



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HERBERT CORTEZ
PETER LE
MATT ZEPPERMAN

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**

Monday, August 17, 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 August 17, 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 need to press *9 to be acknowledged for comments. 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. Public comment can also be submitted in writing to Paula Riso at priso@mcwd.org by 9:00 am on Monday, August 17, 2020; such comments will be distributed to the MCWD Board before the meeting.

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

<https://us02web.zoom.us/j/89639956822?pwd=aG5jYm9TVGlrazg2am94Nm5FYjRRdz09>

Password: mcwd0817#

To participate via phone, please call: 1-669-900-9128; Meeting ID: 896 3995 6822 Password: 8251538900

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 District offices at 11 Reservation Road and 2840 4th 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, Thursday, August 13, 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.

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, Marina Coast WD, et al Defendants, 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) 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.)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Armstrong Ranch Property

Negotiating Parties: Sunberry Growers, LLC. and MCWD Negotiators (Legal Counsel and General Manager)

Under Negotiation: Price and Terms

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. 2020-49 in Recognition of Kelly Cadiente, Director of Administrative Services, for 10 Years of Service to the Marina Coast Water District
(Page 1)
- B. Consider Adoption of Resolution No. 2020-50 in Recognition of Keith Van Der Maaten, General Manager, for 5 Years of Service to the Marina Coast Water District
(Page 54)

9. Consent Calendar

- A. Receive and File the Check Register for the Month of July 2020
(Page 10)
- B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of July 20, 2020
(Page 15)
- C. Consider Renumbering Resolution No. 2020-41, Congratulating and Recognizing Joe Correa on his Retirement as the Electrical/Mechanical Field Supervisor with Nearly 28 Years of Service to MCWD, to Resolution No. 2020-48
(Page 24)
- D. Consider Adoption of Resolution No. 2020-51 to Authorize Notices of Completion for the Emergency Generator Project to be Filed with the Monterey County Recorder
(Page 27)

OPEN PUBLIC HEARING

10. Public Hearing

- A. Public Hearing for Proposed Changes in Water and Wastewater Capacity Fees for Central Marina and Ord Community Service Areas
(Page 35)

CLOSE PUBLIC HEARING

11. 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 Second Reading and Adoption of Ordinance No. 61 Approving New District Water and Wastewater Capacity Charges for the Central Marina and Ord Community Service Areas

Action: The Board of Directors will consider the second reading and adoption of Ordinance No. 61 to approve new District capacity charges for Marina water and wastewater for the Central Marina and Ord Community Service Areas.

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- B. Consider Complaints Against Director Le for Alleged Violations of the Board Procedure Manual and Provide Direction to Staff

Action: The Board of Directors will consider the complaints against Director Le for alleged violations of the Board Procedures Manual and provide direction to staff.

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- C. Consider Adoption of Resolution No. 2020-52 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Shea Homes Limited Partnership for the Dunes on Monterey Bay Phase 2 East Development Project

Action: The Board of Directors will consider approving a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes Limited Partnership for the Dunes Phase 2 East Development Project.

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- D. Consider Adoption of Resolution No. 2020-53 to Award a Contract to Calcon System for Installation, Programming, and Integration of Human Machine Interfaces at the District's Water and Sewer Pump Stations

Action: The Board of Directors will consider awarding a contract to Calcon System for installation, programming, and integration of Human Machine Interfaces at the District's water and sewer pump stations.

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- E. Consider Adoption of Resolution No. 2020-54 to Approve the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan Update and Authorize the General Manager to Enter into a Subgrantee Agreement with MPWMD for Prop 1 Funding Grant Administration

Action: The Board of Directors will consider approving the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan update and authorize General Manager to enter into a Subgrantee Agreement with MPWMD for Prop 1 Funding Grant Administration.

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

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

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- G. Consider Adoption of Resolution No. 2020-55 to Update Language in the Memorandums of Understanding with the Marina Coast Water District Employees Association and the Teamsters Local 890

Action: The Board of Directors will consider updating language in the Memorandums of Understanding with the Marina Coast Water District Employees Association and the Teamsters Local 890.

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12. Staff Reports

- A. Receive a Update on the Fiscal Impacts to the District due to Covid-19
(Page 361)

- B. Receive Information on the District's Water Quality Testing
(Page 367)

- C. Receive a Report on Current Capital Improvement Projects
(Page 369)

- D. Receive the Developer Account Update through March 31, 2020
(Page 372)

- E. Receive the 2nd Quarter 2020 MCWD Water Consumption Report
(Page 375)

- F. Receive the 2020 Sewer Flow Report through June 30, 2020
(Page 381)

- G. Receive a Report on 2020 Pure Water Monterey and MCWD Recycled Water Flows through June 30, 2020
(Page 383)

- H. Receive a Report on 2020 Potable Water Production through June 30, 2020
(Page 385)

13. 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 | 8. JPIA Liaison |
| 4. Community Outreach Committee | 9. Special Districts Association |
| 5. Budget and Personnel Committee | |

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, September 21, 2020, 6:30 p.m.