



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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

TEL: (831) 384-6131 FAX: (831) 883-5995

## DIRECTORS

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HERBERT CORTEZ  
PETER LE  
MATT ZEFFERMAN

## Agenda

**Regular Board Meeting/Board Workshop, Board of Directors  
Marina Coast Water District**

**and**

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

Monday, June 15, 2020, 6:30 p.m. PST

Due to Governor Newsom's Executive Order N-29-20 and recommendations on protocols to contain the spread of COVID-19, staff and Board members will be attending the May 18, 2020 meeting remotely from various locations and the meeting will be held via Zoom conference. There will be NO physical location of the meeting. The public is strongly encouraged to use the Zoom app for best reception.

There may be limited opportunity to provide verbal comments during the meeting. Persons who are participating via telephone will only be allowed to listen to the proceedings as there is no opportunity for them to be acknowledged for comments. If they wish to address the Board for public comment or on an item on the agenda, they are encouraged to submit comments in writing to Paula Riso at [priso@mcwd.org](mailto:priso@mcwd.org) by 9:00 am on Monday, June 15, 2020; such comments will be distributed to the MCWD Board before the meeting.

Members of the public participating by Zoom will be placed on mute during the proceedings and will be acknowledged only when public comment is allowed, after requesting and receiving recognition from the Board President.

This meeting may be accessed remotely using the following Zoom link:

<https://us02web.zoom.us/j/88098946889?pwd=Y3Q2MnFSUmMvTVlYdTQ5QUFzY0VZUT09>

Password: mcwd0615##

To participate via phone, please call: 1-669-900-9128; Meeting ID: 880 9894 6889 Password: 443154

***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

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 District offices at 11 Reservation Road and 2840 4<sup>th</sup> Avenue, Marina. 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): City of Marina Council Chambers. A complete Board packet containing all enclosures and staff materials will be available for public review on the District website, Wednesday, June 10, 2020. 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.

**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*

#### **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 Party 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

#### **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. 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

*Action: The Board of Directors will consider approving Amendment 2 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning.*

(Page 1)

\* \* \* \* \*

**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  
(Page 44)

**11. Consent Calendar**

- A. Receive and File the Check Register for the Month of May 2020  
(Page 49)
- B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of May 18, 2020  
(Page 55)
- C. Approve the Draft Minutes of the Special Joint Board/GSA Meeting of May 25, 2020  
(Page 67)
- D. Consider Adoption of Resolution No. 2020-33 to Approve the Proposed Landscape Incentive Program Changes  
(Page 70)
- E. Consider a Motion to Initiate a Survey with the Employees of Marina Coast Water District, Regarding Covid-19  
(Page 81)

**12. 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. 2020-34 to Approve a Service Agreement between Marina Coast Water District and the City of Del Rey Oaks

*Action: The Board of Directors will consider approving a Service Agreement between Marina Coast Water District and the City of Del Rey Oaks.*

(Page 83)

- 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

*Action: The Board of Directors will consider approving an Infrastructure Agreement between Marina Coast Water District and UCP East Garrison, LLC for the Phase 3 Condominiums Development Project.*

(Page 100)

- 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

*Action: The Board of Directors will consider approving a contract with Monterey Peninsula Engineers for construction of the Regional Urban Water Augmentation Project Distribution Mains.*

(Page 145)

- 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

*Action: The Board of Directors will consider amending the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services*

(Page 160)

- 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

*Action: The Board of Directors will consider approving a contract extension with the Pun Group to provide audit services to the District for Fiscal year 2019-2020.*

(Page 170)

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

*Action: The Board of Directors will consider approving the FY 2020-2021 budget.*

(Page 174)

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

*Action: The Board of Directors will consider approving the District's five-year Capital Improvement Projects budget for the Central Marina and Ord Community service areas.*

(Page 179)

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

*Action: The Board of Directors will consider appointing a negotiator to represent the District regarding a lease request of District owned Armstrong Ranch property.*

(Page 188)

### **13. Staff Reports**

- A. Receive a Report on the Fiscal Impacts to the District due to Covid-19  
(Page 191)

**14. 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

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| 1. Water Conservation Commission  | 6. M1W Board Member Liaison       |
| 2. Joint City-District Committee  | 7. LAFCO Liaison                  |
| 3. Executive Committee (Page 198) | 8. FORA                           |
| 4. Community Outreach Committee   | 9. JPIA Liaison                   |
| 5. Budget and Personnel Committee | 10. Special Districts Association |

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

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

### **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

**18. 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.*

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

*Regular Meeting: Monday, July 20, 2020, 6:30 p.m.*