



MINUTES

Tuesday, February 7, 2017

5:30 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Frank O'Connell, Mayor Pro-Tem/Vice Chair, David W. Brown, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel Existing Litigation (GC§54956.9(d)(1)) one case – City of Marina v. Integrated Composites (16CV001977).
 - b. Conference with Legal Counsel, Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) – Two cases
 - c. Real Property Negotiations
 - i. Property: 2660 5Th Avenue, Marina, CA 93933
Negotiating Party: David Moon
Property Negotiator: City Manager
Terms: All terms and conditions

6:50 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Assistant City Attorney Deborah Mall reported out Closed Session: Council went into closed session at 5:30. There were four matters heard. The first was conference with legal counsel, existing litigation, direction was given to legal counsel; the second matter was conference with legal counsel, initiation of litigation were two cases were heard, in both cases direction was given to legal counsel; and the last item having to do with real property negotiations, direction was given to the real property negotiator and closed session concluded at 6:45 PM

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

City Council rearranged the agenda to discuss and take action on all Consent Items prior to hearing the Special Presentations.

5. SPECIAL PRESENTATIONS:

- a City Council receive presentation on Economic Development Opportunities. [Josh Metz, FORA]

FORA-City of Marina -Economic Recovery Opportunities

STATE LAW = Property transfer; Minimize **economic disruption**; Reuse & redevelopment to **enhance economic & quality of life**; Maintain & protect unique environmental resources.

Economic Development, Environment & Education: Job Replacement, Balanced Growth, Rapid Redevelopment, Positive Fiscal Impact, Managed Water Supply, Managed Residential Development

Board Action = Reviewed & deliberated strategies –*Beginning Jan 2015*; Adopted multi-component program; Supporting regional partnerships; Funding new Economic Development staff *June 2015*. - **Strategy** = **Build** on regional strengths; **Engage** stakeholders; **Develop & maintain** information resources; **Pursue** new business opportunities; **Engage** with regional partners; **Report** progress - **Partnership** = Working closely with member jurisdictions to advance projects; Convening; Staffing; Information

Entrepreneurial ship ecosystem in the region include support of a Startup Challenge Monterey Bay = FORA Board invested in this program through the CSUMB and the program has grown significantly in the last two years, 100 participating companies, encourage startup businesses to come engage. - **Sustainable Hospitality Symposium** on February 23, 2017 with CSUMB will focus on eco-recreation and sustainable hospitality.

Real Estate Development Opportunities – 8th Street Bridge (Marina/TAMC/MST Site); UCMBEST West Campus (Reservation Road/Imjin Pkwy); UCMBEST North Central Campus envisioned as a major job center/Research &Development Park; UCMBEST 8th Street Parcel, this is the new student housing project; Ord Market (County jurisdiction) this area is intended to be a commercial center; Stockade, FORA is moving ahead with deconstruction of this building; Promontory II Phase 2; The Dunes Promenade project; Hotel Opportunity Site on the hill (old FORA compound area); Extension of 2nd Avenue to Del Monte to reconnecting the old and the new Marina.

Council Questions: future plans for the TAMC/MST site, what are TAMC’s plans for dealing with long warehouse; is the blight an impediment to the economic recovery that we are all looking for out at the former Fort Ord; percentage of building to be removed by FORA; has the price of housing that has been approved and being built at the former Fort Ord, been a detriment in attracting businesses (workforce/affordable); hotel opportunity site, who’s responsible for removal of the structure in that area; how can a jurisdiction receiving property for one cause turn around and use it for another cause (transportations vs. housing) and force Marina to cover costs for policing, lighting, streets, etc....; 8th street water rights/allocation; is 2nd Street to Del Monte extension part of the FORA CIP;

Public Comments:

- Paula Pelot – Disagrees that Cypress Knolls removal is the responsibility of the City and as stated by the presenter that could be changed by FORA decision at the Board level and hopes that happens. We've had several fires out that and that impacts the city. Asked FORA what has been the monetary contribution of the City of Marina in terms of fees and sales and impact fees vs. what has been the return to the city in projects? The blight needs to come down at cypress knolls, it will impact the salability of the property in the future. It's important that FORA address this in their CIP and take down the blight.
- Karyn Wolfe – Is economic development synonymous with property and building development? There are many ways we can assist Marina in economic development without having to build buildings and charge the fees. Concerns about the gentrification in our city some of which is due to the way that FORA structures' its fees. It does not incentivize truly affordable. Believes that in going forward with building until we get more resolution on our issues the city's priority should be on lowest water buildouts and highest commercial and tourist use. Highest priorities should be 2nd avenue to Del Monte; building out the promenade, reducing blight at Cypress Knolls, now and minimal water usage. Suggest city engage FORA in efforts highly tailored to our city's needs.

- b City Council receive presentation on the Draft Monterey Peninsula Water Supply Project EIR/EIS. [Eric Zigas]

Cal-Am Monterey Peninsula Water Supply Project, Draft EIR/EIS Review

Introduction = California American Water Company (CalAm) proposes the Monterey Peninsula Water Supply Project (MPWSP) to develop water supplies for CalAm's Monterey District service area (Monterey District); The State CEQA lead agency is the California Public Utilities Commission (CPUC); The Federal NEPA lead agency is Monterey Bay National Marine Sanctuary (MBNMS)

Project Background = 2004: CalAm Proposed the Coastal Water Project (CWP); 2009: CPUC Prepared EIR on Impacts of CWP and two Alternatives – North Marina Project and Regional Project; 2010: CPUC Approved the Regional Project; 2012: CalAm Proposed the MPWSP; 2014: CalAm granted CDP for Test Slant Well (*construction, operation and decommissioning - expires Feb 2018*)

Test Slant Well, Project Background = April 2015: CPUC published the MPWSP Draft EIR; May 2015: CalAm applied to MBNMS for Permits; August 2015: NOAA issued a Notice of Intent (NOI) to prepare an EIS; September 2015: CPUC announced the MPWSP Draft EIR would be revised and recirculated as a joint Draft EIR/EIS, in coordination with MBNMS; September 2015: MBNMS held NEPA scoping meeting

Proposed Project Purpose and Need = To replace existing water supplies that are constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin: *SWRCB Order 95-10, SWRCB Order 2016-0016 (revised Cease and Desist order), Adjudication of Seaside Groundwater Basin –*

Seawater Intake System: *9 new subsurface slant wells extending offshore into MBNMS, Conversion of existing test slant well into a permanent well - Source Water Pipeline - A 9.6 mgd Desalination Plant - Brine Discharge through Existing Outfall - Desalinated Water Pipelines – Expanded ASR system (two additional injection/extraction wells, three parallel pipelines) - CV Pump Station and Satellite pipelines*

Pipelines = Source Water (2.2 miles, 42" diameter) - New Desalinated Water (3.3 miles, 36" diameter) - New Transmission Main (6 miles, 36" diameter) - Castroville Pipeline (4.5 miles, 12" diameter) - Pipeline to CSIP Pond (1.2 miles, 12" diameter)

Aquifer Storage and Recovery = ASR Well-5 and ASR Well-6; ASR Pipelines (*Recirculation, Conveyance, Pump-to-Waste*)

Agency Approvals = CPUC and CPCN – CalAm is a public utility under the CPUC's jurisdiction, and has applied for: *a Certificate of Public Convenience and Necessity (CPCN) to build, own, and operate all elements of the MPWSP, and permission to recover present and future costs for the proposed project.* - The CPUC may issue a CPCN as requested, refuse to issue it, or issue it for only part of a project, and may attach terms and conditions

MBNMS Approvals Required – Four MBNMS approvals are required for CalAm’s project: *authorization of a Coastal Development Permit for CalAm to drill subsurface wells in the submerged lands of MBNMS; authorization of a Central Coast RWQCB-issued permit to allow brine discharge into MBNMS via an existing ocean outfall pipe; a Special Use Permit for the continued presence of a pipeline conveying seawater to a desalination facility; a Special Use Permit for the use of MBNMS sediments to filter seawater for desalination*

Other Agency Approvals = Local Agencies (*City of Marina*) - State Agencies (*RWQCB, California Coastal Commission*) - Federal Agencies (*US Army, Army Corps of Engineers*) - EIR/EIS contains full list of permits and approvals needed for the project (*See Draft EIR/EIS Chapter 3, Table 3-8*)

What’s Different from the April 2015 Draft EIR = Two Lead Agencies (CPUC and MBNMS); This is a combined State/Federal EIR/EIS; Cumulative Impacts are now addressed in each Topical Section; The “Variant”(reduced size project) is now referred to as Alternative 5a and 5b; DeepWater Desal and People’s Project are fully considered as stand-alone alternatives.

Revisions to the Proposed Project Description - revised Slant Well Layout at CEMEX - revised Pipeline Alignments (*new Transmission Main, no Transfer Pipeline, no Monterey Pipeline, no ASR Pump Station*) - Salinas Valley Return Water to Castroville CSD

Revisions to the NMGWM²⁰¹⁶ - additional water level calibration points in the CEMEX and Fort Ord areas; layer elevation modifications (hydraulic conductivity) based on new geologic information and aquifer properties estimated from test slant well pumping monitoring data; aquifer parameter zones were added and refined to include the former Fort Ord area A-Aquifer and Fort Ord Salinas Valley Aquitard (FO-SVA); applied the theory of superposition to isolate the calculated groundwater level changes (drawdown) resulting solely from proposed slant well pumping; conducted sensitivity testing to assess uncertainty in drawdown distribution (“*How wrong might the model be?*”); evaluated NMGWM²⁰¹⁶ performance, by assessing history-matching results (October 1979 through September 2011) and test slant well pumping results (April 2015 through January 2016)

Measured and model-calculated drawdown in monitoring well MW-3S (Model Layer 2)-*Model performance improves with increasing distance from pumping well*

Proposed Project Impacts = Impact Designations No Impact (NI), Less than Significant impact (LS); Less than Significant impact with Mitigation (LSM); Significant and Unavoidable impact even with implementation of Mitigation (SU)

Groundwater Impacts on Nearby Production Wells (Less than Significant) = An impact would be considered significant if the proposed project lowered groundwater levels in a nearby municipal or private groundwater production well enough to cause a substantial reduction in well yield, or to cause physical damage due to exposure of well screens and well pumps.

MCWD Municipal Supply Wells = City of Marina’s Wells 10, 11, and 12 are over 2 miles to the southeast, and are screened in the 900-Foot Aquifer; The Ord Community Wells 29, 30, and 31 are located 5 plus miles to the southeast and are screened in the lower 180-Foot and the 400-Foot Aquifers

Applicant-Proposed Mitigation = CalAm recognizes the need to provide continued verification that the project would not contribute to lower groundwater levels in nearby wells within the SVGB; CalAm proposes to expand the existing regional groundwater monitoring program to include the area where groundwater elevations are anticipated to decrease by one foot, plus 1-mile

Applicant-Proposed Mitigation for Less than Significant Impact = If it is determined that a nearby active groundwater well has been damaged or otherwise negatively affected by the project pumping of the slant wells, the project applicant shall: coordinate with the well owner to arrange for an interim water supply and begin developing a mutually agreed upon course of action to: *repair or deepen the existing well; restore groundwater yield by improving well efficiency; provide long term replacement of water supply; construct a new well*

Less Than Significant with Mitigation = Soil Erosion/Loss of Topsoil; Coastal Erosion; Water Quality/Brine Discharge; Terrestrial Biological Resources; Hazardous Material; Traffic and Transportation; Noise and Vibration; Public Services and Utilities; Light and Glare; Cultural Resources; Energy; Socioeconomics/Environmental Justice

Significant and Unavoidable = Project-specific and cumulative nighttime noise impacts (*from the drilling and development of the ASR-5 and ASR-6 Wells; from construction of the Castroville Optional Alignment.*) - Contribution to significant cumulative impacts on Traffic and Transportation during construction, given the size of the MPWSP, along with the number of cumulative projects and uncertainty regarding overlap in project construction timing - Disturbance to vegetation communities designated as primary or secondary habitat, in conflict with the City of Marina's Local Coastal Plan (*Slant Wells at CEMEX; Source Water Pipeline; Desalinated Water Pipeline; New Transmission Main*)

Short-term construction emissions in excess of MBUAPCD significance thresholds for ozone and NO₂ standards on sensitive receptors - **Greenhouse Gas** emissions in excess of the 2,000 metric tons/year significance threshold (*Potential conflicts with AB 32 Climate Change Scoping Plan Measure W-3 regarding electricity use*) - Indirect **growth inducement** by removing, to some extent, water supply limitations as an obstacle to growth in CalAm's Monterey District service area.

Alternatives Screened from EIR/EIS Analysis = New Los Padres Dam and Reservoir; Carmel River Dam and Reservoir Project; CPUC Water Supply Contingency Plan (Plan B); Coastal Water Project/Regional Project; MCWRA-Proposed Interlake Tunnel; Pure Water Monterey Groundwater Replenishment Project (stand-alone).

Alternatives Process = Screened and Evaluated Component Options (*Screened 13 intakes; evaluated 7; Evaluated 7 outfalls; Evaluated 3 desalination plant sites*) - Combined Components into Whole Alternatives; Evaluated Whole Alternatives; Identified the Environmentally Superior/Environmentally Preferred Alternative

Combined Components into Whole Alternatives = Alt 1: Subsurface Slant wells at Potrero Road; Alt 2: Open-water Intake at Moss Landing; Alt 3: DeepWater Desal; Alt 4: People's Project; Alt 5a and 5b: Reduced-Sized Project; No Action Alternative

No Project/No Action Alternative = CPUC and MBNMS would not approve the MPWSP or another alternative; No construction of MPWSP facilities; Available supply would decrease from ~11,300afy to 6,380afy between 2017 and 2021; Continuation of moratorium on new water permit applications; No "payback" to the Seaside Groundwater Basin

Environmentally Superior/ Environmentally Preferred Alternative = Alternative 5a is the environmentally superior/ environmentally preferred alternative, assuming implementation of the GWR Project; While the combined Alternative 5a and GWR Project would result in a larger physical footprint than the proposed project alone, the pairing of Alternative 5a and the GWR project would result in: *reduced operational energy use; reduced GHG emissions; reduced Less than Significant effects on groundwater levels influenced by fewer slant wells and less volume of pumping.*

GWR would provide water to growers that would benefit the groundwater basin; Alternative 5a paired with the GWR project would be consistent with: the 2016 California Action Plan seeking integrated water supply solutions; the Governor's drought proclamations; *the CPUC Water Action Plan goal of promoting water infrastructure investment, and; the California Ocean Plan and MBNMS Desalination Guidelines*

Next Steps = Draft EIR/EIS Public Meetings - Wednesday, February 15, Open Houses

11am to 1pm @ Marina Public Library, 189 Seaside Circle, Marina

6pm to 8pm @ Oldemeyer Center, 987 Hilby Avenue, Seaside

Thursday, February 16, Public Comment Hearing

4pm to 8pm @ Sunset Center, Carpenter Hall, San Carlos St at Ninth Carmel-by-the-Sea

