



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

WILLIAM Y. LEE
HOWARD GUSTAFSON
HERBERT CORTEZ

Agenda

**Regular Board Meeting, Board of Directors
Marina Coast Water District**

and

**Regular Board Meeting, Board of Directors
Marina Coast Water District Groundwater Sustainability Agency**

Marina Council Chambers

211 Hillcrest Avenue, Marina, California

Monday, November 19, 2018, 6:30 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the third Monday of each month with workshops scheduled for the first Monday of some months. The meetings normally begin at 6:30 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

Our Mission: *We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

1. Call to Order

2. Roll Call

3. Public Comment on Closed Session Items *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

4. Closed Session

A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation

- 1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, November 15, 2018. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

- 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement
- 3) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief); First Appellate District Court of Appeals Case Nos. A145604, A146166, A146405
- 5) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267
- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)
- 8) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

7:00 p.m. Reconvene Open Session

5. Reportable Actions Taken During Closed Session *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*

6. Pledge of Allegiance

7. Oral Communications *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

8. Presentation

- A. Consider Adoption of Resolution No. 2018-60 In Recognition and Appreciation of Jean Premutati, Human Resources/Customer Relations Manager, Upon her Retirement from the Marina Coast Water District

Action: The Board will consider adopting Resolution No. 2018-60 recognizing Jean Premutati upon her retirement from the Marina Coast Water District.

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9. Marina Coast Water District Groundwater Sustainability Agency Matters

A. Action Item

- 1. Consider Adoption of Resolution No. 2018-GSA02 to Approve a Groundwater Sustainability Agency Framework Agreement

Action: The Board of Directors will consider approving a Groundwater Sustainability Agency Framework Agreement with the Salinas Valley Basin Groundwater Sustainability Agency.

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10. Return to Marina Coast Water District Matters

11. Consent Calendar

- A. Receive and File the Check Register for the Month of October 2018
- B. Approve the Draft Minutes of the Joint Board/GSA Meeting of October 15, 2018
- C. Consider Adoption of Resolution No. 2018-61 to Authorize the General Manager or his Designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group
- D. Consider Adoption of Resolution No. 2018-62 to Ratify Approval of an Amendment to a Professional Services Agreement with Denise Duffy & Associates for Annexation of the Ord Community into the Marina Coast Water District

12. Action Items *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to four minutes.*

- A. Consider that Staff Reports Presented at Each Board Meeting on the Status of the Shea Homes Hot Water Recirculation Issue are No Longer Necessary at This Time

Action: The Board of Directors will consider that the District has made all reasonable efforts to resolve the hot water recirculation issue between the District and Shea Homes in the Dunes Development and monthly staff reports are no longer necessary.

- B. Consider Adoption of Resolution No. 2018-63 to Approve a Water Supply Assessment and Written Verification of Supply for the City of Seaside's Amended Main Gate Specific Plan

Action: The Board of Directors will consider approving a Water Supply Assessment and Written Verification of Supply on the City of Seaside's amended Main Gate Specific Plan.

- C. Consider Adoption of Resolution No. 2018-64 to Amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station Design

Action: The Board of Directors will consider amending the on-call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station design.

- D. Receive a Developer Account Update and Consider Adoption of Resolution No. 2018-65 Directing Staff to Write-Off One Aged Development Account Balance in the Total Amount of \$10,932

Action: The Board of Directors will receive a developer account update and consider approving the write-off of uncollectable Developer fees totaling \$10,932.

13. Staff Reports

- A. Receive an Update on the 2018 Year in Review Report and Provide Comments

14. Informational Items *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.*

- A. General Manager's Report

- B. Counsel's Report

C. Committee and Board Liaison Reports

- | | |
|-----------------------------------|-----------------------------------|
| 1. Water Conservation Commission | 7. LAFCO Liaison |
| 2. Joint City-District Committee | 8. FORA |
| 3. Executive Committee | 9. WWOC Report |
| 4. Community Outreach Committee | 10. JPIA Liaison |
| 5. Budget and Personnel Committee | 11. Special Districts Association |
| 6. M1W Board Member Liaison | 12. SVBGSA Liaison |

15. Board Member Requests for Future Agenda Items

16. Director's Comments *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

17. Adjournment *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Monday, December 17, 2018, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: November 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-60 In Recognition and Appreciation of Jean Premutati, Human Resources/Customer Relations Manager, Upon her Retirement from the Marina Coast Water District

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2018-60 recognizing Jean Premutati, Human Resources/Customer Relations Manager, upon her retirement from the Marina Coast Water District after more than 10 years of service.

Background: *5-Year Strategic Plan, Strategic Element 5.1 - Recruit and retain high performing, engaged personnel.*

Discussion/Analysis: Ms. Premutati joined the District April 21, 2008 as the Management Services Administrator. In May 2016, Jean's title was changed to Human Resources/Customer Relations Manager and she directly supervised the Customer Service Supervisor and the Water Conservation Specialist III. Over the past 10 years, Jean managed the remodel of the Beach Office Customer Service department, written the current employee handbook, ensured policies are updated routinely, and planned the District's 50th anniversary party.

In 2010/2011, several managers retired from the District which created opportunities to restructure staffing levels and streamline processes. Jean helped to facilitate these changes and implemented a reorganization of the Accounting, Engineering, Laboratory and Operations and Maintenance departments. During her tenure, Jean was instrumental in hiring 37% of the District's current staff.

Additionally, Jean worked with CSUMB to establish an Intern partnership. Students in the Environmental Science and Policy program have filled internships in the Operations and Maintenance, Engineering, Conservation and the Accounting departments. Many have gone on to accept positions working in public agencies.

It is with great pleasure that the District recognizes Jean Premutati for over 10 years of service to the District. We collectively thank her for her years of faithful service, and wish her well in her retirement.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Hospitality and Awards account numbers.

Material Included for Information/Consideration: Resolution No. 2018-60.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

November 19, 2018

Resolution No. 2018 - 60
Resolution of the Board of Directors
Marina Coast Water District
In Recognition and Appreciation for Ms. Jean Premutati
Upon her Retirement from the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 19, 2018 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Jean Premutati joined the District April 21, 2008 as the Management Services Administrator; and,

WHEREAS, during the past 10 years, Jean managed the remodel of the Beach Office Customer Service department, making it a more welcome working environment and allowing customers to be able to see staff; and,

WHEREAS, Jean had written the current employee handbook and ensured the District is in compliance by making routine updates and changes due to State and Federal laws; and,

WHEREAS, during her tenure, Jean had been instrumental in hiring 37% of the District’s current staff and helped facilitate a reorganization throughout the District which created career opportunities for staff, established a cross-training program and supported promotions for several employees; and,

WHEREAS, Jean worked with CSUMB to maintain a Student Intern program filling internships in various departments of the District. Many have gone on to work in public agencies and helping to preserve the environment; and,

WHEREAS, in June 2016, Jean began overseeing the Customer Service and Water Conservation departments as the HR/Customer Relations Manager.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby recognize and appreciate Ms. Jean Premutati upon her retirement from the Marina Coast Water District after more than 10 years of service.

PASSED AND ADOPTED on November 19, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-60 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Groundwater Sustainability Agency
Agenda Transmittal

Agenda Item: 9-A1

Meeting Date: November 19, 2018

Prepared By: Patrick Breen

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-GSA02 to Authorize Execution of a Framework Agreement for the Monterey Basin Groundwater Sustainability Plan by the Marina Coast Water District Groundwater Sustainability Agency and the Salinas Valley Basin Groundwater Sustainability Agency

Staff Recommendation: The Board of Directors is requested to consider authorizing the General Manager to execute a Framework Agreement for the Monterey Basin Groundwater Sustainability Plan between the Marina Coast Water District Groundwater Sustainability Agency (MCWDGSA) and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA).

Background: *Five Year Strategic Plan, Goal No. 1 – Our objective is to manage and protect our current water source (groundwater) and find alternative water sources. We will secure and protect our developed potable water sources sufficiently to supply current and future customers. Our water source strategy is to work with local land use jurisdictions to determine what their ultimate and interim projected demands will be and explore alternative water sources such as desalination, surface water treatment and recycled water, to find the most efficient, and to secure cost effective water source portfolio.*

On September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (the “Act”), effective January 1, 2015; and the Act was amended by Senate Bill 13, effective January 1, 2016. The legislative intent of the Act is to provide sustainable management of groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.

The Act requires formation of one or more groundwater sustainability agencies (“GSAs”) that will be responsible for developing a single or multiple groundwater sustainability plan (“GSP”) for a groundwater basin; and the purpose of a Framework Agreement is to outline the process to be used by the Parties to work collaboratively to develop one GSP for the entire Monterey Subbasin and one GSP for the entire 180/400 Foot Aquifer Subbasin (the “GSPs”). It is further intended to guide the Parties’ coordination during GSP development in the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin and further intended to, in part, implement the intent and purposes of the Coordination Agreement between the Parties dated November 21, 2017.

The Parties recognize that a detailed approach is to be developed by the Parties’ technical staff under these guidelines to make sure that the elements of the GSPs are appropriately coordinated to support sustainable management.

The Framework Agreement’s intent is that one GSP will be developed for the entire Monterey Subbasin (i.e. the Monterey Subbasin GSP), which will contain three management areas that

generally encompass the Marina Subarea, the Ord Subarea (both of which are generally located north of State Route 68), and the Corral de Tierra Subarea (located generally south of State Route 68).

The Agreement clarifies that the MCWDGSA will prepare the GSP components for the Marina Management Area and the Ord Management Area and SVBGSA will prepare the GSP components for the Corral de Tierra Management Area and that the SVBGSA will prepare a GSP for the entire 180/400 Foot Aquifer Subbasin.

The Agreement directs both the MCWDGSA and the SVBGSA will actively consult with each other and include each other for review of draft work products during the GSP development process for the 180/400 Foot Aquifer Subbasin and the Monterey Subbasin.

Environmental Review Compliance: None required.

Financial Impact: _____ Yes X No Funding Source/Recap: Funding for the District's share of the costs associated with the agreement has previously been authorized when the Board approved the 2017 MCWDGSA budget.

Other considerations: The Board can authorize the execution of the Agreement, not authorize Agreement, or provide staff with other direction.

Material Included for Information/Consideration: Resolution No. 2018-GSA02; Exhibit A Monterey Basin Subareas; and, Draft Framework Agreement.

Action Required: X Resolution _____ Motion _____ Review _____
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

November 19, 2018

Resolution No. 2018-GSA02
Resolution of the Board of Directors
Marina Coast Water District Groundwater Sustainability Agency
Authorizing the General Manager to Execute a Framework Agreement for the
Monterey Groundwater Basin Groundwater Sustainability Plan between the
Marina Coast Water District Groundwater Sustainability Agency and the
Salinas Valley Basin Groundwater Sustainability Agency

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District Groundwater Sustainability Agency (“District”), at a regular meeting duly called and held on November 19, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Sustainable Groundwater Management Act (SGMA) of 2014, Water Code Sections 10720-10736.6 was signed into law September 16, 2014; and,

WHEREAS, the District formed Groundwater Sustainability Agencies for the Central Marina and Ord Community Service Areas in portions of the Monterey Subbasin and the 180/400 Subbasin in conformance with the SGMA; and,

WHEREAS, SGMA gives local agencies, such as the District, additional authorities and powers to manage groundwater; and,

WHEREAS, the District is committed to sustainable management of its groundwater resources; and,

WHEREAS, the Groundwater Sustainability Plans for the District GSAs in conformance with SGMA for the 180/400 Aquifer and the Monterey subbasins are required by 2020 and 2022 respectively; and,

WHEREAS, the District has commenced Groundwater Sustainability Planning and that doing so is consistent with the goals and objectives stated in the District’s Strategic Plan; and,

WHEREAS, SGMA requires a coordinated a Groundwater Sustainability Plan (GSP) or GSPs among or between adjacent GSAs and adjacent subbasins; and,

WHEREAS, GSP development requires collaboration amongst GSAs and other local or regional water management groups at the groundwater subbasin level and encourages collaboration across groundwater subbasin boundaries; and,

WHEREAS, the Framework Agreement’s intent is that one GSP will be developed for the entire Monterey Subbasin (i.e. the Monterey Subbasin GSP), which will contain three management areas that generally encompass the Marina Subarea, the Ord Subarea (both of which are generally located north of State Route 68), and the Corral de Tierra Subarea (located generally south of State Route 68); and,

WHEREAS, the Agreement clarifies that the MCWDGSA will prepare the GSP components for the Marina Management Area and the Ord Management Area and SVBGSA will

prepare the GSP components for the Corral de Tierra Management Area and that the SVBGSA will prepare a GSP for the entire 180/400 Foot Aquifer Subbasin; and,

WHEREAS, the Agreement directs both the MCWDGSA and the SVBGSA will actively consult with each other and include each other for review of draft work products during the GSP development process for the 180/400 Foot Aquifer Subbasin and the Monterey Subbasin.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby Authorize the General Manager to execute a Framework Agreement for the Monterey Groundwater Basin Groundwater Sustainability Plan between the Marina Coast Water District Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency.

PASSED AND ADOPTED on Novwember 19, 2018 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____
Noes: Directors _____
Absent: Directors _____
Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District Groundwater Sustainability Agency hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-GSA02 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 11

Meeting Date: November 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Consent Calendar

Staff Recommendation: The Board of Directors approve the Consent Calendar as presented.

Background: *5-Year Strategic Plan Mission Statement – We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of October 2018
- B) Approve the Draft Minutes of the Joint Board/GSA Meeting of October 15, 2018
- C) Consider Adoption of Resolution No. 2018-61 to Authorize the General Manager or his Designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group
- D) Consider Adoption of Resolution No. 2018-62 to Ratify Approval of an Amendment to a Professional Services Agreement with Denise Duffy & Associates for Annexation of the Ord Community into the Marina Coast Water District

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can approve these items together or they can pull them separately for discussion.

Material Included for Information/Consideration: Check Register for October 2018; draft minutes of October 15, 2018; Resolution No. 2018-61; MOU between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group; Resolution No. 2018-62; and, Amendment of the Professional Services Agreement with Denise Duffy & Associates.

Action Required: _____ Resolution X Motion _____ Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 11-A

Meeting Date: November 19, 2018

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

Agenda Title: Receive and File the Check Register for the Month of October 2018

Staff Recommendation: The Board of Directors receive and file the October 2018 expenditures totaling \$2,619,328.16.

Background: *5-Year Strategic Plan, Objective No. 3 – Our objective is to manage public funds to assure financial stability, prudent rate management and demonstrate responsible stewardship. Our fiscal strategy is to forecast, control and optimize income and expenditures in an open and transparent manner. We will efficiently use our financial resources to assure availability to fund current and future demands.*

Discussion/Analysis: These expenditures were paid in October 2018 and the Board is requested to receive and file the check register.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Expenditures are allocated across the six cost centers; 01-Marina Water, 02-Marina Sewer, 03- Ord Water, 04- Ord Sewer, 05-Recycled Water, 06-Regional Water.

Other Consideration: None.

Material Included for Information/Consideration: October 2018 Summary Check Register.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 11-B

Meeting Date: November 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Joint Board/GSA Meeting of October 15, 2018

Staff Recommendation: The Board of Directors approve the draft minutes of the October 15, 2018 joint Board meeting.

Background: *5-Year Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Discussion/Analysis: The draft minutes of October 15, 2018 are provided for the Board to consider approval.

Environmental Review Compliance: None required.

Financial Impact: ___Yes ___X___No Funding Source/Recap: None

Other Considerations: The Board can suggest changes/corrections to the minutes.

Material Included for Information/Consideration: Draft minutes of October 15, 2018.

Action Required: ___Resolution ___X___Motion ___Review

Board Action

Motion By_____ Seconded By_____ No Action Taken_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 11-C

Meeting Date: November 19, 2018

Prepared By: Derek Cray

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-61 to Authorize the General Manager or his Designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group

Staff Recommendation: The Board of Directors to authorize the General Manager or his designee to execute a Memorandum of Understanding (MOU) between Monterey One Water (M1W) and Marina Coast Water District (MCWD) for MCWD's cost-share for conducting a public education program for the Southern Monterey Bay Dischargers Group for a not-to-exceed amount of \$2,105.99.

Background: *5-Year Strategic Plan Mission Statement – We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Discussion/Analysis: The MCWD operation and maintenance of the wastewater collection system is regulated under State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ. Under this order, wastewater agencies in the state are required to have a Sanitary Sewer Management Plan (SSMP). One of the required elements of an SSMP is that each agency implements a public education outreach program about proper disposal of grease and fats.

This required outreach activity can be most cost-effectively done on a cost-shared basis by a collective/regional group. One such group is the Southern Monterey Dischargers Group, which is composed of most of the wastewater agencies tributary to the M1W plus California American Water, Pebble Beach Community Service District, and Carmel Area Wastewater District. M1W initiated and funded a limited outreach program in FY 2003-2004 to assist member agencies in the first year of compliance under a previous permit, California Regional Water Quality Control Board Waste Discharge Order No. R3-2002-0078. The regional group, including MCWD, has funded the program since FY 2004-2005.

In 2008, the Regional Board Order R3-2002-0078 was rescinded and replaced with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (State Board Order No. 2006-003-DWQ). As the Statewide permit is virtually identical to that of the rescinded permit, the joint outreach program was continued.

Each participating agency has contributed a shared cost based on population of the communities served. MCWD has participated in the Southern Monterey Bay Discharges Group outreach activities every year since FY 2004-2005. Staff recommends that MCWD continue to participate in the Public Education Program for the Southern Monterey Bay Dischargers Group.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Marina Sewer and Ord Sewer Cost Centers.

Other Considerations: None

Material Included for Information/Consideration: Resolution No. 2018-61; and, a copy of the Memorandum of Understanding between the Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

November 19, 2018

Resolution No. 2018 - 61
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manager or his designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 19, 2018 at 211 Hillcrest Avenue, Marina, California.

WHEREAS, District operations and maintenance of the wastewater collection system is regulated under State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ; and,

WHEREAS, State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ requires Marina Coast Water District to maintain a Sewer System Management Plan; and,

WHEREAS, a required element of the Marina Coast Water District Sewer System Management Plan is a public outreach campaign that promotes proper disposal of grease and fats; and,

WHEREAS, the State required outreach activity can be most cost-effectively done on a cost-shared basis with the Southern Monterey Bay Dischargers Group members; and,

WHEREAS, the District has participated in a cooperative Southern Monterey Bay Dischargers Group outreach program since FY 2004/2005; and,

WHEREAS, the District’s shared cost of this outreach program is \$2,105.99 for the FY 2018/2019; and,

WHEREAS, staff recommends continuing to participate in this collective outreach effort.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby Authorize the General Manager or his designee to execute a Memorandum of Understanding between Marina Coast Water District and the Monterey One Water for MCWD’s cost share of the Public Education Program for the Southern Monterey Bay Dischargers Group for a total amount not to exceed of \$2,105.99.

PASSED AND ADOPTED on November 19, 2018 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____
Noes: Directors _____
Absent: Directors _____
Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-61 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 11-D

Meeting Date: November 19, 2018

Prepared By: Keith Van Der Maaten

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-62 to Ratify Approval of an Amendment to a Professional Services Agreement with Denise Duffy & Associates for Annexation of the Ord Community into the Marina Coast Water District

Staff Recommendation: Staff recommends that the Board of Directors adopt Resolution No. 2018-62 to ratify approval of Amendment No. 2 to a Professional Services Agreement with Denise Duffy & Associates to update the application for annexing portions of the Ord Community into the Marina Coast Water District, to add \$12,001 to the total dollar amount for a not-to-exceed amount of \$68,800, and to authorize the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

Background: *5-Year Strategic Plan Mission Statement – To provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

On May 15, 2017, the District Board of Directors awarded a Professional Services Agreement to Denise Duffy and Associates (DDA) for preparation of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Ord Community Sphere of Influence (SOI) Amendment and Annexation by Resolution No. 2017-30 for a not-to-exceed amount of \$30,649. In February 2018, the Board approved Amendment No. 1 to the Professional Services Agreement with DDA for an additional \$26,150, for a not-to-exceed amount of the total contract of \$56,799, for additional services by DDA to respond to extensive public comments, attend additional meetings and an additional hearing on the IS/MND, and prepare and process the LAFCO application under the original agreement. The District filed its annexation application on April 17, 2018.

Landwatch Monterey County and Keep Fort Ord Wild (KFOW) each filed a Petition for Writ of Mandate in the Monterey County Superior Court challenging the MCWD Director's approval under the California Environmental Quality Act. On September 17, 2018, the Board approved a Settlement Agreement between MCWD and Landwatch/KFOW that requires changes to the LAFCO annexation application that the District filed on April 17, 2018

Discussion and Analysis: As a result of the recent Settlement Agreement between MCWD and Landwatch/KFOW approved by the Board on September 17, 2018, changes needed to be made to the application that was originally submitted by MCWD to LAFCO in April 2018. LAFCO requested that MCWD modify its application with updated maps and project descriptions so that the application could be recirculated with the updated information. In response, a scope of work and cost estimate to update the application was provided to MCWD from DDA. Due to the time sensitive nature of keeping the application process on track to begin the LAFCO public hearing in January 2019, the General Manager approved the change order with DDA on October 22, 2018, as is allowed within the General Manager's procurement authority; however, since the original

contract and Amendment No. 1 came before the board for approval, staff is bringing this item to the Board to ratify the approval consistent with past approvals and to keep the board informed.

Environmental Review Compliance: None for the contract amendment

Financial Impact: Yes No Funding Source/Recap: Funded through the FY 2018/2019 Ord Community cost center.

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2018-62; and, Attachment 1 – Change Order No. 2 for Denise Duffy & Associates.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

November 19, 2018

Resolution No. 2018 – 62
Resolution of the Board of Directors
Marina Coast Water District
Ratifying Approval of Amendment No. 2 to the
Professional Services Agreement with Denise Duffy & Associates for
Annexation of the Ord Community into the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 19, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on May 15, 2017, the Board approved a Professional Services Agreement with Denise Duffy and Associates (DDA) for preparation of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Ord Community Sphere of Influence (SOI) Amendment and Annexation for a not to exceed amount of \$30,649; and,

WHEREAS, on February 20, 2018, the Board approved Amendment No. 1 to the Professional Services Agreement with DDA for an additional \$26,150, for a not-to-exceed amount of \$56,799, for additional services by DDA to respond to extensive public comments, attend additional meetings and an additional hearing on the IS/MND, and prepare and process the LAFCO application under the original agreement; and,

WHEREAS, on April 17, 2018, District staff filed an annexation application with LAFCO; and,

WHEREAS, Landwatch Monterey County and Keep Fort Ord Wild (KFOW) each filed a Petition for Writ of Mandate in the Monterey County Superior Court challenging the MCWD Director’s approval under the California Environmental Quality Act; and,

WHEREAS, on September 17, 2018, the Board approved a Settlement Agreement between MCWD and Landwatch/KFOW that requires changes to the LAFCO annexation application that the District filed on April 17, 2018; and,

WHEREAS, DDA submitted to the District a scope of work and cost estimate for Change Order Number 2 to update the LAFCO annexation application; and,

WHEREAS, due to the time sensitive nature of keeping the application process on track to begin the LAFCO public hearing in January 2019, the General Manager approved the change order with DDA on October 22, 2018, as is allowed within the General Manager’s procurement authority; however, since the original contract and Amendment No. 1 came before the board for approval, staff is bringing this item to the Board to ratify the approval consistent with past approvals and to keep the board informed.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby ratify approval Amendment No. 2 to the Professional Services Agreement with Denise Duffy & Associates for Annexation of the Ord Community into the Marina Coast Water District to add \$12,001 to the total dollar amount for a not-to-exceed amount of

\$68,800 and authorize the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on November 19, 2018 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-62 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 12-A

Meeting Date: November 19, 2018

Prepared By: Keith Van Der Maaten

Approved By: Keith Van Der Maaten

Agenda Title: Consider that Staff Reports Presented at Each Board Meeting on the Status of the Shea Homes Hot Water Recirculation Issue are No Longer Necessary at This Time

Staff Recommendation: The Board, by motion, determine that staff reports presented at each board meeting on the status of the Shea Homes hot water recirculation issue are no longer necessary as all reasonable efforts have been taken by Marina Coast Water District to help resolve the hot water recirculation issue caused by Shea Homes.

Background: In accordance with Ordinance No. 40, adopted in 2005, the District's Code Section 3.36.030, states that any new construction is required to be outfitted with a fully operational hot water recirculation system. Additionally, the County Water Resources Agency Ordinance 3932, Section 6S "New Construction", adopted in 1997 states "all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system". Shea Homes did not install an operating hot water circulation system during construction of some of the homes in the Dunes development as required by these Ordinances.

After researching several options, on August 28, 2018 Shea Homes presented MCWD with a letter with information regarding the installation of a retrofit device which, if properly installed, would result in a fully-functioning hot water recirculation unit. MCWD conducted analysis as to the water savings between a dedicated return loop hot water recirculation system and the proposed retrofit and concluded there is no significant difference between the two, in terms of water usage. The difference between the two solutions is that the dedicated return loop uses a dedicated, separate, hot water return line and the retrofit uses the existing cold water as the return line, all other major components of the system are the same. On August 31, 2018, MCWD sent Shea Homes a letter, confirming that because proper installation of the retrofit results in an operable hot water recirculation unit, it would satisfy MCWD's Code in this regard.

There has also been a request by some homeowners that MCWD provide a waiver or some other variance from MCWD Code 3.36.030. Because the proper installation of the retrofit device does in fact constitute a fully-operable recirculation unit, the affected residences are compliant with MCWD Code, meaning no waiver or variance would be necessary.

MCWD has a limited role in this process. While it is true that MCWD is the water provider, MCWD's oversight in the process is to ensure that the backbone infrastructure necessary to provide water service to a particular development is designed and built according to MCWD's standards. MCWD has oversight authority up to each respective water-meter, although it does visually inspect for proper toilet and shower fixture counts and water conservation features following construction and prior to occupation. However, MCWD does not have specific oversight in construction and installation matters, i.e., it does not inspect each home to ensure proper installation of fixtures or plumbing, which is the role of the City of Marina.

Discussion/Analysis: In response to email requests on September 11, 2018 and on October 4, 2018 (Attachment 2) from a resident of the Dunes Community, MCWD added an agenda item to its Joint City District Meeting that was held on October 24, 2018 to allow residents of the Dunes Community to address both the District and the City at the same time regarding issues they have with Shea and the proposed retrofit.

At the Joint City District Meeting held on October 24, 2018, numerous concerns were voiced regarding the installation of the Grundfos Comfort Valve as a retrofit solution to the homes in the Dunes that did not receive the hot water dedicated recirculation return line during original construction. In response to the concerns raised at that meeting and in response to the email requests sent to MCWD on September 11, 2018 and October 4, 2018, MCWD sent a letter to Shea on October 25, 2018 (Attachment 1). The purpose of that letter was to clarify and put to rest certain mischaracterizations of MCWD's position regarding that retrofit. That letter contained the following points:

- 1) The retrofit using the Grundfos Comfort Valve, **if properly installed** (emphasis added), would result in a fully-functioning hot water recirculation system that meets MCWD hot water recirculation system requirements. As stated in our prior August 31, 2018 letter to Shea, Shea Homes should verify that the proposed retrofit meets all plumbing requirements, and local codes/permitting before installation. Compliance with all local codes is made by the City of Marina's certified building inspectors. Residents informed the District that they believe the hot water pipes in the homes were not insulated as required by local codes and provided other issues with the compatibility of the valve with their specific tankless water heaters. Both of these problems, if present, could result in a finding by the City of Marina that the Grundfos Comfort Valve as installed by Shea does not result in a "fully-functioning hot water recirculation **system** (emphasis added)." Whether or not the retrofit is properly installed is an issue which must be resolved between Shea, the homeowner, and subject to inspection by the City of Marina.
- 2) Additionally, residents at the October 24 meeting expressed that Shea has represented that MCWD supports the Grundfos Comfort Valve as the sole solution for all homes to be retrofitted. This is not true. In its statement that the "*Grundfos Comfort Valve, if properly installed, would result in a fully-functioning hot water recirculation system that meets MCWD hot water recirculation system requirements*" MCWD did not imply that this is the only solution Shea should use for all homes. The proper installation of the Grundfos Comfort Valve by Shea to retrofit homes is dependent on the specifics of *each individual home*, which is also a matter between Shea and each homeowner and as passed for inspection by the City of Marina
- 3) Further, as stated in our August 31, 2018 letter to Shea, MCWD makes no representations, nor could it, with regards to any claims as between Shea and any of the homeowners and Shea with respect to the conditions concerning their purchase of these houses, which is why the decision on how to properly retrofit the homes is a matter between Shea and each individual home owner and subject to inspection by the City of Marina.

On October 29, 2018, Shea provided an email regarding the status of their retrofit program to date. Per the email, "of the 118 homeowners at the Dunes eligible for the retrofit solution, to date approximately 35 homeowners have scheduled the work, and the retrofit has been successfully completed in approximately 20 homes. The feedback from the homeowners who have received the retrofit solution has been overwhelmingly positive, and these homeowners are very pleased with the hot water response time as the retrofit has provided."

In addition, MCWD has met with the City of Marina to ensure the upmost coordination going forward to ensure enforcement of building, plumbing, and water conservation codes for new development. Staff has continued to keep the Board and residents informed of developments to resolve this issue since August 2018 through continuing staff reports at each Board meeting, through an agenda item at the Joint City/District meeting on October 24, 2018, and direct responses to various inquiries.

As a result of the various efforts, letters, and meetings that have occurred over the last three months, staff believes all reasonable efforts have been taken by MCWD to help resolve the hot water recirculation issues caused by Shea Homes and staff recommends that the Board, by motion, determine that staff reports presented at each board meeting on the status of the Shea Homes hot water recirculation issue are no longer necessary at this time.

Environmental Review Compliance: None

Other Considerations: Continue to provide updates at each of the Board Meetings.

Financial Impact: ____ Yes X No Funding Source/Recap:

Materials Included for Information/Consideration: Shea letter, October 25, 2018 (Attachment 1); Evy Smith Email Requests from September 11, 2018 and October 4, 2018 (Attachment 2)

Action Required: ____ Resolution X Motion ____ Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 12-B

Meeting Date: November 19, 2018

Prepared By: Brian True

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Consider Adoption of Resolution No. 2018-63 to Approve a Water Supply Assessment and Written Verification of Supply for the Amended Main Gate Specific Plan

Staff Recommendation: The MCWD Board of Directors consider approving the *Water Supply Assessment and Written Verification of Supply for the Amended Main Gate Specific Plan* (see Draft attached).

Background: *5-year Strategic Plan, Strategic Element 2.0 Infrastructure – Our objective is to provide a high quality water distribution system and an efficiently operating wastewater collection system to serve existing and future customers. Through the master planning process, our infrastructure strategy is to carefully maintain our existing systems and ensure future additions and replacements will meet District Standards.*

At the request of the City of Seaside, the District prepared a Water Supply Assessment and Written Verification of Supply (WSA/WVS) for the proposed Amended Main Gate Specific Plan. The WSA was prepared in accordance with Senate Bills 610 and 221 which modified portions of the California Water Code and Government Code to assure that proposed developments over a certain size are analyzed during the planning process to confirm that reliable water supply is available. The analysis results are provided, in this case, to City of Seaside decision-makers prior to approval of the specified development. The law intends that WSA/WVS's will serve as an evidentiary basis for approval action by the City. The City will circulate the WSA/WVS with the Main Gate Specific Plan Environmental Impact Report Amendment.

The Main Gate project itself is located within lands owned by the City of Seaside. The project area is 49 acres, roughly bounded to the north by the 1st Street alignment, to the west by the 1st Avenue alignment, to the south by Lightfighter, and to the east by 2nd Avenue.

The specific plan for the Main Gate development is proposed to include the following land-use elements:

- up to 620 residential dwelling units
- 280 hotel rooms
- 108,000 square-feet of commercial space (retail, dining and entertainment)
- A gas-station with up to 16-pumps.

The residential component will be a mix of single-family detached, single-family attached (townhomes and apartments), and multi-family buildings (multi-story apartments geared for student-housing). There will be no more than 150 multi-family units and 330 student housing apartments.

Discussion/Analysis: District staff and its consultant, Schaaf & Wheeler, worked with the Developer and City officials to develop this WSA/WVS. The original Main Gate Project was entirely commercial and visitor-serving uses. The revised Specific Plan replaces most of the commercial use with residential development. The WSA concludes that the total water demand for the project will be 250.4-acre-feet-per-year (AFY; see Table 2.2 on WSA/WVS page 16). This is an increase of 37.4 AFY over the estimated 213 AFY water demand of the original Main Gate project. The estimated non-potable irrigation demand for the project is 38.4 AFY, which may be met with recycled water from the nearly-completed Pure Water Monterey Project. Since the project is located in the City of Seaside, the entire water allocation must come from the City of Seaside's FORA allocation for potable water of 1,012-AFY and non-potable water allocation of (currently) 453-AFY. The City of Seaside previously sub-allocated 825.7-AFY of their potable supply (a combination of City allocation actions and existing uses at the time of the base closure), leaving 186.3 AFY available to new projects. Actual usage within the Seaside – Ord Community is significantly lower, because (1) some projects have not yet been completed, and (2) some sub-allocations exceed the actual usage of the completed projects. Included in the previous City allocations total is 149 AFY allocated for an initial phase of the Main Gate Project which was not constructed, so the remaining water supply amount to be addressed is 101.4 AFY.

Based on the above, the WSA concludes:

The City of Seaside has sufficient existing water supply to achieve the complete build-out of the planned Main Gate Specific Plan Area. The City may allocate 101.4 AFY of groundwater to the project (providing a total of 250.4 AFY of groundwater), or it may allocate 38.4 AFY of recycled water for landscape irrigation, and an additional 63.1 AFY of groundwater (for a total of 212.1 AFY of groundwater).

The City is also considering other developments within the Ord Community, including the Campus Town Specific Plan, which has an estimated water demand of 487.4 AFY. The District approved a WSA for the Campus Town Specific Plan in June 2018, but the City has not yet published an EIR for that project. The City does not have sufficient existing water allocations to fully supply both projects, and will therefore need to prioritize or phase the projects until additional water supply is developed. The City may opt to partially supply both projects, or to fully supply the Main Gate Project.

There are several actions that the City of Seaside may take to make existing potable water available to new projects. These are reported in the attached draft WSA; however, the list should not be viewed as an exhaustive list of alternatives or opportunities:

- Offset existing urban irrigation demands within the Seaside portion of the Ord Community with recycled water and then apply the existing potable supply towards new developments (Main Gate, Campus Town or future sites). The project EIR should clearly describe that intent and the resulting allocation of potable and recycled water supply. For example, the Seaside Highlands development was constructed with recycled water mains to supply the landscape irrigation systems. This system is currently fed with potable water, but recycled water will be available within the next few years. Providing recycled water for irrigation of that project would make up to 43.1 AFY of potable supply available for reallocation from Seaside Highlands. An additional 10 AFY may be made available by converting the City's Soper Field sports complex (adjacent to Seaside Highlands) to recycled water.
- The City may determine that certain sub-allocation areas are fully developed, and reallocate the unused portion of existing allocations to a new project. In doing this, the City should use the maximum water use from the last 10 years as the basis of comparison.

- The City may require dual-plumbing of buildings to use recycled water for sanitary fixture flushing (toilets and urinals), which will offset potable water demand with recycled water. Within the Main Gate project, toilet flushing is estimated at 14.6 AFY.
- The City may enter into an agreement with another land-use jurisdiction in the Ord Community to allocate currently unused water supply to a portion of City projects.

Environmental Review Compliance: This item is a required portion of the City of Seaside’s CEQA EIR for the Amended Main Gate Specific Plan.

Financial Impact: ___ Yes ___ X No Funding Source/Recap: None

Other Considerations: None recommended.

Material Included for Information/Consideration: Resolution No. 2018-63; and, the Water Supply Assessment and Written Verification of Supply for the Amended Main Gate Specific Plan.

Action Required: ___ X ___ Resolution ___ ___ Motion ___ ___ Review
 (Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

November 19, 2018

Resolution No. 2018 - 63
Resolution of the Board of Directors
Marina Coast Water District

Approving the Amendment to the Water Supply Assessment and Written
Verification of Supply for the City of Seaside's Main Gate Specific Plan

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District," "MCWD"), at a regular meeting duly called and held on November 19, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the City of Seaside is the lead agency for preparation of the Amended Main Gate Specific Plan, a project that is located in the portion of the City of Seaside served by MCWD; and,

WHEREAS, the Amended Main Gate Specific Plan area is within the MCWD's Ord Community service area; and,

WHEREAS, the City of Seaside is required to produce a water supply assessment (Water Code section 10910 et. seq.) and written verification of supply (Government Code section 66473.7 (b)(1)) as part of the approval process for the Main Gate Specific Plan; and,

WHEREAS, the City of Seaside requested that MCWD, as the public water supplier for the area of development, analyze the available supplies and produce the required assessment and written verification of supply; and,

WHEREAS, the Marina Coast Water District prepared a Water Supply Assessment for the original Main Gate Specific Plan in 2007, concluding that the estimated water demand would be 213 AFY; and,

WHEREAS, the City of Seaside sub-allocated 149 AFY of existing groundwater supply to the Retail Lifestyle Mall portion of the Main Gate Specific Plan Area in 2008; and,

WHEREAS, the City of Seaside adopted the Main Gate Specific Plan in 2010; and,

WHEREAS, the City of Seaside is now amending the Main Gate Specific Plan to change the permitted land uses within the Specific Plan Area; and,

WHEREAS, the City of Seaside has not yet adopted the Campus Town Specific Plan, nor made any water sub-allocations to that project; and,

WHEREAS, the District completed the requested water supply assessment which concluded, pursuant to Section 10910 of the California Water Code, that the District's water supplies allocated for the City of Seaside are sufficient to meet the full water demand of 250.4-acre-feet-per-year associated with the proposed Main Gate Specific Plan in addition to other existing and previously approved development demands expected by MCWD in the Seaside Ord Community as described in MCWD's Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and, pursuant to Section 66473.7 of the

California Government Code, the City’s allocated water supplies are currently sufficient to provide up to 250.4 acre-feet per year of the proposed water demands of the Development, in addition to other existing and previously approved development demands expected by MCWD in the Seaside Ord Community Service Area as described in MCWD’s Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and,

WHEREAS, the District has planned the Regional Urban Water Augmentation Project to develop additional water supply for the Ord Community, and has certified a CEQA Environmental Impact Report for the Project; and,

WHEREAS, the District is currently constructing the recycled water portion of the Regional Urban Water Augmentation Project to deliver non-potable water, a portion of which may be allocated by the City of Seaside to the Main Gate Specific Plan; and,

WHEREAS, the Water Supply Assessment is confirmation of the availability of a reliable water supply for the project, based on the “Agreement between the United States of America and Monterey County Water Resources Agency Concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency” dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Water Supply Assessment and Written Verification of Supply for the proposed City of Seaside’s Amended Main Gate Specific Plan.

PASSED AND ADOPTED on November 19, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____
Noes: Directors _____
Absent: Directors _____
Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-63 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 12-C

Meeting Date: November 19, 2018

Prepared By: Michael Wegley

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-64 to Amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station Design

Staff Recommendation: That the Board of Directors of the Marina Coast Water District adopt Resolution No. 2018-64 and authorize the General Manager to take all actions and execute all documents as may be necessary or appropriate for Change Order No. 1 to On-Call Engineering Professional Services Agreement No. 2017-67, Amendment 3 with Schaaf & Wheeler for Ord Village Lift Station Improvements not-to-exceed \$22,800.

Background: *5-Year Strategic Plan Mission Statement – To provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

The Board of Directors awarded On-Call Engineering Professional Services Agreement (PSA) to Schaaf and Wheeler at the November 20, 2017 Board meeting. The services range from task orders to engineering studies and projects within the General Manager signing authority. Larger studies and budgeted capital improvement projects require approval by the Board of Directors. The On-Call contracts are for a minimum 3-year term with the option to renew for two additional 1-year terms.

The Ord Village Pump Station located west of Highway One pumps wastewater back across Highway 1 to the Giggling Lift Station. The force main has experienced numerous spills east of Highway 1 and is in need of replacement. The Board awarded On-Call PSA Amendment 3 for engineering design services for \$75,900 to Schaaf and Wheeler on January 22, 2018.

Discussion and Analysis: The alignment of the force main replacement has undergone several changes. Design began with a preferred alignment to connect the force main to the Monterey One Water Interceptor pipeline on the west side of Highway 1 near the lift station. Monterey One Water (M1W) was initially onboard with this alignment. However, following the January 20, 2018 regional treatment facility overflow/spill that entered Monterey Bay, M1W informed MCWD that the interceptor pipeline connection would not be allowed.

A second alignment pursued alongside the existing force main was encumbered by dense Monterey Pine groves and an existing Pacific Gas and Electric high-pressure gas main. This led to the evaluation of several alignments utilizing existing roadways in the Ord Military Community.

Meetings with the Army and the Monterey Bay Military Housing resulted in the selection of an alignment along Monterey Road, Bougainville Road, Buna Loop and Kiska Road for the replacement force main.

The new Ord Village force main alignment will require additional surveying to update the topographic map and easements, and will require additional design and drafting per the attached proposal. The estimated cost for the proposed change order is not-to-exceed \$22,800. Added to the original \$75,900 PSA the project total with Schaaf and Wheeler will be \$98,700.

Environmental Review Compliance: The Army will prepare a Record of Environmental Concern for the portion of work on the Ord Military Community and a negative declaration will be filed for the force main replacement project outside of the Ord Community.

Financial Impact: _____Yes No Funding Source/Recap: Capital Improvement Project OS-0147 budget for consultant services.

Other Considerations: None

Material Included for Information/Consideration: Resolution No. 2018-64, Schaaf & Wheeler design scope change proposal, Ord Village Lift Station map with proposed force main alignments.

Action Required: Resolution _____Motion _____Review
(Roll call vote is required.)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

November 19, 2018

Resolution No. 2018-64
Resolution of the Board of Directors
Marina Coast Water District
Change Order 1 to Amendment 3 for the
Professional Services Agreement with Schaaf & Wheeler
for On-Call Engineering Services for the Ord Village Lift Station Improvements Design

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 19, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District Directors awarded a professional services agreement to Schaaf & Wheeler for On-Call Engineering Services at the November 20, 2017 Board Meeting with services ranging from task orders to engineering studies and projects; and,

WHEREAS, the Schaaf and Wheeler On-Call contract is for a minimum 3-year term with the option to renew for two additional 1-year terms; and,

WHEREAS, the District Directors awarded Amendment 3 to the on-call professional services agreement with Schaaf & Wheeler for the Ord Village Lift Station Improvements Design not to exceed \$75,900 at the January 22, 2018 Board meeting; and,

WHEREAS, the preferred alignment for the Ord Village force main has to be changed due to denial of access and connection to the Monterey One Water Interceptor Pipeline; and,

WHEREAS, the alignment parallel to the existing force main is encumbered by a Pacific Gas and Electric high pressure gas main and dense groves of Monterey pines; and,

WHEREAS, existing roadways in the Ord Military Community provide suitable alternatives; and,

WHEREAS, The Army and the Monterey Bay Military Housing prefer an alignment along Monterey Road, Bougainville Road, Buna Loop and Kiska Road for a replacement force main; and,

WHEREAS, the new alignment will necessitate additional surveying and design work.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution for Change Order 1 not to exceed \$22,800 to Amendment 3 of the Professional Services Agreement with Schaaf and Wheeler for On-Call Engineering Services for a total project cost not-to-exceed \$98,700.

PASSED AND ADOPTED on November 19, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____
Noes: Directors _____
Absent: Directors _____
Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-64 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Staff Report

Agenda Item: 12-D

Meeting Date: November 19, 2018

Prepared By: Brian True

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Receive a Developer Account Update and Consider Adoption of Resolution No. 2018-65 Directing Staff to Write-Off One Aged Development Account Balance in the Total Amount of \$10,932

Background: 5-Year Strategic Plan, Goal No. 2 – Our objective is to provide a high quality water distribution system and an efficiently operating wastewater collection system to serve existing and future customers. Through the master planning process, our infrastructure strategy is to carefully maintain our existing systems and ensure future additions and replacements will meet District standards.

