

# REVISED CLOSED SESSION - MAY 15, 2020



## MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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### DIRECTORS

THOMAS P. MOORE  
President

JAN SHRINER  
Vice President

HERBERT CORTEZ  
PETER LE  
MATT ZEFFERMAN

### Agenda

**Regular Board Meeting/Board Workshop, Board of Directors  
Marina Coast Water District**

and

**Regular Board Meeting, Board of Directors  
Marina Coast Water District Groundwater Sustainability Agency**

Monday, May 18, 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 May 18, 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 only be allowed to listen to the proceedings as there is no opportunity for them to be acknowledged for comments. If they wish to address the Board for public comment or on an item on the agenda, they are encouraged to submit comments in writing to Paula Riso at [priso@mcwd.org](mailto:priso@mcwd.org) by 9:00 am on Monday, May 18, 2020; such comments will be distributed to the MCWD Board before the meeting.

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.

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

<https://us02web.zoom.us/j/89701728703?pwd=dHpwNXFKaThlMzFpUXVZdHhqLzRtQT09>

Password: 05182020

To participate via phone, please call: 1-669-900-9128; Meeting ID: 897 0172 8703 Password: 05182020

***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 4<sup>th</sup> 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, Wednesday, May 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, 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)**

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

Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation – One Potential Case

#### 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. 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 Adoption of Resolution No. 2020-27 to Receive the WaterDM Report and to Approve Submitting a Letter to the State Water Resources Control Board Regarding the Report's Conclusions and Supporting the Expansion of the Pure Water Monterey Project as an Alternative to the Monterey Peninsula Water Supply Project Desalination Proposal

*Action: The Board of Directors will receive a WaterDM report and consider sending a letter to the State Water Resources Control Board in support of the expansion of Pure Water Monterey.*

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## **9. Marina Coast Water District Groundwater Sustainability Agency Matters**

### **A. Action Item**

1. Consider Adoption of Resolution No. 2020-02 to Approve Amendment 2 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning

*Action: The Board of Directors will close the public hearing and consider approving the 180/400 Foot Aquifer Groundwater Sustainability Plan for the Marina Coast Water District Groundwater Sustainability Agency.*

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## **10. Return to Marina Coast Water District Matters**

## **11. Consent Calendar**

- A. Receive and File the Check Register for the Month of April 2020
- B. Receive the Quarterly Financial Statements for January 1, 2020 to March 31, 2020
- C. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of April 20, 2020
- D. Approve the Draft Minutes of the Regular Board Meeting/Budget Workshop of April 28, 2020
- E. Consider Adoption of Resolution No. 2020-28 Proclaiming the Week of May 17-23, 2020 National Public Works Week

**12. 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 Adoption of Resolution No. 2020-29 to Accept the Water, Sewer, and Recycled Water Master Plans

*Action: The Board of Directors will consider accepting the Water, Sewer, and Recycled Water Master Plans.*

- B. Consider Adoption of Resolution No. 2020-30 to Approve Amendment No. 8 with Denise Duffy & Associates under their RUWAP On-Call Professional Services Agreement to provide Environmental Services for the Regional Urban Water Augmentation Project Distribution Mains Project

*Action: The Board of Directors will consider approving Amendment No. 8 with Denise Duffy & Associates under their RUWAP On-Call Professional Services Agreement to provide environmental services for the Regional Urban Water Augmentation Project Distribution Mains Project.*

- C. Consider Adoption of Resolution No. 2020-31 to Approve Task Order 18 with Harris & Associates under their On-Call Professional Services Agreement to Provide Construction Support Services for the Lower Stilwell Neighborhood Improvements Project, Phase 1

*Action: The Board of Directors will consider authorizing Task Order 18 with Harris & Associates under their On-Call Professional Services Agreement to provide construction support services for the Lower Stilwell Neighborhood Development, Phase 1 Improvements Project.*

- D. Receive the Revised Draft FY 2020-2021 District Budget and Update on the Budget Process

*Action: The Board of Directors will receive the revised draft budget for FY 2020-2021 and an update on the budget process.*

- E. Consider Establishment of a Marina Coast Water District Customer Assistance Program

*Action: The Board of Directors will consider establishing a customer assistance program.*

### **13. Staff Reports**

- A. Receive a Report on the Fiscal Impacts to the District due to Covid-19
- B. Receive a Report on Current Capital Improvement Projects
- C. Receive the 1st Quarter 2020 MCWD Water Consumption Report
- D. Receive the 2020 Sewer Flow Report through March 31, 2020

**14. 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

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|-----------------------------------|-----------------------------------|
| 1. Water Conservation Commission  | 7. LAFCO Liaison                  |
| 2. Joint City-District Committee  | 8. FORA                           |
| 3. Executive Committee            | 9. WWOC Report                    |
| 4. Community Outreach Committee   | 10. JPIA Liaison                  |
| 5. Budget and Personnel Committee | 11. Special Districts Association |
| 6. M1W Board Member Liaison       |                                   |

**15. Board Member Requests for Future Agenda Items**

**16. Director's Comments** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

**17. Adjournment** *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Monday, June 15, 2020, 6:30 p.m.,  
Via Videoconference Meeting*