



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
March 15, 2021

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:31 p.m. on March 15, 2021 via Zoom teleconference in Marina, California, with a land acknowledgement. “As Marina Coast Water District celebrates its 60th year providing publicly owned water service to its customers in Marina and the Ord Community, we acknowledge that our service area is located on the traditional lands of the Esselen people. They are known today as the Ohlone/Costanoan-Esselen Nation. We respect their elders, past, present, and emerging, for they hold the memories, traditions, culture, and hopes of the Esselen people. We also acknowledge the government of the Ohlone/Costanoan Esselen Nation and appreciate the spiritual role it plays today in preserving the cultural, historical and heritage beliefs of the Esselen people. We are grateful that they share their traditional lands with us.”.

2. Roll Call:

Board Members Present:

Jan Shriner – President
Thomas P. Moore – Vice President
Herbert Cortez
Gail Morton
Matt Zefferman

Board Members Absent:

None

Staff Members Present:

Derek Cray, Interim General Manager/Operations and Maintenance Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Don Wilcox, Senior Engineer
Brian True, Senior Engineer
Andrew Racz, Associate Engineer
Patrick Breen, Water Resources Manager
Teo Espero, IT Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Scott Schumacher, Anderson Pacific
Remleh Scherzinger
Melanie Carrido, Psomas

Peter Anderson, Anderson Pacific
Erin Harwayne, DD&A
Doug Yount, Shea Homes
Gary Skrel, Psomas

3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:34 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.)
- 6) California-American Water Company v. All Persons Interested..., Complaint for Reverse Validation, Monterey County Superior Court Case No. 20CV002436, and Marina Coast Water District's consideration of joining that case

The Board ended closed session at 7:09 p.m. President Shriner reconvened the meeting to open session at 7:10 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:

Vice President Moore led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Consent Calendar:

Mr. Derek Cray, Interim General Manager/Operations and Maintenance Manager, noted that there were several typos in the February 16th meeting minutes where Mr. Valentin's name was misspelled. He noted that staff would correct the spelling. Mr. Cray also noted that pages 116 and 117 were duplicates and page 116 was the correct page with the correct date. Director Zefferman requested to pull Item 8-C from the 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 February 2021; B) Receive the Quarterly Financial Statements for October 1, 2020 to December 31, 2020; D) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 1, 2021; E) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 6, 2021; and, F) Consider Revised Director Appointments to Committees of the Board and to Outside Agencies for 2021, and as Negotiators to any Ad Hoc Committees of the Board. Director Morton seconded the motion. The motion was passed by the following vote:

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

C. Consider Approving the Draft Minutes of the Regular Joint Board/GSA Meeting of February 16, 2021:

Director Zefferman noted that he abstained on Item 11-B, Page 4 of the minutes.

Director Zefferman made a motion to approve the draft minutes of the Regular Joint Board/GSA Meeting of February 16, 2021 with the above-mentioned correction. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

9. Action Items:

- A. Consider Adoption of Resolution No. 2021-15 to Adopt the Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan for the A1/A2 Reservoirs and B/C Zones Booster Pump Station Project:

Mr. Brian True, Senior Civil Engineer, introduced this item and explained how this important project will benefit all the District customers and replace a decrepit and failing booster station. He then introduced Ms. Erin Harwayne, DD&A, who reviewed the Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan with the Board. The Board asked clarifying questions.

Director Morton made a motion to adopt Resolution No. 2021-15 Adopting the Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan for the A1/A2 Reservoirs and B/C Zones Booster Pump Station Project. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

- B. Consider Adoption of Resolution No. 2021-16 Authorizing the A1/A2 Reservoir and B/C Booster Pump Station Project – CIP # GW-0112 and to Amend the FY 2020-2021 Capital Improvement Budget:

Mr. True introduced this item reiterating that this project is very important and will benefit all District customers.

Director Zefferman made a motion to adopt Resolution No. 2021-16 authorizing the A1/A2 Reservoir and B/C Booster Pump Station Project – CIP # GW-0112; to amend the FY 2020-2021 Capital Improvement Budget; and, to authorize the Interim General Manager to issue a Notice of Award, to execute the Construction and Professional Services Contracts and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution. Director Morton seconded the motion. Vice President Moore asked what would happen if for some reason the District is unable to move forward with the project at this proposed site. Mr. Don Wilcox, Senior Civil Engineer, answered that the District would have to renegotiate with the contractor. Director Morton asked if Director Zefferman would amend his motion to include: "...and, to authorize the Interim General Manager to issue a Notice of Award, to execute the Construction and Professional Services Contracts and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution with revisions and approval of legal counsel."

Director Zefferman amended his motion to include "with revisions and approval of legal counsel" as proposed by Director Morton. Director Morton seconded the amended motion. Mr. Doug Yount, Shea Homes, encouraged the Board to approve the project and thanked Mr. True for all his work.

Agenda Item 9-B (continued):

The motion was passed by the following vote:

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

- C. Consider Adoption of Resolution No. 2021-17 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Marina Developers, LLC for the Sea Haven Phase 3B Development Project:

Mr. Andrew Racz, Associate Engineer, introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to table this item until next month to allow staff time to make clarifications/corrections to the agreement regarding occupancy and capacity charges. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

- D. Consider Providing Direction Regarding the Nomination to the Coastal Network, Seat A, of the California Special Districts Association Board:

There was no interest from any Director in running for this seat. No action was taken on this item.

- E. Receive the Marina Coast Water District FY 2020-2021 Mid-Year Report:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and reviewed the consolidated financial activity through December 31, 2020. The Board asked clarifying questions.

Director Morton made a motion to receive the Marina Coast Water District FY 2020-2021 Mid-Year Report. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

10. Staff Reports:

- A. Receive an Update on the Fiscal Impacts to the District due to Covid-19:

Ms. Cadiente introduced this item and reviewed the revenues, delinquent accounts, and a comparison of 2019-2020 and 2020-2021 customer payments. The Board asked clarifying questions.

Director Zefferman made a motion to continue past 10:00 p.m. until the agenda items are completed. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

11. Informational Items:

A. General Manager's Report:

Mr. Cray informed the Board that District employees are now eligible for Covid vaccines.

B. Counsel's Report:

There was no report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Mr. Breen stated no meeting was held.

2. Joint City District Committee:

President Shriner stated that there was no meeting.

3. Executive Committee:

Vice President Moore stated they met, and the next meeting is scheduled for April 6th. President Shriner gave a brief update of the meeting.

4. Community Outreach Committee:

Director Cortez and Director Zefferman gave a brief update.

5. Budget and Personnel Committee:

Director Cortez gave a brief update.

6. M1W Board Member:

Vice President Moore stated they met on February 22nd and gave a brief update.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. JPIA Liaison:

No report was given.

9. Special Districts Association Liaison:

Vice President Moore said the next meeting is April 20th. President Shriner gave a brief update.

10. MCWD/SVBGSA Steering Committee:

Director Zefferman stated there was no meeting held.

12. Board member Requests for Future Agenda Items:

President Shriner noted that the Board members can email in their requests. Director Zefferman asked to discuss climate change and how to save energy in the new building.

13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 10:13 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary