



# Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
211 Hillcrest Avenue, Marina  
March 16, 2020

## Minutes

### 1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on March 16, 2020 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

### 2. Roll Call:

#### Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Peter Le  
Matt Zefferman

#### Board Members Absent:

Herbert Cortez

#### Staff Members Present:

Keith Van Der Maaten, General Manager  
David Hobbs, District Counsel  
Kelly Cadiente, Director of Administrative Services  
Derek Cray, Operations and Maintenance Manager  
Michael Wegley, District Engineer  
Elise Ramirez, Associate Engineer  
Brian True, Senior Engineer  
Teo Espero, IT Administrator

#### Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Philip Clark, Seaside Resident, WCC Member  
Dan Coughlin, Joby Aviation  
Candace Cuisinier, MCWD Employee  
Lyssa Farrell, MCWD Employee  
Susan Kiefert, MCWD Employee  
Barbara Montanti, MCWD Employee

### 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) 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.)
- 2) 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)
- 3) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 4) 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)

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

Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation – Two Potential Cases

The Board ended closed session at 7:03 p.m.

President Moore reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. David Hobbs, District Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Ms. Paula Riso, Executive Assistant/Clerk to the Board, led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments.

8. Presentation:

- A. Consider Adoption of Resolution No. 2020-08 in Recognition of Candace Cuisinier, Customer Service/Billing Representative II, for 5 Years of Service to the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2020-08 recognizing Candace Cuisinier for 5 years of service to the Marina Coast Water District. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

President Moore read the narration into the record and presented Ms. Cuisinier with a gift certificate.

9. Consent Calendar:

Director Le requested to pull items B, C, E, and G from the Consent Calendar. Director Zefferman said he also wanted to pull item E from the Consent Calendar.

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive the Check Register for the Month of February 2020; D) Consider Adoption of Resolution No. 2020-10 to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group; and F) Approve the Draft Revised Minutes of the Regular Joint/Board Meeting of January 29, 2020. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

- B. Consider Adoption of Resolution No. 2020-09 to Approve the 2020 District Technology Plan Appendix for FY 2020-2021:

Director Le and President Moore asked clarifying questions regarding payment processing, email policies, servers, and Windows operating systems.

Director Zefferman made a motion to adopt Resolution No. 2020-09 approving the 2002 District Technology Plan Appendix for FY 2020-2021. Vice President Shriner seconded the motion.

Agenda Item 9-B (continued):

The motion was passed by the following vote:

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

C. Receive the FY 2020-2021 Draft Budget Schedule and Set Date for the 2020-2021 Budget Workshop:

Director Le asked clarifying questions regarding the schedule and capacity fees.

Director Zefferman made a motion to receive the FY 2020-2021 draft budget schedule and set the date for the 2020-2021 budget workshop for April 6, 2020. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

E. Consider Adoption of Resolution No. 2020-11 to Approve the Updated 2020 District Maintenance Management Plan:

Director Zefferman asked clarifying questions regarding averaging the numbers in the tables. Director Le asked to add the date of August 2021 to the Recycled Water system and inquired on the flow going through the transmission line.

Vice President Shriner made a motion to adopt Resolution No. 2020-11 approving the updated 2020 District Maintenance Management Plan with the recycled water date change. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

G. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of February 25, 2020:

Director Le stated he pulled this item to vote on it separately.

Vice President Shriner made a motion to approve the draft minutes of the Regular Joint Board/GSA Meeting of February 25, 2020. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

10. Action Items:

A. Consider Appointing an Ad Hoc Committee for Board-Staff Coordination:

Mr. Van Der Maaten, General Manager, introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to have the President appoint an Ad Hoc Committee for Board-staff coordination. Director Zefferman seconded the motion. President Moore asked if Director Le was interested in being a member of the committee. Director Le declined. President Moore asked if Director Zefferman was interested in being a member of the committee. Director Zefferman answered affirmatively. President Moore appointed himself and Director Zefferman to the Ad Hoc Committee. The motion was passed by the following vote:

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

B. Consider Adoption of Resolution No. 2020-12 Approving Revisions to the Water, Sewer, and Recycled Water Infrastructure Agreement Template:

Mr. Brian True, Senior Engineer, introduced this item and reviewed the proposed changes. The Board asked clarifying questions and made suggested changes.

Vice President Shriner made a motion to approve revisions to the Water, Sewer, and Recycled Water Infrastructure Agreement Template. Director Zefferman seconded the motion. Discussion followed.

Vice President Shriner amended her motion to approve revisions to the Water, Sewer, and Recycled Water Infrastructure Agreement Template with the addition of “potable” to Revision 2, Section 1.2 to read “The potable water allocation for this project...”. Director Zefferman seconded the amended motion. The motion to take no action was passed by the following vote:

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

C. Consider Adoption of Resolution No. 2020-13 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Joby Aviation for the Joby Aviation Tent Phase Development Project:

Mr. True introduced this item and introduced Mr. Dan Coughlin, Joby Aviation. Mr. Coughlin gave a brief presentation. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2020-13 approving a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Joby Aviation for the Joby Aviation Tent Phase Development Project. President Moore seconded the motion. Discussion on water allocation followed.

Agenda Item 10-C (continued):

The motion was passed by the following vote:

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

- D. Consider Adoption of Resolution No. 2020-14 to Award a Construction Contract to GSE Construction, Inc. for the Imjin Lift Station Improvement Project; Consider Adoption of Resolution No. 2020-15 to Approve Amendment No. 2 to the Professional Services Agreement with GHD, Inc. for Engineering Services During Construction of the Imjin Lift Station Improvement Project; and Consider Adoption of Resolution No. 2020-16 to Approve Task Order 17 to the On-Call Professional Services Agreement with Harris and Associates for the Imjin Lift Station Improvement Project; and, Consider Adoption of Resolution No. 2020-17 to Amend the FY 2019-2020 Capital Improvement Budget for the Imjin Lift Station Improvement Project:

Mr. Michael Wegley, District Engineer, introduced this item and introduced Ms. Elise Rameriz, Associate Engineer, noting that she joined the District in November.

Ms. Rameriz gave a brief background on the Imjin Lift Station Improvement Project. The Board asked clarifying questions. Ms. Kelly Cadiente, Director of Administrative Services, noted that Resolution No. 2020-17 should state the funds are coming from Ord Sewer Capacity Fees Reserves, not Ord Sewer Capital Replacement Reserves.

Vice President Shriner made a motion to adopt Resolution No. 2020-14 award a construction contract to GSE Construction, Inc. for the Imjin Lift Station Improvement Project; adopt Resolution No. 2020-15 to approve Amendment No. 2 to the Professional Services Agreement with GHD, Inc. for engineering services during construction of the Imjin Lift Station Improvement Project; adopt Resolution No. 2020-16 to Approve Task Order 17 to the On-Call Professional Services Agreement with Harris and Associates for the Imjin Lift Station Improvement Project; and, consider adopt Resolution No. 2020-17 to amend the FY 2019-2020 Capital Improvement Budget for the Imjin Lift Station Improvement Project. Director Zefferman seconded the motion. Vice President Shriner amended her motion to include the correction of funding source on Resolution No. 2020-17. 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	-	Absent			

- E. Consider Providing Direction on the Call for Nominations of Candidates to Fill One Special District Seat on the Local Agency Formation Commission:

Director Le said he would run if he had the support of the District.

Agenda Item 10-E (continued):

Director Zefferman made a motion to support Director Le running for the Special District seat on LAFCO. Vice President Shriner seconded the motion. The motion to was passed by the following vote:

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

F. \*Discuss and Consider Emergency Action Regarding COVID-19 with Regards to Public Meetings and Daily District Business:

Mr. Van Der Maaten introduced this item explaining that this is to discuss how the District should hold meetings moving forward. He said that staff is recommending postponing non-essential meetings for the month of April, including all Committee meetings, and hold the April 6<sup>th</sup> Budget Workshop via teleconference. Mr. Van Der Maaten discussed the actions staff has taken so far and noted that as things change and more information comes out, staff will make adjustments. There was discussion on teleconferencing requirements, platforms, and equipment needed to hold the meetings.

Director Le made a motion to: 1) postpone all non-essential meetings, including Committee meetings (Water Conservation Commission; Executive Committee; Budget and Personnel Committee; Community Outreach Committee; and, Joint City District Committee); and, 2) hold the Budget Workshop meeting (April 6) and regular Board meeting (April 20) via teleconference. Vice President Shriner seconded the motion. The motion was passed with the following vote:

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

11. Staff Reports:

A. Receive an Update on the Delinquent Account Shut-Off Report:

Ms. Cadiente stated this report is in response to a Board member's request on how many accounts were shut-off for non-payment and how many were reconnected. Director Le said he would like to see an agenda item in April regarding suspending shut-off's during this emergency situation and an item on what the District can do if it declares an emergency.

B. Receive Information Regarding Recent Per- and Poly-Fluoralkyl Substances Sampling Results:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item and explained the results in the recent sampling.

12. Workshop:

A. Strategic Plan and Goal Setting Workshop:

President Moore asked this item to be held at the Budget Workshop meeting on April 6, 2020.

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:

No meeting was held.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

No meeting was held.

5. Budget and Personnel Committee:

No meeting was held.

6. M1W Board Member:

President Moore gave a brief update.

7. LAFCO Liaison:

No report was given.



8. FORA:

Mr. Van Der Maaten gave a brief update.

9. WWOC:

No meeting was held.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

President Moore noted the next meeting was scheduled for April 21st and will likely be canceled.

12. SVGSA Liaison:

No report was given.

14. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests and noted that Director Le had requested an item regarding suspending shut-off's during this emergency situation and an item on what the District can do if it declares an emergency.

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned in Thomas Barkhurst's memory at 9:47 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary