



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HERBERT CORTEZ
PETER LE
MATT ZEFFERMAN

Agenda

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

and

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

Monday, July 20, 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 July 20, 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 need to press *9 to be acknowledged for comments. 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. Public comment can also be submitted in writing to Paula Riso at priso@mcwd.org by 9:00 am on Monday, July 20, 2020; such comments will be distributed to the MCWD Board before the meeting.

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

<https://us02web.zoom.us/j/81624101432?pwd=RTQveS8yOUY1OVpGTERHQjI4NktlUT09>

Password: mcwd0720

To participate via phone, please call: 1-669-900-9128; Meeting ID: 816 2410 1432 Password: 99335998

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 4th 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, July 15, 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, Marina Coast WD, et al Defendants, 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.)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Armstrong Ranch Property

Negotiating Parties: Sunberry Growers, LLC. and MCWD Negotiators (Legal Counsel and General Manager)

Under Negotiation: Price and Terms

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. Presentation

- A. Consider Adoption of Resolution No. 2020-41 Congratulating and Recognizing Joe Correa on his Retirement as the Electrical/Mechanical Field Supervisor with Nearly 28 Years of Service to MCWD
(Page 1)
- B. Receive a Presentation from Monterey One Water on Their Proposed Prop. 218 Rate Increase
(Page 5)

9. Consent Calendar

- A. Receive and File the Check Register for the Month of June 2020
(Page 7)
- B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of June 15, 2020
(Page 15)
- C. Approve the Draft Minutes of the Special Joint Board/GSA Meeting of June 30, 2020
(Page 26)
- D. Consider Adoption of Resolution No. 2020-42 to Approve Prepayment of Marina Coast Water District's CalPERS Annual Employer Unfunded Accrued Liability Contribution for FY 2020-2021 in the Amount of \$222,024
(Page 30)
- E. Consider Adoption of Resolution No. 2020-43 to Authorize the General Manager to Sign a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the Water Conservation Education Program
(Page 35)

10. 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. Receive a Presentation of the Water, Wastewater and Recycled Water Capacity Fee Study; and, Consider Adoption of Resolution No. 2020-44 to Approve the District's Capacity Fee Study

Action: The Board of Directors will consider receiving a presentation of the Water, Wastewater and Recycled Water Capacity Fee Study; and consider adoption of Resolution No. 2020-44 to approve the District's Capacity Fee Study.
(Page 42)

- B. Consider Approval of Public Notice and Set Date, Time and Location for a Public Hearing for Proposed Changes in Capacity Fees for Marina and Ord Community Service Areas

Action: The Board of Directors will consider approving a Public Notice and set date, time and location for a Public Hearing for proposed changes in capacity fees for Marina and Ord Community service areas.

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- C. Consider First Reading of Ordinance No. 61 to Adopt New District Capacity Charges for Marina Water and Wastewater for the Central Marina and Ord Community Service Areas

Action: The Board of Directors will consider the first reading of Ordinance No. 61 to adopt new District capacity charges for Marina water and wastewater for the Central Marina and Ord Community Service Areas.

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- D. Consider Adoption of Resolution No. 2020-45 to Approve the First Amendment to the Loan Agreement with BBVA Mortgage Corporation for Interim Financing of the Regional Urban Water Augmentation Recycled Water Pipeline and Distribution System

Action: The Board of Directors will consider approving the First Amendment to the Loan Agreement with BBVA Mortgage Corporation for interim financing of the Regional Urban Water Augmentation Recycled Water Pipeline and Distribution System.

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- E. Consider Adoption of Resolution No. 2020-46 Approving Change Order #2 to the Construction Contract with Monterey Peninsula Engineering for the Regional Urban Water Augmentation Project Recycled Water Distribution Pipelines Project

Action: The Board of Directors will consider approving Change Order #2 to the construction contract with Monterey Peninsula Engineering for the Regional Urban Water Augmentation Project Recycled Water Distribution Pipelines Project.

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- F. Consider Adoption of Resolution No. 2020-40 to Approve the District's Five-Year Capital Improvement Program Budget

Action: The Board of Directors will consider approving the District's five-year Capital Improvement Program budget for the Central Marina and Ord Community service areas.

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- G. Consider Adoption of Resolution No. 2020-47 for the Purchase of a New Vactor Ramjet Hydro-cleaner from Owens Equipment for the Operations and Maintenance Department

Action: The Board of Directors will consider approving the purchase of a Ramjet Hydro Cleaner.

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11. Staff Reports

- A. Receive a Update on the Fiscal Impacts to the District due to Covid-19
(Page 155)
- B. Receive Information on the District's Water Quality Testing
(Page 161)
- C. Receive a Report on Current Capital Improvement Projects
(Page 163)
- D. Receive the Developer Account Update through March 31, 2020
(Page 166)
- E. Receive the 2nd Quarter 2020 MCWD Water Consumption Report
(Page 169)
- F. Receive the 2020 Sewer Flow Report through June 30, 2020
(Page 175)
- G. Receive a Report on 2020 Pure Water Monterey and MCWD Recycled Water Flows through June 30, 2020
(Page 177)
- H. Receive a Report on 2020 Potable Water Production through June 30, 2020
(Page 179)

12. 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
 - 1. Water Conservation Commission
 - 2. Joint City-District Committee
 - 3. Executive Committee
 - 4. Community Outreach Committee
 - 5. Budget and Personnel Committee
 - 6. M1W Board Member Liaison
 - 7. LAFCO Liaison
 - 8. FORA
 - 9. JPIA Liaison
 - 10. Special Districts Association

13. Board Member Requests for Future Agenda Items

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

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

Regular Meeting: Monday, August 17, 2020, 6:30 p.m.