



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
Monday, May 4, 2015, 6:30 p.m. PST

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 54957
Public Employee Appointment
Title: General Manager
- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

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 Wednesday, April 29, 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.

- 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
- 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 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).
- 5) 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)

C. Pursuant to Government Code 54957.6
 Conference with Labor Negotiators
 Agency Negotiators (Bill Kocher, Peter Le)
 Employee Organization: Marina Coast Water District Employees Association

D. Pursuant to Government Code 54957.6
 Conference with Labor Negotiators
 Agency Negotiators (Bill Kocher, Peter Le)
 Employee Organization: Teamsters Local 890

E. 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

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. **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 April 20, 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. 2015-20 to Authorize a Construction Contract with Maggiora Brothers Drilling for Well No. 30 Pump Replacement

Action: The Board of Directors will consider authorizing a contract with Maggiora Brothers Drilling for Well No. 30 pump replacement.

B. Discussion and Possible Action on Water Augmentation to the Ord Community (RUWAP)

Action: The Board of Directors will discuss water augmentation to the Ord Community (RUWAP).

C. Receive Status Report on the Request for Proposal's for District Legal Counsel Services and Personnel and Employment Law Services and Consider Providing Direction to Staff

Action: The Board of Directors will receive a status report of the District Legal Counsel recruitment and provide direction to staff.

10. Staff Report

A. Receive an Update on the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations

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

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

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

*Special Meeting: Saturday, May 9, 2015, 9:00 a.m.
District Office, 11 Reservation Road, Marina*

*Regular Meeting: Monday, May 18, 2015, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: May 4, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Consent Calendar

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

Background: *“2014 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 April 20, 2015

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can approve these items together or the Board can pull these items and discuss each one individually.

Material Included for Information/Consideration: Copy of the draft minutes of April 20, 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: 8-A

Meeting Date: May 4, 2015

Prepared By: Paula Riso

Approved By: Bill Kocher

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of April 20, 2015

Staff Recommendation: The Board of Directors approve the draft minutes of the April 20, 2015 regular Board meeting.

Background: *2014 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 April 20, 2015 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 April 20, 2015.

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: 9-A

Meeting Date: May 4, 2015

Prepared By: Andrew Sterbenz

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution 2015-20 to Authorize a Construction Contract with Maggiora Brothers Drilling for Well No. 30 Pump Replacement

Staff Recommendation: The Board of Directors adopt Resolution 2015-20 authorizing a construction contract with Maggiora Brothers Drilling for replacement of the Well No. 30 pump, column and shaft.

Background: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

On July 24, 2012, Well No. 30 was taken out of service by District Staff in response to unidentified noise during operation. This well remains out-of-service today. The Ord Community system has five wells, and the remaining four (No. 29, 31, 34 and Watkins Gate) are operational. This was not considered a critical system replacement, so it was deferred until it could be funded as a Capital Replacement.

Following the initial inspection by District Operations Staff, Maggiora Brothers Drilling was hired by Operations and Maintenance to remove the pump and motor for inspection. The initial report from Maggiora Brothers Drilling attributed the well equipment failure to bearing failures in the pump column. Operations Staff directed that a full condition assessment of the pump, column, and associated equipment be made, and concurrently had the well-casing videoed to ascertain its condition and to check for damage. The well column pipe, shaft tube, shaft, and pump bowl assembly were in poor condition, the emergency gear drive was in need of a rebuild/maintenance, and the electrical motor was in need of recondition.

Following their assessment, Maggiora Brothers Drilling recommended line brushing and air swabbing of the well screens, replacement of the well column pipe, shaft tube, shaft, and pump bowl assembly, and reconditioning of the motor. This pump was installed circa 1985 and has been in service approximately 27 years. Staff has reviewed their inspection of pump, shaft, and tube, and concurred with these recommendations. Operations and Maintenance issued a purchase order for the line brushing and air swabbing and video of the well screen and this work has been completed. O&M also issued purchase orders for reconditioning of the motor and the angle drive gear head, and those items have been completed.

Discussion/Analysis: Well No. 30 is one of three wells in the Ord Community that were constructed in 1985. It is anticipated that Well No. 29 or 31 will need attention soon, so placing Well No. 30 back in operation now would allow the next assessment to occur without impacting operations.

Due to the age of the well screen, staff recommends installing a smaller pump for this replacement, reducing the yield from 2,000 gpm to 1,500 gpm. The reduced velocity through the well screen should extend the remaining service life somewhat. The smaller pump column will allow the addition of sounding tubes within the pump casing, so that we can monitor the water level at the well in real time.

Schaaf & Wheeler prepared a system curve for the well and equipment specification for the replacement pump and column under the existing on-call services contract. The District solicited bids from six well drillers, and received two responses. Both bidders were considered qualified and responsive. Maggiora Brothers Drilling had the lower bid price of \$91,563.30, which includes replacement of the well column pipe, shaft tube, shaft, pump bowl assembly, and reinstalling the motor and angle drive. Staff has reviewed this estimate and found it to be acceptable.

During the project, Schaaf & Wheeler will provide submittal reviews under the on-call services contract, and District Operations and Maintenance will manage the project and inspect the installation. The pump will require 4 to 5 months for fabrication, testing and delivery. Once on-site, the installation will take less than 30-days.

Total cost of the work, including a 15% allowance for inspection and contingency, is \$105,300.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Funding for this project comes from the FY 2014-15 Capital Improvements Budget, Project OW-0223, Well 30 Pump Replacement, budgeted for \$210,000. The original budget anticipated installing a larger pump and column.

Other considerations: None.

Material Included for Information/Consideration: Resolution No. 2015-20.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

May 4, 2015

Resolution No. 2015-20
Resolution of the Board of Directors
Marina Coast Water District
Authorize a Construction Contract with
Maggiore Brothers Drilling for Well No. 30 Pump Replacement

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on May 4, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, District Well No. 30 is out of service, the pumping equipment has been evaluated and found to have reached the end of its service life, and is in need of replacement; and,

WHEREAS, Well No. 30 is a significant groundwater sources of supply for the Marina Coast Water System; and,

WHEREAS, solicited and received bids from qualified well drillers for the replacement of the Well No. 30 pump, column and related equipment, and the bidders were considered responsive; and,

WHEREAS, staff recommends contracting with Maggiore Brothers Drilling to provide construction services for the Well No. 30 pump replacement in the amount of \$91,563.30; and,

WHEREAS, an additional fifteen percent is added to the budget for the project to cover construction inspection services and a contingency; 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 Maggiore Brothers Drilling, for Well No. 30 Pump 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 \$105,300, which includes an additional fifteen percent to cover construction inspection services and a contingency.

PASSED AND ADOPTED on May 4, 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:

Bill Kocher, 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. 2015-20 adopted May 4, 2015.

Bill Kocher, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: May 4, 2015

Requested By: Vice President Le

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action on Water Augmentation to the Ord Community (RUWAP)

Staff Recommendation: Receive presentation by Vice President Le and Possible Action on the Matter of Water Augmentation to the Ord Community (RUWAP).

Background: The FORA-MCWD Water Wastewater Facilities Agreement discussed the need for additional water augmentation that would be necessary for the future buildout of the Ord Community. The 1997 Base Reuse Plan (BRP) Public Facilities Implementation Plan (PFIP), PFIP 2-7, shows a "reclaimed opt." of 2,397 AFY in addition to the 6,600 AFY of groundwater. Subsequently, the District adopted a programmatic EIR on a FORA-endorsed Regional Urban Water Augmentation Project (RUWAP) that proposed a combination of reclaimed wastewater and desalination to provide that 2,400 acre feet per year of additional water to the Ord Community.

The Board acted on March 2, 2015 to move forward with a desalination-only solution to the need for water augmentation on the Ord Community. Since that time, FORA staff has twice recommended to the FORA Board that it endorse this concept as the strategy to augment the Ord Community water supply and twice the FORA Board has declined to act on that recommendation.

Discussion/Analysis: Vice President Le has requested this item be placed on this agenda for discussion and possible action on the matter of water augmentation to the Ord Community (RUWAP).

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: None

Other Considerations: This is a Board requested item.

Material Included for Information/Consideration: None.

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: May 4, 2015

Prepared By: Jean Premutati

Approved By: Bill Kocher

Agenda Title: Receive Status Report on the Request for Proposal's for District Legal Counsel Services and Personnel and Employment Law Services and Consider Providing Direction to Staff

Staff Recommendation: Receive status report on the Request for Proposal's (RFP) for District Legal Counsel Services and Personnel and Employment Law Services and consider providing direction to staff.

Background: On January 5, 2015, the Board directed staff to solicit proposals for both District Legal Counsel and Personnel and Employment Law Services to the District. In March 2015, staff sent out RFP's to twelve legal firms in California with experience in special district legal counsel and personnel and employment law. The proposal asked for firms to submit for both services. The deadline for submission of proposals was Thursday, April 30, 2015 at 5:00 pm.

Discussion/Analysis: As of the date this agenda transmittal was generated, staff had not yet received any proposals. Any proposals received after the packet was delivered will be transmitted to Directors under separate cover for review and information.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: Direction to staff regarding negotiations for legal services will not, in and of itself, have financial impact.

Other Considerations: At the aforementioned January 5, 2015 meeting, the Board directed staff to send out RFP's for two discrete legal services, general legal counsel and personnel and employment law. Given that the District's need for personnel and employment law legal services is infrequent, staff took it upon itself to investigate the possibility that the firm providing general legal counsel could also offer both services, either through joint venture or on staff. However, should the Board not wish to have general legal counsel also provide personnel and employment law legal services, it would simply need to direct staff that in negotiations with the firm for General Legal Counsel it should not include consideration of other legal services but instead, issue a discrete RFP for personnel and employment law legal services.

Material Included for Information/Consideration: None.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

Marina Coast Water District
Staff Report

Agenda Item: 10-A

Meeting Date: May 4, 2015

Prepared By: James Derbin

Approved By: Bill Kocher

Subject: Update on State Water Resources Control Board's Emergency Mandatory Water Conservation Regulations

Summary: In response to the severe drought conditions in California, Governor Brown declared a drought emergency in January 2014 and issued a series of Executive Orders in April and December of 2014, and January of 2015 in an attempt to streamline the State's drought response.

Most recently on April 1, 2015 Governor Brown directed the State Water Board to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25% statewide. He also directed that this regulation take into account the different levels of conservation already achieved by communities based upon their relative per capita water usage.

In order to achieve these savings, the State Water Board is expediting an emergency regulation to set usage targets for communities statewide. The State Water Board's task is to implement a regulation which is equitable, achievable and enforceable for every urban water supplier in the state that can be implemented quickly. To maximize input in a short period of time, the State Board began discussions with water suppliers and stakeholders to solicit feedback.

On April 7, 2015, the State Board released draft framework and has received feedback from interested parties including Marina Coast Water District. The draft regulation will be further refined based on comments received and the Notice of Proposed Emergency Rulemaking and accompanying documents which will be released on April 28, 2015 for public comment and consideration by the State Board at its' May 5-6, 2015 meeting.

The emergency regulation will address the following provisions of the April 1, 2015 Executive Order:

Ordering Provision 2: Mandatory 25% reduction in potable urban water use with recognition of past conservation achievements;

Ordering Provision 5: Reductions in potable water use at commercial, industrial and institutional properties;

Ordering Provision 6: Prohibition of using potable water for irrigation of ornamental turf in street medians; and

Ordering Provision 7: Prohibition on using potable water for irrigation outside of new home construction without drip or microspray systems.

This emergency regulation does not address rates and other pricing mechanisms required by Ordering Provision 8, which will be developed separately.

Final public comment on the proposed emergency regulation can be made at the Water Board meeting on May 5, 2015. Interim General Manager, Bill Kocher will be present at this meeting to make comment if needed.

The prohibitions in the emergency regulation will take effect immediately upon approval by the Office of Administrative Law. Urban water suppliers will be expected to begin implementing measures to meet their required reductions by June 1, 2015.

Schedule:

- Notice of release of draft regulation for informal public comment April 17, 2015
- Deadline for comment on draft regulation April 22, 2015
- Formal notice of proposed Rulemaking and written comment period April 28, 2015
- Board hearing and adoption May 5-6, 2015
- Office of Administrative Law approval May 15, 2015
- Specific prohibitions effective May 15, 2015
- First (June) report on water production and conservation measures due July 15, 2015

The Provisional Proposed Regulatory Framework Tier table to achieve 25% reduction for listed urban water suppliers is attached. It is proposed that Marina Coast Water District (District), bottom of first sheet, achieve an additional reduction in water production of 12% for the summer months of June to February as compared to the District's 2013 production for that time period. To date, the District has achieved an 11% reduction in water production for 2014 in comparison to 2013. Staff has inquired to the SWRCB on how the District might be compensated for the high level of redevelopment activity of the former Fort Ord, as to not adversely impact our proposed target 12% reduction in production. No response has been received from the SWRCB to date.

Staff has proactively reached out to all jurisdictions requesting all potable water usage for irrigation of ornamental turf in street medians cease. All parties have already confirmed compliance. Staff has also reached out to large landscape managers in our service area to reduce consumption and have seen significant voluntary curtailment of water use and removal of turf in these areas.

Staff has discussed reasonable timing to implement prohibition of the use of potable water for irrigation outside of new home construction without drip or microspray systems. Depending on where the landscape plan review process is to date will determine compliance targets. For example, if landscape plans for new homes are already approved by the District they would not need to redesign and resubmit landscape plans. If the developer or builder is still early on in the landscape plan review process, they would be required to redesign the irrigation system and resubmit. Either way please note that all outdoor irrigation will still be restricted to three days per week as stated in the MCWD Stage 3 Water Shortage Contingency Plan. Staff will be researching this issue further and reporting back to the District's Board.

In order to achieve compliance with these new regulations, following the Notice of Proposed Rulemaking on April 28, 2015 and adoption by the SWRCB on May 5-6, 2015, staff will be presenting recommended changes to the District's Water Shortage Contingency Plan and/or Ordinance No. 36 at the regularly scheduled May 18, 2015 Board meeting.

Attachments:

Proposed Text of Emergency Regulation

Provisional Proposed Regulatory Framework Tier Table