



# Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
Via Zoom Teleconference  
September 21, 2020

## Minutes

### 1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on September 21, 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:

Keith Van Der Maaten, General Manager  
Roger Masuda, District Counsel  
Kelly Cadiente, Director of Administrative Services  
Michael Wegley, District Engineer  
Derek Cray, Operations and Maintenance Manager  
Patrick Breen, Water Resources Manager  
Brian True, Senior Engineer  
Teo Espero, IT Administrator  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Chris Stump, Shea Homes

### 3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:35 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) 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

The Board ended closed session at 7:00 p.m. President Moore reconvened the meeting to open session at 7:01 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:

Director Zefferman 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 Items:

1. Consider Adoption of Resolution No. 2020-GSA03 to Approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for a Water System Supply and Analysis Study:

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

Vice President Shriner's made a motion to adopt Resolution No. 2020-GSA03 to approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for a Water System Supply and Analysis Study. Director Zefferman 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	-	No			

2. Consider Appointing a Board Member and Alternate to the MCWD Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency Steering Committee for Groundwater Sustainability Planning and Inter-Agency Coordination:

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

President Moore made a motion to appoint Director Zefferman as the Board representative to the MCWD Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency Steering Committee for Groundwater Sustainability Planning and Inter-Agency Coordination, and Vice President Shriner as the alternate. Director Cortez seconded the motion.

Agenda Item 8-A2 (continued):

The motion was passed by the following vote:

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

9. Return to Marina Coast Water District Matters:

10. Consent Calendar:

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of August 2020; B) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of August 17, 2020; and, C) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of August 27, 2020. 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			

11. Action Items:

- A. Consider Adoption of Resolution No. 2020-57 to Approve Amendment No. 6 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water, and Recycled Water:

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

Vice President Shriner made a motion to adopt Resolution No. 2020-57 to approve Amendment No. 6 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water, and Recycled Water. President Moore seconded the motion. The motion was passed by the following vote:

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

- B. Consider Adoption of Resolution No. 2020-58 to Approve an Assistance Agreement between the Marina Coast Water District and the State of California's Department of Parks and Recreation for the Fort Ord Dunes State Park Development Project:

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

Agenda Item 11-B (continued):

Vice President Shriner made a motion adopt Resolution No. 2020-58 to approve an Assistance Agreement between the Marina Coast Water District and the State of California's Department of Parks and Recreation for the Fort Ord Dunes State Park Development Project. Director Zefferman seconded the motion. The Board asked questions regarding maintenance of the pipeline and who was responsible for any spills.

Vice President Shriner amended her motion to adopt Resolution No. 2020-58 to approve an Assistance Agreement between the Marina Coast Water District and the State of California's Department of Parks and Recreation for the Fort Ord Dunes State Park Development Project, adding to the As-Builts a clear delineation of who is responsible for repairs and maintenance, and to review the Ordinances to consider if clarity may be needed in the future. Director Zefferman 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			

- C. Consider Adoption of Resolution No. 2020-59 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes Limited Partnership for the Dunes 1C3 Development Project:

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

Director Zefferman made a motion adopt Resolution No. 2020-59 to accept the infrastructure improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes Limited Partnership for the Dunes 1C3 Development Project. 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			

- D. Consider Adoption of Resolution No. 2020-60 to Approve Utility Agreement No. MCWD-2020-1 with the City of Marina for the Imjin Parkway Widening Project:

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

Vice President Shriner made a motion adopt Resolution No. 2020-60 to Approve Utility Agreement No. MCWD-2020-1 with the City of Marina for the Imjin Parkway Widening Project. Director Cortez 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. 2020-61 to Award a Contract to Raftelis Financial Consultants, Inc. to Provide a Recycled Water Rate Fee Study to the District:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2020-61 to award a contract to Raftelis Financial Consultants, Inc. to provide a Recycled Water Rate Fee Study to the District. 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			

12. Staff Reports:

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

Ms. Cadiente introduced this item and explained some of the delinquencies were attributed to multi-family residences.

13. Informational Items:

- A. General Manager's Report:

No report was given.

- B. Counsel's Report:

No report was given.

- C. Committee and Board Liaison Reports:

- 1. Water Conservation Commission:

No meeting was held.

- 2. Joint City District Committee:

President Moore stated that the next meeting is scheduled for October 28th.

- 3. Executive Committee:

President Moore stated that the next meeting is scheduled for October 13th.

4. Community Outreach Committee:

Director Zefferman and Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Vice President said no meeting was held in September.

6. M1W Board Member:

President Moore gave a brief update noting the next meeting is September 28th.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. JPIA Liaison:

Director Le stated there was no report.

9. Special Districts Association Liaison:

President Moore noted the next meeting was scheduled for October 20th and will held via Zoom.

14. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests. Director Cortez suggested the Executive Committee review Ordinances in case there are any changes needed; and, to review the template used for District vendors. Director Le requested the quarterly water consumption report.

Director Zefferman called a Point of Order noting that Director Le's censure barred him from placing items on the agenda after his censure last month. President Moore asked for a legal interpretation of the ban placed on Director Le last month. Mr. Masuda answered that Director Le can request items to be placed on the agenda, but the Board would have to vote on whether to place them on the agenda or not.

Director Le requested to have the quarterly water consumption report; look at fire flow adequacy for the service area; and, to look at records of fire hydrant flow tests.

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:59 p.m.

APPROVED:



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Thomas P. Moore, President

ATTEST:



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Paula Riso, Deputy Secretary