

RESOLUTION NO. 2020-114

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN CITY OF MARINA AND FORMATION ENVIRONMENTAL, LLC, TO PROVIDE ENGINEERING SERVICES FOR GROUNDWATER SUSTAINABILITY PLANNING; AUTHORIZE A BUDGET APPROPRIATION FROM THE GENERAL FUND IN THE AMOUNT OF \$37,770; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, on March 20th, 2018, City Council passed Resolution 2018-25 forming the Marina Groundwater Sustainability Agency (MGSA) to undertake sustainable groundwater management within a portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City and outside of the Marina Coast Water District (MCWD) service area, and;

WHEREAS, the cornerstone of the Sustainable Groundwater Act (SGMA) is the development and adoption of a Groundwater Sustainability Plan (GSP). GSPs for the “critically overdrafted” 180/400 Foot Aquifer Subbasin must be adopted by January 31st, 2020. On June 24th, 2019, MGSA, through the City Council, passed Resolution No. 2019-66a approving a professional services agreement in the amount of \$274,780 with Formation Environmental for the preparation of the MGSA GSP, and;

WHEREAS, on December 17th, 2019, City Council passed resolution 2019-136 approving an amendment to the professional services agreement in the amount of \$52,766 with Formation Environmental for additional work needed to complete the MGSA GSP, and;

WHEREAS, on May 5th, 2020, City Council passed resolution 2020-46 approving an amendment to the professional services agreement in the amount of \$32,000 with Formation Environmental for additional work needed to prepare analysis and documents in support of the MGSA position on jurisdiction legitimacy, sufficiency of the MGSA GSP versus the Salinas Valley Basin GSA (SVBGSA) GSP adopted by the County of Monterey, and the validity of data generated by Stanford

WHEREAS, additional work by Formation Environmental was required to review and commented on reports prepared in preparation for the California Coastal Commission hearing for the Monterey Peninsula Water Supply Project, and;

WHEREAS, staff anticipates that additional services will be required from Formation Environmental to participate as the City’s representative on the Technical Advisory Committee to the Seawater Intrusion Working Group, provide support to City staff in review of the GSP being prepared by MCWD, and initial SGMA compliance efforts and;

WHEREAS, staff has reviewed and recommend for approval the proposed contract amendment of \$37,770 for the scope of work, which is included as Exhibit A for a new, not-to-exceed contract total of \$397,550, and;

WHEREAS, should the City Council approve this request, \$37,770 will have to be appropriated from the General Fund for expenditure on the GSP.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for groundwater sustainability planning;
2. Authorize a budget appropriation from the General Fund in the amount of \$37,770;
3. Authorize the Finance Director to make the necessary accounting and budgetary entries; and
4. Authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of September 2020, by the following vote:

AYES: COUNCIL MEMBERS: Berkley, O'Connell, Morton, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

August 11, 2020

Mr. Layne Long
City of Marina
211 Hillcrest Avenue
Marina, CA 93933



Subject: Statement of Work No. 4, Consulting Services Agreement dated June 25, 2019
Requested Supplemental Hydrogeologic Services
City of Marina Groundwater Sustainability Agency
Marina, California

Dear Mr. Long:

As requested, Formation Environmental LLC (Formation) has been performing supplemental hydrogeologic consulting services to support the City of Marina Groundwater Sustainability Agency (MGSA) in processing its Groundwater Sustainability Plan (GSP), supporting litigation with Monterey County and the California Department of Water Resources (DWR), and supporting the City in commenting on the California Coastal Commission proceedings regarding California American Water Company's (CalAm) Monterey Peninsula Water Supply Project (MPWSP). Through June 2020, these services were provided under Statement of Work No. 3 for the project and billed under Task 9. Additional supplemental services are anticipated through January 2021. All services will be performed under Task 9 of our existing contract pursuant to scopes of work requested by MGSA staff.

If acceptable, this supplement will be appended to Exhibit A – Statement of Work of the Consulting Services Agreement between Formation Environmental, LLC and the City of Marina, dated June 25, 2019, and will become Statement of Work No. 4 of that agreement.

Scope of Work

Task 9: Additional Out of Scope Services

The following services were requested and will be performed on an as needed/as requested basis in July 2020 through January 2021:

The following additional services are anticipated through January 2021:

- **Support for California Coastal Commission Proceeding Regarding the MPWSP.** Formation will support the City in its responses and comments on the California Coastal Commission proceeding regarding the MPWSP. Specifically, Formation was requested to review and comment on a hydrogeologic report prepared by Weiss Associates in July 2020, and a biological, soils and hydrologic report characterizing vernal ponds near the City prepared by WRA Associates in July 2020. It is anticipated that additional review, comments and consultation may be requested prior to an upcoming CCC hearing in September 2020.
- **Seawater Intrusion Technical Advisory Group.** Formation has been requested to represent the City and MGSA as a technical consultant on the Seawater Intrusion Technical Advisory Group (SWIG) that is being formed by the Salinas Valley Groundwater Sustainability Agency (SVBGSA) to

FORMATION ENVIRONMENTAL, LLC
1631 Alhambra Boulevard, Suite 220
Sacramento, CA 95816

investigate and address seawater intrusion into the 180/400-Foot Subbasin. Anticipated services through January 2021 include preparation for and participation in monthly SWIG meetings and review and comment on technical documents and scopes of work. It is likely that services to support the City's participation in the SWIG will be required after this time; however, the current scope of work is focused on the first six months of support during the group's initial activities.

- **Support for Sustainable Groundwater Management Act (SGMA) Compliance Activities.** It is anticipated that technical support will be required for activities related to various aspects of compliance with SGMA. Services could include providing support and comment on matters related to ongoing litigation between the MGSA and the County and the California Department of Water Resources regarding the Groundwater Sustainability Plan filed by the MGSA, review and comment on SGMA compliance documents prepared by the SVBGSA and others, Comment on GSP implementation activities, and additional technical support as may be requested.
- **Miscellaneous As-Needed Support Services.** Additional services could include, but may not be limited to support for discussions with Marina Coast Water District, review of additional documents as needed, support for meetings and presentation, consultation with PR specialists, and other potential assignments.

Budget Estimate

The estimated budget for the scope of work is \$37,770, which will be added to the existing budget for Task 9. A detailed breakdown of this budget estimate is included as Attachment A. This is a not-to-exceed budget based on the work requested and performed to date and an assumed level of effort for future services through January 2021. We will invoice our services monthly based on the actual time and expenses incurred in accordance with the rate sheet presented as Exhibit B of our Consulting Services Agreement dated June 25, 2019. The budget will not be exceeded without your prior authorization.

Schedule

This Statement of Work No. 4 is intended for anticipated supplemental services through January 2021. It is possible that services may be required beyond this time, and such services after January 2021 if the budget allows. Alternatively, a revised Statement of Work No. 5 will be issued for your approval.

Proposal for Supplemental Hydrogeologic Consulting Services
City of Marina GSA
August 11, 2020
Page 3 of 3



Closure

Thank you for considering us for this interesting and important project. If you have any questions or would like to discuss these matters further, please contact the undersigned at (916) 200-9038.

Sincerely,

Formation Environmental LLC

A handwritten signature in black ink, appearing to read "Mike Tietze".

Mike Tietze, PG, CHG, CEG
Senior Engineering Geologist/Hydrogeologist

AGREED AND ACCEPTED BY:

FORMATION:

FORMATION ENVIRONMENTAL, LLC

CLIENT:

CITY OF MARINA

By: _____

Name: Brian G. Hansen, PE, PG

Title: Partner

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

Attachment A
COST ESTIMATE FOR REQUESTED SUPPLEMENTAL HYDROGEOLOGIC CONSULTING SERVICES
City of Marina Groundwater Sustainability Agency
Marina, California

WORK BREAKDOWN STRUCTURE		LABOR COSTS						COST SUMMARY			OTHER DIRECT COSTS		
TASK/SUBTASK		Sr. Consultant III M. Tietze	Sr Consultant III S. Carlton	Senior I M. Lugsch E. Tozzi	Scientist II H. Dickey	Scientist I S. Sinclair	Controller/ Technical Editor \$75	Labor Subtotals	Expense Subtotals	Task Totals	Travel	Shipping & ODCs	Document Production Costs
Task 9 - Supplemental Services													
	Review Weiss 2020 Report	24	8	6				\$ 7,090.00	\$ -	\$ 7,090.00	\$ -	\$ -	\$ -
	Additional Coastal Commission Proceeding Support	8	8	8				\$ 4,280.00	\$ -	\$ 4,280.00	\$ -	\$ -	\$ -
	SWIG Participation (6 months)	48	6			6	6	\$ 11,580.00	\$ -	\$ 11,580.00	\$ -	\$ -	\$ -
	SGMA compliance support	16	8	8	8	8	8	\$ 8,280.00	\$ -	\$ 8,280.00	\$ -	\$ -	\$ -
	Miscellaneous requests (TBD)	8	8	8	6	6	6	\$ 6,110.00	\$ 430.00	\$ 6,540.00	\$ 229.43	\$ 100.57	\$ 100.00
	TOTAL TASK 9							\$ 37,340.00	\$ 430.00	\$ 37,770.00	\$ 229.43	\$ 100.57	\$ 100.00
TOTAL PERSONNEL-HOURS/UNITS		104	38	30	14	20	20	226					
TOTAL COSTS		\$20,280.00	\$7,030.00	\$4,650.00	\$1,680.00	\$2,200.00	\$1,500.00	\$37,340.00	\$430.00	\$37,770.00	\$ 229.43	\$ 100.57	\$ 100.00
								GRAND TOTAL			\$37,770		

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2020-, APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN CITY OF MARINA AND FORMATION ENVIRONMENTAL, LLC, TO PROVIDE ENGINEERING SERVICES FOR GROUNDWATER SUSTAINABILITY PLANNING; AUTHORIZE A BUDGET APPROPRIATION FROM THE GENERAL FUND IN THE AMOUNT OF \$37,770; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2020-, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning;
2. Authorize a budget appropriation from the General Fund in the amount of \$37,770;
3. Authorize the Finance Director to make the necessary accounting and budgetary entries; and
4. Authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

BACKGROUND:

On March 20th, 2018, City Council passed Resolution 2018-25 forming the Marina Groundwater Sustainability Agency (MGSA) to undertake sustainable groundwater management within a portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City and outside of the Marina Coast Water District (MCWD) service area.

The cornerstone of the Sustainable Groundwater Act (SGMA) is the development and adoption of a Groundwater Sustainability Plan (GSP). GSPs for the “critically overdrafted” 180/400 Foot Aquifer Subbasin must be adopted by January 31st, 2020. On June 24th, 2019, MGSA, through the City Council, passed Resolution No. 2019-66a approving a professional services agreement in the amount of \$274,780 with Formation Environmental for the preparation of the MGSA GSP.

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ANALYSIS:

The MGSA GSP has been submitted to the State Department of Water Resources (DWR) with review pending current litigation. The approval of the Monterey Peninsula Water Supply Project (MPWSP) by the California Coastal Commission (CCC) is scheduled later in September. There is a continuing need for services from Formation Environmental in preparation for the CCC hearing.

Formation Environmental has reviewed and commented on reports prepared in preparation for the CCC hearing and will continue to provide technical assistance as needed. Staff anticipates that additional services will be required from Formation Environmental to participate as the City's representative on the Technical Advisory Committee to the Seawater Intrusion Working Group that was recently formed by SVBGSA and basin stakeholders which include the City of Marina. The City will also be participating in review of the MCWD GSP which is being prepared which may require input from Formation Environmental on technical matters. Also included in the scope are limited hours for initial SGMA compliance efforts required pending the outcome of litigation and permitting for the MPWSP.

Staff has reviewed and recommend for approval the proposed contract amendment of \$37,770 for the scope of work, which is included as **EXHIBIT A** for a new, not-to-exceed contract total of \$397,550.

FISCAL IMPACT:

Should the City Council approve this request, \$37,770 will have to be appropriated from the General Fund for expenditure on groundwater sustainability activities. Because the City's General Fund resources for this year have been fully committed, this money will need to come from undesignated fund balance which was approximately \$5.0 million as of the last audit.

Further, unless this expenditure is classified as a one-time expenditure, the City would be exceeding the guidance of Resolution 2012-46 and spending more than its General Fund revenues. (see page 57 of the audit). However, this expenditure appears to qualify as a one-time expenditure.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina