



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

WILLIAM Y. LEE
HOWARD GUSTAFSON
HERBERT CORTEZ

Agenda

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

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

Marina Council Chambers
211 Hillcrest Avenue, Marina, California
Monday, March 19, 2018, 6:30 p.m. PST

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

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

1. Call to Order

2. Roll Call

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

4. Closed Session

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

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

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Wednesday, March 14, 2018. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

- 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement
- 3) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief); First Appellate District Court of Appeals Case Nos. A145604, A146166, A146405
- 5) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267

- 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
- C. Pursuant to Government Code 54956.9 (d)(2)
Conference with Legal Counsel – Anticipated Litigation
Significant exposure to Litigation – One Potential Case

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. Receive and File the Check Register for the Month of February 2018
- B. Approve the Draft Minutes of the Joint Board/GSA Meeting of February 20, 2018
- C. Approve the Draft Minutes of the Special Board Meeting of March 5, 2018
- D. Adopt Resolution No. 2018-15 to Approve a Change in Vendors for the Life and Accidental Death and Dismemberment Insurance and Short-Term and Long-term Disability Benefits for District Employees

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 Adoption of Resolution No. 2018-16 Regarding a Variance to the Application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development Project and Consider Adoption of Resolution No. 2018-17 to Modify the Infrastructure Agreement Between MCWD and CHISPA In Order to Implement the Variance Request

Action: The Board of Directors will consider adopting Resolution No. 2018-16 Regarding a Variance to the Application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development Project and Consider adopting Resolution No. 2018-17 to Modify the Infrastructure Agreement Between MCWD and CHISPA In Order to Implement the Variance Request.

- B. Consider Adoption of Resolution No. 2018-18 to Authorize a Notice of Completion for the Lightfighter Drive Extension Project be filed with the Monterey County Recorder

Action: The Board of Directors will consider authorizing a Notice of Completion for the Lightfighter Drive Extension Project be filed with the Monterey County Recorder.

- C. Consider Adoption of Resolution No. 2018-19 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Seaside Senior Living, LLC for the Seaside Senior Living Development Project

Action: The Board of Directors will consider approving a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Seaside Senior Living, LLC for the Seaside Senior Living Development Project.

- D. Consider Providing Direction Regarding Nomination to the Coastal Network, Seat A of the California Special Districts Association Board

Action: The Board of Directors will consider providing direction regarding a Board member nomination to the Coastal Network, Seat A of the California Special Districts Association Board.

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. M1W Board Member Liaison | 12. SVBGSA Liaison |

11. Correspondence

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):*

*Monday, April 16, 2018, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: March 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Consent Calendar

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

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

Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of February 2018
- B) Approve the Draft Minutes of the Joint Board/GSA Meeting of February 20, 2018
- C) Approve the Draft Minutes of the Special Board Meeting of March 5, 2018
- D) Adopt Resolution No. 2018-15 to Approve a Change in Vendors for the Life and Accidental Death and Dismemberment Insurance and Short-Term and Long-Term Disability Benefits for District Employees

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

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

Material Included for Information/Consideration: Check Register for February 2018; draft minutes of February 20, 2018; draft minutes of March 5, 2018; Resolution No. 2018-15; and; copy of quotes received.

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: March 19, 2018

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

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

Staff Recommendation: The Board of Directors receive and file the February 2018 expenditures totaling \$1,036,154.69.

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

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

Environmental Review Compliance: None required.

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

Other Consideration: None.

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

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: March 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Joint Board/GSA Meeting of February 20, 2018

Staff Recommendation: The Board of Directors approve the draft minutes of the February 20, 2018 joint Board meeting.

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

Discussion/Analysis: The draft minutes of February 20, 2018 are provided for the Board to consider approval.

Environmental Review Compliance: None required.

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

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

Material Included for Information/Consideration: Draft minutes of February 20, 2018.

Action Required: ___ Resolution ___ **X** Motion ___ Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: March 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of March 5, 2018

Staff Recommendation: The Board of Directors approve the draft minutes of the March 5, 2018 special Board meeting.

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

Discussion/Analysis: The draft minutes of March 5, 2018 are provided for the Board to consider approval.

Environmental Review Compliance: None required.

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

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

Material Included for Information/Consideration: Draft minutes of March 5, 2018.

Action Required: ___ Resolution ___ **X** Motion ___ Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: March 19, 2018

Presented By: Jean Premutati

Reviewed by: Keith Van Der Maaten

Agenda Title: Adopt Resolution No. 2018-15 to Approve a Change in Vendors for the Life and Accidental Death and Dismemberment Insurance and Short-Term and Long-term Disability Benefits for District Employees

Staff Recommendation: Adopt Resolution No. 2018-15 to Approve a Change in Vendors for the Life and Accidental Death and Dismemberment (AD&D) Insurance and Short-Term (STD) and Long-Term Disability (LTD) Benefits for District Employees

Background: *5-Year Strategic Plan, Element No. 5.0 – Our objective is to recruit and retain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service. Our strategy is to utilize sound policies and personnel practices, offer competitive compensation and benefits, and provide opportunities for training, development, and professional growth while ensuring a safe and secure workplace.*

The current vendor for the employee's life, AD&D, STD/LTD benefits is Mutual of Omaha. Up until March 1, 2018, the District was in a three (3) year rate guarantee. In February, staff was notified that life and AD&D premiums would be increasing 23.5% and STD premiums were increasing 8%. The District's broker went out to bid and received three (3) quotes. Lincoln National Life Insurance submitted the best quote for the same plan coverage with a 14.5% decrease over the current premiums, which will result in an annual savings of \$5,340.

Environmental Review Compliance: None required.

Financial Impact: X Yes No Funding Source/Recap: This expense is allocated to all four cost centers.

Other Considerations: The Board can remain with the current carrier.

Material Included for Information/Consideration: Resolution No. 2018-15; and, copy of quotes received.

Action Required: Resolution X Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

March 19, 2018

Resolution No. 2018-15
Resolution of the Board of Directors
Marina Coast Water District
Approving a Change in Vendors for the Life and
Accidental Death and Dismemberment (AD&D) Insurance and the
Short-term/Long-term Disability (STD/LTD) Benefits for District Employees

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

WHEREAS, the current life, AD&D, STD/LTD carrier is Mutual of Omaha and a renewal on March 1, 2018 resulted in a 23.5% rate increase in the life and AD&D premiums and an 8% increase in the STD premiums; and,

WHEREAS, the District has been in a three-year rate guarantee with this vendor and has instructed the District’s insurance broker to go out to bid with other carriers. The broker has secured a two-year rate guarantee with Lincoln National Life Insurance for an annual savings of \$5,340 over the current plan with no benefit changes; and,

WHEREAS, staff recommends changing vendors from Mutual of Omaha to Lincoln National Life Insurance with an effective date of April 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2018-15 to approve a change in vendors for the life, AD&D, STD and LTD benefits plan and authorize the General Manager to execute all necessary documents that will take effect to this resolution.

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

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-15 adopted March 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A
Prepared By: Brian True
Reviewed By: Michael Wegley

Meeting Date: March 19, 2018
Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2018-16 Regarding a Variance to the Application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development Project and Consider Adoption of Resolution No. 2018-17 to Modify the Infrastructure Agreement Between MCWD and CHISPA In Order to Implement the Variance Request

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2018-16 approving a variance to the application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development project in the Central Marina service area. If the Board chooses to adopt the Resolution granting the Variance Request, MCWD staff recommends that the Board adopt Resolution No. 2018-17 which will implement the terms and conditions of the Variance Request through a modification of the current Infrastructure Agreement between MCWD and CHISPA.

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

Community Housing Improvement Systems and Planning Association, Inc. (CHISPA), the project owner, has submitted a Variance Request (Attached) to the application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development project. The Water Code Section in question is regarding MCWD's requirement to install a water meter for each dwelling unit and states "Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually...". The Variance Request is asking the Board to direct staff to process a design allowing for a single MCWD-owned master meter, a Project-owned backflow device, and submeters for each dwelling unit installed and owned by the Project Owner located in exterior closets.

Discussion/Analysis: The Applicant is proposing to meet the intent of the MCWD Water Code through the use of project-owned submeters with the requirements of submeter operation and future performance assured by a recorded License Agreement. The implementing vehicle for the License Agreement would be a modified Infrastructure Agreement. On November 20, 2017, the Board adopted Resolution No. 2017-69 that authorized the current Infrastructure Agreement between MCWD and CHISPA. That Infrastructure Agreement is the one proposed herein for modification by the addition of a License Agreement (see Exhibit E of the modified Infrastructure Agreement attached). The License Agreement would contain the consequences and provisions of those consequences in the event that CHISPA fails to perform within the terms and conditions of the Agreement.

The result of granting the Variance would be the design and installation of a single MCWD-owned master meter (with some diameter between 2-and-4-inches), a single project-owned Reduced Pressure Principle backflow prevention device, a single project-owned 4-inch diameter pipe branching once and running to two outside closets located at each end of the structure, and the installation of submeters (within the exterior closets) in-line with the small diameter service pipe running to each dwelling unit and common area water fixtures. The submeters would be owned and maintained by CHISPA. The License Agreement provisions include particular metering, reporting, and water conservation actions with their tenants as well as provisions for MCWD involvement up to and including assumption of submeter ownership in the event CHISPA fails to perform in particular aspects of the agreement. Specific provisions of note in the License Agreement is the requirement that Junsay Oaks must test the submeters annually and provide the results to MCWD and Junsay Oaks must report the monthly readings from the submeters to MCWD.

Discussion/Analysis: In compliance with MCWD Water Code, the MCWD Board must make three affirmative findings in order to grant a variance from the Water Code. Based on the Variance Request submitted and other salient project features that make the Junsay Oaks Senior Apartments project unique in its characteristics, the MCWD Board might consider making those findings as follows:

1. The strict application of the code would result in undue hardship for Central Marina's senior low income housing tenants that would face higher than needed costs and utility bills when the intent of the MCWD Water Code can be met by reasonable alternate methods; and,
2. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because granting the Variance Request will not require more water than the estimate provided and accepted by the City of Marina within their environmental assessment of the project. Further, the landscape irrigation will be individually metered per MCWD standard; and,
3. The variance is in the best interests of the District because there will be less infrastructure to own and maintain, a strong benefit in light of the high-density of residential use and a small site-area to work within, while simultaneously providing equivalent protection of the public's potable water network and acknowledging the intent of new State law and recognizing that the State thereby appears to be contemplating low-income housing as a special type or category of development and building.

The Junsay Oaks Senior Apartments project has several distinguishing characteristics that make the project relatively unique in meeting the findings for granting the Variance Request. These characteristics include:

- Location – The project is located in Central Marina. Due to the difference in rates between Ord and Marina, the analysis of cost-saving for the individual metering versus one master meter would likely not show a costs savings if the project were located in the Former Fort Ord portion of MCWD's service area. Therefore this project is able to make this argument as part of the "hardship" claim, but projects located in Ord likely could not make this same argument.

- Density and Site-size – The project will have roughly 47-dwelling units on a very small (relative to the number of units) site. Due to the high number of units and high density, there is the opportunity to save up front construction costs by reducing the number of pipes installed in a small area and an opportunity to reduce per unit water usage costs by eliminating irrigatable areas. Therefore, this project is able to make this argument regarding costs savings as part of the “hardship” claim, but projects that are less dense or contain significantly fewer units would not likely be able to make this same argument in supporting a variance request.
- Specific Customers Served – The Junsay Oaks project will serve low-income senior citizens of the community, with several set-aside units for those with disabilities. The developer claims that all savings as a result of this variance request will be provided directly and only to these low-income tenants of Junsay Oaks through, as the applicant states, “funding on-site case management or community services, for and/or purchasing mattresses and home furnishings for our medically fragile residents”. Since the tenants are low-income and cost savings are to go directly and only to benefit these low-income tenants, the claim for “hardship” can be supported. A project that does not serve low-income tenants and/or does not provide any cost savings directly back to those low-income tenants CANNOT meet the hardship findings. It should be noted, the District has no current means, nor is there anything in the current License Agreement, to audit and/or enforce that the cost savings are in fact used only for the benefit of the low-income tenants of Junsay Oaks.
- Recognizing Current State Law – Current State Law points to the identification of low-income housing as a special type or category of building and development as evidenced by 2016’s SB 7 (that has an implementation date of January 1, 2018). While the law itself does not eliminate the District’s current Ordinance that requires individual metering, the law does provide support for viewing low-income developments different than other types of developments when requiring individual metering. Projects that are not low-income would not be able to make the same case for “hardship”.

If MCWD’s Board of Directors decides to grant the Variance Request for the Junsay Oaks Senior Apartments project, staff does recommend that the Board then adopt the provided provisional Resolution to amend the current Infrastructure Agreement between MCWD and CHISPA regarding the Junsay Oaks project. The modified Infrastructure Agreement implements the granted Variance Request largely through the inclusion of a License Agreement.

The changes to the Infrastructure Agreement may be found in yellow highlights in the attached draft Infrastructure Agreement (IA). The highlights show the differences between the proposed IA and the Board-approved IA from Resolution No. 2017-69. All the additions (i.e. the differences that were added to the proposed IA document that are not within the IA from Resolution No. 2017-69) are highlighted. The deletions (from the template) in the proposed IA may be discerned by the symbol of highlighted underscores (appearance is). The entirety of Exhibit E to the proposed IA herein is not highlighted so that the documents read-ability could be maintained; however, the entire Exhibit E found in the attached draft IA is new (i.e. not found in the original).

Environmental Review Compliance: None required.

Financial Impact: X Yes No Funding Source/Recap: If this Variance Request were approved, the expected financial impact is deemed negligible. Revenue will decrease by some small amount but the cost of maintaining and managing the accounts will also decrease by some small amount.

Other Considerations: None recommended.

Material Included for Information/Consideration: Resolution No. 2018-16 granting the Variance Request; Provisional Resolution No. 2018-17 for Amending the Infrastructure Agreement Between MCWD and CHISPA; Variance Request prepared by CHISPA, Project Owner for the Junsay Oaks Development project, that includes a modified Infrastructure Agreement document with a License Agreement.

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

Board Action

Motion By: _____ Seconded By: _____ No Action Taken: _____

Ayes: _____ Abstained: _____

Noes: _____ Absent: _____

March 19, 2018

Resolution No. 2018-16
Resolution of the Board of Directors
Marina Coast Water District

Approving a Variance to the Application of MCWD Water Code Section *3.36.030.W.2.a*
for the Junsay Oaks Development Project in the Central Marina Service Area

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

WHEREAS, Community Housing Improvement Systems and Planning Association, Inc. (CHISPA), Project Owner for the Junsay Oaks Development project, has submitted a Variance Request (attached) to the application of MCWD Water Code Section *3.36.030.W.2.a* which states: “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually...”; and,

WHEREAS, the Variance Request asks that the MCWD Board of Directors to waive Water Code Section *3.36.030.W.2.a* and direct MCWD staff to review and accept a project design that includes a single MCWD-owned water meter, a single backflow prevention device, and 48 private submeters located within two exterior cabinets attached to the proposed building; and,

WHEREAS, the three findings that are required to made in the affirmative are contingent on CHISPA and MCWD concluding and recording a License Agreement regarding the submetering specifics and consequences in the event CHISPA fails to perform within the Agreement; and,

WHEREAS, MCWD and CHISPA staffs have collaborated in developing a vehicle for implementing the License Agreement by modifying the project’s existing Infrastructure Agreement between MCWD and CHISPA, said modifications and License Agreement being attached and a sister-Resolution to this one prepared for subsequent Board adoption in the event this Resolution is adopted; and,

WHEREAS, MCWD Board of Directors makes the ultimate determination of the sufficiency of arguments made within Variance Requests for making the required three findings in the affirmative and by adopting this Resolution have decided that the Variance Request provided clear and convincing evidence that the requirements of MCWD Water Code Section 2.08 Variances have been met.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby make the findings as follows:

- The strict application of the code would result in undue hardship for Central Marina’s senior low income housing tenants that would face higher than needed costs and utility bills when the intent of the MCWD Water Code can be met by reasonable alternate methods; and,

- Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because granting the Variance Request will not require more water than the estimate provided and accepted by the City of Marina within their environmental assessment of the project. Further, the landscape irrigation will be individually metered per MCWD standard; and,
- The variance is in the best interests of the District because there will be less infrastructure to own and maintain, a strong benefit in light of the high-density of residential use and a small site-area to work within, while simultaneously providing equivalent protection of the public's potable water network and acknowledging the intent of new State law and recognizing that the State thereby appears to be contemplating a low-income housing as a special type or category of development and building.

BE IT FUTHER RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby grant the variance to the application of MCWD Water Code Section 3.36.030.W.2.a for the Junsay Oaks Development project, contingent on the recordation of an Agreement as described above, within the Variance Request, and within the modified Infrastructure Agreement, and directs the General Manager and District Engineer to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

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

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-16 adopted March 19, 2018.

Keith Van Der Maaten, Secretary

March 19, 2018

Resolution No. 2018-17
Resolution of the Board of Directors
Marina Coast Water District
Modifying the Infrastructure Agreement Between MCWD and CHISPA
In Order to Implement the Variance Request for the
Junsay Oaks Development Project in the Central Marina Service Area

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

WHEREAS, Junsay Oaks, LP (“Developer”) and Community Housing Improvement Systems and Planning Association, Inc. (CHISPA, Project Owner) have coordinated with MCWD on their Junsay Oaks Senior Apartments development project, consisting of new construction and related infrastructure, located within the Central Marina portion of the City of Marina; and,

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

WHEREAS, CHISPA, for the Junsay Oaks Development project, has submitted a Variance Request (attached) to the application of MCWD Water Code Section 3.36.030. W.2.a which states: “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually...”; and,

WHEREAS, MCWD Board of Directors has granted the Variance Request by making the required three findings in the affirmative and by adopting Resolution 2018-XX, thereby exhibiting their believe that the Variance Request provided clear and convincing evidence that the requirements of MCWD Water Code Section 2.08 Variances have been met; and,

WHEREAS, MCWD and CHISPA staffs have collaborated in developing a vehicle for implementing the terms and conditions of the Variance Request by modifying the project’s existing Infrastructure Agreement between MCWD and CHISPA, which included a License Agreement; and,

WHEREAS, MCWD and the Developer have agreed upon the amended Water, Sewer and Recycled Water Infrastructure Agreement (see attached) 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 amended Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, LP for the Junsay Oaks Senior Apartments development project and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

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

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

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-17 adopted March 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: March 19, 2018

Prepared By: Patrick Breen

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Consider Adoption of Resolution No. 2018-18 to Authorize a Notice of Completion for the Lightfighter Drive Extension Project be filed with the Monterey County Recorder

Staff Recommendation: The Board of Directors adopt Resolution No. 2018-18 to authorize a Notice of Completion for the Lightfighter Drive Extension Project be filed with the Monterey County Recorder.

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

On August 25, 2016, District staff conducted a bid opening for the “Lightfighter Drive Water Pipeline Extension Project”. This project was for approximately 2,720 linear feet of new 12-inch PVC water main in Lightfighter Drive, from 1st Avenue to east of General Jim Moore Blvd. The new main connected to four existing water mains at 1st Avenue, 2nd Avenue, General Jim Moore Blvd., and a location east of General Jim Moore Blvd. This work includes all associated fittings, valves, appurtenances, pavement removal and restoration, reconnecting existing mains and services along these pipes, and abandonment grouting of existing water and sewer mains within the right-of-way. Two new fire hydrants were to be installed along Lightfighter Drive at 1st and 2nd Avenues.

On September 6, 2016 the Board adopted Resolution No. 2016-55 authorizing a construction contract with Monterey Peninsula Engineering in the amount of \$526,260 and authorized a fifteen percent contingency amount for a total Board authorized project budget dollar amount not-to exceed \$605,199.

Discussion/Analysis: Work on the Lightfighter Drive Extension Project began in January 2017 and was substantially completed in October 2017.

During the project, \$14,807 of the authorized contingency amount was utilized for geotechnical inspection services and additional construction items. The additional construction items resulted in a nominal change order amount of \$10 to the construction contract. The small amount was the result of additive changes being offset by scope deletion within property owned by CSUMB. The additive items consisted of additional potholing to locate utilities, traffic loop replacements, and pipeline extension to accommodate the location of a fire hydrant.

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

Lightfighter Extension OW-128 Project Cost		
Item	Board Authorized Amount	Actual Amount
Bid Price (MPE)	\$526,260	\$526,260
Earth Systems (Geotechnical Inspections)	-	\$14,797
Change Orders	-	\$10
Contingency (15%)	\$78,939	
Total	\$605,199	\$541,067

The total cost of the construction amounted to \$541,067 which was within the Board authorized amount of \$605,199 (Resolution No. 2016-55).

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.

Environmental Review Compliance: None required.

Financial Impact: _____ Yes No Funding Source/Recap: Capital Improvements Budget, Project OW-0240

Other considerations: None.

Material Included for Information/Consideration: Resolution No. 2018-18.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

March 19, 2018

Resolution No. 2018-18
Resolution of the Board of Directors
Marina Coast Water District

Authorize a Notice of Completion for the Lightfighter Drive Extension Project

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

WHEREAS, the District Capital Improvement Program included the Lightfighter Drive Extension Project, to install facilities to improve B-zone water distribution and fire flow for commercial and institutional development in the Ord Community; and,

WHEREAS, the Board approved a contract with Monterey Peninsula Engineering to provide construction services for the Lightfighter Drive Extension Project in the amount of \$526,260 and authorized a total project budget amount of \$605,199 (Resolution No. 2016-55); and,

WHEREAS, Monterey Peninsula Engineering has completed the Lightfighter Drive Extension Project according to the contract documents with a total project cost of \$541,067; 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 Lightfighter Drive Extension Project with the Monterey County Recorder, and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

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

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-18 adopted March 19, 2018.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: March 19, 2018

Prepared By: Jaron Hollida

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Consider Adoption of Resolution No. 2018-19 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Seaside Senior Living, LLC for the Seaside Senior Living Development Project

Staff Recommendation: The Board of Directors adopt Resolution No. 2018-19 approving a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Seaside Senior Living, LLC for the Seaside Senior Living development project.

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

Seaside Senior Living, LLC (Developer) is preparing to implement an in-fill development project within the City of Seaside portion of MCWD's service area. The Developer is requesting MCWD to enter into this Water, Sewer, and Recycled Water Infrastructure Agreement (hereafter referred to as the Infrastructure Agreement) because of water and sewer infrastructure needing to be installed that will most appropriately be owned, operated, and maintained by MCWD. The City of Seaside serves as the land-use jurisdiction over this development project. The project site is bounded by the intersection of Monterey and Coe Avenue at the Easterly part of the parcel and Highway 1 at the Westerly part of the parcel. A Site Map depicting the project site is included as the page in the Board Packet immediately after this item's proposed Resolution. The Developer has deposited monetary funds with MCWD to conduct the preliminary work of their proposed development; their development account is in good-standing.

There are no substantial changes between this proposed Infrastructure Agreements with Seaside Senior Living, LLC development team and the Board authorized (in 2013) Infrastructure Agreement template. The greatest differences may be found in Section 17 that changes the allowable completion of construction from twenty four (24) months to thirty six (36) months and no delay period from twelve (12) months to eighteen (18) months.

Discussion/Analysis: The Board of Directors is requested to approve this Infrastructure Agreement for the Seaside Senior Living development project; the attached draft Infrastructure Agreement is based upon the most recent board-approved (June 2013) format used for all other development groups within the MCWD service area.

The City of Seaside's Board Resolution No. 18-07 allocated 40-AFY of water for this project (See Exhibit A of the attached Infrastructure Agreement). The City of Seaside's Resolution identifies the current water use within the City of Seaside service area is roughly 289.64-AFY. The City of

Seaside's current FORA allocation is 1012-AFY. Staff recommends accepting the City's water allocation for this project as sufficient.

The new infrastructure being transferred to the District will be constructed within the public right-of-way, public utility easements, or within easements provided to MCWD by the Developer. The specific infrastructure proposed for transfer includes PVC potable water pipelines, PVC gravity sewer pipelines, associated sewer manholes, water valves, fire-hydrants, and other water and sewer appurtenances. The current parcel includes an existing 10" sewer force main that conveys sewer northwards and an 8" gravity sewer main convey sewage south that the developer has agreed to relocate to appropriate locations per MCWD standards. Not included is any additional recycled water infrastructure that will be owned by MCWD; however, the development will be plumbed to receive a non-potable water source to be used for irrigation water in the event that a non-potable water delivery pipeline can, in the future, serve this parcel. An Engineer's Estimation of Probable Costs, to serve as a basis for preparing the Performance and Labor and Materials Bonds specified by this Infrastructure Agreement, will be provided as an initial step in the planning and design process.

Yellow highlights in the attached draft Infrastructure Agreement (IA) 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 herein is substantially the same as the Board-approved IA template.

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

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

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. 2018-19; and, draft Infrastructure Agreement.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

March 19, 2018

Resolution No. 2018 - 19
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 Seaside Senior Living, LLC for the
Seaside Senior Living 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 March 19, 2018 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Seaside Senior Living, LLC (“Developer”) have coordinated with the District on their Seaside Senior Living development project, consisting of new construction and related infrastructure, located within the Fort Ord portion of the City of Seaside; and,

WHEREAS, the City of Seaside, acting as a land-use jurisdiction, has allocated 40-AFY, of a total FORA allocation of 1012-AFY, while the City’s current use of the FORA allocation is 289.64-AFY 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 Develop 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 Marina Coast Water District and Seaside Senior Living, LLC for the Seaside Senior Living development project and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

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

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

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

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: March 19, 2018

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Consider Providing Direction Regarding the Nomination to the Coastal Network, Seat A, of the California Special Districts Association Board

Staff Recommendation: The Board of Directors discuss whether to select a Board member, or the General Manager, to run for nomination to the Coastal Network, Seat A, of the California Special Districts Association (CSDA) Board.

Background: *5-Year Strategic Plan Mission Statement – We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.* Seat A of the Coastal Network to CSDA's Board is up for election for the 2019-2021 term. CSDA is asking for nominations to Seat A of the Coastal Network on their Board and has certain commitments and expectations for that Board seat. Those expectations are defined in the letter received on February 16th. After the nominations are received, CSDA will email electronic ballots on June 18th which are due back to them by August 10, 2018.

Discussion/Analysis: CSDA states that the District is eligible to nominate one person, a Board member or managerial employee, for election to their Board of Directors. Each network has three seats on the Board with staggered 3-year terms. If the Board decides to select a member to run for nomination, that nominee will receive a Candidate Packet in the mail which will include campaign guidelines.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Other Considerations: The Board can decide to not select any member to run for nomination.

Material Included for Information/Consideration: CSDA letter, Nomination Form, and Information sheet.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____