

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
March 7, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on March 7, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Tom Moore – Vice President
Bill Lee
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Kelly Cadiente, Director of Administrative Services
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Tracy Molfino Public Safety Next Generation Radio Control Group

3. Public Comment on Closed Session Items:

None.

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) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559
- 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement
- 3) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Recycled Water Pipeline, Recycled Water

Agency Negotiators: Howard Gustafson

Negotiating Parties: MRWPCA, MCWRA, MPWMD, City of Salinas and others.

Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Sewer Infrastructure

Negotiating Parties: Howard Gustafson

Under Negotiation: Price and Terms

The Board ended closed session at 7:00 p.m.

President Gustafson reconvened the meeting to open session at 7:01 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken and direction was given.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Tracy Molfino, Public Safety Next Generation Radio Control Group, voiced his concern over the delay of the lease agreement with Sprint. He stated that this project has been ongoing for nine years and this was the last piece to complete before the system can go live. Mr. Molfino encouraged the Board to come to a conclusion as soon as possible.

8. Presentation:

- A. Consider Adoption of Resolution No. 2016-09 in Recognition and Appreciation of Peter Le for 3 Years of Outstanding and Dedicated Service as a Director to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 20106-09 recognizing and appreciating Peter Le for 3 years of outstanding and dedicated service as a Director to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the following items:

- A. Approve Resolution No. 2016-11 to Limit Candidate Statements to 200 Words in the November 8, 2016 General Election
- B. Approve the Draft Minutes of the Regular Board Meeting of February 1, 2016

Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

10. Workshop:

- A. Receive Presentation on Draft District FY 2016-2017 Budget, Rates, Fees and Charges for the Marina and Ord Community Service Areas and Provide Direction Regarding Preparation of the Final Budget Documents:

Ms. Kelly Cadiente, Director of Administrative Services, presented this item. The Board asked clarifying questions and made several suggested changes.

- B. Receive District Draft Five-Year Capital Improvements Projects Budget for the Marina and Ord Community Service Areas and Provide Direction Regarding Preparation of the Final CIP Budget Documents:

Mr. Michael Wegley, District Engineer, reviewed the draft Five-Year Capital Improvements Projects budget with the Board. The Board asked clarifying questions.

11. Action Items:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-12 to Consider a Request for a Reduction of Sublease Fees at the Sprint Tower Site for Public Safety Emergency Communications:

This item was pulled from the agenda.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-13 to Authorize a Notice of Completion for the Third Street Water Main Replacement Project be Filed with the Monterey County:

Mr. Wegley introduced this item.

Director Shriner made a motion to adopt Resolution No. 2016-13 to authorize a Notice of Completion for the Third Street Water Main Replacement Project be filed with the Monterey County. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-14 to Authorize the General Manager to Purchase the Spacesaver High Density Storage System for the BLM Office Building and to Execute General Services Administration Lease GS-09B-03074 Amendment No. 5 to Recover the Cost:

Mr. Wegley introduced this item.

Agenda Item 11-C (continued):

Director Lee made a motion to adopt Resolution No. 2016-14 to authorize the General Manager to purchase the Spacesaver High Density Storage System for the BLM Office Building and to execute General Services Administration Lease GS-09B-03074 Amendment No. 5 to recover the cost. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- D. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-15 to Amend the FY 2015-2016 Capital Improvements Program Budget and Use of the 2006 Certificates of Participation Proceeds for the Central Marina Service Area for Water System Supervisory Control and Data Acquisition and Radio System Services with The EDCCO Group, Inc.:

Mr. Wegley introduced this item. The Board asked clarifying questions.

Director Lee made a motion to adopt Resolution No. 2016-15 to amend the FY 2015-2016 Capital Improvements Program Budget and Use of the 2006 Certificates of Participation Proceeds for the Central Marina Service Area for Water System Supervisory Control and Data Acquisition and Radio System Services with The EDCCO Group, Inc. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Abstained
Director Lee	-	Yes	President Gustafson	-	Yes

- E. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-16 to Approve the District Technology Plan Appendix for 2016-2017:

Ms. Cadiente introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-16 to approve the District Technology Plan Appendix for 2016-2017. Director Lee seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

12. Informational Items:

- A. General Manager's Report:

Mr. Keith Van Der Maaten, General Manager, stated that the Monterey Peninsula Water Management District organized a meeting to discuss a drought contingency plan that the Bureau of Recreation was putting together. He added that this was a kick-off meeting and the District would continue to participate in the future as this helps with grant funding.

Agenda Item 12-A (continued):

Mr. Van Der Maaten noted that the Sustainable Groundwater Management Act Collaborative Group also had a kick-off meeting the previous week with everyone discussing what their goals were. He noted that there was a lot of work ahead of the group.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update.

2. Joint City District Committee:

Vice President Moore gave a brief update.

3. Executive Committee:

President Gustafson stated that they meet again on March 14th.

4. Community Outreach Committee:

President Gustafson stated that they meet again on March 14th.

5. Budget and Personnel Committee:

President Gustafson stated that they meet again on March 14th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

The meeting was canceled.

8. FORA:

President Gustafson stated the meeting was March 11th.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is April 19th.

13. Board Member Requests for Future Agenda Items:

No comments.

14. Director's Comments and Reports on Meetings:

Director Shriner, Vice President Moore, and President Gustafson made comments.

15. Adjournment:

The meeting was adjourned at 8:14 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary