



City of Malibu

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July 31, 2015

Sent via Email to sunger@waterboards.ca.gov

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RE: Memorandum of Understanding (MOU) Quarterly Progress Report
Malibu Civic Center Wastewater Treatment Plan

Dear Sam:

The following is the quarterly progress report for the Malibu Civic Center Wastewater Treatment Plan, which covers work activities performed on this project during the period between April 1, 2015 and June 30, 2015. To date, the City continues to make progress on all MOU Milestone requirements.

Below is a list of the work performed during the last quarter:

- Continued work to further develop the Malibu Valley Joint Salt-Nutrient Management Plan (SNMP) and Groundwater Management Plan (GWMP). These plans are highly complex but necessary for recycled water use, management of the groundwater basin, and for funding purposes. The City conducted a presentation of the SNMP and the GWMP programs at the April 30, 2015 Stakeholders Meeting (Attachment 1).
- Continued to work with the Los Angeles County Fire Department to modify the wastewater treatment plant site plan and landscaping plan to reflect plan review comments regarding the project's Final Fuel Modification Plans, which are an integral part of the project's final design.
- On May 13, 2015, the California Coastal Commission approved with modifications, the City's request to amend the Local Implementation Plan (LIP) portion of the certified Local Coastal Program (LCP) (Attachment 2).
- On June 8, 2015, the Malibu City Council:



- Adopted Resolution No. 15-27 declaring the City Council's intention to form the City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1 (Attachment 3)).
- Adopted Resolution No. 15-28 preliminarily approving the Assessment Engineer's Report and fixing the time and place of the public hearing for the City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1 (Attachment 3)).
- Approved Amendment No. 8 to the Professional Services Agreement with RMC Water and Environment to provide additional engineering and design services to complete the final engineering design for the Civic Center Wastewater Treatment Facility – Phase 1 (Attachment 4).
- Approved Amendment No. 1 to the Professional Services Agreement with David Taussig and Associates to provide additional consulting services for the formation of the Civic Center Wastewater Treatment Facility – Phase 1 Assessment District (Attachment 5).
- Introduced the first reading of Ordinance No. 393, Local Coastal Program Amendment No. 12-004, Zoning Text Amendment No. 13-008, and Zoning Map Amendment No. 13-003 for the Civic Center Wastewater Treatment Facility Institutional Overlay District and Development Standards (Attachment 6).
- Directed staff to conduct negotiations and prepare the final purchase agreement for City Council consideration and approval for the acquisition of two parcels for the Civic Center Wastewater Treatment Facility (Attachment 7).
- On June 22, 2015, the Malibu City Council conducted a second reading adopting Ordinance No. 393, Local Coastal Program Amendment No. 12-004, Zoning Text Amendment No. 13-008, and Zoning Map Amendment No. 13-003 for the Civic Center Wastewater Treatment Facility Institutional Overlay District and Development Standards (Attachment 8).
- Continued to work with State Water Resources Control Board (State Board) staff to prepare and submit a Clean Water State Revolving Fund (SRF) loan application consisting of the Technical, Environmental, and Financial Packages for the Malibu Civic Center Wastewater Treatment Facility project.
- Continued to work with Los Angeles County Waterworks District 29 to seek possible recycled water demand opportunities further west of the Civic Center Area of Malibu and process the necessary documents to finalize the SRF loan application.

- Continued to conduct regular monthly meetings with Stakeholders and Stakeholder groups to discuss the Civic Center Wastewater Treatment Facility Project (Attachments 9, 10, & 11).
- Continued preparatory work necessary for the creation of an Assessment District (AD), such as a benefits analysis, which includes defining loads and flows from each parcel, capital cost estimates, operation and maintenance cost estimates, and initial modeling of alternative cost allocation methodologies
- Completed work to check and refine the project's final construction plans and specifications necessary for public bidding of the project. The project design is currently 100% complete.
- Submitted the project's completed design documents for the Malibu Civic Center Wastewater Treatment Facility – Phase 1 to the Regional Board on June 30, 2015, as required by the Revised MOU, Milestone No. 5 (Attachment 12).

Currently, the design of the wastewater treatment plant, the collection system, the recycled water system, and the groundwater injection system is 100% complete. On June 30, 2015, the final design documents were sent to the Los Angeles Regional Water Quality Control Board (RWQCB) (Attachment 12), as required by the revised MOU, and the project was subsequently placed out for public bidding on July 9, 2015. The project is scheduled for a seven week public bidding period which provides sufficient time for prospective bidders to prepare and submit complete construction bids. Construction bids are scheduled to be opened on August 27, 2015. Staff has also contracted with a water quality monitoring firm (Attachment 14) where they have been directed to begin the surface and groundwater monitoring programs as required by the RWQCB revised MOU and the project permits.

During this reporting period, the City's design consultant and City staff continued to work with the Los Angeles County Fire Department staff to redesign the wastewater treatment plant site and landscaping design to reflect plan review comments so that it would comply with the Fire Department's onsite fuel modification requirements. The City's continued approach of performing tasks simultaneously and on parallel tracks continues to keep this project moving forward.

A public hearing was held by the California Coastal Commission on May 13, 2015 to amend the City's Local Implementation Plan (LIP) portion of the certified Local Coastal Program (LCP) to allow the Civic Center Wastewater Treatment Facility on a property located at 24000 Civic Center Way in the City of Malibu, which is currently zoned Visitor Serving Commercial 2, and to create an overlay district for the proposed treatment facility with associated development standards (Attachment 2). The Coastal Commission approved the proposed LCP Amendment subject to their suggested modifications. On June 8, 2015, the Malibu City Council introduced on first reading Ordinance No. 393 incorporating the Coastal Commission's suggested modifications (Attachment 6). On June 22, 2015, the Malibu City Council conducted a second reading and adopted Ordinance

No. 393 (Attachment 8). The City's proposed LCP Amendment is scheduled to be approved and certified by the California Coastal Commission at their regular public meeting in Chula Vista, California, on August 12, 2015 (Attachment 13). On separate but related items, the following agenda items were also approved at the June 8th and 22nd 2015 Regular Malibu City Council meetings included: 1) amending the consultant agreement for the project's design engineering consultant, RMC Water and Environment, to provide additional professional engineering and design services to complete the project's final engineering design (Attachment 4), 2) amending the consultant agreement for the project's Assessment Engineering Consultant, David Taussig and Associates, to provide additional consulting services necessary for the formation of the proposed assessment district (Attachment 5), and 3) authorization for staff to conduct negotiations and prepare a final purchase agreement for City Council consideration and approval for the acquisition of two parcels for the Malibu Civic Center Wastewater Treatment Facility (Attachment 7).

The City's Assessment Engineering Consultant, David Taussig & Associates, continues to perform the required work necessary for the formation of the Civic Center Wastewater Treatment Facility Assessment District (AD). On June 8, 2015, The Malibu City Council adopted Resolution No. 15-27 declaring the City Council's intent to form the City of Malibu Civic Center Wastewater Treatment Facility – Phase 1 Assessment District (Attachment 3). At that same meeting, the City Council also adopted Resolution No. 15-28 preliminarily approving the Assessment Engineer's Report and fixing the time and place of the public hearing for the proposed Assessment District (Attachment 3). On June 19, 2015, ballots were sent to property owners within the proposed assessment district where they are to be received by August 10, 2015, at which time the ballots will be tabulated at a public hearing at the Regular City Council Meeting on that day to determine the establishment of an Assessment District. As you are aware, commercial property owners previously approved establishment of a Community Facilities District (CFD) to fund the project's remaining field, design, and permitting work. As such, formation of an AD is critical, as it will provide the funding necessary to construct and operate the wastewater treatment facility. In the City's continued effort to seek other low cost sources of funding for construction of this project, City staff has directed the design and assessment engineering consultants to provide additional services associated with preparing and submitting loan applications and documents and other work necessary to be eligible to receive available low interest SRF loans.

Finally, the City continues to hold monthly meetings with stakeholders and stakeholder groups regarding the Civic Center Wastewater Treatment Facility project (Attachments 9, 10 & 11). For several years, the City has met on a monthly basis with stakeholder groups comprised of commercial property owners, residential homeowners association (HOA) representatives and other interested community members. The City also makes presentations to HOA organizations within the prohibition boundary area when requested. There appears to be continued support from the commercial property owners for the wastewater treatment plant moving forward. There is, however, much greater concern from residential property owners with regard to cost and overall impacts.

As you can see, the City is committed to working with the community and the Regional Board in a diligent effort towards the design and completion of the wastewater treatment facility for the Civic



Center area. The City also recognizes and appreciates the Regional Board's help and cooperation with revising the MOU Phase 1 and 2 completion dates. Although the City still faces a monumental task in completing this project within the Regional Board's and revised MOU completion dates, we are very proud of the work we have accomplished thus far, and are fully committed to cooperatively working with the Regional Board in making every effort to complete this highly complex wastewater project within the time allowed.

If you have any questions, or require additional clarification, please do not hesitate to contact me at (310) 456-2489, extension 247, or bbrager@malibucity.org.

Sincerely,



Robert L. Brager, PE, JD
Public Works Director/City Engineer

Attachments:

1. PowerPoint Presentation for the July 28, 2015 Salt and Nutrient Management Plan (SNMP) for the Malibu Valley Groundwater Basin CEQA Scoping Meeting.
2. California Coastal Commission Hearing on May, 13, 2015.
3. June 8, 2015 Malibu City Council Meeting Agenda Report for Adopting Resolution Nos. 15-27 and 15-28 declaring intent to form the Malibu Wastewater Treatment Facility Assessment District and approving the Assessment Engineers Report.
4. June 8, 2015 Malibu City Council Meeting Agenda Report for amending Professional Services Agreement with RMC Water and Environmental, Inc.
5. June 8, 2015 Malibu City Council Meeting Agenda Report for amending Professional Services Agreement with David Taussig and Associates, Inc.
6. June 8, 2015 Malibu City Council Meeting Agenda Report to introduce first reading of Ordinance No. 393, LCP Amendment for Coastal Commission's suggestive modifications.
7. June 8, 2015 Malibu City Council Meeting Agenda Report to direct staff to prepare final purchase agreement of the two Winter Canyon parcels for consideration by the City Council.
8. June 8, 2015 Malibu City Council Meeting Agenda to conduct second reading and adopt Ordinance No. 393, LCP Amendment.
9. April 30, 2015 Malibu Civic Center Stakeholders Meeting.
10. May 28, 2015 Malibu Civic Center Stakeholders Meeting.
11. June 25, 2015 Malibu Civic Center Stakeholders Meeting.
12. Transmittal conveying the Malibu Civic Center Wastewater Treatment Facility project's completed project design documents to the RWQCB on June 30, 2015.
13. Agenda Report for the August 12, 2015 California Coastal Commission Meeting in Chula Vista, California recommending the Commission's Certification of the City of Malibu LCP Amendment for the Civic Center Wastewater Treatment Facility



14. July 13, 2015 Malibu City Council Meeting Agenda Report approving Professional Services Agreement with Rincon Consultants, Inc. for water quality monitoring services for the Civic Center Wastewater Treatment Facility Project.

cc: Mayor John Sibert and Honorable Members of the Malibu City Council
Jim Thorsen, City Manager
Vic Peterson, Environmental Sustainability Director
Bonnie Blue, Planning Director
Craig George, Environmental Sustainability Manager / Deputy Building Official
Eric Wu, Ph.D., P.E., RWQCB
T. Don Tsai, Ph.D., RWQCB