



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
May 17, 2021

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:30 p.m. on May 17, 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:

Remleh Scherzinger, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Don Wilcox, Senior Engineer/Interim District Engineer
Andrew Racz, Associate Engineer
Elise Ramirez, 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
Stephenie Verduzco
Sarah Babcock

Susan Kiefert
Paul Scuito, Monterey One Water
Mike McCullough, Monterey One Water

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

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

Conference with Legal Counsel – Initiation of Litigation

One potential case

Agenda Item 4 (Continued):

- C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:03 p.m. President Shriner reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken During Closed Session:

Mr. Roger Masuda, District Counsel, confirmed 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. Presentations:

- A. Adopt Resolution No. 2021-25 Congratulating and Recognizing Susan Kiefert on her Retirement as the Customer Service/Billing Representative II with 37 Years of Service to Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2021-25 congratulating and recognizing Susan Kiefert on her retirement as the Customer Service/Billing Representative II with 37 years of service to Marina Coast Water District. Director Cortez seconded the motion. Ms. Kiefert thanked the District and stated that she was ready to become a full-time retiree and grandma. Vice President Moore thanked Ms. Kiefert for her years of service to the District. Ms. Sarah Babcock congratulated Ms. Kiefert on her retirement and wished her all the best. 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. Receive a Presentation from Monterey One Water on Their Proposed Prop. 218 Rate Increase:

Mr. Paul Scuito, Monterey One Water General Manager, gave a presentation on their proposed rate increase his agency is proposing. He explained the reason for the increase was needed to fund all the Agency costs. The Board asked clarifying questions.

Agenda Item 8-B (Continued):

Director Morton made a motion to receive the presentation from Monterey One Water on their proposed Prop. 218 rate increase. 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			

C. Receive a Presentation on the Draft 2020 Urban Water Management Plan:

Mr. Andrew Sterbenz, Schaaf & Wheeler, introduced this item and gave a brief presentation on the draft 2020 Urban Water Management Plan. The Board asked clarifying questions.

Director Morton made a motion to receive the presentation on the draft 2020 Urban Water Management Plan. 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. Consent Calendar:

Director Zefferman requested to pull Item 9-C from the Consent Calendar. Director Cortez requested to pull Item 9-E from the 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 April 2021; B) Receive the Quarterly Financial Statements for January 1, 2021 to March 31, 2020; D) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of May 3, 2021; and F) Adopt Resolution No. 2021-27 to Approve Amendment No. 1 to the Professional Services Agreement with Psomas for Construction Management of the Seaside Senior Living Sanitary Sewer Force Main By-Pass Project. 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 April 19, 2021:

Director Zefferman noted that he pulled the item to vote on it separately.

Agenda Item 9-C (Continued):

Director Zefferman made a motion to approve the draft minutes of the Regular Joint Board/GSA Meeting of April 19, 2021. 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	-	Abstained			

E. Adopt Resolution No. 2021-26 Proclaiming the Week of May 16-22, 2021 National Public Works Week:

Director Cortez acknowledged staff's hard work behind the scenes to support the community, especially during the last year. He thanked them for their hard work and wanted to make sure they knew the Board appreciated them.

Vice President Moore made a motion to adopt Resolution No. 2021-26 proclaiming the week of May 16-22, 2021 National Public Works Week. 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			

10. Action Items:

A. Adopt Resolution No. 2021-28 to Award a Construction Contract to Process Measurement Group dba Toledo Industrial Coatings for the Intermediate Reservoir Recoating Project – CIP #GW-0311 in the Amount of \$159,500 with a 10% Contingency; and, Authorize the General Manager to Execute the Necessary Documents:

Mr. Don Wilcox, Senior Engineer/Interim District Engineer, introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2021-28 to award a Construction Contract to process Measurement Group dba Toledo Industrial Coatings for the Intermediate Reservoir Recoating Project – CIP #GW-0311 in the amount of \$159,500 with a 10% contingency; and, authorize the General Manager to execute the necessary documents. 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			

- B. Adopt Resolution No. 2021-29 to Award a Construction Contract to Anderson Pacific Engineering Construction, Inc. for the Intermediate Reservoir Valve Replacement Project – CIP #GW-0312:

Mr. Wilcox introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2021-29 to Award a Construction Contract to Anderson Pacific Engineering Construction, Inc. for the Intermediate Reservoir Valve Replacement Project – CIP #GW-0312. 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			

- C. Adopt Resolution No. 2021-30 Approving an Amendment to the On-Call Engineering Services Agreement with Harris & Associates for Ongoing Construction Support Services at the Dunes on Monterey Bay Phase 2 East Development Project:

Ms. Elise Ramirez, Associate Engineer, introduced this item. The Board asked clarifying questions regarding inspections.

Vice President Moore made a motion to approve an Amendment to the On-Call Engineering Services Agreement with Harris & Associates for ongoing construction support services at the Dunes on Monterey Bay Phase 2 East Development Project with the proviso that the contract terms be reviewed to ensure that Harris & Associates is accountable for compliance with the wording in all the District Ordinances and requirements. 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			

- D. Adopt Resolution No. 2021-31 to Authorize the General Manager to Enter into a Facility Lease Agreement with the University of Miami for the Temporary Installation of Oceanographic and Meteorological Research Instrumentation on MCWD Property:

Director Zefferman stated he would recuse himself from this agenda item as he felt there was a perceived conflict since he works for the Naval Postgraduate School. Director Zefferman logged out of the Zoom meeting. Vice President Moore asked District Counsel if he needed to recuse himself from this agenda item although he is employed by the Naval War College and not the Naval Postgraduate School. Mr. Masuda answered that Vice President Moore did not need to recuse himself from this agenda item.

Mr. Andrew Racz, Associate Engineer, introduced this item explaining that the District's Reservation Road property was an ideal research site for this project.

Agenda Item 10-D (Continued):

Director Morton made a motion to adopt Resolution No. 2021-31 to authorize the General Manager to enter into a Facility Lease Agreement with the University of Miami for the temporary installation of oceanographic and meteorological research instrumentation on MCWD property. 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	-	Absent/Recused			

Vice President Moore suggested the District send out a press release regarding this project.

11. Staff Report:

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

Ms. Cadiante introduced this item and reviewed the revenues, and delinquent accounts. She also stated that a friendly reminder letter, with financial assistance information, was sent to delinquent account holders.

12. Informational Items:

A. General Manager's Report:

Mr. Scherzinger commented that the Human Resources Department has been working on the Covid Plan to prepare for the transition being considered by the State and County. He also informed the Board that he met and introduced himself to the City Managers of Del Rey Oaks and Seaside, and Monterey Peninsula Water Management District's, Dave Stoldt.

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:

Vice President Moore stated the meeting was scheduled for May 26th.

3. Executive Committee:

Vice President Moore stated they met, and the next meeting is scheduled for June 1st.

4. Community Outreach Committee:

Director Cortez stated the next meeting is scheduled for June 1st.

5. Budget and Personnel Committee:

President Shriner gave a brief update and said the next meeting is scheduled for June 1st.

6. M1W Board Member:

Vice President Moore stated the next meeting is scheduled for May 27th and a Budget Workshop is scheduled for June 7th.

7. LAFCO Liaison:

Director Cortez stated the next meeting is scheduled for May 24th.

8. JPIA Liaison:

Director Morton stated there was nothing to report.

9. Special Districts Association Liaison:

Vice President Moore gave a brief update.

10. MCWD/SVBGSA Steering Committee:

Mr. Breen said the meeting was canceled.

13. Board member Requests for Future Agenda Items:

President Shriner noted that the Board members can email in their requests and asked to schedule an update to the Strategic Plan.

14. Director's Comments:

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

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15. Adjournment:

The meeting was adjourned at 9:55 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary