

**Los Cerritos Wetlands Authority**

**Date:** July 1, 2021

**To:** Governing Board Members

**From:** Sally Gee, Project Manager

**Through:** Mark Stanley, Executive Officer

**Subject:** Item 8: Consideration of resolution to enter into a Memorandum of Understanding with the City of Seal Beach for the Waterline Relining Project

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**RECOMMENDATION:** That the Los Cerritos Wetlands Authority (LCWA) authorize entering a Memorandum of Understanding (MOU) with the City of Seal Beach for the Waterline Relining Project.

**PROJECT DESCRIPTION:** The City of Seal Beach (City) is proposing to reline a City waterline that runs parallel to First Street within the City's easement on LCWA property to temporarily address issues of recent waterline breakages. The City would need to access LCWA's property beyond the easement for biological and geotechnical surveys, and potentially during construction. The MOU establishes an agreement between the City and LCWA to coordinate on the relining effort and any overlaps with LCWA's wetlands restoration planning, as well as liabilities for activities on the property (Exhibit A – MOU).

The MOU provides that the City would:

1. Restore the Project site after construction; and,
2. Coordinate Project activities with LCWA's stewardship events; and,
3. Reimburse LCWA for their consultant's coordinating and monitoring cost, up to \$1,910 per week, for the duration of the Project, where most of the activity will take place during the course of construction (Exhibit B – Fee Schedule). The duration of construction is still to be determined; and,
4. Work in good faith with LCWA on the long-term watermain alignment plan;
5. Ensure contractors carry adequate insurance; and,
6. Indemnify and hold harmless LCWA from liabilities, claims, or damages as a result of the Project.

The City approved entering into this MOU on April 26, 2021 (Exhibit C – Resolution 7140).

**BACKGROUND:** The City's 18-inch diameter Watermain is critical to the water system operations to ensure water conveyance from the northern regions of the City to the Old Town neighborhood. This transmission main runs along the City's easement located in the LCWA and Hellman properties, commencing at Pacific Coast Highway, proceeding northward along the prolongation of First Street, and ultimately connecting to Seal Beach Boulevard through Adolfo Lopez Drive. In FY 2020-2021, the LCWA Watermain Lining (WT2103) project was budgeted into the City's capital improvement program to extend the pipeline's serviceable life.

The City's waterline has ruptured in May 2015, July 2019, and August 2019. This resulted in nearly 1 acre of impacts to habitat during emergency repairs of the breakages. These emergency repairs have been costly to the City, and relining the waterline provides a cost-efficient temporary fix as long-term alignment of the waterline are to be discussed.

**FISCAL:** The City would also reimburse LCWA for costs associated with coordinating and monitoring the project, up to \$1,910 per week, through LCWA's land management contract with Tidal Influence.

## Memorandum of Understanding

By and between

The Los Cerritos Wetlands Authority and

The City of Seal Beach

This memorandum of understanding is made by and between the Los Cerritos Wetlands Authority, a California joint powers authority between the State Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Long Beach and the City of Seal Beach ("LCWA"), and the City of Seal Beach ("City"). LCWA and City are sometimes referred to herein individually as a "Party" and together as "Parties."

## Recitals

Whereas, the Los Cerritos Wetlands Authority owns a 100 acre property ("Property") in the City of Seal Beach APN;

Whereas, the City of Seal Beach desires to reline a waterline that runs parallel to First Street within the City's easement on the Property to temporarily address issues of recent waterline breakages;

Whereas, the City requires access to the Property beyond the easement for biological and geotechnical surveys, and for potential use during construction;

Whereas, the Parties desire to enter into a Memorandum of Understanding to collaborate in good faith on the relining of the waterline.

Therefore, the parties agree as follows:

1. The City shall coordinate with LCWA staff and/or LCWA contractors throughout permitting and implementation and provide assurances to restore the property to its original condition after completion of the construction, per regulatory agency-approved restoration plan.
2. The City shall share with LCWA an updated schedule of activities on LCWA property at least two (2) weeks in advance to allow time to adjust LCWA's stewardship events if activities interfere with planned events. The LCWA shall share with the City its schedule of stewardship events.
3. The City will reimburse LCWA for costs associated with coordinating and monitoring the project, up to \$1,910 per week, according to the attached workplan (Exhibit A).

4. The City understands that depending on the restoration plans of the LCWA and the long-term waterline alignment plan, the planning of which remains ongoing, LCWA may request at some point in the future that the relined pipeline may need to be removed or realigned before the end of its expected lifetime. The City will work with LCWA and the Coastal Commission regarding the best alignment for long-term planning and location of the pipeline according to the LCWA Optimized Restoration Plan. City is not obligated to relocate the pipeline outside of the existing easement as part of this long-term planning, but shall in good faith work with the LCWA and the Coastal Commission and consider such potential long-term realignment proposals. The allocation of the parties' responsibility for costs of any such relocation, and the granting of a new easement, shall be the subject of future negotiations and a subsequent agreement.
5. The City agrees to require contractors to carry adequate insurance to cover the costs of repair of any existing structures or real property from flooding or other hazards attendant from the project, and to require such policies to be endorsed to name LCWA as additional named insured.
6. City agrees to indemnify and hold harmless LCWA from any liabilities, claims, damages, or otherwise to the extent the same results from City's acts or omissions in carrying out this project.

***Signatures***

City of Seal Beach

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Jill Ingram, City Manager

Los Cerritos Wetlands Authority

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Mark Stanley, Executive Officer

TIDAL INFLUENCE FEE ESTIMATE									
Seal Beach Waterline Relining Project									
Staff  Labor Rate (\$/hr.)		Personnel Labor Hours			Other Direct Costs				Assumptions
		Principal Ecologist	Associate Ecologist	Deputy Land Manager					
		\$120.00	\$80.00	\$50.00					
SCOPE OF WORK							Total Hours	Total Fee Budgeted Per Task	Task No.
No.	Description								
1	Waterline Project Management and On Site Coordination	2	4	27			33	\$1,910	1
1a	Weekly Management (Planning/Surveys)	1	2	1				\$330	1a
1b	Weekly Management (Construction)	1	2	1				\$330	
1b	Weekly On Site Coordination (Constuction)	0	0	25				\$1,250	1b
		2.00	4.00	27.00			33	\$1,910	
	Labor Total Cost	\$240.00	\$320.00	\$1,350.00	\$1,910		All Labor Costs	\$1,910	
	Other Direct Costs/Expenses	\$0.00			\$0		All ODC/Expenses	\$0	
	Subcontractor and ODC Markup (5%)	\$0.00	\$0.00	\$0.00	\$0.00		All Markup	\$0.00	
	Contingency	\$0.00	\$0.00	\$0.00	\$0		All Contingency	\$0	
	Total:	\$240.00	\$320.00	\$1,350.00	\$1,910		All Grand Total	\$1,910.00	

**RESOLUTION 7140****A RESOLUTION OF THE SEAL BEACH CITY COUNCIL  
APPROVING AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE A MEMORANDUM OF UNDERSTANDING WITH LOS  
CERRITOS WETLANDS AUTHORITY FOR THE LCWA  
WATERMAIN LINING, WT2103**

WHEREAS, the City owns and maintains a water transmission main along a City easement located within a Los Cerritos Wetlands Authority (LCWA) owned parcel; and,

WHEREAS, the City desires to reline the water transmission main as part of the LCWA Watermain Lining (Project), WT2103, to extend its serviceable life; and,

WHEREAS, LCWA is concurrently undergoing a long-term restoration plan that encompasses the Project site vicinity; and,

WHEREAS, the City and LCWA desire to enter into a Memorandum of Understanding to collaborate in good faith in the management of their respective activities.

NOW, THEREFORE, THE SEAL BEACH CITY COUNCIL DOES HEREBY RESOLVE:

- Section 1. The City Council hereby approves the Memorandum of Understanding by and between the City of Seal Beach and Los Cerritos Wetlands Authority.
- Section 2. The City Council hereby authorizes the City Manager to execute the Memorandum of Understanding.
- Section 3. The City Council hereby approves a LCWA reimbursement of up to \$1,910 per week for Project coordinating and monitoring work.

PASSED, APPROVED AND ADOPTED by the Seal Beach City Council at a regular meeting held on the 26<sup>th</sup> day of April, 2021 by the following vote:

AYES: Council Members: Kalmick, Massa-Lavitt, Moore, Sustarsic, Varipapa

NOES: Council Members: None

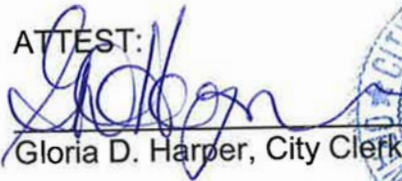
ABSENT: Council Members: None

ABSTAIN: Council Members: None



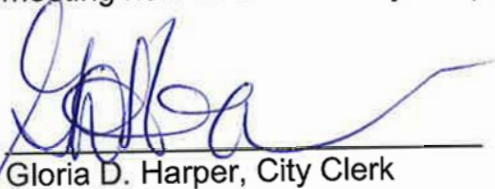
Joe Kalmick, Mayor

ATTEST:

  
Gloria D. Harper, City Clerk

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS  
CITY OF SEAL BEACH }

I, Gloria D. Harper, City Clerk of the City of Seal Beach, do hereby certify that the foregoing resolution is the original copy of Resolution 7140 on file in the office of the City Clerk, passed, approved, and adopted by the City Council at a regular meeting held on the 26<sup>th</sup> day of April, 2021.

  
Gloria D. Harper, City Clerk

July 1, 2021 – Item 8

RESOLUTION 2021 – 09

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY  
AUTHORIZING ENTERING A MEMORANDUM OF UNDERSTANDING WITH  
THE CITY OF SEAL BEACH FOR THE WATERLINE RELINING PROJECT

WHEREAS, the Los Cerritos Wetlands Authority has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, the City owns and maintains a water transmission main along a City easement located within a Los Cerritos Wetlands Authority (LCWA) owned parcel; and

WHEREAS, the City desires to reline the water transmission main as part of the LCWA Watermain Lining (Project), WT2103, to extend its serviceable life; and

WHEREAS, LCWA is concurrently undergoing a long-term restoration plan that encompasses the Project site vicinity; and

WHEREAS, this action will authorize entering a Memorandum of Understanding with the City of Seal Beach for the Project to collaborate in good faith in the management of their respective activities; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

Therefore be it resolved that the LCWA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated July 1, 2021.
4. AUTHORIZES entering a Memorandum of Understanding with the City of Seal Beach for the Project.



~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY  
On July 1, 2021

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LCWA Board Chair

ATTEST:

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David Edsall, Jr.  
Deputy Attorney General