CITY OF PORT LAVACA

COUNCIL MEETING: JULY 10, 2023 **AGENDA ITEM __**

DATE: 7.06.2023

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **MEMORANDUM OF UNDERSTANDING between Texas State University and City of Port Lavaca regarding the Texas GLO Clean Coast Texas Collaborative Program**

BACKGROUND:

I was introduced to this program by Calhoun County Coastal & Marine Resources Extension Agent, R.J. Shelly. The Clean Coast Texas program is a collaborative effort to assist local governments with strategies to improve water quality and stormwater management. The collaborating partners are shown on page 2 of the attached minutes to a meeting I had with Mr. Shelly and representatives of the Clean Coast Texas Collaborative in February. Also attached is a "Menu of Services" offered by the program.

Services they offer that we are looking at taking advantage of include a GIFT and/or CHARM workshop as part of Education and Community Events, assisting us with potential green stormwater infrastructure projects such as pervious parking surfaces, helping us identify grant sources, and providing free Stormwater Drainage Inlet Markers that we can install on all the new inlets being installed on the southside in addition to other areas.

There is no commitment of City dollars required the execute this MOU. Our partner in this MOU is the Texas State University, home of the Meadows Center for Water and the Environment, who is handling Project Management of this Collaborative. The City's responsibilities are listed under Section II and include installation of Stormwater Drainage Inlet Markers provided to us by the program.

RECOMMENDATION:

Staff recommends Council execute this Memorandum of Understanding with the Texas State University.

ATTACHMENTS:

- MOU
- Minutes from the February 13
- Menu of Services www.cleancoast.texas.gov

Memorandum of Understanding
Between
Texas State University
And
City of Port Lavaca, TX

This Memorandum of Understanding (MOU) is hereby entered into by **Texas State University** (hereafter referred to as "Texas State"), a governmental body of the state whose primary place of business is located at 601 University Dr., San Marcos, TX 78666, by and through its duly authorized representative, and the **City of Port Lavaca**, Texas, a council-manager/home rule city (hereafter referred to as "City") whose primary place of business is located at 202 North Virginia, Port Lavaca, Texas 77979 by and through its duly authorized Mayor. Texas State and City may be referred to herein individually as a "Party" or collectively as the "Parties."

PREAMBLE

WHEREAS, the governing bodies of each party find that the subject of this MOU is necessary for the benefit of the public and that the performance of this MOU is in the common interest of both parties; and

WHEREAS, Texas State and the City find that collaboration to identify best practices for floodplain and water pollution management in the City may have far reaching impacts on water quality throughout the Texas Coast; and

WHEREAS, Texas State and the City find that the development of an effective organizing framework to enhance cooperation and coordination among regional stakeholders is in the common interest of both parties; and

WHEREAS, Texas State's University Center called "The Meadows Center for Water and Environment" (Meadows Center) shall be the lead in the activities of Texas State; and

WHEREAS, Texas State and the City find that the efforts undertaken through this MOU will serve to fulfill the four pillars of The Meadows Center's mission of "Inspiring research and leadership that ensures clean, abundant water for the environment and all humanity"; and

WHEREAS, Texas State has a contract with Texas General Land Office titled "The Texas Coastal Collaborative - A dynamic approach to hazard mitigation, resiliency & NPS control". This MOU supports Task 5 titled "Task 5: Target Community Planning and Adoption of Texas Coastal NPS Program Priorities"; and

WHEREAS, Texas State and the City find that the Texas General Land Office, Clean Coast Texas Collaborative program shall serve as the platform for this MOU; and

WHEREAS, Texas State and the City find that efforts under this MOU shall serve to benefit the water quality in the surrounding waters of Lavaca Bay, Matagorda Bay, and the Gulf of Mexico; and

WHEREAS, no direct funds are to be committed by the City or required on behalf of the City in the fulfillment of this MOU.

NOW THEREFORE, Texas State and the City, hereby mutually agree to:

I. TEXAS STATE RESPONSIBILITIES

1. Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will provide services, staff, and resources to City elected officials, staff, homeowners, businesses, residents and other stakeholders to support best practices for a comprehensive suite of hydrologic and water quality improvements which may include benefits to floodplain management, stormwater management, point source and nonpoint source water pollution management.

2. Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will deliver workshops, planning services, and/or presentations to the City which may include: sustainable stormwater management, water pollution management, floodplain management, regulatory and non-regulatory approaches to protect water resources, comprehensive planning/smart growth, and/or community resilience at times and locations mutually agreed to by Texas State and the City.

3. Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will provide technical assistance to the City which may include: engineering strategies and/or engineering design services that address water pollution and seek sustainable stormwater management solutions.

4. Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will provide assistance to the City in pursuit of strategic funding and financing services that support Clean Coast Texas goals for water pollution and sustainable stormwater management.

5. Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will facilitate information sharing and new partnerships for the City that promote water pollution management education, training and management.

Texas State, through its Meadows Center and Clean Coast Texas Collaborative, will provide Clean Coast Texas/Texas General Land Office Coastal Management Program Branded Stormwater Drainage Inlet Markers for public streets at a value not to exceed

$10,000. Funding source for the activities of Texas State is from the Agreement 22-045-021-D726 between GLO and Texas State.

II. CITY RESPONSIBILITIES

1. City will share publicly available information and data with Texas State through its Meadows Center, which will aid in the evaluation or development of future water pollution management and Clean Coast Texas Collaborative projects and programs, upon request.

2. City will respond in a timely manner to communication between Texas State through its Meadows Center and key staff members to support the development and implementation of Clean Coast Texas Collaborative projects and initiatives within the City.

3. City will facilitate opportunities for Texas State through its Meadows Center to provide Clean Coast Texas Collaborative updates/reports/actions/approvals to City Council and/or other City-sponsored committees, boards, commissions, etc. as mutually agreed to by Texas State and the City.

4. City may consider the formal adoption of all or selected sections of: GUIDANCE FOR SUSTAINABLE STORMWATER DRAINAGE ON THE TEXAS COAST (For Nonpoint Source Pollution and Flood Management).

5. City may consider new ordinance(s) or selected revisions to existing ordinance(s) that address water pollution and/or flood management while promoting the goals of both the City and Texas State through its Meadows Center and the Clean Coast Texas Collaborative.

6. City may assist Texas State through its Meadows Center in the development of grant applications and other financial strategies in support of future Clean Coast Texas Collaborative projects, programs and/or initiatives that demonstrate clear benefits to the City. Assistance from the City may include: letters of support, resolutions, project reports, financial reports, other documents, etc.

7. City will install Stormwater Drainage Inlet Markers and maintain them, i.e., ensure they are securely installed and remove and replace, if possible, damaged markers for 15 years. The City will maintain a record of Marker locations.

III. MISCELLANEOUS

1. Amendments. This MOU may be amended by mutual written agreement signed by the parties hereto.

2. The Parties agree that they may engage in exchanges of activities of mutual interest and benefit including but not limited to the following:
   a) sharing research project ideas and data for research purposes;
   b) sharing of tools, techniques, and methodologies developed for research purposes;
   c) undertaking specific, parallel funded research projects; and
   d) undertaking staff or student research exchange programs.

3. The Parties agree to cooperate to the extent mutually convenient in identifying potential collaborative projects of mutual benefit and in finding appropriate resources and funding for such projects.

4. Each party shall make reasonable efforts to respect the objectives of the other Party and to accommodate such objectives in the design of any collaborative project.

5. Neither Party shall be required to collaborate with the other on any specific project.

6. Relationship of Parties. Nothing contained in this MOU shall be deemed to create a partnership, joint venture, or relationship of employment between the Parties. Neither Party shall have the authority to act on behalf of the other Party, or to commit any other Party in any manner or cause whatsoever, or to use any other Party's name in any way not specifically authorized by this MOU.

7. Liability. Neither Party shall be liable for any act, omission, representation, obligation or debt of the other Party.

8. Legal Effect of MOU. Texas State and City understand and agree that this MOU constitutes only an expression of intent and shall have no legal or binding effect on the parties.

9. Information and Confidentiality

   9.1. Before commencing any research project or exchanging any data, the Parties will seek all necessary approvals for the sharing of information, complete a research agreement and, where applicable, execute a mutual non-disclosure agreement for the sharing of confidential information.

   9.2. Research agreements between the Parties will also stipulate, on a project by project basis, the terms and conditions pertaining to timelines, funding agreements, resource arrangements, intellectual property rights, copyright and the publication of research findings associated with each collaborative research project.

10. Term and Termination

   10.1 This MOU is effective upon signatures by both parties and shall terminate on August 31, 2024.

10.2 Either party may terminate this agreement upon 30 days written notice to the other party.

10.3 In the event of termination the Parties shall take the following steps:

a) Any ongoing projects shall be completed or terminated in accordance with the terms and conditions stipulated in the research agreement; and,
b) Any equipment, software, data, or materials acquired in connection with collaborative projects or activities shall be distributed between the Parties in accordance with the terms and conditions of the research agreement.

11. Contact information

Notices and correspondence concerning this MOU shall be sent to

For Texas State:
Dr. Christina Lopez
Coastal Coordinator, The Meadows Center
601 University Dr.
San Marcos, TX 78666
Phone: 512-245-7389
Fax: 512-245-7371
Christina.lopez@txstate.edu

With copy to:
Dr. Reddy Venumbaka
Director, Technology Transfer & Contracts
601 University Dr., JCK 489
San Marcos, TX 78666
Phone: 512-245-4524
Fax: 512-245-3847
reddy@txstate.edu

For City of Port Lavaca, TX:
Jack Whitlow
Mayor
202 North Virginia
Port Lavaca, TX 77979
Phone: 361-552-9793 EXT 221
Jwhitlow@portlavaca.org

With copy to:
Joanna P. "Jody" Weaver, P.E.
City Manager
202 North Virginia
Port Lavaca, TX 77979

Phone: 361-552-9793 EXT 221
jweaver@portlavaca.org

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding to be effective as of the Effective Date.

Texas State University	**City of Port Lavaca, TX**
By: _____	By: _____
Dr. Shreek Mandayam	Jack Whitlow
Vice President for Research	Mayor
Date:_____	Date: _____

CLEAN COAST TEXAS:
COLLABORATION OPPORTUNITIES WITH PORT LAVACA

Overview

The Clean Coast Texas Collaborative program, or the Collaborative, is currently seeking to partner with coastal communities. The purpose of this document is to serve as a framework for outlining potential partnership opportunities between Clean Coast Texas and Port Lavaca. Clean Coast Texas, as a non-regulatory program, is dedicated to helping communities achieve their own goals around water quality and resiliency. The process involves an iterative, flexible approach. This document serves as a dialogue to gauge needs and interests, which will inform a plan of action for Port Lavaca and the Clean Coast Texas Collaborative.

About Clean Coast Texas

The Clean Coast Texas program is a collaborative effort to assist local governments in the identification and implementation of best-fit strategies to improve water quality and stormwater management. The Clean Coast Texas Collaborative is comprised of a dynamic team of professionals (Figure 1) who engage with coastal communities for the advancement of environmental outreach and education, comprehensive planning, local and regional policy development, green stormwater infrastructure projects, floodplain management, on-site sewage facilities (septic systems) maintenance, and funding strategies to support the adoption of Texas Coastal Nonpoint Pollution Control Program priorities.

The Collaborative establishes partnerships with coastal communities by first opening a Community Interest Survey, followed by an internal Regulatory Review. Through an iterative process with community leaders, the Collaborative assesses needs and creates a plan to mobilize our Menu of Services, which can be solidified through a Memorandum of Understanding. The timeline for this process is shown in Figure 3.

Figure 1. The Clean Coast Texas Collaborative partners and their respective roles.

Community Needs Assessment

Clean Coast Texas met with Port Lavaca representatives RJ Shelly, Jody Weaver, and Vern Lyssy on February 13, 2023, via Zoom (video conference). The meeting was initiated following the completion of the Clean Coast Texas Community Interest Survey by Jody Weaver and RJ Shelly, in addition to background and peripheral work in the community by a Clean Coast Texas partner, Texas Sea Grant.

Table 1. Meeting attendees and associated affiliations

Name	Affiliation
Christina Lopez	Clean Coast Texas, The Meadows Center for Water and the Environment - Texas State University
Jason Pinchback	Clean Coast Texas, Texas General Land Office
Tyler Hartwick	Clean Coast Texas, The Meadows Center for Water and the Environment - Texas State University
Madgellen Cleary	Clean Coast Texas, Texas Sea Grant
Amanda Ashcroft	Clean Coast Texas, Texas Community Watershed Partners, AgriLife

Port Lavaca community needs were identified as follows:

1. Stormwater Retention Pond
    - **Background:** The city is having a drainage issue, which is causing significant flooding in the center portion of town as well as standing water. Mott MacDonald completed a drainage study to identify the "bottleneck." The study suggests purchasing land from the Railroad and constructing a large detention pond (Figure 2). The estimated cost for the pond is about $4 million.

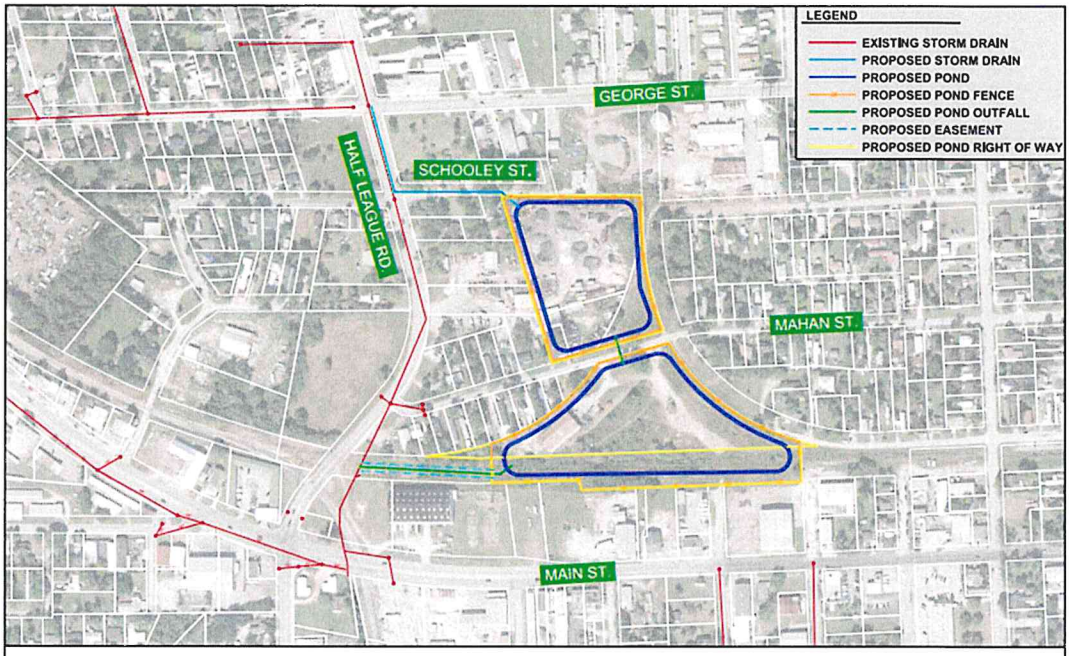

Figure 2. Potential Project Location as identified by Mott MacDonald study

    - **Goal:** Explore options for green stormwater infrastructure and work to secure funding.
2. Lynn Bayou
    - **Background:** Lynn Bayou is a natural drainage feature that backs up to a residential area and eventually flows into the harbor. In 1980, the plan was to make a diversion ditch that intercepts the water coming from the north and takes it directly out to the bay, rather than allowing it through the bayou. Large rain events in 2021 nearly flooded a few houses. The

natural drainage causes issues with conveyance and maintenance. Commissioner Lyssy believes that this will be a huge issue in the next 10 years. The drainage system is at capacity.
    - **Goal:** Evaluate the natural drainage course, provide a CHARM workshop, and identify places for intervention.
3. Upgrade the Wastewater Treatment Plant
    - **Background:** The wastewater plant, which discharges into Lavaca Bay near the city harbor and shellfish growing waters, is needing to be upgraded. Commissioner Lyssy is working on a project to expand the capacity of WWTP, knowing that TCEQ will require more stringent permit requirements. The cost of this project will be about $20 million.
    - **Goal:** Learn more about needs and potential upgrades, and understand if this is a suitable place for nature-based solutions, such as wetland treatment or a One Water approach.
4. Other Issues
    - An old landfill site is eroding and exposing the trash to the water. TCEQ is working on creating a short-term solution. This project is the Texas General Land Office's Coastal Resiliency Master Plan, and the City has applied for the CEPRA Program.

Clean Coast Texas Assistance

The Collaborative offers a Menu of Services to coastal communities. Below are some examples of how the services could be applied to Port Lavaca.

Education & Community Events

Texas Community Watershed Partners, a member of the Collaborative, could host a Green Infrastructure for Texas (GIFT) workshop. GIFT offers multi-level approach to Green Infrastructure (GI). The workshop can help Port Lavaca examine how green infrastructure practices from small to large can work where they live, on individual properties, in neighborhoods, or on large undeveloped land. These nature-based solutions are intended to work in conjunction with built drainage systems (gray infrastructure) to reduce flood risk while also reducing stormwater runoff and improving water quality.

In addition to the GIFT workshop, Texas Community Watershed Partners could host a Community Health and Resource Management (CHARM) workshop. This workshop

features a participatory mapping application, which gives local officials, stakeholders, and citizens the power to map and analyze growth with real-time feedback. As CHARM includes over three dozen indicators for assessing planning decisions, participants see how planning decisions made today will impact tomorrow's environment and community.

Ordinance & Stormwater Criteria

A primary engagement strategy for Clean Coast Texas would be to assist Port Lavaca in updating ordinances around stormwater management and water quality, coupled with aiding in the implementation of nonpoint source-related management techniques, if any, as identified in the Stormwater Master Plan. Clean Coast Texas recommends the Guidance for Sustainable Stormwater Drainage on the Texas Coast, also known as the Sustainable Stormwater Manual, for consideration. This manual provides planning and engineering design guidance for new developments and re-developments that implement effective and cost-efficient stormwater management measures to protect water quality.

Stormwater Retrofit Design & Construction

Following the guidance of the Sustainable Stormwater Manual, the Collaborative can assist Port Lavaca by identifying green stormwater infrastructure interventions to assist with water quality and resiliency. Based on projects identified and community interest, the Collaborative could provide conceptual designs, construction plans, cost estimates, permitting, and maintenance guidance.

Grant Funding Assistance

Port Lavaca has identified a few projects with funding needs. The Collaborative can support these efforts by helping to find and interpret grant opportunities, providing grant writing support, and identifying grant matching resources.

Water Quality Analysis & Community Science

Texas Stream Team is a statewide community science program administered by The Meadows Center for Water and the Environment. Texas Stream Team involves training residents to routinely monitor water quality parameters in a water body. Monitors collect data on the water temperature, clarity, conductivity, pH, and much more. Texas Stream Team programs could supplement existing water quality efforts and raise the profile of water quality throughout the community.

TIMELINE FOR DEVELOPING PARTNERSHIPS

Figure 3. The Clean Coast Texas Collaborative's timeline for establishing community partners. The Collaborative is funded in two-year increments, though community partnerships can be extended into the next phase of programming.

MENU OF SERVICES

Put Clean Coast Texas to Work For Your Community!

Clean Coast Texas provides coastal communities with technical assistance to integrate sustainable practices that:

- Restore and protect coastal natural resources
- Address water quality and flood management for new and exisiting development
- Mitigate coastal erosion
- Enhance tourism, recreation, and economic vitality

Services

We work with coastal communities to facilitate non-regulatory, incentive-based programs and projects to protect and restore water quality, habitat, and shorelines. We support your efforts to educate residents, assist in community planning, pursue and implement grants, develop drainage/ water quality criteria, and build projects that reduce pollution in the Texas Coastal Zone.

Clean Coast Texas, an initiative of the Texas Coastal Nonpoint Source Pollution Program, is guided by the Texas General Land Office (GLO) Coastal Management Program in partnership with numerous stakeholders, including state and local agencies.

See back for details!

Who is Eligible For Funding and Technical Assistance?

Communities and programs operating within the Texas Coastal Zone Boundary, which includes all or part of 18 counties along the Gulf of Mexico (view map). Technical assistance can be provided to state departments, municipalities, counties, non-governmental organizations, councils of government, river authorities, bay and estuary programs, developers, and engineers.

Sea Grant Texas AT TEXAS A&M UNIVERSITY

THE MEADOWS CENTER FOR WATER AND THE ENVIRONMENT TEXAS STATE UNIVERSITY

DOUCET

ANCHOR QEA

Menu of Services

Stormwater Retrofit Design & Construction

Managing stormwater from urbanized areas

- Water quality and stormwater management for new and existing development
- Conceptual designs
- Construction plans, cost estimates, and permitting
- Maintenance guidance

Water Quality Analysis & Citizen Science

- Texas Stream Team citizen science trainings
- Water quality management and evaluation
- Review and comment on engineering and drainage studies
- Policy evaluation and development

Ordinance & Stormwater Criteria

- Prepare stormwater management criteria
- Support ordinance adoption
- Floodplain management

Community Planning

- Community Master Planning
- Stormwater Master Planning

Grant Funding Assistance

- Grant writing support
- Find and interpret grant opportunities
- Identify grant matching resources

Partnership Development

- Identify connections and opportunities
- Coordination with local governments, nonprofit organizations, regional councils of governments, and program managers of watershed protection plans
- Inter-local agreements to define roles and responsibilities

Education & Community Events

- Workshops
- School and adult programs
- Interpretive signage
- Trash cleanup events