How to Submit Comments on the Draft EIR/EIS: Comments may be submitted by the following methods: *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov. In the search window, type NOAA-NOS-2016-0156 and click the "Comment Now!" icon. **or Email:** MPWSP-EIR@esassoc.com **or Mail:** MBNMS Desalination Project Lead CPUC/MBNMS, 99 Pacific Ave., Bldg. 455a, c/o ESA Monterey, CA 93940 or 550 Kearny Street, Suite 800, San Francisco, CA 94108 ****Comments are due by 5pm on February 27, 2017****

Council Questions: Groundwater impact on nearby production wells less than a significant effect and speaking in terms of 1 or 2 feet +/- drawdown vs. mounding, what does it mean in terms of possible increase in salinity in the 180 aquifer and the 400 or 900 aquifer; has there been a study as to the 900 aquifer; why is Potrero Road not the more environmentally preferred; draft EIR it states repeatedly that Cal-Am intends to pump seawater in the 180 aquifers, is that correct; does Cal-Am have the right to pump from that aquifer; at what point will it be determined that Cal-Am has a creditable legal claim to the source water and is this something that gets commented in this EIR process; is there an assertion from Cal-Am that they have rights to the Salinas Valley Water Basin; potential harms of salinity to City of Marina and MCWD; Army studies found evidence there is vertical movement below Marina between 180 & 400 feet, does the DEIR address the Army studies, if so what section; regional benefits of having a Desal Plant that serves not only the Monterey Peninsula but portions of San Benito or Santa Cruz Counties?

Public Comments:

- Michael – Commented on impacts of seawater intrusion. California Coastal Commission overruled Marina decision and allowed the test slant well to begin. The permit from the Coastal Commission set up different monitoring wells but monitoring well 4m (180ft. aquifer) was the threshold. If sea water levels dropped/aquifer levels dropped or if salinity rose beyond the threshold, then they had to stop the pumping and talk to the Coastal Commission about what to do next. The hydrological working group submits monthly reports to the Coastal Commission about what's happening at monitoring well 4. When the pumping began on April 22, 2015 the salinity at well 4 was roughly 17,000 parts per million in the medium 180ft aquifer. The last report from December 31, 2016 and that data is now in the excess of 22,000 part per million, which represents a 30% increase in salinity at the threshold well.
- Tom Moore – How close will the slant well #10 in the proposed project be to the Marina Coast desalination plant being on Reservation road? Why is the definition of harm presented by Mr. Zigas in his slides only based on the potential reduction of well levels? Read a portion of State Water Resources Control Board's final report done for the CPUC regarding seawater intrusion within the Basin. Why does the DEIR fail to analyze the hydrological impact of operating the Monterey Peninsula Supply Project simultaneously with an MCWD Desal Plan at the end of Reservation Road, should we have the need to turn that back on or increase its size? Did the EIR analyze the impact of Cal-Am digging up General Jim Moore Blvd to install its product water pipeline to the Cal-Am service area?
- Karyn Wolfe – commented that the DEIR contains pages on the peninsula's need for commercial and housing development water but no mention of Marina's struggle to accommodate the water needs of Marina. Is it because Cal-Am does not want attention that water will be coming out of our aquifer instead of the ocean and possibly increasing saltwater intrusion. We cannot spare the millions of gallons they plan on taking. We have a University that is growing in size and many housing projects in the works which is already stretching us beyond the capacity that our water sources had reliably provide long-term without a water grab by Cal-Am. Why is Marina expected to give over especially when the water rights likely belong to Marina residents who live above the aquifer? This is an environmental justice issue where a mega corporation dominates a small economically struggling and diverse community in order to meet the needs of a wealthier and more politically influential population and makes a hefty profit on the process. There is no benefit to Cal-Am's plant
- Kathy Biala – presentation indicated that Cal-Am must replace existing water supplies that are constrained by legal decision but Cal-Am knowingly illegally drained their own primary water source, the Carmel River, and was finally issued a cease and desist order, then they have over drafted the Seaside Basin. In both these areas they had legal rights to the water. What could Cal-Am do to our area when they do not even have legal rights? How have they've been allowed to advance this project and spend millions of ratepayer's dollars without first establishing water right to the area they plan to take water from? The preferred alternative project 5a of a reduced size plant is perhaps a very calculated action by Cal-Am. reducing this project will not excuse the sloppy science of the test slant well, will not excuse the purposeful refusal for responsible research of our basin, will not excuse the issue of no legal water right and will not excuse the burden to prove no harm.

- Harvey Biala – there is no successful slant well desalinization project has ever been successfully implemented anywhere in the US or the world. For such a new kind of thing we should have higher levels of scientific scrutiny rather than lower ones. There is a newer kind of method which has been used in other portions of the peninsula, that's an ERT, which will show in detail the 900ft. aquafer and the aquitards between 400ft and 900ft level. Cal-Am has decided not to incorporate this into their study.
- George Riley – there are things covered in detail in the EIR but there are some issues that are not covered that are critical for this community and this region. Cal-Am has three failed supply projects in its history. The over pumping of Carmel River and Seaside Basin as mentioned earlier. There is not procedure described on how Cal-Am expects to get water rights, there is no time procedure, no evidence of hurdles that are going to be involved in water rights, it not covered in the EIR or any other documents going to the PUC and Cal-Am producers. The relationship of Cal-Am and the PUC together being uninvited into this community is not covered. There are many issues that are critical to this community.
- Margaret Davis – Directed to Cal-Am and the CPUC - How do you justify using established, functioning water supply of an entire city as a test bed for your experimental slant wells when there is tremendous potential to destroy the city's water supply? Future development of Fort Ord will require MCWD to pump additional water from the 180ft and 400ft aquafer for the production of 5200 acre feet per year of water. Does Cal-Am's modeling take this additional pumping into account? If, so where in the DEIR is that addressed, what is the page number? If MCWD is required to produce desalinated water for us there will be a great increase in the cost of water for Marina ratepayers, would Cal-Am agree that this is a harm?
- Herbert Cortez – MCWD Board Member, To the ratepayers of Marina, please do not be scared off by the science and smoking mirrors that you see here. Marina is a working class community. With the next presentation coming you will get the other side of this issue, the truth. Encouraged the ratepayers to attend the public hearing on February 16, 2017 and explain to the PUC that this project has harm to Marina. It's a long-term approach for Cal-Am to monopolize water in this area.

c City Council receive presentation on Geophysical Imaging of Saltwater Intrusion Along the Monterey Coast. [Rosemary Knight]

The Acquisition of Geophysical Data Along the Monterey Coast

Half the world's population lives within 60 km of the coast (*groundwater provides water supply*)

Some of the richest ecosystems on the planet are found within a kilometer of the coast (*groundwater provides nutrients through submarine groundwater discharge*)

Saltwater intrusion occurs because there is an imbalance between the fresh water that's being pumped in our coastal aquifers it's drawing saltwater landward. It happens in both the upper and lower aquifers such that we have saltwater intrusion at multiple levels.

Proactive Groundwater Management: think about reducing pumping; increasing recharge. The activity of interest in this community right now is other actions that could happen, that could impact saltwater intrusion such as desalinization.

What's the starting point, where is the saltwater along the coast? = Well data from contour maps show saltwater intrusion into the upper aquafer and the underlying aquafer. Where we don't have well data we don't have information

Sentinel wells have been put in to monitor the movement of saltwater or the change in salinity in the wells which is done by measuring the electrical resistivity which measure the amount of clay in the subsurface material, and the amount of water in the material.

Models need to be done to understand the outcome of any actions. Need to develop a comprehensive model of the subsurface. Final model results, ability to predict outcome is dependent upon the data you have available.

Wells provide limited pictures, what's the answer? Geophysics. Geophysics is used to connect the dots of the images of the subsurface and data where we don't have wells.

Sentinel Geophysics using complete electrical resistivity imaging. Measurements are made by putting electrodes (steel probes) into the beach. Imaging is done at a depth of about 500ft.

Red = Low Resistivity, so Saltwater; Blue = High Electrical Resistivity, so Fresh Water; and ambiguity in the in between.

EIR/EIS released by Cal Am on the MPWSP. On page 4.4-31: "Over the past few years, Stanford environmental geophysics researcher Rosemary Knight has conducted a study to determine the viability of using electrical resistivity techniques to study seawater intrusion along the coast of the Monterey Bay; Professor Knight's initial survey was conducted along a 4-mile segment parallel to the beach between the cities of Seaside and Marina = The study found that the electrical resistivity readings positively correlated with measured TDS concentrations to a depth of 500 feet in four area groundwater wells."

Contour maps obtained showed images of complexity of reds and blues mapping out what's saltwater and what's fresh water along the Monterey coast.

Fresh water in 400ft aquafer and noted that in the 180ft aquafer it's not all seawater, there's a lot of brine and water of mixed salinity in the 140ft aquafer.

Council Questions: Will the flyover give us a 3D image; does the ocean water at the surface interfere in the ability to get a good reading; skycam system is equivalent to having equipment data from thousands of wells to produce a 3D image of pockets of freshwater, including into the 180ft. and 400ft. aquifers; in the Seaside and Salinas interpretation slides do they include the mixing between the three aquifers down below the 400 aquafer-seems relevant to the DEIR that the data indicates a lot of connections between the 180ft.aquafer, the 400ft aquafer and lower; if clay layer is nonexistent or very thin then there's potential for mixing; the whole crux of our concern is about groundwater contamination, do you think our concerns are well founded given your data?

