not apply fell into one of the following categories: lack of funds, lack of interest, and lack of priority. Some cities are waiting to apply for the next round of funding.

   Chair Mary Anne Skorpanich suggested, due to an earlier discussion, the following change to the fifth bullet point on page nine under Eligible Expenditures: *Expenditures prior to* ~~award date~~ **execution of the Letter of Agreement** *cannot be considered eligible for funding or match.*

Chair Mary Anne Skorpanich asked to have the words "transportation-generated" changed to "transportation-related" in paragraph one under <u>Overview.</u> She also had some grammar corrections in the <u>Pre-Application Process</u> description on page three.

A motion was made by Garry Brown, seconded by Tim Casey, and passed unanimously to endorse the approval of the revised Combined Transportation Funding Programs (CTFP) Tier 1 Funding Guidelines as corrected.

A motion was made by Garry Brown, seconded by Tim Casey, and passed unanimously to endorse the recommendation to initiate the next Tier 1 call for projects in early 2012.

Dan Phu went over some of the administrative changes to the Tier 1 project application process.

Dick Wilson said originally there was talk of making changes to the evaluation form, changing some of the original "yes/no" questions to "high/low" points awarded. Is this process going to be brought back to the Committee? Dan Phu said this has been talked about internally and upon looking at the type of Tier 1 projects, staff is recommending not tinkering with how the evaluation scoring was done the first time.

Chair Mary Anne Skorpanich asked if this meant if something is worth five points they will be scored either zero or five points. Dan Phu said yes. Chair Mary Anne Skorpanich said she recalled this was one of the biggest problems with the first round scoring. Garry Brown agreed this was one of the biggest problems identified with the first round scoring – because less than five points could not be awarded projects were bunched together and it was very difficult to separate the projects when it came time to award funding. Dan Phu said when the scoring was looked at, it was found only a few questions needed to be changed to award one to five points and this would provide the separation needed to not have the projects bunched up. Garry Brown said he would definitely like to review the scoring at the next ECAC meeting. Dan Phu said they will put it on the January committee meeting agenda.

Chair Mary Anne Skorpanich said another question raised after the first round of projects were funded was should plants be funded with grant money in the irrigation/landscaping projects. Should changes be made to the funding guidelines? Gene Estrada said he would think changes should be made. Garry Brown said he would lean toward irrigation equipment is a legitimate, viable, valid BMP. He would be less inclined to look at plant replacement. Tim Casey said replacing plants with less water thirsty, drought resistant plant replacement as part of a water project is not a bad idea. Garry Brown said he agreed there were many proprietary BMPs that are absolutely legitimate. Dick Wilson said replacing plants should score pretty low when evaluating the projects. Chair Mary Anne Skorpanich said she did not feel it was appropriate to use the grant money to replace plant materials. However, there should

be a distinction between BMPs where plant materials are an integral part of the water quality treatment like swales. Tim Casey said he is OK with a complete landscape exclusion. Dan Phu said this is one point where a gradation can be built in the scoring. Chair Mary Anne Skorpanich said she disagreed with this approach because this allows the project to still be funded. She would like to see it as being an ineligible expense. John Bahorski said he agrees landscaping should be ineligible because there are plenty of other programs for landscape issues.

Dan Phu asked where they thought it would be appropriate to discuss this issue in the Guidelines. Chair Mary Anne Skorpanich suggested including it in the Guidelines under <u>Eligible Expenditures.</u>

A motion was made by Tim Casey, seconded by John Bahorski, and passed unanimously to make landscape plant replacement ineligible for Tier 1 Grant funding.

Garry Brown said in the last round of funding several projects to remove trash were in close proximity to each other. One of the projects was less than a quarter of a mile to the discharge point into Newport Harbor. Yet there were other projects eight miles from the discharge point. Clearly the project closer to the discharge point was the better project but there was no way to indicate this in the scoring system. This was the frustrating part of scoring these projects.

4. Tier 2 Study Update and Policy Discussion

Ken Susilo introduced the Tier 2 Funding Scoring Metrics which included everything agreed upon at the last ECAC meeting excluding 3) <u>BMP Performance (25/100 pts.)</u>. The BMP Performance was tabled until this meeting. He reviewed the changes to the document as requested at the November ECAC meeting.

Dick Wilson questioned including the subcategories (i, ii, and iii), he did not understand how this would help the scoring of a project. Ken Susilo said the idea of these subcategories was the applicants should address these issues when filling out their applications. It would not be up to the evaluation committee to verify the information. Dick Wilson said he would be fine with the subcategories if they were going to be used only by the evaluation committee. He did not see the value of including this information for the applicants.

Chair Mary Anne Skorpanich asked if the scoring points deleted on the second page were going to be something given only to the scoring committee and not to the applicants. Ken Susilo said since agreement on these point numbers has not been made they would be eliminated. Chair Mary Anne Skorpanich said this may be something the scoring committee may want to adopt to establish scoring consistency. The ECAC discussed 4) b) <u>Recreational</u>. After discussion it was agreed the applicants can just identify the recreational benefits of the project and let the scoring committee assign the value.

Dick Wilson questioned 6) a). What is so important that makes a multi-jurisdictional project more valuable? Dan Phu said it goes back to the Measure M2 Ordinance which set up regional benefits to encourage multi-jurisdictions to team up together to facilitate the larger scale type of projects.

Tim Casey said this may be a case of disadvantaging larger cities but points need to be awarded for multi-jurisdictional projects and there is no other place in the Scoring Metrics to recognize this. John Bahorski said for larger cities to get points for response to this question is to point out the benefits of the project to neighboring cities. Dick Wilson said there is a difference between helping multiple jurisdictions and multiple jurisdictions collaborating and having legal agreements on a project. He suggested keeping the question six as is for this first round of funding and see what types of projects come in. The metrics can be changed for the next round if necessary.

Ken Susilo gave an overview of the Draft Pollutant Loading (BMP Performance) Subcategory Scoring.

Sat Tamaribuchi said he is more concerned with wet-weather versus dry-weather conditions. In looking at the point system it is set up in a way that prohibits response to a dry-weather project. He said when projects are selected for funding; scores are going to be very close. If a score of only 10 points is given for a dry-weather project it is highly unlikely a dry-weather project will do much for wet-weather. Essentially with the way the scoring is structured, all dry-weather projects will be topped out at 85 points and none of them will get funded.

A motion was made by Gene Estrada, seconded by Sat Tamaribuchi, and passed unanimously to approve *3) BMP Performance* with the following change to the Proposed Approach: *Maximum score of 25 points will be developed based on wet-weather and dry-weather contributions. Potential wet-weather and dry-weather points are ~~20 and 10, respectively~~ <u>25 points each</u>; any scores above 25 will cap at 25 points.*

A motion was made by Chair Mary Anne Skorpanich, seconded by Garry Brown, and passed unanimously to endorse the approval of the Scoring Metrics (reflects input from ECAC at November 10, 2011 meeting) with the corrections to Additional Scoring Metrics 4) b).

Dick Wilson said some of the calculations required for the water quality load reduction index seem very complicated. Will there be help available for the applicants? William Cooper said money should be set aside so workshops can be held to help applicants navigate the modeling. Gene Estrada suggested the model be available on the OCTA website. Also, a manual should be available. Garry Brown suggested OCTA staff should be available to help applicants with the model.

5. **Public Comments**
   There we no public comments.

6. **Committee Member Reports**
   Chair Mary Anne Skorpanich said County of Orange-Watershed and Coastal Resources Program will be holding a public meeting on the watershed work plan today at 2:30 p.m. at Mission Viejo City Hall.

7. **Next Meeting – January 12, 2012**
   The next meeting of the ECAC will be January 12, 2012 in the OCTA offices.

8. **Adjournment**
   The meeting adjourned at 12 p.m.