



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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## DIRECTORS

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HERBERT CORTEZ  
PETER LE  
MATT ZEFFERMAN

## Agenda

**Regular Board Meeting, Board of Directors  
Marina Coast Water District  
and  
Regular Board Meeting, Board of Directors  
Marina Coast Water District Groundwater Sustainability Agency**

### Dual Locations

Marina Council Chambers  
211 Hillcrest Avenue, Marina, California  
and  
Hauts de Sophia  
6 Chemins des Fremonts  
Trouvilles sur Mer, 14360, France

Monday, September 16, 2019, 6:30 p.m. PST

*This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the third Monday of each month with workshops scheduled for the first Monday of some months. The meetings normally begin at 6:30 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.*

***Our Mission:*** We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Wednesday, September 11, 2019. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

#### 4. Closed Session

##### A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission Application (“A.”) 12-04-019
- 2) In the Matter of the Application of California-American Water Company (U 210 W) for an Order (1) Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency to Settle and Resolve Claims and Issues Between the Parties and to Promote the Development, Construction and Operation of a Water Supply Project for Monterey County on an Expedited Basis, and (2) Authorizing the Transfer of Authorized Costs Related to the Settlement Agreement to Its Special Request 1 Surcharge Balancing Account, California Public Utilities Commission Application (“A.”) 13-05-017, and related California Supreme Court petition for writ of review.
- 3) City of Marina and Marina Coast Water District, Petitioners v. Public Utilities Commission of the State of California, Respondent (California-American Water Company, et al., Real Parties in Interest), Petitions for Writ of Review, California Supreme Court Case No. S253585
- 4) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Damages, Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468
- 6) 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)
- 7) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

- 8) 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 Party in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

- B. Pursuant to Government Code 54956.9(d)(4)  
Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation – Two Potential Cases

## **7:00 p.m. Reconvene Open Session**

**5. Reportable Actions Taken During Closed Session** *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*

## **6. Pledge of Allegiance**

**7. Oral Communications** *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

## **8. Presentations**

- A. Consider Adoption of Resolution No. 2019-59 in Recognition of Barbara Montanti, Customer Service Supervisor, for 20 Years of Service to the Marina Coast Water District
- B. Consider Adoption of Resolution No. 2019-60 in Recognition of Tony Kelsey, System Operator II, for 40 Years of Service to the Marina Coast Water District

## **9. Consent Calendar**

- A. Receive and File the Check Register for the Month of August 2019
- B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of August 19, 2019
- C. Consider Adoption of Resolution 2019-61 to Authorize a Notice of Completion for the Regional Urban Water Augmentation Project Recycled Water Pipeline and Blackhorse Recycled Water Reservoir to be filed with the Monterey County Recorder
- D. Consider Adoption of Resolution No. 2019-62 for the Purchase of Eight New Standby Generators and Six New Automatic Transfer Switches from Quinn Cat
- E. Consider Adoption of Resolution No. 2019-63 to Approve an Updated District Debt Management Policy

- F. Consider Adoption of Resolution No. 2019-64 to Approve the Addition of a Social Media Policy to the Board Procedures Manual
- G. Consider Voting for the Association of California Water Agencies Region 5 Board Slate Recommended by the Nominating Committee

**10. Action Items** *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to four minutes.*

- A. Consider Adoption of Resolution No. 2019-65 to Approve Amendment No. 4 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water

*Action: The Board of Directors will consider approving Amendment No. 4 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water.*

- B. Consider Adoption of Resolution Nos. 2019-66, 2019-67, and 2019-68 to: Award a Construction Management Professional Services Agreement to Harris and Associates; Amend an Engineering Professional Services Agreement with Carollo Engineers; and Amend an Environmental Professional Services Agreement with Denise Duffy & Associates; all three toward the Construction Phase of the Regional Urban Water Augmentation Project Distribution Pipelines Phase

*Action: The Board of Directors will consider awarding a Construction Management Professional Services Agreement to Harris and Associates; amend an Engineering Professional Services Agreement with Carollo Engineers; and amend an Environmental Professional Services Agreement with Denise Duffy & Associates; all three toward the construction phase of the Regional Urban Water Augmentation Project Distribution Pipelines Phase.*

- C. Consider Adoption of Resolution No. 2019-69 to Award an Engineering Professional Services Agreement to Whitson Engineers toward Design of the South Boundary Road Water Line Project

*Action: The Board of Directors will consider awarding an Engineering Professional Services Agreement to Whitson Engineers toward design of the South Boundary Road Water Line Project.*

- D. Consider Adoption of Resolution No. 2019-70 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement and Reimbursement Agreement between the Marina Coast Water District and the Marina Developers, Inc. for the Sea Haven Phase 3A Development Project

*Action: The Board of Directors will consider accepting improvements installed under an Infrastructure Agreement and Reimbursement Agreement the Marina Developers for the Sea Haven Development Phase 3A.*

- E. Consider Adoption of Resolution No. 2019-71 to Approve a Contract with Morgan Stanley to Serve as Underwriter for the District's Upcoming Issuance of Revenue Bonds

*Action: The Board of Directors will consider approving a contract with Morgan Stanley for underwriting services.*

- F. Consider Adopting Resolution No. 2019-72 to Approve One Additional Engineering Technician Position Within the Engineering Department

*Action: The Board of Directors will consider approving an additional position for the Engineering department.*

## **11. Staff Reports**

- A. Receive an Update on the Ord Lift Station and Force Main Project

**12. Informational Items** *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.*

- A. General Manager's Report

- B. Counsel's Report

- C. Committee and Board Liaison Reports

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|-----------------------------------|---|
| 1. Water Conservation Commission  | 7. LAFCO Liaison                        |
| 2. Joint City-District Committee  | 8. FORA                                 |
| 3. Executive Committee            | 9. WWOC Report                          |
| 4. Community Outreach Committee   | 10. JPIA Liaison                        |
| 5. Budget and Personnel Committee | 11. Special Districts Association       |
| 6. M1W Board Member Liaison       | 12. SVBGSA Liaison (Steering Committee) |

## **13. Correspondence**

## **14. Board Member Requests for Future Agenda Items**

**15. Director's Comments** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

**16. Adjournment** *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Monday, October 21, 2019, 6:30 p.m.,  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*