



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
April 19, 2021

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:30 p.m. on April 19, 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
Gail Morton

Board Members Absent:

Herbert Cortez
Matt Zefferman

Staff Members Present:

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

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Audrey Cray
Paula Pelot

Dan Garson
Kadidia Cooper
Michael Slater

3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:32 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

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Initiation of Litigation

One potential case

The Board ended closed session at 7:13 p.m. President Shriner reconvened the meeting to open session at 7:14 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:

Mr. Remley Scherzinger, General Manager, led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Presentation:

- A. Consider Adoption of Resolution No. 2021-19 to Recognize and Appreciate Derek Cray, Operations and Maintenance Manager, for Dedicated and Outstanding Service During his Time as the Interim General Manager to the Marina Coast Water District:

President Shriner thanked Mr. Cray for his dedicated work as the Interim General Manager in the months following the departure of the Mr. Van Der Maaten.

Vice President Moore made a motion to adopt Resolution No. 2021-19 recognizing and appreciating Derek Cray, Operations and Maintenance Manager, for dedicated and outstanding service during his time as the Interim General Manager to the Marina Coast Water District. Director Morton seconded the motion. The motion was passed by the following vote:

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

General Manager Scherzinger announced that staff recommended pulling Agenda Item 11 from the agenda.

Vice President Moore made a motion to pull Agenda Item 11 (Budget Workshop) from the agenda and postpone it to a date determined by the Executive Committee. Director Morton seconded the motion. The motion was passed by the following vote:

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

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of March 2021; B) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 11, 2021; C) Consider Approving the Draft Minutes of the Regular Joint Board/GSA Meeting of March 15, 2021; D) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 17, 2021; E) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 24, 2021; F) Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of March 31, 2021; and, G) Consider Adoption of Resolution No. 2021-20 to Approve the Updated 2021 District Maintenance Management Plan. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2021-21 to Amend the FY 2020-2021 Capital Improvement Program to Add Intermediate Reservoir Tank Recoating, and Valve Replacement:

Mr. Don Wilcox, Senior Civil Engineer, introduced this item. The Board asked clarifying questions.

Director Morton made a motion to adopt Resolution No. 2021-21 amending the FY 2020-2021 Capital Improvement Program to Add Intermediate Reservoir Tank Recoating, and Valve Replacement. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

- B. Consider Adoption of Resolution No. 2021-22 To Amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Gigling Sanitary Sewer Force Main Replacement Design:

Mr. Andrew Racz, Associate Engineer, introduced this item. Vice President Moore asked questions regarding the alignment of the force main.

Vice President Moore made a motion to amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Gigling Sanitary Sewer Force Main Replacement Design. President Shriner seconded the motion.

Agenda Item 10-B (continued):

The motion was passed by the following vote:

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

- 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. Racz introduced this item. The Board asked clarifying questions including adding language about the annual escalation of Capacity Charges in conjunction with the Engineering News Records Construction Cost Index, to the agreement.

Vice President Moore made a motion 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; and, to direct Legal Counsel to add to Section 6.1 clarifying that the capacity charges are “as-is and as-included” in the Ordinance. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

- D. Consider Adoption of Resolution No. 2021-23 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Monterey Peninsula Management Group for the Abdy Way Subdivision Development Project:

Mr. Brian True, Senior Civil Engineer, introduced this item. The Board asked clarifying questions regarding recycled water infrastructure.

Vice President Moore made a motion Adoption of Resolution No. 2021-23 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Monterey Peninsula Management Group for the Abdy Way Subdivision Development Project; and, to direct Legal Counsel to add to Section 6.1 the same clarifying language as in the previous Agenda Item. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

- E. Consider Adoption of Resolution No. 2021-24 to Approve Amendment No. 9 to the Professional Services Agreement with Carollo Engineers for Design of the Regional Urban Water Augmentation Project Distribution Mains Project – CIP #RW-0174:

Mr. Wilcox introduced this item and explained that due to the cost estimates for the project coming in lower than anticipated, there are funds still available in the State Revolving Fund (SRF) Loan that can be used to complete several more sections of pipeline. The Board asked clarifying questions on the proposed pipeline segments P-3, P-7, P-9, P-10, and P-6.

Director Morton made a motion to direct staff to bring back with further instruction on the appropriate SRF grant and loan financing restrictions as to the application to the completion of P-7, P-10, P-9, and P-6. President Shriner seconded the motion. Discussion followed. The motion was passed by the following vote:

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

- F. Consider Approval of the 2020 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item and reviewed the 2020 Consumer Confidence Report (CCR) with the Board. 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 asked if the motion included a correction to the typo on page 4 of the CCR for the PFHxA and PFBS “greaser” to “degreaser”. Director Morton affirmed her motion included all typos. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

- G. Discuss and Consider Appointing a Director to Represent the District in an Official Capacity for the May 12th East Garrison Community Services District Meeting:

Mr. Cray introduced this item explaining that the East Garrison Community Services District is interested in having a representative from the District speak at their May 12th meeting.

General Manager Scherzinger noted that Director Zefferman sent a statement regarding this Agenda Item and read the statement into record. “After our board nomination process, I contacted Teri Short, East Garrison Community Service District president, about how the district could do better outreach to our rate payers in East Garrison. I am concerned about combating misinformation about the district and think it is important to get good information out there. One of the possibilities that we discussed was participation by the district in the May EGCS District meeting.

Agenda Item 10-G (continued):

However, I recognize that whoever represents the district at the meeting would want to be prepared to answer any questions that might arise since many of the potential topics are complicated and may require participation by staff to adequately address. I am sorry that I will be unable to participate in tonight's meeting and I hope an EGCSO representative will be there. If the board feels like it does not have enough information to commit to the EGCSO board meeting in May, I would like to suggest either the formation of a two-member ad hoc committee to meet with an ad hoc committee from the EGCSO to discuss a forum for East Garrison members or the expansion of the role of the Joint City District standing committee or community outreach committee for the same purpose. I volunteer to serve on an ad hoc committee and am already a member of the two other committees. I think outreach to EGCSO and our other rate payers is important, but I also want to make sure that the district has enough information to put its best foot forward. – Director Zefferman”.

Director Morton made a motion to appoint Vice President Moore, Director Zefferman, and General Manager Scherzinger to attend the meeting and to focus on what services MCWD provides to those who reside within the East Garrison Community. Vice President Moore seconded the motion. Discussion followed. The motion was passed by the following vote:

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

12. Staff Reports:

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

Ms. Cadiente gave a brief update noting that the charts for ‘Unpaid Balances for the Ord Community’ and Unpaid Balances By ST Category (Ord Community) have been revised.

B. Receive the 1st Quarter 2021 MCWD Water Consumption Report:

Ms. Cadiente reviewed this item.

C. Receive the 1st Quarter 2021 Sewer Flow Report:

Ms. Cadiente reviewed this item.

D. Receive 1st Quarter Report on Pure Water Monterey and MCWD Recycled Water Flows through March 31, 2021:

Mr. Cray introduced this item. Vice President Moore suggested to put the units in the total.

E. Receive a Historic 5-Year Sewer Flow Report:

Mr. Cray introduced this item. Vice President Moore suggested having the vertical axis start at zero.

F. Receive a Report on Potable Water Production through March 31, 2021:

Mr. Cray introduced this item.

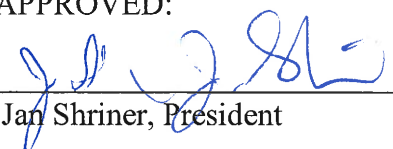
Vice President Moore made a motion to move Items 13-16 to the next meeting. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

14. Adjournment:


The meeting was adjourned at 10:00 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary