

RESOLUTION NO. 2021-80

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 \$38,000; 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, and;

WHEREAS, on September 1st, 2020, City Council passed resolution 2020-114 approving an amendment to the professional services agreement in the amount of \$37,700 with Formation Environmental for additional work needed to review and comment on reports prepared by the Monterey Peninsula Water Supply Project (MPWSP) in support of their application for a permit from the California Coastal Commission (CCC); participate as the City’s representative on the Technical Advisory Committee to the Seawater Intrusion Working Group (SWIG TAC) that was recently formed by SVBGSA and basin stakeholders which include the City of Marina; and participate in review of the MCWD GSP, and;

WHEREAS, Formation Environmental continues to provide valuable input on the SWIG TAC which is moving forward with a study of the Deep Aquifer that provides potable water for Marina residents. The SWIG TAC is also working on plans to update the monitoring of sea water intrusion; and

WHEREAS, staff anticipates that additional services will be required from Formation Environmental for initial SGMA compliance efforts required pending the outcome of litigation and permitting for the MPWSP although the level of effort in the current proposal is limited; and

WHEREAS, staff has reviewed and recommend for approval the proposed contract amendment of \$38,000 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, \$38,000 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; and
2. Authorize a budget appropriation from the General Fund in the amount of \$38,000; and
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 7th day of July 2021, by the following vote:

AYES: COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

June 30, 2021

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



Subject: Statement of Work No. 5, 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 its efforts to maintain sustainable groundwater management. Ongoing services have focused on supporting litigation with Monterey County and the California Department of Water Resources (DWR), commenting on documents submitted to the California Coastal Commission proceedings regarding California American Water Company's (CalAm) Monterey Peninsula Water Supply Project (MPWSP), and participating in the Sea Water Intrusion Group Technical Advisory Committee (SWIG TAC) for the 180/400-Foot Aquifer Subbasin. Through May 2021, these services were provided under Statement of Work No. 4 for the project and billed under Task 9. Statement of Work No. 4 was originally envisioned to cover work through January 2021, but was able to be extended through May because funds were expended more slowly than originally anticipated.

The need to continue ongoing services to support MGSA in its ongoing sustainable groundwater management services is anticipated, and Statement of Work No. 5 is intended to fund work anticipated through December 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 will be performed on an as needed/as requested basis through December 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. Recently, Formation was requested to review and comment on an investigation of shallow hydrogeologic conditions and groundwater dependent ecosystems (GDEs) near the Armstrong Ranch Ponds located east of the CEMEX site prepared by Groundwater Support Services in May 2021 as part of CalAm's response to a Notice of Incomplete Application issued by the Coastal Commission. It is anticipated that additional services will be required to

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

help assure sustainable management of GDEs. Further review, comments and consultation may also be requested to respond to additional document submittals by CalAm as part of its renewed coastal permit application.

- **Sea Water 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 TAC) formed by the Salinas Valley Groundwater Sustainability Agency (SVBGSA) to investigate and address seawater intrusion into the 180/400-Foot Subbasin. Anticipated services through December 2021 include preparation for and participation in monthly TAC meetings and review and comment on technical documents and scopes of work regarding sea water intrusion investigation, monitoring and mitigation.
- **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 and MGSA's responsibility to maintain sustainable groundwater management. 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 requests to access City property for hydrogeologic and GDE investigations conducted by others, review of additional documents as needed, support for meetings and presentation, support for public outreach, and other potential assignments.

Budget Estimate

The estimated budget for the scope of work is \$38,000, 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 December 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. 5 is intended for anticipated supplemental services through December 2021. It is possible that services may be required beyond this time, and such services after December 2021 if the budget allows. Alternatively, a revised Statement of Work No. 6 will be issued for your approval.

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



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 GSS May 2021 Report and Additional Costal Commission Proceeding Support	24	24	16				\$ 11,600.00	\$ -	\$ 11,600.00	\$ -	\$ -	\$ -
	SWIG Participation (6 months)	30	25			6	6	\$ 11,585.00	\$ -	\$ 11,585.00	\$ -	\$ -	\$ -
	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	\$ 425.00	\$ 6,535.00	\$ 229.43	\$ 95.57	\$ 100.00
	TOTAL TASK 9							\$ 37,575.00	\$ 425.00	\$ 38,000.00	\$ 229.43	\$ 95.57	\$ 100.00
TOTAL PERSONNEL-HOURS/UNITS		78	65	32	14	20	20	229					
TOTAL COSTS		\$15,210.00	\$12,025.00	\$4,960.00	\$1,680.00	\$2,200.00	\$1,500.00	\$37,575.00	\$425.00	\$38,000.00	\$ 229.43	\$ 95.57	\$ 100.00
								GRAND TOTAL \$38,000					

July 1, 2021

Item No. **8g(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 7, 2021

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2021-, 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 \$38,000; 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. 2021-, 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 \$38,000;
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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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.

On September 1st, 2021, City Council passed resolution 2020-114 approving an amendment to the professional services agreement in the amount of \$37,700 with Formation Environmental for additional work needed to review and comment on reports prepared by the Monterey Peninsula Water Supply Project (MPWSP) in support of their application for a permit from the California Coastal Commission (CCC); participate as the City's representative on the Technical Advisory Committee to the Seawater Intrusion Working Group (SWIG TAC) that was recently formed by SVBGSA and basin stakeholders which include the City of Marina; and participate in review of the MCWD GSP.

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 not currently scheduled but is anticipated pending re-application by MPWSP. There is a continuing need for services from Formation Environmental in preparation for the CCC hearing.

Formation Environmental continues to provide valuable input on the SWIG TAC which is moving forward with a study of the Deep Aquifer that provides potable water for Marina residents. The SWIG TAC is also working on plans to update the monitoring of sea water intrusion. Staff anticipates that additional services will be required from Formation Environmental for initial SGMA compliance efforts required pending the outcome of litigation and permitting for the MPWSP although the level of effort in the current proposal is limited. Should the MGSA be recognized as the management agency for a portion of the 180/400 Foot Aquifer and the MGSA GSP is approved, an additional amendment will be required for activities and reporting required by SGMA.

Staff has reviewed and recommend for approval the proposed contract amendment of \$38,000 for the scope of work, which is included as **EXHIBIT A** for a new, not-to-exceed contract total of \$435,550.

FISCAL IMPACT:

Should the City Council approve this request, \$38,000 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.

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. 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