



Legislation Details (With Text)

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**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 3/23/2021      **In control:** City Council  
**On agenda:** 4/29/2021      **Final action:**

**Title:** Actions pertaining to groundwater recharge and reimbursement for cooperative agency groundwater recharge infrastructure (Council District 1, Fresno County, Citywide):

1. Adopt a finding that approval of the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
2. Adopt a finding that approval of the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
3. Approve the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) between the City of Fresno and Fresno Metropolitan Flood Control District to authorize a cost-share reimbursement to the Fresno Metropolitan Flood Control District for the construction of groundwater recharge intertie facilities to storm drain Basin AI in the amount of \$80,770.95;
4. Approve the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge between the City of Fresno and Fresno Metropolitan Flood Control District to add storm drain Basins AI and EO to the list of storm drain basins authorized for groundwater recharge

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Reimbursement Agreement Basin AI.pdf, 2. Attachment 2 - Fourth Amendment to Agreement.pdf, 3. Attachment 3 - Vicinity Map.pdf

Date	Ver.	Action By	Action	Result
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**REPORT TO THE CITY COUNCIL**

**April 28, 2021**

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**THROUGH:** BROCK D. BUCHE, PE, PLS, Assistant Director - UP&E  
Department of Public Utilities - Utilities Planning & Engineering

**BY:** ERIN AUGUSTO, Engineer I  
Department of Public Utilities - Utilities Planning & Engineering

**SUBJECT**

Actions pertaining to groundwater recharge and reimbursement for cooperative agency groundwater recharge infrastructure (Council District 1, Fresno County, Citywide):

1. Adopt a finding that approval of the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
2. Adopt a finding that approval of the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
3. Approve the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) between the City of Fresno and Fresno Metropolitan Flood Control District to authorize a cost-share reimbursement to the Fresno Metropolitan Flood Control District for the construction of groundwater recharge intertie facilities to storm drain Basin AI in the amount of \$80,770.95;
4. Approve the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge between the City of Fresno and Fresno Metropolitan Flood Control District to add storm drain Basins AI and EO to the list of storm drain basins authorized for groundwater recharge

## RECOMMENDATIONS

Staff recommends City Council:

1. Adopt a finding that approval of the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
2. Adopt a finding that approval of the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301/Class 1 of the CEQA Guidelines;
3. Approve the Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI) between the City of Fresno and Fresno Metropolitan Flood Control District to authorize a cost-share reimbursement to the Fresno Metropolitan Flood Control District for the construction of groundwater recharge intertie facilities to storm drain Basin AI in the amount of \$80,770.95;
4. Approve the Fourth Amendment to the Agreement for Use of Basins for Groundwater Recharge between the City of Fresno and Fresno Metropolitan Flood Control District to add storm drain Basins AI and EO to the list of storm drain basins authorized for groundwater recharge; and
5. Authorize the Director of Public Utilities, or designee, to execute all necessary documents on behalf of the City.

## EXECUTIVE SUMMARY

On March 24, 2010, the City and District entered into a “Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Projects” (Reimbursement Agreement). This Reimbursement Agreement provided the City and District the ability to cooperatively plan, identify, and construct surface water intertie projects to expand groundwater recharge activities at the

District's storm drain basins throughout the City. In 2019, the City authorized District to proceed with the construction of groundwater recharge infrastructure intertie facilities to storm drain Basin AI (Basin AI Intertie Project), under the mutual understanding that the Reimbursement Agreement was still effective and applied to the Basin AI Intertie Project. The City and District subsequently determined that the Reimbursement Agreement had expired. The Basin AI Intertie Project is complete and staff seeks City Council approval to enter into the AI Reimbursement Agreement to reimburse District for the City's proportional share in the amount of \$80,770.95 for contract administration, design, inspection, and construction of the Basin AI Intertie Project.

The City also seeks City Council approval of the Fourth Amendment to Agreement for Use of Basins for Groundwater Recharge (Fourth Amendment to Recharge Agreement), whereby District's Basins AI and EO will be added to the list of District storm drain basins authorized to provide groundwater recharge to aid in restoring groundwater resources.

## **BACKGROUND**

On December 23, 1991, the City and District entered into the Agreement for the Use of Basins for Groundwater Recharge (Recharge Agreement). The Recharge Agreement identifies a list of storm drain basins that will be authorized by the District for utilization of City contract surface water allocations to supplement recovery of declining groundwater levels through groundwater recharge efforts during non-storm (summer) months. The Recharge Agreement is amended from time to time when existing or new master plan storm drain basins are identified for inclusion in the District's listing of authorized basins. The first three Amendments to this Agreement were executed on April 8, 2004, July 13, 2005, and April 18, 2007. Future District master plans include future construction of a gravity-driven intertie connection from Basin AI to Basin EO, near Gettysburg Avenue and Hayes Avenue, which would provide additional groundwater recharge. The Fourth Amendment to the Recharge Agreement will authorize inclusion of District storm drain Basins AI and EO for groundwater recharge.

On March 24, 2010, the City and District entered into the Reimbursement Agreement which allowed City and District to cooperatively plan, identify, and construct surface water intertie projects to expand groundwater recharge activities at District's storm drain basins throughout the City. In 2019, City authorized District to proceed with the Basin AI Intertie Project under the mutual understanding that the Reimbursement Agreement was still effective and applied to the Basin AI Intertie Project. The City and District subsequently determined that the Reimbursement Agreement had expired.

The Basin AI Intertie Project is complete and City wishes to enter into the AI Reimbursement Agreement to reimburse District for the City's Total Cost in the amount of \$80,770.95. This amount is the City's proportional share of contract administration, design, inspection, and construction of the Basin AI Intertie Project.

On June 23, 2016, the City adopted the 2015 Urban Water Management Plan (UWMP). The UWMP dictates an increase in recharge water operations from a volume of 53,600 acre feet in 2010 to 66,500 acre feet by 2040 in order to balance groundwater pumping from the aquifer.

On September 16, 2014, the California Legislature created the Sustainable Groundwater Management Act (SGMA) to address the statewide problem of groundwater overdraft. Within the immediate region, SGMA requires water agencies in the Kings Subbasin (aquifer where Fresno is located) collaboratively implement measures to eliminate "undesirable results" to the aquifer.

Furthermore, SGMA requires governments and water agencies in the Kings Subbasin to halt overdraft and bring the groundwater basin into balanced levels of pumping and recharge by 2040. With Council approval, the Fourth Amendment to the Recharge Agreement and AI Reimbursement Agreement will allow the City to continue the expansion of groundwater recharge projects to meet UWMP goals and SGMA requirements.

The City Attorney's Office has reviewed and approved as to form both the Fourth Amendment to the Recharge Agreement and the AI Reimbursement Agreement.

## **ENVIRONMENTAL FINDINGS**

### Fourth Amendment to Agreement for Use of Basins for Groundwater Recharge

Staff has conducted a preliminary review of this approval and has determined that it is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1.

Section 15301/ Class 1 exemption from CEQA requirements applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities involving no expansion of existing or former use. The Recharge Agreement identifies a list of storm drain basins the City is authorized to use to supplement recovery of declining groundwater levels through groundwater recharge efforts during non-storm months. The City does so using contract surface water allocations. The Recharge Agreement is amended from time to time when existing or new master plan storm drain basins are identified for inclusion in the District's listing of authorized basins.

The Fourth Amendment authorizes the use of Basins AI and EO for groundwater recharge. These basins are identified in the District's current master plan for recharge use and the District has completed construction of its Master Plan gravity-driven intertie connection of Basin AI with Basin EO which will provide additional groundwater recharge. Adding these basins to the list of the basins the City is authorized to use for recharge will not expand use beyond what has already been contemplated in the District's Master Plan.

### Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Construction Project (Intertie Facilities to Storm Drain Basin AI)

Staff has conducted a preliminary review of this approval and has determined that it is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1.

Section 15301/ Class 1 exemption from CEQA requirements applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities involving no expansion of existing or former use. The City is reimbursing the FMFCD for the construction of an intertie to Basin AI. The intertie will allow the City to utilize its surface water allocations at Basin AI for groundwater recharge. Further, given that the District has completed construction of its Master Plan gravity-driven intertie connection of Basin AI with Basin EO, the intertie facility will allow both basins to be used for groundwater recharge. Use of these basins for recharge is contemplated in the District's current Master Plan and construction of the intertie facility does not expand use of the basins beyond that contemplated use.

## **LOCAL PREFERENCE**

Local preference was not implemented, as this item does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

There is no impact to the General Fund. This Project is located Citywide. Funds are available in the Water Division's FY 2021 Capital Improvement Program budget within the Water Enterprise Fund (40101).

### **Attachments:**

Attachment 1 - Reimbursement Agreement for Cooperative Agency Groundwater Recharge Infrastructure Intertie Facilities to Storm Drain Basin AI

Attachment 2 - Fourth Amendment to Agreement for Use of Basins for Groundwater Recharge

Attachment 3 - Vicinity Map