



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

HOWARD GUSTAFSON
President

PETER LE
Vice President

THOMAS P. MOORE
WILLIAM Y. LEE
JAN SHRINER

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

Marina Council Chambers

211 Hillcrest Avenue, Marina, California

Tuesday, September 8, 2015, 6:30 p.m. PST

(Please note the date change due to the Holiday)

This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. 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
(Subdivision (a) of Section 54956.9)

- 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, September 3, 2015. 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) 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)
- 4) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate).
- 6) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)

- B. Pursuant to Government Code 54956.8
 Conference with Real Property Negotiator
 Property: Recycled Water Pipeline, Recycled Water
 Agency Negotiators: Peter Le and Howard Gustafson
 Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others.
 Under Negotiation: Price and Terms
- C. Pursuant to Government Code 54956.8
 Conference with Real Property Negotiator
 Property: Sewer Infrastructure
 Negotiating parties: Howard Gustafson and Peter Le
 Under Negotiation: Price and Terms
- D. Pursuant to Government Code 54957
 Public Employee Performance Evaluation
 Title: General Manager

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.*

B. Consider Adoption of Resolution No. 2015-45 to Approve a Memorandum of Understanding Regarding Source Water and Water Recycling

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. Consent Calendar *Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to four minutes.*

A. Approve the Draft Minutes of the Regular Board Meeting of August 17, 2015

9. 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. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-44 to Award a Construction Contract with Andersen Pacific Engineering Construction Inc. and Amend the FY 2015-2016 Capital Improvement Budget

Action: The Board of Directors will consider awarding the Third Street Water Main Replacement Project to Andersen Pacific Engineering Construction Inc. and amend the Capital Improvement Budget.

B. Update Board of Directors on CSUMB Service Learning Institute Agreement for Placement of Students

Action: The Board of Directors will consider receiving an update on the CSUMB Service Learning Institute Agreement and provide direction on participation in a project.

C. Discussion and Possible Action to Consider Association of California Water Agencies Committee Appointment Nominations for the 2016-2017 Term

Action: The Board of Directors will consider Association of California Water Agencies Committee appointment nominations for the 2016-2017 term.

10. Correspondence Received by the District, Directors and General Manager

11. 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

1. Update on the Status of the BLM Building
2. Update on the Status of the SCADA Master Plan

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. MRWPCA Board Member Liaison | |

12. Board Member Requests for Future Agenda Items

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

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

*Regular Meeting: Tuesday, September 21, 2015, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: September 8, 2015

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: *2015 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.*

Consent calendar consisting of:

- A) Approve the Draft Minutes of the Regular Board Meeting of August 17, 2015

Discussion/Analysis: See individual transmittal.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can approve this item or the Board can pull this item and discuss it.

Material Included for Information/Consideration: The draft minutes of August 17, 2015.

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: 9-A

Meeting Date: September 8, 2015

Prepared By: Patrick Breen
Reviewed By: Michael Wegley

Approved By: Keith Van Der Maaten

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2015-44 to Award a Construction Contract to Andersen Pacific Engineering Construction Inc., and Amend the FY 2015-2016 Capital Improvement Budget

Staff Recommendation: The Board of Directors adopt Resolution 2015-44 to award a Construction Contract to Andersen Pacific Engineering Construction, Inc. for the Third Street Water Main Replacement Project, and amend the FY 2015-2016 Capital Improvement Budget.

Background: *Strategic Plan, Element No. 2 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.*

On August 7, 2015, District staff conducted a bid opening for the “Third Street Water Main Replacement Project”. The project is for the replacement of an existing 6-inch water main in Third Street from Second Avenue to First Avenue with approximately 1380 linear feet of 12-inch PVC water main. The existing water main had multiple breaks in the last two years and is in need of replacement. This project also includes the associated fittings, valves, appurtenances, pavement removal and restoration, three new fire hydrants, reconnecting existing mains and services along the water main, and abandonment grouting of existing water and sewer mains within the right-of-way.

