



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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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, April 18, 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 Thursday, April 14, 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)

- B. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Agency Negotiators: Howard Gustafson, Thomas Moore  
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, 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. Consider Approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community

B. Receive and File the Check Register for the Month of March 2016

C. Approve the Draft Minutes of the Regular Board Meeting of April 4, 2016

**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. 2016-21 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes, LP, for the Dunes - 1C Phase 3 Development in Marina, CA

*Action: The Board of Directors will consider approving a water, sewer, and recycled water infrastructure agreement between Marina Coast Water District and Shea Homes, LP, for the Dunes – 1C Phase 3 development in Marina, CA.*

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-22 to Reallocate Funds in the FY 2015-2016 Capital Improvements Program Budget and Use of the 2006 Certificates of Participation Proceeds for the Procurement of Six New Flygt Pumps for the Ord Community Service Area

*Action: The Board of Directors will consider reallocating funds in the FY 2015-2016 Capital Improvements Program Budget and use of the 2006 Certificates of Participation Proceeds for the Procurement of six new Flygt Pumps for the Ord Community service area.*

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-23 to Adopt Addendum No. 3 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project; Adoption of Resolution No. 2016-24 to Adopt the Mitigation Monitoring and Reporting Program with the Minor Revisions as Included in Addendum No. 3; and, Direct Staff to File a Notice of Determination

*Action: The Board of Directors will consider adopting Addendum No. 3 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project; and consider adopting the Mitigation Monitoring and Reporting Program with the minor revisions as included in Addendum No. 3; and, to authorize filing a Notice of Determination.*

**10. 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    |                                   |

**11. Correspondence**

**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: Monday, May 2, 2016, 6:30 p.m.,  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: April 18, 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: *2015 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) Consider Approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community
- B) Receive and File the Check Register for the Month of March 2016
- C) Approve the Draft Minutes of the Regular Board Meeting of April 4, 2016

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: 2015 Consumer Confidence Report; Check register for the month of March 2016; and, the draft minutes of April 4, 2016.

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

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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: April 21, 2016

Prepared By: Thomas Barkhurst  
Reviewed By: James Derbin

Approved By: Keith Van Der Maaten

Agenda Title: Consider Approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community

Staff Recommendation: Staff recommends approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community.

Background: *2015 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.*

The Water Conservation Commission reviewed this item on April 7, 2016 and recommends approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community.

Discussion/Analysis: The Safe Drinking Water Act requires water utilities to provide accurate and timely information to consumers about the quality of their drinking water. The US Environmental Protection Agency and California State Water Resource Control Board, Division of Drinking Water (formerly known as the California Department of Public Health (CDPH)) adopted regulations known as a Consumer Confidence Report (CCR), to be distributed to water utility customers by July 1st each year. Since 1989, the District has provided CCR's (formerly called annual water quality report) to District customers.

The 2015 CCR summarizes the results of detected contaminants in District's supply wells and distribution systems conducted in calendar year 2015, or, the most recent sampling year. The District's water system did not have any violation in 2015 and is in compliance with State and Federal drinking water regulations.

A list of contaminants tested for but not detected will be posted in the District's website at [www.mcwd.org/2015ccr-ND.html](http://www.mcwd.org/2015ccr-ND.html).

The 2015 CCR will be mailed together with each customer's water bill starting May 2015 or sooner. A separate mailing will be conducted for residents in the Ord military housing at or about the same time. Copies will be distributed to Alliance Residential, businesses, apartment managers, and school administrators for further distribution to customers who do not receive a water bill directly from the District. Staff will coordinate with the US Army-BRAC and CSUMB's News and Public Information Officer to establish the website links for access by the military and university communities. The CCR will be available at the District's website at [www.mcwd.org](http://www.mcwd.org).

Environmental Review Compliance: None required.

Financial Impact:  Yes  No Funding Source/Recap: Printing Expense, Laboratory Budget, Marina Water Fund and Ord Water Fund estimated \$8,012: MW \$2,964, OW \$5,048.

Other Considerations: Regulatory.

Material Included for Information/Consideration: Draft 2015 Consumer Confidence Report.

Action Required:  Resolution  Motion  Review

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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: April 18, 2016

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

Agenda Title: Receive and File the Check Register for the Month of March 2016

Staff Recommendation: The Board of Directors receive and file the March 2016 expenditures totaling \$944,727.32.

Background: *2015 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 March 2016 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: March 2016 Summary Check Register.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: April 18, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of April 4, 2016

Staff Recommendation: The Board of Directors approve the draft minutes of the April 4, 2016 regular Board meeting.

Background: *2015 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 4, 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 April 4, 2016.

Action Required:    \_\_\_ Resolution    \_\_X\_\_ Motion    \_\_\_ Review

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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: April 18, 2016

Prepared By: Brian True

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Consider Adoption of Resolution No. 2016-21 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes, LP, for the Dunes - 1C Phase 3 Development in Marina, CA

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2016-21 approving the Water, Sewer and Recycled Water Infrastructure Agreement between MCWD and Shea Homes for the Dunes - 1C Phase 3 Development.

Background: *Strategic 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.*

Discussion/Analysis: The Board of Directors is requested to approve a Water, Sewer, and Recycled Water Infrastructure Agreement (hereafter referred to as the Infrastructure Agreement) between MCWD and Shea Homes, LP, for the Dunes - 1C Phase 3 (Dunes 1C3) development. The attached draft Infrastructure Agreement is based upon the most recent board-approved (June 2013) format used for other development groups within the MCWD service area.

The Dunes on Monterey Bay development (formerly known as University Villages) owned by Marina Community Partners, LLC is a fully entitled master development located on lands of the former Fort Ord in Marina and is within the land-use jurisdiction of the City of Marina. Shea Homes, LP, is the residential development partner within Marina Community Partners. The overall Dunes 1C is roughly bounded by 2<sup>nd</sup> Avenue, Imjin Parkway, 4<sup>th</sup> Avenue, and 8<sup>th</sup> Street; the Dunes 1C3 area may be described as the southern and eastern edges of the overall area. The current Dunes 1C3 development effort will consist of the new construction of the underground utilities, roadways, two park areas, and other infrastructure and appurtenances as well as the construction of single-family and multi-family homes on 128 residential lots. This third portion of the Dunes 1C area is the final piece within the overall 1C area; future Dunes on Monterey Bay development phases may be adding-on but the additions will have new phase designations.

The Dunes on Monterey Bay master development has received from the City of Marina an allocation of 593-AFY of potable water. Of that total allocated amount, the current proposed portion of the residential development (i.e. Dunes 1C3) will use an estimated 26.9-AFY of potable water.

The new infrastructure will be constructed within the public right-of-way, public utility easements, or within easements provided to MCWD by Shea Homes and upon completion, will be transferred to the District. The specific infrastructure proposed for transfer includes PVC

potable water pipelines, PVC recycled water pipelines (purple pipes), PVC gravity sewer pipelines, and associated sewer manholes, water valves, and other appurtenances. Some water and sewer infrastructure has been constructed by MCP in this area under previous Infrastructure Agreements; however, the Payment and Performance bonding specified by this Infrastructure Agreement will be specific to all the infrastructure that will ultimately be accepted for ownership by MCWD within this Dunes 1C3 phase. A current Opinion of Probable Cost has been reviewed and accepted by staff to set the bond value of approximately \$1.33M.

To assist in reviewing this proposed draft Infrastructure Agreement (IA), please note the yellow highlights in the provided document. The yellow highlights show the differences between the proposed IA and the Board approved 2013 IA template. All the additions (i.e. the differences that were added to the proposed IA document that are not within the IA template) are highlighted. The deletions (from the template) in the proposed IA may be discerned by the symbol of highlighted underscores (appearance is  ). The proposed IA is substantially identical to the IA's previously negotiated (with Marina Community Partners and Shea Homes) and agreed to by MCWD's Board for The Dunes on Monterey Bay master development Phases 1B, 1C1, and 1C2 within the past 2-years.

Environmental Review Compliance: This Infrastructure Agreement is not a "project" under the California Environmental Quality Act (CEQA); this action is categorically exempt.

Prior Committee or Board Action: On January 10, 2007, the Board adopted Resolution No. 2007-03 approving an Infrastructure Agreement between Marina Community Partners, LLC and MCWD for the University Villages Development, Phases 1B and 1C.

Financial Impact:         Yes     No

Funding Source/Recap: There is no financial impact.

Other Considerations: The Board may desire to consider other alternatives to adopting the motion as recommended by staff including:

1. Modifying or conditioning the action; or,
2. Direct further staff work; or,
3. Deny the action.

Material Included for Information/Consideration: Resolution No. 2016-21; and, draft Infrastructure Agreement.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

April 18, 2016

Resolution No. 2016 - 21  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a Water, Sewer, and Recycled Water Infrastructure Agreement  
Between Marina Coast Water District and Shea Homes, LP,  
for the Dunes - 1C Phase 3 Development Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 18, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Shea Homes, LP, (“Developer”) has coordinated with the District on their Dunes - 1C Phase 3 Development, consisting of new construction and related infrastructure, within the City of Marina portion of the Ord Community; and,

WHEREAS, the City of Marina has allocated a portion of its former Fort Ord water supply allocation for the Developer’s use in developing the Dunes on the Monterey Bay (formerly University Villages) development project, and,

WHEREAS, the District and the Developer are working cooperatively regarding proposed water, recycled water and sewer system improvements; and,

WHEREAS, the District and the Developer have agreed upon the proposed Water, Sewer and Recycled Water Infrastructure Agreement and desire to enter into same.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to execute the Water, Sewer and Recycled Water Infrastructure Agreement between MCWD and Shea Homes, LP, for their Dunes - 1C Phase 3 Development and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED April 18, 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Keith Van Der Maaten, Deputy 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. 2016-21 adopted April 18, 2016.

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Keith Van Der Maaten, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: April 18, 2016

Prepared By: Michael Wegley  
Reviewed By: James Derbin

Approved By: Keith Van Der Maaten

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2016-22 to Reallocate Funds in the FY 2015-2016 Capital Improvements Program Budget and Use of the 2006 Certificates of Participation Proceeds for the Procurement of Six New Flygt Pumps for the Ord Community Service Area

Staff Recommendation: The Board of Directors is requested to:

1. Adopt Resolution No. 2016-22 reallocating funds in the FY 2015-2016 Ord Community Capital Improvements Program Budget; and,
2. Approve the use of outstanding 2006 Certificates of Participation (COP) Proceeds to fund the project for the Ord Community Service Area; and,
3. Authorize the sole source procurement of six new Flygt Pumps for the total amount of \$254,113.08 from Shape, Inc.; and,
4. 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: *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.*

Each year, the District follows a budget development process that results in Board approval of the annual budget which includes a Capital Improvement Program (CIP). Annual update of the District’s CIP program follows the same schedule.

When the District refinanced the 2006 COP in July of 2015, it certified that the unexpended funds would be used by June 30, 2016 and are thereby obligated to do so. Proceeds available for Marina Sewer and Water are programmed to be expended by June 30, 2016. Taking into account the FY 2015-2016 budgeted Ord Community Sewer Capital improvement projects that can be expended by June 30, 2016, the 2006 COP Construction Funds available balance is \$600,000.

Discussion/Analysis: The attached Five-Year Ord Community Service Area sewer system CIP project list includes projects under way in the current FY 2015-2016 and those required in future years. Those needed in the next five years are shown with funding in the proposed FY column, and the remaining projects are shown in “Out Years” (beyond FY 2019-2020) column. The Category column in the table indicates the project addresses an existing deficiency (E), a single development project (S), or multiple development projects (M).

The remaining 2006 COP Construction Fund proceeds for use to rehabilitate and replace existing sewer system deficiencies within the Ord Community service area by June 30, 2016 total

\$600,000. Projects for development projects or that are not fixed works, i.e. temporary, mobile or easily moved, are not eligible. Ord Community CIP projects addressing existing deficiencies include replacement of aging lift stations and force mains which have failed, had to be replaced in recent years or need to be enlarged for additional capacity to serve redevelopment of the former Fort Ord.

The highest priority sewer system project remains replacement of the Clark Lift station. However, construction will not begin in time to expend the funds by June 30, 2016.

Two other possible repair and replacement capital improvement projects for the Board of Directors consideration to address existing system deficiencies that could be expended by June 30, 2016 are the:

- Pump replacement for the Gigling Lift Station
- Pump replacement for the Ord Village Lift Station

The location of both lift stations are shown on the attached map. Lift stations and force mains in the Ord Community Service Area are an ongoing maintenance issue for the Operations and Maintenance Department.

In 1997, the Army planned upgrades to the Ord Village and Gigging Lift Stations. The planned upgrades included installation of Flygt pumps at both stations. After the Flygt brand panels and level controllers were selected through their contract with Anderson Pacific, a cost saving change order was made by the Army to install less expensive ABS brand pumps.

After time the ABS pumps have become problematic for the O&M staff. These problems include long lead time for parts and several unsuccessful shop repairs made to these pumps at both lift stations.

Since the District accepted the Army wastewater infrastructure in October of 2001, Flygt brand pumps have been specified (sole sourced) by MCWD on new infrastructure and wastewater lift station rehabilitation projects through the "brand name or equal" contractor procurement process per Public Contract Code Section 3400. The District has found Flygt pumps more reliable than other brands, and the vendor Shape Inc. provides better availability of parts and high quality service. Standardizing pump equipment reduces spare part stocking and inventory costs for the District and improves interchangeability of parts. Shape is the only authorized dealer for Flygt pumps in the area.

The Gigling Lift Station and Force Main Improvements are already programmed as a Capital Improvement Project as Project No. OS-0203. The pumps selected will work with the improvement project. The price for the Gigling Lift Station pump with tax and air freight is \$35,120.47 each. For three pumps the total price is \$105,361.41.

The price for the Ord Village pump with tax and air freight is \$49,583.89 each. For three pumps the total price is \$148,751.67. They too will be able to be used for a future lift station and force main improvement project.

The total cost for all six pumps is \$254,113.08. Individual project budget sheets are attached for both of the proposed FY 2015-2016 projects and the following amendment to the Capital

Improvement Program budget for the Gigling Lift Station & Force Main Improvements, OS-0203, is recommended to fund the Ord Village Lift Station Improvements, OS-0241:

CIP	Budget	Change	Balance
From: OS-0203 (Gigling)	\$573,000	- \$160,000	\$413,000
To: OS-0241 (Ord Village)	\$0	\$160,000	\$160,000

Environmental Review Compliance: None required. Projects are addressed individually during design/construction.

Other considerations: Other possible actions for consideration of the Board:

1. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
2. Continue to a future meeting (date and time to be specified in the motion); or,
3. Deny the action.

Financial Impact:      Yes    No

Funding Source/Recap: Available 2006 COP Construction Funds for Ord Community Sewer total \$600,000.

Material Included for Information/Consideration: Resolution No. 2016-22; the Proposed Gigling Project Budget Sheet; Proposed Ord Village Project Budget Sheet; the Pump Quotations; and, location map of the lift stations.

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

Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_



April 18, 2016

Resolution No. 2016-22  
Resolution of the Board of Directors  
Marina Coast Water District  
Reallocating Funds in the FY 2015-2016 Capital Improvements Program Budget and  
the Use of 2006 Certificates of Participation Proceeds for the Procurement of Six New Flygt  
Pumps for the Ord Community Service Area

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 18, 2016, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the 2006 Certificates of Participation (COP) Construction Funds available only for Ord Community Sewer Capital spending total \$600,000; and,

WHEREAS, the District is legally obligated to use the outstanding COP Fund proceeds by June 30, 2016; and,

WHEREAS, the proportionate share of FY 2015-2016 Ord Community Sewer Capital Improvement Project that may be encumbered by June 30, 2016 leave an estimated COP Fund balance for Ord Community Water of \$600,000; and,

WHEREAS, other suitable five-year Ord Community Sewer Capital Improvement Projects will be unable to have funds encumbered by June 30, 2016; and,

WHEREAS, District staff have identified Gigling and Ord Village Lift Station Pumps for the Ord Community 2006 COP Construction Funds necessary to meet capital expenditures for sound operation and provision of the wastewater facilities and to enable the District to provide sewer services within the existing service areas in Ord Community; and,

WHEREAS, District staff has recommended to the Board of Directors that it is in the best interests of the District to purchase six new Flygt Pumps from Shape, Inc., by noncompetitive purchase in the amount of \$254,113.08 and has provided justification for that purchase.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2016-22 reallocating funds in the FY 2015-2016 Capital Improvements Program Budget; and,

BE IT FURTHER RESOLVED, to approve allocating 2006 COP Construction Fund Proceeds for the Ord Community Service Area for the procurement of six new Flygt Pumps for the total amount of \$254,113.08; and,

BE IT FURTHER RESOLVED, the noncompetitive purchase of the Flygt Pumps from Shape, Inc., is hereby approved; and,

BE IT FURTHER RESOLVED, to reallocate funds in the FY 2015-2016 Capital Improvement Budget as follows:

CIP	Budget	Change	Balance
From: OS-0203 (Gigling)	\$573,000	- \$160,000	\$413,000
To: OS-0241 (Ord Village)	\$0	\$160,000	\$160,000

BE IT FURTHER RESOLVED, 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.

PASSED AND ADOPTED on April 18, 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. 2016-22 adopted April 18, 2016.

\_\_\_\_\_  
Keith Van Der Maaten, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: April 18, 2016

Submitted By: Michael Wegley

Reviewed By: Keith Van Der Maaten

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2016-23 to Adopt Addendum No. 3 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project; Adoption of Resolution No. 2016-24 to Adopt the Mitigation Monitoring and Reporting Program with the Minor Revisions as Included in Addendum No. 3; and, Direct Staff to File a Notice of Determination

Staff Recommendation: The Board of Directors is requested to consider:

1. Adoption of Resolution No. 2016-23 to Adopt Addendum No. 3 to the Certified Environmental Impact Report (EIR) for the Regional Urban Water Augmentation Project (RUWAP); and,
2. Adoption of Resolution No. 2016-24 to Adopt the Mitigation Monitoring and Reporting Program with the Minor Revisions as Included in Addendum No. 3; and,
3. Direct staff to file a CEQA Notice of Determination.

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 RUWAP Recycled Water Project is an urban recycled water project, and was proposed to deliver tertiary treated and disinfected recycled water to customers in Marina, the former Fort Ord and the Monterey Peninsula. In October 2004, the District Board of Directors certified the EIR for the RUWAP. In October 2006, Addendum No. 1 was adopted to address changes in the project's pipeline alignment, and in February 2007, Addendum No. 2 was adopted to address changes to the maximize use of recycled water within MCWD's service areas up to 1,727 AFY.

The RUWAP pipeline and distribution system is now being considered for a shared pipeline use for an advanced treated recycled water conveyance system to serve both the approved MCWD RUWAP, and the approved Pure Water Monterey/Groundwater Replenishment Project (PWM/GWR). The PWM/GWR Project EIR was certified in October 2015 by Monterey Peninsula Regional Water Pollution Control Agency (MRWPCA).

The two agencies propose to combine conveyance facilities for a shared pipeline (RUWAP Shared Pipeline Project). The RUWAP Shared Pipeline Project will involve the construction of one single transmission pipeline, a booster pump station and related facilities to deliver advanced treated water from the Advanced Water Treatment Plant (AWTP) to the Seaside Groundwater Basin and to MCWD's irrigation customers, and would include:

- A connection to the AWTF, assumed to connect at the MRWPCA fence line;

- A distribution system consisting of approximately 40,000 linear feet of pipeline within existing roadway rights-of-way, along the RUWAP EIR alignment and RUWAP Alignment from the PWM/GWR EIR;
- Lateral distribution lines to serve end users from the main distribution alignment;
- One storage tank at an existing MCWD storage tank site referred to as the Blackhorse Reservoir;
- One intermediate booster pump station located at the City of Marina referred to as the 5<sup>th</sup> Avenue Pump Station; and
- Pressure reducing valves and appurtenances.

As proposed the RUWAP Shared Pipeline Project eliminates the need for the SVRP pump station and storage basin. The alignment of the pipeline conveyance system is along the same alignment and the pipeline and project conveyance facilities were evaluated in both the RUWAP EIR and Addenda and the PWM/GWR EIR. The RUWAP Project EIR and Addenda fully evaluated the RUWAP as a recycled water distribution system. The PWM/GWR EIR evaluated the RUWAP as the preferred alignment.

Discussion/Analysis: MCWD has completed Addendum No. 3 to the RUWAP EIR to address the combined conveyance facilities. The analysis in Addendum No. 3 concluded that the implementation of the combined conveyance facilities along the same alignment would not result in any new significant environmental effects or a substantial increase in the severity of a previously identified significant effects beyond those disclosed in the certified 2004 EIR and subsequent Addenda. On the basis of the evaluation presented in Addendum No. 3, the proposed minor changes would not trigger any of the conditions requiring preparation of a subsequent or supplemental EIR, as described in CEQA Guidelines Sections 15162 and 15163 and Public Resources Code Section 21166, and the Addendum satisfies the requirements of CEQA Guidelines Section 15164.

The changes analyzed in Addendum No. 3, include a reduction in total length of pipeline facilities, number of storage facilities, number of pump stations, revisions on certain sizing on sections of the shared pipeline and conveyance along the alignment. At a minimum, the Project as proposed in Addendum No. 3 would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In many instances the impact areas are significantly reduced due to the reduction in total length of pipeline and elimination of a storage facility and a pump station.

CEQA Guideline Section 15164 allow a lead agency to prepare an addendum to a previously certified EIR if only minor technical changes or additions are necessary but none of the conditions described in CEQA Guideline Section 15162 have occurred. Based on the analysis in Addendum No. 3, the RUWAP EIR adequately addresses the environmental effects of the Project, and that the changes to the proposed Project constitute a minor refinement of the Project description that would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

A Notice of Intent to adopt Addendum No. 3 to the EIR for the RUWAP was posted on March 23, 2016. The State Clearinghouse submitted the Addendum No. 3 to selected state agencies for review. The review period closed on April 6, 2016, and no state agencies submitted comments. The State Clearinghouse sent a letter to the District on April 7, 2016 acknowledging that the District has complied with the State Clearinghouse review requirements, pursuant to CEQA.

Other considerations: None.

Financial Impact: \_\_\_\_\_ Yes      X   No    Funding Source/Recap: Not applicable.

Material Included for Information/Consideration: Resolution No. 2016-23; Resolution No. 2016-24; Addendum No. 3 to the Certified EIR for the Regional Urban Water Augmentation Project with revised MMRP dated February 2016; Notice of Intent to Adopt an Addendum; Notice of Determination; State Clearinghouse Letter

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

April 18, 2016

Resolution No. 2016-23  
Resolution of the Board of Directors  
Marina Coast Water District  
Adopting a CEQA Addendum No. 3 for the  
District's Regional Urban Water Augmentation Project

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District" or "MCWD"), at a regular meeting duly called and held on April 18, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the *Final Environmental Impact Report for the MCWD Regional Urban Water Augmentation Project* ("RUWAP EIR") (State Clearinghouse #2003081142) was prepared pursuant to the California Environmental Quality Act of 1970, as amended ("CEQA") and the guidelines promulgated thereunder ("CEQA Guidelines") to address the environmental effects, mitigation measures, and project alternatives associated with the consideration of the MCWD Regional Urban Water Augmentation Project ("RUWAP") and actions related thereto; and,

WHEREAS, the Directors, by Resolution No. 2004-56, certified the *RUWAP EIR* as complete and adequate and fully in compliance with all requirements of CEQA on October 27, 2004; and,

WHEREAS, the EIR evaluated the RUWAP and underscored that the District's primary project objective is to provide 2,400 acre-feet per year (AFY) of new water supply to augment the existing groundwater supply for the Ord Community in accordance with the Fort Ord Reuse Authority ("FORA") *Fort Ord Reuse Plan and Elements* (June, 1997) ("*Base Reuse Plan*"), its accompanying certified final Environmental Impact Report ("EIR") and the Facilities Agreement between the District and the FORA; and,

WHEREAS, the stated purpose of the RUWAP was to identify feasible water augmentation supplies capable of meeting the water demands for redevelopment requirements of the former Fort Ord as anticipated by the Base Reuse Plan and its accompanying EIR; and,

WHEREAS, the RUWAP EIR incorporated by reference the following documents: MCWD Regional Urban Water Augmentation Project Alternatives Analysis, March 2003 and the MCWD Regional Urban Water Augmentation Project Engineering Feasibility Study, August 2003; and,

WHEREAS, the Regional Urban Water Augmentation Project Alternatives Analysis, March 2003 was a multi-tiered Alternatives Analysis and considered twenty-nine (29) potential alternative water supply alternatives to meet project objectives. As part of this process, MCWD and a Technical Advisory Committee comprised of representatives from MCWD, FORA, Monterey Regional Water Pollution Control Agency (MRWPCA), Monterey County Water Resources Agency (MCWRA), Monterey Peninsula Water Management District (MPWMD), Carmel Area Wastewater District (CAWD) and the U.S. Army evaluated the potential alternatives. Through this process, it was recommended that the most viable water augmentation alternatives to be implemented by MCWD for inclusion in the RUWAP EIR are Seawater

Desalination and Recycled Water. A hybrid of these two projects was also evaluated in the RUWAP EIR; and,

WHEREAS, the MCWD Regional Urban Water Augmentation Project Engineering Feasibility Study, August 2003 provided conceptual engineering planning for the design of the desalination and the recycled water alternatives, and includes information from the District and MRWPCA's proposed Regional Urban Recycled Water Distribution Project (July 2003); and,

WHEREAS, on May 25, 2005, the District adopted Resolution No. 2005-27, approving the Regional Urban Water Augmentation Project Plan, consisting of the *MCWD Regional Urban Water Augmentation Project Alternatives Analysis, March 2003, Regional Water Augmentation Project Alternatives Analysis, Engineering Feasibility Report, August 2003*, and the *RUWAP EIR*, and the Secretary of the Board or his/her designee filed the Notice of Determination ("NOD") for the RUWAP Plan; and,

WHEREAS, the District and FORA representatives conferred with the Ord Community land use jurisdictions and the local agencies who are statutorily part of FORA, in order to move forward on selection of a preferred alternative for the District Regional Augmentation Project to satisfy the requirements of the land use jurisdictions for the amount, timing and type of water service for the Ord Community area-wide infrastructure improvements as set forth in the FORA Reuse Plan and as determined to be directly best suited to the development of the District RUWAP facilities; and,

WHEREAS, on June 1, 2005, a joint meeting of the FORA Administrative, Water/Wastewater Oversight, and Capital Improvement Program Committees, the land use jurisdiction representatives voted unanimously to recommend that the FORA Board support the Hybrid Alternative; and,

WHEREAS, on June 2, 2005, the Notice of Determination was filed with the Clerk of the County of Monterey; and,

WHEREAS, on June 10, 2005 a joint meeting of the District and FORA Boards recommended that District staff commence project-level engineering design and environmental analysis of the Hybrid Alternative, which would include a 1,500 AFY Recycled Water Component and a 1,500 AFY Seawater Desalination Component; and,

WHEREAS, on October 25, 2006, the District Board of Directors approved Resolution No. 2006-91 that adopted *Addendum No. 1 to the Environmental Impact Report for the Regional Urban Water Augmentation Project* dated October 2006, finding that *Addendum No. 1* was prepared pursuant to CEQA Guidelines section 15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred"; and,

WHEREAS, on February 14, 2007, the District Board of Directors approved Resolution No. 2007-19 that adopted *Addendum No. 2 to the Environmental Impact Report for the Regional Urban Water Augmentation Project* dated October 2006, finding that *Addendum No. 2* was prepared pursuant to CEQA Guidelines section 15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or

additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and,

WHEREAS, on May 12, 2009, the District Board approved Amendment No. 1 for final design of the Recycled Water (RW) pipeline and resumed work on the project; and,

WHEREAS, on June 15, 2015, the District approved the FY 2015-2016 Budget Capital Improvement Program through Resolution No. 2015-29; and,

WHEREAS, on November 16, 2015, the Board of Directors authorized RW expenditures, the submittal of the Clean Water State Revolving Fund (SRF) Financial Assistance Application for the RUWAP with the State Water Resources Control Board, and pledged RW revenues for repayment through Resolution Nos. 2015-55, 2015-56, and 2015-57; and,

WHEREAS, on December 10, 2015, the Board of Directors authorized working with MRWPCA on a joint Advance Water Treatment (AWT) project agreement to deliver RW for the RUWAP project and for MRWPCA’s PWM/GWR; and,

WHEREAS, on March 21, 2016, the Board of Directors Adopted Resolution No. 2016-18 to Approve Amendment No. 2 to the Professional Services Agreement with Carollo Engineers, P.C. for Design of the Regional Urban Water Augmentation Project and reaffirmed authorizing work on recycled water projects; and,

WHEREAS, Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines require that the District Board makes findings prior to approval of a project (along with statements of facts supporting each finding).

NOW, THEREFORE, BE IT RESOLVED, that Board of Directors of District (“Directors”) after consideration of the information contained in the April 18, 2016 Staff Report to the District hereby adopts *Addendum No. 3*, as well as the documents incorporated by reference into said Addendum; and,

FURTHER RESOLVED, that the Directors find that *Addendum No. 3* has been prepared with respect to the RWP in compliance with the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, including without limitation, CEQA Guidelines section 15164, which states: “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and,

FURTHER RESOLVED, that the Directors find that for impacts to the following areas, changes or alterations have been required in, or incorporated into, the RWP as described in *Addendum No. 3*, which avoid or substantially lessen any significant environmental effect and that any adverse impacts would be reduced to less-than-significant levels through mitigation measures described in the *RUWAP EIR and Addenda*: Aesthetics (Addendum No. 3, page 15); Agricultural Resources (EIR Addendum No. 3, page 16); Air Quality (including cumulative conditions) (Addendum No. 3, page 16); Biological Resources: Terrestrial (including cumulative conditions) (Addendum No. 3, page 17); Marine Resources (Addendum No. 3, page 18); Cultural Resources (Addendum No. 3, page 19); Geotechnical and Geological Hazards



(Addendum No. 3, page 23); Hazards and Hazardous Materials (Addendum No. 3, page 23); Hydrology and Water Quality (Addendum No. 3, page 24); Land Use Planning (Addendum No. 3, page 24); Population and Housing Growth (Addendum No. 3 page 24); Public Services and Recreation (Addendum No. 3, page 25); Traffic Circulation (Addendum No. 3, page 26); Utilities and Service Systems (Addendum No. 3, page 26); and Growth Inducement (Addendum No. 3, page 26); and,

FURTHER RESOLVED, that the Directors find that based on the elimination of certain conveyance and storage facilities as described in *Addendum No. 3*, the overall impacts of the construction and operation of the RWP would be reduced; and,

FURTHER RESOLVED, that the Directors have independently reviewed and considered the information contained in the *RUWAP EIR, Addendum No. 1, Addendum No. 2, Addendum No. 3* and related environmental documents; and,

FURTHER RESOLVED, that the RUWAP EIR, as amended in *Addendum No. 1 Addendum No. 2* and *Addendum No. 3*, identified a number of potentially significant project-level effects that could result from the RWP, and the Directors find that the inclusion of certain mitigation measures as part of the project approval will reduce those potential significant effects to a less-than-significant level, as evidenced by the record of the October 27, 2004 Resolution and Findings for certification of the Final EIR, by the October 25, 2006 Resolution and Findings for adoption of *Addendum No. 1*, by the February 14, 2007 Resolution and Findings for adoption of *Addendum No. 2*, and approval of the RWP as defined by *Addendum No. 3*; and,

FURTHER RESOLVED, based on the analysis in *Addendum No. 3*, the Directors conclude that the RUWAP EIR adequately addresses the environmental effects of the RUWAP and that the proposed modifications to the RWP constitute a minor refinement of the RUWAP that do not meet any of the conditions that would require the preparation of a subsequent EIR or negative declaration set forth in Section 15162 of the CEQA Guidelines or any of the conditions set forth in Section 15163 of the CEQA Guidelines; and,

FURTHER RESOLVED, that Directors find that the minor refinement proposed by the RWP would not result in significant environmental effects not already identified in the RUWAP EIR and would not substantially increase the severity of any previously identified impacts, and in many instances significantly reduces impacts due to a reduction in total length of pipeline and elimination of a storage facility and pump station; and,

FURTHER RESOLVED, that the Directors find that no new information or evidence of substantial importance has been received or discovered that would indicate that the RUWAP has the potential for new significant environmental effects or that it would substantially increase the severity of previously identified significant effects on the environment beyond that previously analyzed and contemplated under the certified RUWAP EIR; and,

FURTHER RESOLVED, that the Directors find that no new information of substantial importance has been received or discovered, which shows that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the RUWAP, but the MCWD declined the measure or alternative; and,

FURTHER RESOLVED, that the Directors find that no new information of substantial importance has been received or discovered, which shows that mitigation measures or alternatives which are considerably different from those analyzed in the RUWAP EIR would substantially reduce one or more significant effects on the environment, but MCWD declined the measure or alternative; and,

FURTHER RESOLVED, that the Directors find that the Mitigation Monitoring and Reporting Plan as modified to be specific to the RWP and included as Attachment 1 to this resolution meets the requirements of the California Environmental Quality Act (Public Resource Code, Section 21081.6); and,

FURTHER RESOLVED, that the Directors, in approving the RWP, acknowledge that future development of the 673 AFY Water Augmentation Component will be consistent with appropriate District engineering requirements, CEQA environmental regulations, and the District and FORA planning guidelines, as evidenced in the record of the October 27, 2004 Resolution and Findings for certification of the *RUWAP EIR*, and the potential stipulations of water production and delivery reductions identified in *Addendum No. 3*; and,

FURTHER RESOLVED, the record of the proceedings and evidence includes the record of the April 18, 2016 adoption of *Addendum No. 3* which is comprised of the following:

- A. The Draft EIR for the MCWD Regional Urban Water Augmentation Project.
- B. The Final EIR including comments received on the Draft EIR and responses to comments.
- C. Addendum No. 1 to the MCWD Regional Urban Water Augmentation Project EIR.
- D. Addendum No. 2 to the MCWD Regional Urban Water Augmentation Project EIR.
- E. Addendum No. 3 to the MCWD Regional Urban Water Augmentation Project EIR.
- F. The proceedings before the Board of MCWD relating to the subject project consideration for the *MCWD Regional Urban Water Augmentation Project Alternatives Analysis, March 2003* and the *MCWD Regional Urban Water Augmentation Project Engineering Feasibility Study, August 2003*, as well as testimony and documentary evidence introduced at the meetings.
- G. The proceedings before the Board of MCWD relating to the certification of the RUWAP EIR on October 27, 2004, including Findings of Fact as well as testimony and documentary evidence introduced at the meetings.
- H. The proceedings before the Board of MCWD relating to the subject project consideration, including the Staff Reports dated April 13, 2005, April 27, 2005, May 11, 2005, and May 25, 2005 for consideration of approval of the MCWD Regional Urban Water Augmentation Project Plan as well as testimony and documentary evidence introduced at the meetings.
- I. The proceedings before the Boards of MCWD and FORA relating to the subject project consideration, including the Staff Reports dated June 10, 2005 for consideration of recommendation to pursue the Hybrid Alternative as the preferred alternative for the MCWD Regional Urban Water Augmentation Project Plan as well as testimony and documentary evidence introduced at the hearings.
- J. The proceedings before the Board of MCWD relating to adoption of *Addendum No. 1* and the project consideration of the changes to the RUWAP reflected in *Addendum No. 1* including the Staff Reports dated October 25, 2006 and November 15, 2006, as well as testimony and documentary evidence introduced at the meetings.

- K. The proceedings before the Board of MCWD relating to adoption of *Addendum No. 2* and the project consideration of the changes to the RUWAP reflected in *Addendum No 2* including the Staff Reports dated February 14, 2007, as well as testimony and documentary evidence introduced at the meetings.
- L. All attachments, documents incorporated, and references made in the documents specified in items (A) through (L) above, including the Mitigation Monitoring and Reporting Plan for the Regional Urban Recycled Water Project.

PASSED AND ADOPTED on April 18, 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. 2016-23 adopted April 18, 2016.

\_\_\_\_\_  
Keith Van Der Maaten, Secretary

April 18, 2016

Resolution No. 2016-24  
Resolution of the Board of Directors  
Marina Coast Water District  
Adopting the Mitigation Monitoring and Reporting Program with  
Minor Revisions as Included in Addendum No. 3 to  
EIR for the RUWAP Recycled Water Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 18, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the *Final Environmental Impact Report for the MCWD Regional Urban Water Augmentation Project* (“*RUWAP EIR*”) (State Clearinghouse #2003081142) was prepared pursuant to the California Environmental Quality Act of 1970, as amended (“CEQA”) and the guidelines promulgated thereunder (“CEQA Guidelines”) to address the environmental effects, mitigation measures, and project alternatives associated with the consideration of the MCWD Regional Urban Water Augmentation Project (“RUWAP”) and actions related thereto; and,

WHEREAS, the Directors, by Resolution No. 2004-56, certified the *RUWAP EIR* as complete and adequate and fully in compliance with all requirements of CEQA on October 27, 2004; and,

WHEREAS, the EIR evaluated the RUWAP and underscored that the District’s primary project objective is to provide 2,400 acre-feet per year (AFY) of new water supply to augment the existing groundwater supply for the Ord Community in accordance with the Fort Ord Reuse Authority (“FORA”) *Fort Ord Reuse Plan and Elements* (June, 1997) (“*Base Reuse Plan*”), its accompanying certified final Environmental Impact Report (“EIR”) and the Facilities Agreement between the District and the FORA; and,

WHEREAS, the stated purpose of the RUWAP was to identify feasible water augmentation supplies capable of meeting the water demands for redevelopment requirements of the former Fort Ord as anticipated by the *Base Reuse Plan* and its accompanying EIR; and,

WHEREAS, the *RUWAP EIR* incorporated by reference the following documents: *MCWD Regional Urban Water Augmentation Project Alternatives Analysis, March 2003* and the *MCWD Regional Urban Water Augmentation Project Engineering Feasibility Study, August 2003*; and,

WHEREAS, the *Regional Urban Water Augmentation Project Alternatives Analysis, March 2003* was a multi-tiered Alternatives Analysis and considered twenty-nine (29) potential alternative water supply alternatives to meet project objectives. As part of this process, MCWD and a Technical Advisory Committee comprised of representatives from MCWD, FORA, Monterey Regional Water Pollution Control Agency (MRWPCA), Monterey County Water Resources Agency (MCWRA), Monterey Peninsula Water Management District (MPWMD), Carmel Area Wastewater District (CAWD) and the U.S. Army evaluated the potential alternatives. Through this process, it was recommended that the most viable water augmentation alternatives to be implemented by MCWD for inclusion in the *RUWAP EIR* are Seawater

Desalination and Recycled Water. A hybrid of these two projects was also evaluated in the *RUWAP EIR*; and,

WHEREAS, the *MCWD Regional Urban Water Augmentation Project Engineering Feasibility Study, August 2003* provided conceptual engineering planning for the design of the desalination and the recycled water alternatives, and includes information from the District and Monterey Regional Water Pollution Control Agency's (MRWPCA) proposed Regional Urban Recycled Water Distribution Project (July 2003); and,

WHEREAS, on May 25, 2005, the District adopted Resolution No. 2005-27, approving the RUWAP Plan, consisting of the *MCWD Regional Urban Water Augmentation Project Alternatives Analysis, March 2003, Regional Water Augmentation Project Alternatives Analysis, Engineering Feasibility Report, August 2003*, and the *RUWAP EIR*, and the Secretary of the Board or his/her designee filed the Notice of Determination ("NOD") for the RUWAP Plan; and,

WHEREAS, the District and FORA representatives conferred with the Ord Community land use jurisdictions and the local agencies who are statutorily part of FORA, in order to move forward on selection of a preferred alternative for the RUWAP to satisfy the requirements of the land use jurisdictions for the amount, timing and type of water service for the Ord Community area-wide infrastructure improvements as set forth in the FORA Reuse Plan and as determined to be directly best suited to the development of the RUWAP facilities; and,

WHEREAS, on June 1, 2005, a joint meeting of the FORA Administrative, Water/Wastewater Oversight, and Capital Improvement Program Committees, the land use jurisdiction representatives voted unanimously to recommend that the FORA Board support the Hybrid Alternative; and,

WHEREAS, on June 2, 2005, the Notice of Determination was filed with the Clerk of the County of Monterey; and,

WHEREAS, on June 10, 2005, a joint meeting of the District and FORA Boards recommended that District staff commence project-level engineering design and environmental analysis of the Hybrid Alternative, which would include a 1,500 AFY Recycled Water Component and a 1,500 AFY Seawater Desalination Component; and,

WHEREAS, on October 25, 2006, the District Board of Directors approved Resolution No. 2006-91 that adopted *Addendum No. 1 to the Environmental Impact Report for the Regional Urban Water Augmentation Project* dated October 2006, finding that *Addendum No. 1* was prepared pursuant to CEQA Guidelines section 15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred"; and,

WHEREAS, on February 14, 2007, the District Board of Directors approved Resolution No. 2007-19 that adopted *Addendum No. 2 to the Environmental Impact Report for the Regional Urban Water Augmentation Project* dated October 2006, finding that *Addendum No. 2* was prepared pursuant to CEQA Guidelines section 15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or

additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and,

WHEREAS, on May 12, 2009, the District Board approved Amendment No. 1 for final design of the Recycled Water (RW) pipeline and resumed work on the project; and,

WHEREAS, on June 15, 2015, the District approved the FY 2015-2016 Budget Capital Improvement Program through Resolution No. 2015-29; and,

WHEREAS, on November 16, 2015, the Board of Directors authorized RW expenditures, the submittal of the Clean Water State Revolving Fund (SRF) Financial Assistance Application for the RUWAP with the State Water Resources Control Board, and pledged RW revenues for repayment through Resolution Nos. 2015-55, 2015-56, and 2015-57; and,

WHEREAS, on December 10, 2015, the Board of Directors authorized working with MRWPCA on a joint Advance Water Treatment (AWT) project agreement to deliver RW for the RUWAP project and for MRWPCA’s PWM/GWR; and,

WHEREAS, on March 21, 2016, the Board of Directors Adopted Resolution No. 2016-18 to Approve Amendment No. 2 to the Professional Services Agreement with Carollo Engineers, P.C. for Design of the Regional Urban Water Augmentation Project and reaffirmed authorizing work on recycled water projects; and,

WHEREAS, in accordance with CEQA Guidelines section 15162 which sets the criteria for the preparation of a subsequent EIR, *Addendum No. 3* describes how the Recycled Water Project does not meet the threshold for preparation of a subsequent EIR, and therefore an addendum to the existing *RUWAP EIR* is being used to comply with CEQA in accordance with CEQA Guidelines section 15164; and,

WHEREAS, the *Mitigation Monitoring and Reporting Plan*, as updated in March 2016, meets the requirements of the California Environmental Quality Act (Public Resource Code, Section 21081.6); and,

WHEREAS, for those potentially significant effects identified in the *RUWAP EIR* that could result from the Recycled Water Project for which there may be uncertainty due to timing of implementation as to whether all significant impacts can be reduced to less-than-significant, the MCWD Board, in Attachment A of Resolution No. 2005-27, adopted a statement of overriding considerations, and furthermore, analysis contained in *Addendum No. 1* demonstrates that those impacts can, in fact, be reduced to a less-than-significant level; and,

WHEREAS, *Addendum No. 3* identifies minor changes to the project, and an addendum is appropriate because none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred. More specifically, even though the project will consist of less pipeline and construction of conveyance facilities and also some areas of increased pipeline sizes, these occurrences do not constitute substantial changes to the project or the circumstances due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In many instances the reduction in pipeline and construction of conveyance and storage facilities significantly reduces impacts. Similarly, there is no new information that would show new effects or

substantially more severe effects. Likewise, there are no known mitigation measures that would in fact be feasible or that would substantially reduce significant effects, that the project proponent has declined to adopt. Furthermore, there have been no other changes, evidence or new information which would require revisions to the previous EIR. Because none of the criterion in CEQA Guidelines section 15162 has been met, an addendum is appropriate; and,

WHEREAS, included in Addendum No. 3 to the EIR of the RUWAP are minor revisions to the Mitigation Monitoring and Reporting Program, which as implemented would reduce any adverse impacts resulting from the Project to less-than-significant levels.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the MCWD hereby adopts the Mitigation Monitoring and Reporting Program as amended with the minor revisions included in Addendum No. 3 to the EIR for the RUWAP; and,

FURTHER RESOLVED, that the Directors find that for impacts to the following areas, changes or alterations have been required in, or incorporated into, the RWP as described in *Addendum No. 3*, which avoid or substantially lessen any significant environmental effect and that any adverse impacts would be reduced to less-than-significant levels through mitigation measures described in the *RUWAP EIR and Addenda*: Aesthetics (Addendum No. 3, page 15); Agricultural Resources (EIR Addendum No. 3, page 16); Air Quality (including cumulative conditions) (Addendum No. 3, page 16); Biological Resources: Terrestrial (including cumulative conditions) (Addendum No. 3, page 17); Marine Resources (Addendum No. 3, page 18); Cultural Resources (Addendum No. 3, page 19); Geotechnical and Geological Hazards (Addendum No. 3, page 23); Hazards and Hazardous Materials (Addendum No. 3, page 23); Hydrology and Water Quality (Addendum No. 3, page 24); Land Use Planning (Addendum No. 3, page 24); Population and Housing Growth (Addendum No. 3 page 24); Public Services and Recreation (Addendum No. 3, page 25); Traffic Circulation (Addendum No. 3, page 26); Utilities and Service Systems (Addendum No. 3, page 26); and Growth Inducement (Addendum No. 3, page 26).

PASSED AND ADOPTED on April 18, 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:

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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. 2016-24 adopted April 18, 2016.

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Keith Van Der Maaten, Secretary