



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

HOWARD GUSTAFSON
President

THOMAS P. MOORE
Vice President

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, November 7, 2016, 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 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

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

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, November 2, 2016. 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.

- 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 No. A145604
- 5) 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.)
- 6) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)
- 8) In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company, State Water Resources Control Board Cease and Desist Order WR 2009-0060

- B. Pursuant to Government Code 54956.8
 Conference with Real Property Negotiator
 Property: Sewer Infrastructure
 Negotiating parties: Howard Gustafson, Thomas Moore
 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 October 17, 2016

B. Adopt Resolution No. 2016-62 to Authorize a Notice of Completion for the Well No. 11 Generator Project be Filed with the Monterey County Recorder

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. Consider Second Reading and Adoption of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C) of the District Code

Action: The Board of Directors will hold a second reading of Ordinance No. 59 and consider adopting the amended Ordinance.

10. Staff Reports

A. Receive the 3rd Quarter 2016 MCWD Water Consumption and Sewer Flow Report

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
2. Joint City-District Committee
3. Executive Committee
4. Community Outreach Committee
5. Budget and Personnel Committee
6. MRWPCA Board Member Liaison

7. LAFCO Liaison
8. FORA
9. WWOC Report
10. JPIA Liaison
11. Special Districts Association

12. Board Member Requests for Future Agenda Items

13. Director's Comments *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: Monday, November 21, 2016, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: November 7, 2016

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: *2016 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) Approve the Draft Minutes of the Regular Board Meeting of October 17, 2016
- B) Adopt Resolution No. 2016-62 to Authorize a Notice of Completion for the Well No 11 Project be Filed with the Monterey County Recorder

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: Draft minutes of October 17, 2016; and Resolution No. 2016-62.

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: November 7, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of October 17, 2016

Staff Recommendation: The Board of Directors approve the draft minutes of the October 17, 2016 regular Board meeting.

Background: *2016 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 17, 2016 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 17, 2016.

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: 8-B

Meeting Date: November 7, 2016

Prepared By: Patrick Breen
Reviewed By: Michael Wegley

Approved By: Keith Van Der Maaten

Agenda Title: Adopt Resolution No 2016-62 to Authorize a Notice of Completion for the Well No. 11 Generator Project be filed with the Monterey County Recorder

Staff Recommendation: The Board of Directors adopt Resolution 2016-62 to authorize a Notice of Completion for the Well 11 Generator Project be filed with the Monterey County Recorder.

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.*

Well No. 11 is located at the southwest corner of Reservation Road and Salinas Avenue and the portable generator at the well reached the end of its service life. On November 2, 2015, the Board of Directors authorized a budget adjustment establishing the Well No. 11 Generator Project (CIP MW-0206) for the replacement of the existing portable electric generator with a permanent electric generator. The Board also authorized the purchase of a new permanent electric generator from Quinn Power Systems for \$109,310 at the same November 2, 2015 meeting (Resolution No. 2015-52).

Staff obtained electrical engineering services from Aurum Engineering of Monterey to assist the District in the design. Staff then advertised and conducted a bid opening on March 1, 2016 for the portion of the project that installed the necessary electrical infrastructure and concrete pad to accept the District furnished generator.

Discussion/Analysis: On April 4, 2016, the Board of Directors awarded a construction contract to Monterey Peninsula Engineering (MPE) for the Well No. 11 Generator Project (Resolution No. 2016-20). The work included removal of the existing generator, providing a new reinforced concrete equipment pad, conduits, cabinets, and cables for a complete operating emergency generator. Subsequently, District Operations and Maintenance was able to have the old generator removed outside of the MPE contract and the District was able to save \$9,500.

The Board authorized not-to-exceed amount for this project was \$217,610. Work on the Well 11 Project began in May 2016 and was completed in August 2016 for a total amount of \$196,866.

The table below represents the authorized amount compared to the contracted amount.

| Well No. 11 Generator Project Cost | | |
|---|-------------------------|------------------|
| Item | Board Authorized Amount | Actual Amount |
| Bid Price (MPE) | \$86,500 | \$77,000 |
| Generator | \$109,310 | \$109,310 |
| Aurum Electrical Engineering | \$9,150 | \$9,150 |
| Inspection, Permits and Testing | \$4,000 | \$1,406 |
| Contingency (10%) | \$8,650 | \$0 |
| Total | \$217,610 | \$196,866 |

The total cost of the construction amounted to \$198,866 which is within the Board authorized amount (Resolution No. 2016-20).

Staff recommends a Notice of Completion be filed with the Monterey County Recorder as the work was completed pursuant to the plans and specification and contract obligations.

Environmental Review Compliance: None required.

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

Other considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-62

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

November 7, 2016

Resolution No. 2016-62
Resolution of the Board of Directors
Marina Coast Water District
Authorize a Notice of Completion for the Well 11 Generator Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 7, 2016, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District Capital Improvement Program included the Well No. 11 Generator Project, to replace facilities which have reached the end of their service life; and,

WHEREAS, the Board authorized the purchase of a new permanent electric generator from Quinn Power Systems for \$109,310 at the November 2, 2015 meeting (Resolution No. 2015-52); and,

WHEREAS, the Board approved a contract with Monterey Peninsula Engineering to provide construction services for the Well No. 11 Generator Project in the amount of \$86,500 (Resolution No. 2016-20); and,

WHEREAS, Quinn Power Systems provided and installed the electrical generator pursuant to the contract documents and the generator is operation; and,

WHEREAS, Monterey Peninsula Engineering has completed the Well No. 11 Generator Project according to the contract documents; and,

WHEREAS, staff is recommending a Notice of Completion be filed with the Monterey County Recorder as the work was completed pursuant to the plans and specification and contract obligations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to file a Notice of Completion for the Well No. 11 Generator Project with the Monterey County Recorder, and to take all actions and execute all documents as may be necessary or appropriate to give effort to this resolution.

PASSED AND ADOPTED on November 7, 2016 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. 2016-62 adopted November 7, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: November 7, 2016

Prepared By: James Derbin

Approved By: Keith Van Der Maaten

Agenda Title: Consider Second Reading and Adoption of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C) of the District Code

Staff Recommendations: The Board is requested to conduct the second reading of Ordinance No. 59 to approve suggested updates to the Temporary Water Service and Cross Connection Control requirements and consider adoption of the Ordinance.

Background: *2016 Strategic Plan 6.2 – Routinely review policies and procedures.*

The District has an active and effective cross connection control program. To continue to be as effective as possible, it is necessary to routinely review the District Code and update or clarify the requirements of that program. Staff recently reviewed the District Code, Title 3, Chapters 3.12 and 3.28 and is providing updated clarifying edits to the Code.

Pursuant to the California Code of Regulations, Title 17, Public Health, and entitled “Regulations Relating to Cross-Connections” the district adopted Ordinance 5. Ordinance 5 outlined the requirements concerning the protection of the potable water supply from contamination. Ordinance 59 further clarifies those requirements.

On October 17, 2016 during the first reading of Ordinance No. 59, the Board and Legal Counsel suggested several edits and those edits have been included and are shown in track-change in the attached version of this Ordinance.

Discussion/Analysis: In summary, the following sections of District Code, Title 3, Chapters 3.12 and 3.28 were edited:

- **3.12.040 (D,E,F)** – “Temporary service”: This section was modified to clarify the use requirements related to hydrant meters and temporary water connections.
- **3.28.020 (A,B,C)** – “Cross-connection protection requirements”: This section was updated to address properties with long water service lines after the meter are subject to review and requiring that all multifamily housing units with 3 separate units or more need backflow protection.
- **3.28.030 (A,B,C,D)** - “Backflow prevention devices”: This section was updated to address backflow prevention device installation and testing requirements including that any change of tenancy, ownership, or renovation of the building will require review by district cross-connection control staff.
- **3.28.050 (A,B,C)** – “Administrative procedures”: This section was updated to clarify that cross connection control surveys apply to new and existing connections as needed, timeline for customer notifications related to inspection/surveys, and testing of devices.

- **3.28.060 (B,C)** – “Water service termination”: This section was updated to further clarify processes and fees related to termination and restoration of water service.

Upon adoption of Ordinance No. 59, the entire Ordinance will be published in a local newspaper with the names of those directors voting for and against the ordinance or amendment.

Environmental Review Compliance: None required.

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

Other considerations: Take no action to clarify the District Code.

Material Included for Information/Consideration: Draft Ordinance No. 59 in track changes mode.

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: November 7, 2016

Prepared By: Kelly Cadiente and Paul Lord

Approved By: Keith Van Der Maaten

Agenda Title: 3rd Quarter 2016 MCWD Water Consumption and Sewer Flow Reports

Summary: The Board of Directors is requested to receive the 3rd Quarter 2016 MCWD Water Consumption and Sewer Flow Report. Quarterly water consumption reports of the Ord Community have been submitted to the Board since 2006 and is organized by land-use jurisdiction. Reports submitted in 2016 include the consumption information for Central Marina as well an analysis of variances between 2015 consumption and 2016 projected consumption.

This staff report also includes tracking information on sewer flows through the Monterey Regional Water Pollution Control Agency's (MRWPCA) Fort Ord and Marina pump stations. Central Marina sanitary sewer flows for the quarter ended September 30, 2016 was 99.937-million-gallons which yielded an average daily sewer flow of 1.0863-million-gallons-per-day (MGD). The Ord Community sanitary sewer flows for the quarter ended September 30, 2016 was 76.611-million-gallons which yielded an average daily sewer flow of 0.833-million-gallons-per-day (MGD).

The Ord Community's sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

The District maintains sewage conveyance capacity within the Ord Community equivalent to 3.3-MGD. The 3.3-MGD capacity managed by the District is further divided into 1.1-MGD for use by the US Army and 2.2-MGD for use by others in the Ord Community.

Below are informational annotations for the data included in the report:

- The rainfall total for the 3rd quarter of 2016 (July, August, September) in Marina was 0.10 inches. This amount of rainfall is 0.19 inches lower than the historical quarterly average rainfall of 0.29 inches.
- The measured reference evapotranspiration rate (South Salinas) for the 3rd quarter was 15.54 inches, 1.10" inches lower than the historical quarterly average of 16.64 inches.