Discussion/Analysis: The District received four bids for this project. The apparent low bidder, the Don Chapin Company was found to be much lower than the other bids received. Subsequently, the Don Chapin Company requested relief from the bid due to a clerical error in their material estimate.

The next lowest bid received was from Monterey Peninsula Engineering (MPE). Their bid form did not include an acknowledgment of Addendum 1 (the only addendum). The addendum document clearly states “Acknowledge receipt of the addendum by inserting its number in Document 00410- Bid Form. FAILURE TO DO SO WILL SUBJECT BID TO DISQUALIFICATION. MPE stated “none” on the bid form. After the bid, MPE explained that it was due to a clerical error. Andersen Pacific Engineering Construction, Inc. (APEC) filed a bid protest for award of the Project to MPE.

The third lowest bid received was from APEC for \$233,140.00. This bid is considered responsive and responsible.

Due to the irregularities in the two lowest bids, staff is recommending the Board consider awarding the project to the lowest responsive bidder, Andersen Pacific Engineering Construction, Inc. As an alternative consideration, the Board can decide to reject all bids and re-advertise the project.

Total cost of the work, including a 15% allowance for inspection and contingency, would be \$268,111.00. The capital improvement project budget for this project was originally estimated at \$122,000 the reinstallation of 200 linear feet of 12 inch pipeline prior to the commencement of design. During design it became apparent that the scope should be increased in order to fully address the water main infrastructure in the area. Based on the change in scope and bids received, staff recommends amending the Capital Improvement budget as follows:

	Budget	Change	Balance
From: OW-0202 South Boundary Road Pipeline (Design)	\$205,000	- \$146,111	\$58,889
To: OW-00240 3 rd Street Water Main	\$122,000	+ \$146,111	\$268,111

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Funding for this project comes from the Ord Water FY 2015-2016 Capital Improvements Budget.

Other considerations: The Board can decide to reject all bids and re-advertise the project.

Material Included for Information/Consideration: Resolution No. 2015-44, summary bid tabulation, Don Chapin's bid withdrawal letter, MPE's clarification email and APEC's bid protest letter.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

September 8, 2015

Resolution No. 2015-44
Resolution of the Board of Directors
Marina Coast Water District
Authorize a Construction Contract with
Andersen Pacific Engineering Construction Inc. for the
Third Street Water Main Replacement Project
and to Amend the FY 2015-2016 Capital Improvement Budget

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 8, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District water main in Third Street from Second Avenue to First Avenue in Marina is found to have reached the end of its service life, and is in need of replacement; and,

WHEREAS, the District solicited and received bids from qualified contractors for the replacement of the Third Street Water Main, appurtenances and related equipment, and the third bidder was considered responsive; and,

WHEREAS, staff recommends contracting with Andersen Pacific Engineering Construction Inc. to provide construction services for the Third Street Water Main Replacement in the amount of \$233,140.00; and,

WHEREAS, an additional fifteen percent is added to the budget for the project to cover construction inspection services and a contingency; and,

WHEREAS, a FY 2015/2016 Ord Water Capital Improvements Budget amendment is required to resource this Construction Contract in order to achieve the desired facility objectives; and,

WHEREAS, this work is categorically exempt under section 15301 of the CEQA Guidelines.

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 construction contract with Andersen Pacific Engineering Construction Inc., for the Third Street Water Main Replacement, and to take all actions and execute all documents as may be necessary or appropriate to give effort to this resolution, the total project budget dollar amount for which shall not-to-exceed \$268,111, which includes an additional fifteen percent to cover construction inspection services and a contingency; and to amend the FY 2015-2016 Capital Improvement Budget as follows:

	Budget	Change	Balance
From: OW-0202 South Boundary Road Pipeline (Design)	\$205,000	- \$146,111	\$58,889
To: OW-00240 3 rd Street Water Main	\$122,000	+ \$146,111	\$268,111

PASSED AND ADOPTED on September 8, 2015 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 _____

Howard Gustafson, 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. 2015-44 adopted September 8, 2015.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: September 8, 2015

Prepared By: Jean Premutati

Approved By: Keith Van Der Maaten

Agenda Title: Update Board of Directors on CSUMB Service Learning Institute Agreement for Placement of Students

Staff Recommendation: The Board receive an update and provide direction on participating in a project.

Background: *2015 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 adopted Resolution No. 2014-33 on September 2, 2014 approving a CSUMB-MCWD Agreement for Placement of Students. The Service Learning Institute (SLI) provides students the opportunity for learning experiences while deepening their sense of civic responsibility, self-awareness, and professional development. After some minor changes, the agreement was signed on October 1, 2014 by the Interim General Manager and the Program Manager for the SLI.

At the last regular Board meeting, Director Shriner asked staff to provide an update on the SLI agreement at the next meeting. The agreement was signed in October; however CSUMB has never entered us into their system as a Community Partner and the District has not participated in the SLI.

In the interim, Director Shriner has submitted a request to have the Board consider the District participate in the SLI through a campaign currently underway and sponsored by the Save Our Water program. It is called “Saving Together” and the goal is to encourage Californians to shoot a selfie and share their water saving efforts on social media while inspiring others to do the same. This movement supports water conservation and emphasizes the need for continual reductions in water use with a focus on outdoor irrigation.

As the Community Partner in the SLI, the District must provide a project outline with the desired skills needed, resources to be used, and a timeline. Students select which project they would like to work on, complete a Learning Agreement with the Community Partner and then it is signed off by their course instructor. Director Shriner has graciously offered to serve as the District site supervisor, but as a Board member, cannot supervise “volunteer employees,” therefore someone from staff must be assigned.

Students will not be paid however there will be associated costs for workers’ compensation insurance based on a rate equivalent to minimum wage.

Discussion/Analysis: As was indicated when the Agreement was signed, the District has four (4) CSUMB paid Interns. The Interns are the ones we normally look to when it comes to projects. Limited resources and staff time have been the justification for not contributing. In addition, the District wants to ensure if we do participate we can provide the students the attention and learning experience they deserve.

While this appears to be a worthwhile project, an alternative to having the District participate, would be for Director Shriner, independent of MCWD, work with the SLI students on the Saving Together project.

Staff is seeking direction from the Board on whether or not they would like the District to take on this project.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap – 27% will be charged to Marina Water/54% will be charged to Ord Water.

Other Considerations: None.

Material Included for Information/Consideration: Signed SLI Agreement dated October 7, 2014; copy of ACWANEWS article on Saving Together; Draft project description; Syllabus of ENSTU 349S Environmental Interpretation; letter of support from Kay Cline, Sustainable Seaside; copy of Learning Agreement; and copy of Resolution No. 2014-33.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: September 8, 2015

Submitted By: Paula Riso

Presented By: Keith Van Der Maaten

Agenda Title: Discussion and Possible Action to Consider Association of California Water Agencies Committee Appointment Nominations for the 2016-2017 Term

Staff Recommendation: The Board of Directors discuss whether to select a Board member to submit their name for consideration and appointment to the Association of California Water Agencies (ACWA) 2016-2017 Committees.

Background: In August, ACWA sent notice that they will be considering appointments to their Committees for the 2016-2017 term. The deadline to submit member names is September 30, 2015.

Discussion/Analysis: An elected or appointed member of the Board is eligible for appointment to a Committee. ACWA is looking for active, involved individuals able to expend the time and provide their expertise if appointed. The number of meetings per year varies with each Committee as well as the location of the meetings.

Roger Masuda has expressed in interest to be nominated by MCWD to the Legal Affairs Committee. He is currently a member of the Committee nominated by the Turlock Irrigation District.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Financial Impact: Yes No Funding Source/Recap: None.

Other Considerations: The Board can decide to not select any Board member to submit their name for consideration.

Material Included for Information/Consideration: ACWA letter; Committee Appointment guidelines; and committee forms.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____