Public Comments:

- Kathy Biala – Attended Dr. Knight's presentation back in 2015 and submitted written and verbal comments to CPUC in the first DEIR. Cal-Am knew about this and 2 years later they have shown no interest in using ERT. Instead in the current DEIR they are offering to pay for future monitoring wells but refuse to pay for methods that are available today and offers a superior mapping of saltwater intrusion at the health of our aquifers. Does this not suggest a distrust of what Cal-Am is telling us and what they aren't telling us?
- Margaret-Ann Coppennoll – The United Nations has declared potable fresh water to be a basic human right. It is not a "for-profit" commodity to enrich investors but a vital element required for survival. You have just been enriched with scientifically sound information by Dr. Knight's ERT research presentation. You now have a moral imperative to do the right thing. MCWD has a decade long track record of providing fresh potable and affordable water to its lawful jurisdiction and service area. What will happen if we allow a Wall Street publically traded utility to enter our aquifers and deplete our water supply resources. What will happen when that same water company dismantles our railroad tracks and digs beneath them on Del Monte Blvd to install 21 miles of pipeline to transport our water to other areas? How can you justify allowing another water company to continue pumping 126,000 gallons of fresh water per hour only to spray it back into the bay? Asked council to do their due diligence and to put courage, integrity and moral fortitude over greed, politics and profit. Support your public water company.

- Karyn Wolfe – What is the city and our water company’s analysis of how Cal-Am is anticipated project will impact Marina’s ability to meet its current and anticipated water requirements? Not just 3 years into the future but 20-30 years? Now that Marina is drawing off of our third tier last remaining deep water aquifer are you as a council satisfied by high quality science beyond a reasonable doubt that Marina cannot only meet its own water needs for the long-term but that it can spare the millions of gallons that Cal-Am is requiring for this project? What does our city need to do to protect itself and its citizens who have come to rely on MCWD for affordable safe water from being controlled by a mega corporation that is making a play for our own rightful water supply?
- Michael – noted there was 2 major stoppages in the pumping. There was only one test well pumping for about a year and they are talking about the large Desal is going to have about 8 well pumping at a time or 6 wells with the smaller one and multiply 30% saltwater intrusion times the 6-8 wells, the impacts will be enormous.
- Tamara Voss – Hydrologist for Monterey County Water Resources Agency – in regards to the previous presentation, the ban that you ran your initial analysis along when you were putting the spikes in the ground, the probes, how wide was that? When you’re looking at move further down land instead of just along the coast, the resistivity that you’re looking at can it distinguish between sands and gravels that are intruded by seawater or saline water as compared to clays?

d City Council receive presentation on Marina Coast Water District Water Management Overview. [Keith Van Der Maaten]

Marina Coast Water District Water Supply Planning Overview

MCWD Service Population: Within our Urban Water Management Plan there is a projection that in the next 20 years our population will more than double. By 2035 we’re going to be needing to serve 70,000 people.

MCWD Supply Needs: Projecting water demands in that 2035 year we will need more than 12,000 acre feet of water to serve the people. Today we’re 100% groundwater and we are still very much dependent on that vital source of supply. We are developing other water resources. We are in the process of developing those recycle water supplies. When looking out in later year’s groundwater is always important.

MCWD Service Area: Central Marina, Armstrong Ranch, U.S. Army (Ord), CSUMB (Ord), Del Rey Oaks (Ord), City of Monterey (Ord), County of Monterey (Ord), UCMBEST (Ord), City of Seaside (Ord), State Parks and Rec. (Ord), Marina Ord Community (Ord).

MCWD Water Supply Planning: RUWAP Recycled Water Project; Armstrong Ranch Project (EKI Study) *Hopkins Groundwater Analysis, Stanford ERT Study*) FORA 3-Party MOU Process; Sustainable Groundwater Management (*GSA Formation (Increased Deep Aquifer(S) Management, Thorough MPWSP EIR review*)

RUWAP Recycled Water Project Overview: MCWD/MRWPCA Collaboration Project; Irrigation Water for MCWD Customers; Injection Pipeline- Seaside Subbasin; MCWD Phase 1: 600 FY (2019); MCWD Phase 2: 827 AFY(2025+)

RUWAP Recycled Water Project Overview: *Armstrong Ranch Project (EKI Study):* Project Description: Recharge excess storm and offseason wastewater flows; maybe coupled with brackish GW treatment; up to 6,000 AFY of new supply (Preliminary); protects existing basin users from seawater intrusion - Utilizes existing freshwater lense in dune/180; natural flow path from Dunes toward ocean and back into 180; Dunes recharge provides seawater barrier and 180 recharge; study confirmed Hopkins analysis of freshwater lense throughout entire area - *Hopkins Groundwater*

Consultants Analysis: Project Description: Analyze MPWSP Project data; understand potential impacts from the project - **Stanford ERT Project:** Project Description - Armstrong Ranch: 3D model to confirm extents of freshwater and intrusion front; potential to gather down to 900 feet (deep aquifer), complements other Stanford research for complete regional picture, targeted for May 2017. - **Three Party MOU Process:** Collaboration Project (FORA, MRWPCA, MCWD); Develop 973 AFY for Ord Community; Analyze Feasibility of Options: *Ocean Desalination, Conservation, Expansion Of Wastewater Reuse, Brackish Desalination, Surface Water* - **Sustainable Groundwater Management:** 100% Groundwater Dependent (4,025 AFY); By 2035, 74% Groundwater (9,075 AFY); MCWD "GSA" Notification, September 2016; County Filed 'Overlap' In December, Needs Resolution; Water Supply Projects Are Part Of GSA Efforts.

Service Priorities for Rate Payers – All services and functions tested are considered important to ratepayers, but ensuring safe drinking water for the community is considered the most important by a wide margin.

The Salinas Valley Groundwater Subbasins = 180/400 High-Critical; East Side High; 3 Forebay Medium; Upper Valley Medium; Paso Robles High-Critical; Seaside Medium; Langelly Medium; Monterey Medium.

Sustainable Groundwater Management-Deep Aquifer:

MCWD Ord water rights of 6,600 Afy (*Peak Use (1984) & Average Use (1988-1992)*); Recharged by leakage from overlying aquifers; Ag increasing use in deep aquifer; Requires updated study and management approach.

Sustainable Groundwater Management-MPWSP Concerns: Ocean Desal plant pumps groundwater; Cal Am has no groundwater rights; problematic view that current groundwater has "No Beneficial Use"; problematic groundwater mitigation proposal; model doesn't appear to use Hopkins data (under review); would you bet the future of our groundwater on this model? - **What happens if we lose our groundwater?** = Increased costs for "replacement" water supplies; home/property values and businesses will be impacted; barrier to Fort Ord Reuse Plan; General Plans will be impacted.

Council Questions: With the modeling being done by Dr. Knight along the beach, how will you be able to monitor to see what's happening with our water supply from year-to-year, month-to-month? Would you use the more expensive modeling or would you use the wells alone or use a combination of both so that we can see what 's happening with our water supply? Are we getting the result we are looking for in order to keep those aquifers freshwater? EKI Study-are you illustrating that this process will reduce the salinity of the 180ft aquifer, basically enhance the water quality of the 180? Electrical resistivity topography, what are its limitations; MCWD GSA is to clean certain aquifers and raise the quality of water is that an objective of the state law or a mandate; would it be fair to say that if Cal-Am with not just one test pumping well but 8 operating at any given time sucks fresh water or partly brackish water out of the 180ft aquifer do as to cause seawater intrusion in that aquifer eventually percolate into the 900ft aquifer; studies that show that in the 900ft aquifer it is very old water?

Public Comments:

- Julie Hoffman – Announced two free public forum coming up on Friday, February 10, 2017 and Friday, February 17, 2017 from 5:30-7:00pm at the Marina Library, it's a chance to hear a little more background and information about what is happening with our water. If you're concerned about making comments to the DEIR this would be the chance to get more information.
- Karyn Wolfe – Is saltwater heavier than freshwater, if so doesn't make sense that saltwater intrusion would actually flow down at a greater rate? Does MCWD consider efforts such as diverting storm water to micro level uses before percolating it down? Can we require that our aquifers at all levels be recharged with purified water at the same usage level or more so that we're

actually replenishing them? Why isn't the RUWAP project being fast tract to refill the Seaside aquafer?

- Tom Moore – one slide shown from Mr. Zigas is misleading and that was what was referred to “mounding of water” in the Castroville area. The return water that goes to Castroville will be used in Castroville faucets and flow into the Monterey Regional Water Pollution Control Agency via sink, tubs and dishwashers. There will not be any injections of that water into the aquafer in Castroville. This issue that is presented quite simply is more complex than that. SGMA law states/mandates that by 2040 you have to fix your aquafers so that it's no worse than what is was in 2014. The EIR indicates that the test slant well has increased seawater intrusion in what is defined by the State as the 180/400 sub-basin. How is that going to happen with 6 or 8 or 10 slant wells merrily pumping away between now and 2014 creating more seawater intrusion in that defined basin?
- Herbert Cortez – Based on Dr. Knight's presentation, the MCWD presentation and legal counsel when will the public know how the council responds to Cal-Am initial assertion about the less than significant impacts of the immediate area?

10:00 PM

Delgado/Brown: to extend the meeting to 10:20 pm. 5-0-0-0

- Kathy Biala – Grateful for MCWD long-term planning and has no doubt that we would not be subject to cease and desist order in our future as we would have responsibly managed our water sources under MCWD leadership. We will have to keep Cal-Am out of our district however and will take Marina or the Ord Community to ensure this and have to engage in collective actions. Please attend the Just Water Forums at the Marina Library.
- George Riley – Encouraged the city and Marina Coast to make sure you get on the same page about your future with the possible expiration of FORA. The roles that the City and MCWD plays in the future of that area is critical. If Cal-Am establishes their production facility in the center of this area, you can bet on the fact that is will be dominant candidate to take over the water supply responsibility in this area. You'll get the performance that we've been having on our peninsula, over drafting, lack of capital planning, high cost, erratic rate increases, very unhappy public.

e Recreation Announcements - None

6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Mike Owen – Anticipated commenting on one of the consent items as he thought he had time dues to the special presentations going first, but was upset when found out that agenda was rearranged so that the consent items would be heard first. Wanted to make a comment on one of the consent agenda item related to Monterey Bay Estates.

- Seth Smith, Santa Crus Veteran’s Alliance – Commented on their Veterans Compassion Program where medical cannabis is donated to over 500 Veteran members. 10% of our veteran population comes from the Monterey County area. sent invitations to council and staff to come and tour our facility to get a better sense firsthand experience at what cannabis cultivation looks like and what is could look like here in Marina.

7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

- a. ~~Agency Board consider adopting Resolution No. 2017, receiving and filing the Successor Agency to the former Marina Redevelopment Agency audited statement of net position as of June 30, 2016 and the related statement of changes in net position for the year ended June 30, 2016. ***Pulled from agenda moved to February 22, 2017.***~~

8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

a. **ACCOUNTS PAYABLE:**

- (1) Accounts Payable Check Numbers 80880-81064, totaling \$374,624.08
Wire transfers from Checking and Payroll for December 2016 totaling:
\$686,865.68

b. **MINUTES:**

- (1) January 18, 2017, Regular City Council Meeting

c. **CLAIMS AGAINST THE CITY:**

- (1) City Council deny claim filed by Jean Chee on October 11, 2016 for a Limited Civil case and forward to Monterey Bay Area Self Insurance Authority for investigation and processing.
- (2) City Council deny claim filed by Windsor Monterey Care Center LLC; S&F Management Co., LLC; Dharmendra Singh on December 22, 2016 for a Limited Civil case and forward to Monterey Bay Area Self Insurance Authority for investigation and processing.

d. **AWARD OF BID:** None

e. **CALL FOR BIDS:** None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2017-06**, authorizing change in signatories on the City General, Payroll, Revolving Loan, Checking, Money Market and Certificate of Deposit Accounts with Rabobank and City Local Agency Investment Fund (LAIF) accounts.
- (2) City Council consider adopting **Resolution No. 2017-07**, ordering the City Engineer to prepare and to file a report related to maintenance of the Cypress Cove II Landscape Maintenance Assessment District for Fiscal Year 2017-2018.
- (3) City Council consider adopting **Resolution No. 2017-08**, ordering the City Engineer to prepare and to file a report related to maintenance of the Seabreeze Landscape Maintenance Assessment District for Fiscal Year 2017-2018.
- (4) City Council consider adopting **Resolution No. 2017-09**, ordering the City Engineer to prepare and to file a report related to maintenance of the Monterey Bay Estates Lighting and Landscape Maintenance Assessment District for Fiscal Year 2017-2018.
- (5) City Council consider adopting **Resolution No. 2017-10**, regarding President Trump's Executive Order on Immigration.
- (6) City Council consider letter of support for AB 1 (Frazier) & SB 1 (Beall) Transportation Funding

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2017-11**, approving Public Improvement Agreement between City of Marina and Ben Shulman, and authorizing the City Manager to execute the Public Improvement Agreement on behalf of City subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2017-12**, authorizing the Marina Fire Department, to modify the current Automatic Aid Agreement with the North County Fire Protection District and; authorize the City Manager to execute the agreement on behalf of the City and sign the agreement subject to final review by the City Attorney; and delegate the responsibility to implement this Agreement through an Operational Plan.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) City Council consider adopting **Resolution No. 2017-13**, accepting dedication of public improvements as shown on approved Dunes Phase 1c (formerly University Village) Improvement Plans and Final Map for residential Phase 2, authorizing City Clerk to release Bond Securities, accepting a Warranty Bond, and record acceptance with Monterey County Recorder's Office.

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) ~~City Council consider adopting Resolution No. 2017, receiving and filing City of Marina audited Annual Financial Reports for the fiscal year ended June 30, 2016. Pulled from agenda moved to February 22, 2017~~

- (2) ~~City Council consider adopting Resolution No. 2017 , receiving and filing City of Marina auditor governance letter (SAS 114), City auditor management letter of comments (SAS 112) for fiscal year ended June 30, 2016. *Pulled from agenda moved to February 22, 2017*~~

- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Council Member Morton requested changes on the resolution to agenda item 8f(5)

In the first paragraph (#1) of the exec order, remove “*a major step towards implementing the stringent*” and on paragraph #4 add “*and the values of our City of Marina, California*” after the word “America”

Council Member Amadeo – can we just “*This is implementing the stringent racial and religious profiling threatened by this administration*”.

Mayor Pro-Tem Brown – how about “*this implements racial and religious profiling threatened by this administration*”

Council agreed to Mayor Pro-Tem Brown’s suggested language

Council Member O’Connell indicated he submitted questions for agenda items 7a,8j(1) and 8j(2) but left it up to the City Manager to pull the items.

City Manager Long pulled agenda item 7a, 8j(1) and 8j(2) from the agenda and moved them to the next council meeting.

Council Member Morton had questions for agenda item 8g(1) – What was the delay; are the considerations given in 2006/2006 to today are they different for the city, who has reviewed that to make sure that we are still of the opinion that this is the smart project?

DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 7a, 8j(1) AND 8j(2) AND WITH THE MODIFICATIONS SUGGEST TO THE RESOLUTION FOR AGENDA ITEM 8f(5). 5-0-0-0 Motion Passes

- 9. PUBLIC HEARINGS: None
- 10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
- 11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT: The meeting adjourned at 10:15 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor