



# Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
Via Zoom Teleconference  
June 15, 2020

## Minutes

### 1. Call to Order:

President Moore called the meeting to order at 6:34 p.m. on June 15, 2020 via Zoom teleconference in Marina, California.

### 2. Roll Call:

#### Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Herbert Cortez  
Peter Le  
Matt Zefferman

#### Board Members Absent:

None

#### Staff Members Present:

Derek Cray, Operations and Maintenance Manager/Interim General Manager  
Roger Masuda, District Counsel  
Kelly Cadiente, Director of Administrative Services  
Michael Wegley, District Engineer  
Teo Espero, IT Administrator  
Patrick Breen, Water Resources Manager  
Don Wilcox, Senior Engineer  
Rose Gill, Human Resources/Risk Administrator  
Paul Lord, Conservation Specialist  
Paula Riso, Executive Assistant/Clerk to the Board

#### Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Vera Nelson, EKI Environmental  
Bart Bruno, MPE  
Tina Wang, EKI Environmental  
Peter Taormina, MPE

3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:36 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)
- 2) Marina Coast Water District, and Does 1-100 v, County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Property in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 3) Appeal No. A-3-MRA-19-0034 by California-American Water Company to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project
- 4) City of Marina vs. RMC Lonestar [CEMEX], California-America Water Company, et al., Defendants, Marina Coast WD, et al., Real Parties in Interest, Monterey County Superior Court Case No. 20CV001387 (Complaint for Breach of Contract, Declaratory Relief under the Agency Act, and Tortious Interference with Existing Contract)
- 5) City of Marina v. County of Monterey, et al., Monterey County Superior Court No. 19CV005270 (Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief)

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation – One Potential Case

The Board ended closed session at 7:04 p.m. President Moore reconvened the meeting to open session at 7:06 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, District Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Mr. Derek Cray, Operations and Maintenance Manager/Interim General Manager, led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Action Item:

1. Consider Adoption of Resolution No. 2020-GSA02 to Approve Amendment 2 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning:

Mr. Patrick Breen, Water Resources Manager, introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to approve Amendment 2 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	Abstained			

9. Return to Marina Coast Water District Matters:

10. Presentation:

- A. Consider Adoption of Resolution No. 2020-32 in Recognition of Michael Wegley, District Engineer, for 5 Years of Service to the Marina Coast Water District:

Director Zefferman made a motion to adopt Resolution No. 2020-32 in Recognition of Michael Wegley, District Engineer, for 5 Years of Service to the Marina Coast Water District. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

11. Consent Calendar:

Director Zefferman made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of May 2020; B) Approve the Draft Minutes of the Regular Joint/Board Meeting of May 18, 2020; C) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of May 25, 2020; D) Consider Adoption of Resolution No. 2020-33 to Approve the Proposed Landscape Incentive Program Changes; and, E) Consider a Motion to Initiate a Survey with the Employees of Marina Coast Water District. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	Abstained			

12. Action Items:

- A. Consider Adoption of Resolution No. 2020-34 to Approve a Service Agreement between Marina Coast Water District and the City of Del Rey Oaks:

Mr. Cray introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2020-34 to approve a Service Agreement between Marina Coast Water District and the City of Del Rey Oaks. President Moore seconded the motion.

President Moore asked legal counsel to make the following edits: Recital A – change “allocated” to “recognized”; Recital C – fifth line, remove the comma after Del Rey Oaks; Recital G – move “was completed” from the fourth line to the second line following the word “lands”; Definitions – Ord Community Service Area – move the comma from after the word “services” to after “and”.

Vice President Shriner amended her motion to include the proposed edits. President Moore seconded the amended motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2020-35 to Approve a Water and Sewer Infrastructure Agreement between Marina Coast Water District and UCP East Garrison, LLC for the Phase 3 Condominiums Development Project:

Mr. Michael Wegley, District Engineer, introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2020-35 to approve a Water and Sewer Infrastructure Agreement between Marina Coast Water District and UCP East Garrison, LLC for the Phase 3 Condominiums Development Project. Director Cortez seconded the motion.

Agenda Item 12-B (continued):

The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

C. Consider Adoption of Resolution No. 2020-36 to Approve a Contract with Monterey Peninsula Engineers for Construction of the Regional Urban Water Augmentation Project Distribution Mains:

Mr. Don Wilcox, Senior Engineer, introduced this item. The Board asked clarifying questions regarding the Beach Road potable pipeline replacement and construction schedule.

Vice President Shriner made a motion to adopt Resolution No. 2020-36 approving a contract with Monterey Peninsula Engineers for construction of the Regional Urban Water Augmentation Project Distribution Mains to: 1) move forward without the Beach Road pipeline replacement; 2) direct staff to work with MPE to see where the Beach Road pipeline replacement will fall into their construction schedule; 3) ask staff look to see if there are funds somewhere that can be used for this replacement; and, 4) bring the information back to the next meeting. Director Zefferman seconded the motion. Following discussion, Vice President Shriner amended her motion to include direction that staff look at how much the Beach Road pipeline replacement will add to fire flow in the affected areas. Director Zefferman seconded the amended motion.

Mr. Pete Taromina, MPE, commented that they were grateful for the chance to work locally and help the community with this project.

The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

D. Consider Adoption of Resolution No. 2020-37 to Amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services:

Mr. Wegley introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services. Director Zefferman seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

E. Consider Adoption of Resolution No. 2020-38 to Approve a Contract Extension with the Pun Group to Provide Audit Services to the District for Fiscal Year 2019-2020:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and gave a brief background. The Board asked clarifying questions.

Vice President Shriner made a motion to approve a contract extension with the Pun Group to provide audit services to the District for Fiscal Year 2019-2020. Director Cortez seconded the motion. The motion to was passed by the following vote:

Director Zefferman	-	Abstained	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	No			

F. Consider Adoption of Resolution No. 2020-39 to Approve the Marina Coast Water District Budget for FY 2020-2021:

Ms. Cadiente introduced this item.

Vice President Shriner made a motion to approve the Marina Coast Water District Budget for FY 2020-2021. Director Cortez seconded the motion. The motion to was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	No			

G. Consider Adoption of Resolution No. 2020-40 to Approve the District's Five-Year Capital Improvement Projects Budget:

Mr. Wegley introduced this item. The Board requested more information regarding the Beach Road Potable Pipeline Project and the South Boundary Road Pipeline.

Director Zefferman made a motion to table this item until July 2020. Vice President Shriner seconded the motion. Discussion followed.

Vice President Shriner made a substitute motion to approve the CIP, with a footnote that the Beach Road Potable Pipeline Project be moved back to the next fiscal year and the South Boundary Road Pipeline Project would be considered after the sunset of FORA and these items would be brought back to the Board for consideration in July. Director Cortez seconded the motion. Discussion followed.

Vice President Shriner withdrew her substitute motion and made another substitute motion to approve the Five-Year CIP in its entirety. The motion failed for lack of a second.

Agenda Item 12-G (continued):

Vice President Shriner restated her substitute motion to approve the CIP, with a footnote that the Beach Road Potable Pipeline Project be moved back to the next fiscal year and the South Boundary Road Pipeline Project would be considered after the sunset of FORA and these items would be brought back to the Board for consideration in July. Director Cortez seconded the motion. The motion to failed by the following vote:

Director Zefferman	-	No	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	No
Director Le	-	No			

The original motion to table this item until July 2020 was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	No
Director Cortez	-	No	President Moore	-	Yes
Director Le	-	Yes			

H. Consider Appointing a District Negotiator(s) to Negotiate with Sunberry Growers, LLC., Regarding a Lease of District Owned Armstrong Ranch Property:

Mr. Cray introduced this item.

Vice President Shriner made a motion to appoint the General Manager and Legal Counsel as District negotiators. President Moore seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Abstained	Vice President Shriner	-	Yes
Director Le	-	No	President Moore	-	Yes
Director Cortez	-	Yes			

13. Staff Reports:

A. Receive a Report on the Fiscal Impacts to the District due to Covid-19:

Ms. Cadiente introduced this item and gave a brief report of the fiscal impacts made by Covid-19 to the District.

14. Informational Items:

A. General Manager's Report:

Mr. Cray noted that the District has moved to Stage 3 and reopened the Beach Office to the public with limited hours Monday through Thursday between 10 am and 4 pm. with encouragement to customers to handle District business via telephone if possible.

B. Counsel’s Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Zefferman stated that no meeting was held in May.

2. Joint City District Committee:

President Moore stated that no meeting was held and the next one may be held on June 26th.

3. Executive Committee:

President Moore stated they met via a Zoom teleconference meeting on June 9th and the next meeting was set for July 14th via Zoom. Vice President Shriner noted that a spreadsheet was provided at the meeting and is attached to this packet.

4. Community Outreach Committee:

Director Zefferman and Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Vice President and Director Cortez gave a brief update.

6. M1W Board Member:

President Moore gave a brief update.

Noting the time was 10:00 p.m., Director Zefferman made a motion to continue past 10:00 p.m.; to complete the agenda; take a 10-minute break; and, then return to closed session. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

7. LAFCO Liaison:

Director Cortez noted the next meeting is June 22nd.



8. FORA:

Mr. Cray gave a brief update.

9. JPIA Liaison:

No report was given.

10. Special Districts Association Liaison:

President Moore noted the next meeting was scheduled for July 21st and will held via Zoom.

15. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests. Director Cortez asked for a presentation on the Consumer Confidence Report from staff regarding water quality following comments made on a local blog. Director Le asked when the quarterly report on Developer Accounts would be presented.

16. Director's Comments:

Director Cortez, Director Zefferman, Vice President Shriner, and President Moore made comments.

President Moore recessed the meeting from 10:14-10:24 p.m.

The Board reentered into closed session at 10:25 p.m.

17. Return to Closed Session:

- A. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Armstrong Ranch Property  
Negotiating Parties: Sunberry Growers, LLC. And MCWD Negotiators (to be determined in Action Item 12-H)  
Under Negotiation: Price and Terms

The Board ended closed session at 11:34 p.m. President Moore reconvened the meeting to open session at 11:35 p.m.

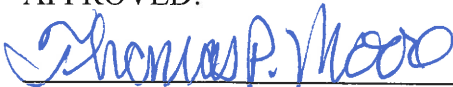
18. Reportable Actions Taken during Closed Session:

Mr. Masuda stated that there were no reportable actions taken during Closed Session.

19. Adjournment:

The meeting was adjourned at 11:36 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary