Measure M 2 Environmental Cleanup Allocation Committee

September 13, 2012
Meeting Minutes

Committee Members Present:
Chair Mary Anne Skorpanich, O. C. Watersheds
Vice Chair Garry Brown, Orange County CoastKeeper
John Bahorski, City of Cypress
Scott Carroll, Costa Mesa Sanitary District
Gene Estrada, City of Orange
Dick Wilson, City of Anaheim
Marwan Youssef, City of Westminster

Committee Members Absent:
Mark Adelson, Santa Ana Regional Water Quality Control Board
William Cooper, UCI
Chad Loflen, San Diego Water Quality Control Board
Tom Rosales, General Manager, South Orange County Wastewater Authority
Hector B. Salas, Caltrans
Sat Tamaribuchi, Environmental Consultant

Orange County Transportation Authority Staff Present:
Marissa Espino, Senior Strategic Communications Officer
Janice Kadlec, Public Reporter
Charlie Larwood, Manager of Planning and Analysis
Abbe McClenahan, Manager of Programming
Dan Phu, Project Development Strategic Planning Section Manager

Guests
Jean-Daniel Saphores, UCI

1. **Welcome**
   Chair Mary Anne Skorpanich welcomed everyone to the meeting at 10:05 a.m. She introduced a new Environmental Cleanup Allocation Committee (ECAC) member Marwan Youssef from the City of Westminster and also Jean- Daniel Saphores from UCI who will be standing in for William Cooper while he is on sabbatical. Everyone around the table introduced themselves.

2. **Approval of the June 28, 2012 Meeting Minutes**
   A motion was made by John Bahorski, seconded by Scott Carroll, to approve the June 28, 2012 ECAC meeting minutes as presented. The motion carried. Chair Mary Anne Skorpanich, Gene Estrada, Dick Wilson, and Marwan Youssef abstained from voting because they were not at the June 28 meeting.

3. **New ECAC Member Marwan Youssef**
    Recruitment of City Member (Fifth District)
    Marissa Espino reported on the efforts in obtaining a member for the vacant seat on the ECAC from the 5th District. She reported the new member should be at the next ECAC meeting.

4. **2011/12 Tier 2 First Call Application Summary**
    Marissa Espino gave an overview of the outreach efforts for the Tier 2 first call for applications.

    Dan Phu gave a brief overview of each of the twelve Tier 2 applications submitted from the following ten cities:

    - City of Aliso Viejo
    - City of Anaheim (2 projects)
    - City of Costa Mesa
    - City of Dana Point
    - City of Huntington Beach

    - City of Irvine
    - City of Laguna Niguel
    - City of Newport Beach (2 projects)
    - City of Santa Ana
    - City of Tustin

    Dan Phu said, while going over the applications in the screening process staff is finding the "match" amount is not always the correct amount. This is something that needs more explaining in the next round of funding. Staff will meet with each of the current applicants, go over this portion of the applications, and clarify the figure.

    John Bahorski observed one of the Newport Beach projects seemed to be a Tier 1 project. Chair Mary Anne Skorpanich said she would imagine this project would not score highly. Garry Brown said there was some discussion on this during the application review process and it was determined there is nothing preventing the city from applying for this project – it just will not score as high.

    John Bahorski said if in a development the permit says a certain amount of water needed to be retained and a retention basin is needed he does not feel Tier 2 should be carrying this. It should be done by the developer or the city not Measure M. Dan Phu said the Measure M Ordinance is clear on this – Measure M money cannot be used to supplant requirements of other agencies. This will be one of the challenges for the larger complex projects – determining if it will be a betterment over and beyond what is required. Situations like this will require meetings with the applicants to thoroughly understand the projects. Chair Mary Anne Skorpanich said the ECAC will need to rely on the scoring committee for information on where the application form falls short in asking for enough information.

    Garry Brown said, learning from Tier 1, the ECAC put together a better point system for Tier 2. The other side of the coin is the Tier 2 projects are far more complicated and this will result in a long list of lessons learned. There may be another one-on-one

session with applicants to clarify points because there are many nuances to some projects, and before they are downgraded or a point score is assigned, the scoring committee may need further clarification.

John Bahorski said the ECAC has a limited pot of money and the farther the money goes the more good can be done. Garry Brown said the next round of funding will have more emphasis on nexus because the point system has been built so the subjectivity is a limited number of points.

Gene Estrada said one of the things the bond measure was supposed to do was fund water quality projects strictly. If the water quality project is part of the project that was already planned then it is a development project, not a water quality project and should not be funded under Tier 2. The ECAC should be very careful they are not funding projects covered by other regulatory requirements.

Dick Wilson asked if after reviewing the applications the ECAC would pare down some of the money asked for or would they just declare the application void. Chair Mary Anne Skorpanich said once the numbers are verified and it is determined the end result is the total water quality project cost, the numbers can be fine tuned.

Abbe McClenahan observed under the Streets and Roads Program typically the application is evaluated, questions and clarifications are made, but applicants are not asked to revise or reduce their request for funding unless it is something really glaring. This is tested at the end in the planning report where all the expenses are looked at individually to determine what is eligible and ineligible. At this point it is possible they will not get all their funding.

Marwan Youssef suggested maybe the Orange County Flood Control District could be asked to look at the applications to get their take on the projects.

Marwan Youssef asked if a letter of support is being asked for from the partners of the projects and are some of these partners pledging funds toward the projects. Dan Phu said some of the partners are pledging resources, some are pledging right-of-way, and some of the partners are just neighbors who are reaping some benefits. This is where the guidelines need to be adjusted to be clearer. Dan Phu said also the applications asked for public and community support and some of the applications did not include community support.

Gene Estrada asked in the cases such as community support that require some kind of back-up document, if the applicants do not have this document is the intent to tell these people they cannot have the points but give them time to come up with the document. Dan Phu said they would not get the points. Gene Estrada said he would like the Committee to be clear and consistent on at what point they are allowed to provide information and when they are not. Garry Brown said at the evaluation committee meeting they were very firm about consistency. They were clear – if there

are flaws in the application they will not go back to the applicant and ask them to correct it, they will only ask the applicants for clarification on things. They will not ask for modification; they will only ask for clarification.

Marwan Youssef asked if approval from Caltrans would be requested for projects along state highways before the project is funded. Dan Phu said the project application involving a state highway has included a letter from Caltrans. Dan Phu noted in the Tier 2 guidelines it is very clearly stated in the case of joint agencies one agency will act as the lead and must provide letters of support from the other agency(s).

5. **2011/12 Tier 1 Lessons Learned**
    Dan Phu gave a brief background report on the status of Tier 1. Before going out for the third call for projects for Tier 1 the guidelines will be revised based on what staff and the ECAC members find worked and didn't work in the two previous calls for projects. Dan Phu went over the suggestions for change submitted so far.

    Garry Brown addressed the issue of equity involving coastal versus inland projects. There is a need to deal with all the cities equally and yet, as an example, a BMP on the coast where it dumps into the ocean somehow has to be reflected as a high priority versus a project 10 miles inland. The frustration is how to do this without penalizing applicants geographically.

    Charlie Larwood said, overwhelmingly, the ECAC wanted to leave the discretion for first priority (15 bonus points) with the city to choose the project. For the second, third, and fourth priority, maybe there is something that could be changed or modified to reflect different ideas.

    Charlie Larwood said some of the cities came in with five different drip irrigation systems for a street medium. Garry Brown said this was for a very long street that had five different segments.   He said the evaluation committee supported the irrigation systems but the goal of the Ordinance is not to buy plants. John Bahorski said there are water districts that have money for low flow irrigation; the agencies should look to these places first.

    John Bahorski asked which cities have not applied to the water program after two rounds of funding. Chair Mary Anne Skorpanich said the cities of Los Alamitos, Placentia, and Stanton have not applied for either round of funding.

    Marwan Youssef said a great deal of the water irrigation systems adopted by the cities do include funding for water conservation and should not be looking for money from Measure M for this purpose.

    Dan Phu said in the Measure M water quality program there is a need to quantify the cost benefit of the program. How much savings occurred in Tier 1 and Tier 2? He

suggested putting in the application the amount of cost savings the project would generate. OCTA is trying to come up with a model to capture this information.

John Bahorski said his city kept track of the amount of debris collected from the baskets. It is not the best way and may be a little difficult with screens. Gene Estrada said it is very easy to calculate the debris from the baskets but the difficulty with screens is there would need to be a program to see how much is collected before and after the rains and how much before the screens and after the screens. This is very difficult and expensive to do; his city decided not to do it.

The Committee discussed different ways to capture the cost savings of the Program.

John Bahorski said the argument should be if not for the Program these cities would not have put in screens. Can it be quantified – no? Does it make sense – yes. Charlie Larwood suggested a simple statement could be included such as "X" amount of trash has been removed as a result of the program.

Marwan Youssef said as part of this it might be better to look at the source of the trash. It might benefit the city to give it some help with street sweeping. Garry Brown said funds cannot be applied for that will supplant what is already being done and what is required under MS4. Chair Mary Anne Skorpanich said this money, because it is derived from bonds, can only be used for capital projects. Marwan Youssef asked if it could be used for a new street sweeper. Chair Mary Anne Skorpanich said this has been talked about early in the program.

Garry Brown said there needs to be a serious discussion on raising the amount of Tier 1 and also the cap.

John Bahorski said the original baseline of the program has been reached where everyone has received a little money (accept for the three cities who have never applied).

Dick Wilson said he agreed, they have reached the point where prioritization is important – the need is to spend the money where it will do the most good.

Chair Mary Anne Skorpanich said they are looking at effectiveness and the cost of a trash boom five-hundred yards from the beach versus a greater number of screens up stream. At least the screens keep trash out of the water.

Dick Wilson said prevention is always cheaper. Screens are preventing things from getting down to the coast but the visible effect would be nice.

Gene Estrada said in terms of prioritization, anything that captures storm water does a much better job than something that doesn't. Screens do not capture storm water; they are designed to open during a storm. A Continuous Deflection System (CDS)

unit or anything like it that captures storm water is a much more effective Best Management Practice. But it is tricky because for some cities screens do a much better job. When thinking about prioritization, the ECAC still needs to think of how to work with screens because they will not score as high as CDS units.

Gene Estrada said he can put in a lot more screens than he can CDS units but he has found the screens require a lot more man power than expected. So he will probably not buy more screens but put in CDS units and they will be put in very strategically.

Garry Brown said he does not think the ECAC will be evaluating screens versus CDS. Keep in mind they are not telling the cities what to apply for. If the city wants screens the ECAC will evaluate screens. If the city wants CDS, the ECAC will evaluate CDS. The ECAC will not dictate to the cities what type(s) of equipment is best for them.

Marissa Espino said they can go to the Technical Advisory Committee, NTDS, and do an online survey asking for feedback on the Tier 1 program.

6. Public Comments
There we no public comments.

7. Committee Member Reports
There were no further Committee Member Reports.

8. Next Meeting – October 11, 2012
The next meeting of the ECAC will be October 11, 2012 in the OCTA offices.

9. Adjournment
The meeting adjourned at 11:30 a.m.