Staff provides quarterly reports to the Board on the status of the Development Accounts. The Board asked staff to improve the delinquent accounts and the process for managing development accounts.

Discussion/Analysis: This 4th quarter (of the Fiscal Year - through June 30, 2018) Developer Account Update uses the current format for the Developer Deposit Balances sheet (attached) first presented to the Board in September 2016. The significant on-going developments have been invoiced recently in order to maintain positive deposit balances; expressly, the invoiced projects include East Garrison, Dunes, Dunes Residential, Marina Heights/Sea Haven, CHISPA Junsay Oaks, and CSUMB Student Union.

A new project intake process is now in-place and being used. The next step is the most challenging - to integrate the form's information fields with MCWD's existing database accounting tools such that the information contained in the new form will become part of the Developer Deposit Balances sheet (and others) in a seamless and automated manner between the Engineering, Customer Service, Operations and Finance Departments.

District staff is working on a reporting system (that will appear similar to the current Developer Deposit Balances sheet attached) that lists deposits and expenses only for resources utilized to conduct the planning, design, and installation of the proposed project's infrastructure separate from deposits and expenses for other development costs such as meter deposits. Earlier attempts to use existing modules and methods MCWD possesses were fruitless; the management results that needed to be achieved were not feasibly generated by the existing tools. The current report sheet employs a single-deposit-balance that yields a decided lack of clarity in the Developer Account reporting. The lack of clarity using the single-deposit-balance occurs because costs-to-connect for the large, on-going development projects are included as payments received. These payments, specifically for water meters and to commence sewer service, are generally so large as to blind the value that is really trying to be tracked (i.e. the internal costs for MCWD's labor and consultancies to work with the developers to achieve their objectives).

Keeping in mind that one of the overall objectives is to be able to report back to the development teams providing resources to MCWD (in return for MCWD's services on behalf their project) regarding the status and use of those provided resources, the challenge has been to get the two envisioned tools – the Project Application form and the Developer Account Balances sheet - to work together in an integrated and automated fashion. The output of these two tools will need to incorporate data/information from several sources over any given time period with the information being current (or timely) and precise. A bridge that might be generated using an existing IT platform may be the utilization of the current CitiWorks program being used by the O&M Department (mainly for work-orders) for the generation of detailed work-flow-processes. This may enable the sharing of data and information between IT tool platforms in a surprisingly straightforward manner. Meetings between staff are being conducted and forward progress is being made during each event; however, the task is daunting and will require many person-hours and much calendar-time to achieve.

The most recent Development that has gained momentum is the City of Seaside's Main Gate project. The City of Seaside's Main Gate development has recently provided payment to MCWD for modifying the project's Water Supply Assessment (WSA) such that a project EIR Addendum can be prepared and accepted by Seaside's City Council. In 2008 (approximately), MCWD prepared a WSA for the Main Gate development but the project failed to advance through the economic downturn of the time. The City of Seaside is proposing to maintain the general nature of the project such that an entirely new EIR will not be required. The modified WSA for the Amended Main Gate Specific Plan is planned for MCWD Board action at this November 19, 2018 Board Meeting.

With the City of Seaside's aggressive forward action on both the Campus Town and Main Gate development projects, the time has come for staff to recommend writing-off the development account balance generated by the failed Monterey Downs project. The amount planned for writing-off is \$10,932 (approximately – see the attached Developer Deposit Balances sheet). Obtaining recompense for MCWD expenditures from the project is legally challenging and highly unlikely since the development entity acting as the proponent for the project is defunct. Staff recommends that the MCWD Board of Directors adopt Resolution No. 2018-64 authorizing the General Manager to direct MCWD staff to write-off the Developer Account balance of \$10,932 as uncollectable debt.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap:

Other Considerations: An alternative the Board might consider is to reject the staff recommendation and continue to carry the developer account balances on the Development Account Report provided each quarter. Further, the Board might desire to direct staff to continue examining methodologies for making write-offs more administrative in nature (rather than the current "write-off-by-Resolution" method) and select an alternative for continued processing.

Material Included for Information/Consideration: Resolution No. 2018-65; and, Developer Deposit Balances.

Action Required: Resolution Motion Review
(Roll call vote is required)

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

November 19, 2018

Resolution No. 2018 - 65
Resolution of the Board of Directors
Marina Coast Water District
Directing Staff to Write-Off One Aged Development Account Balance
in the Total Amount of \$10,932

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 19, 2018 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, one aged development project, the Monterey Downs development, having been carrying Development Account balances owed to the District for many years; and,

WHEREAS, MCWD staff recognizes the balances are uncollectable from legal and practical perspectives and recommends the balances be written-off from an accounting perspective; and,

WHEREAS, the total amount to be written-off totals \$10,932 (approximately).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to direct MCWD staff to write-off the aged Monterey Downs Development Account balance and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on November 19, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-65 adopted November 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Staff Report

Agenda Item: 13-A

Meeting Date: November 19, 2018

Prepared By: Keith Van Der Maaten

Approved By: Keith Van Der Maaten

Agenda Title: Receive an Update on the 2018 Year in Review Report and Provide Comments

Staff Recommendation: Staff recommends that the Board of Directors receive an update on the 2018 Year in Review and provide comments.

Background: *5-Year Strategic Plan Mission Statement – To provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

In 2017, District staff along with the District’s Public Relations firm, RSE, Inc. developed the 2017 Year in Review Report, the first such “annual” report the District has generated in some time (if ever).

As a follow up to that effort, staff has created a draft 2018 Year in Review Report and is presenting the report to the Board to get any comments on the report. The report was also provided to the Executive and Outreach Committees for comments prior to bringing it to the Board. Staff put considerably more work into this year’s report to describe the many activities that the MCWD staff has completed in support of the strategic plan that the Board has adopted and believe that it is far more informative than the 2017 report.

Following this meeting, staff will incorporate any Board comments into the draft and send the draft version to the Districts Public Relations firm, RSE, Inc. to complete the report by adding the necessary design elements to make the report more professional in appearance. Following the work by RSE, the final, professional looking, draft report will be presented to the Board at its December 17 meeting for final approval. The report will then be available on the District’s website and distributed through our social media channels. Staff is not moving ahead at this time with printing any hard copies, as was done with last year’s report.

Material Included for Information/Consideration: Draft 2018 Year in Review Report; and, Final 2017 Year in Review Report.