

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
August 1, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on August 1, 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
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Human Resources/Customer Relations Manager
Michael Wegley, District Engineer
Brian True, Capital Projects Manager
Paul Lord, Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Grace Silva-Santella, Marina Resident
Hans-Ulrich Siebenieck, Seaside Resident

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)
- 8) In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company, State Water Resources Control Board Cease and Desist Order WR 2009-0060

B. 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 6:55 p.m.

President Gustafson reconvened the meeting to open session at 7:00 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. Hans-Ulrich Siebenieck, Seaside resident, commented on all the conservation efforts and asked if anyone could tell him how much water there really is and how long it would last. He also asked if the District tests for lead in the water. President Gustafson suggested Mr. Siebenieck meet with the General Manager to get his questions answered.

8. Consent Calendar:

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

- A. Adopt Resolution No. 2016-42 to Amend the Marina Coast Water District Conflict of Interest Code
- B. Receive and File the Check Register for the Month of June 2016
- C. Approve the Draft Minutes of the Regular Board Meeting of July 5, 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

9. Action Items:

- A. Consider Adoption of Resolution No. 2016-43 to Declare Water Conservation Stage 2:

Mr. Paul Lord, Water Conservation Specialist III, introduced this item. The Board asked clarifying questions.

Director Lee made a motion to adopt Resolution No. 2016-43 to declare Water Conservation Stage 2. President Gustafson seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	No	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- B. Consider Adoption of Resolution No. 2016-44 to Approve The First Amendment to The Property Transfer and Hydrant Maintenance Agreement with the City of Marina and the Monterey Regional Water Pollution Control Agency:

Mr. Michael Wegley, District Engineer, introduced this item and explained that this agreement removes the storm water maintenance duty from the District and places it back where it belongs with the City of Marina.

Vice President Moore made a motion to adopt Resolution No. 2016-44 approving The First Amendment to The Property Transfer and Hydrant Maintenance Agreement with the City of Marina and the Monterey Regional Water Pollution Control Agency. 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

- C. Consider Adoption of Resolution No. 2016-45 to Amend the Professional Services Agreement with Harris & Associates for Inspection and Construction Support Services for the Dunes on Monterey Bay Development Phase 1C-1, 1B and 1C-2:

Mr. Wegley introduced this item and noted that staff was looking to clean up the agreement processes and limit amendments for each agreement.

Director Lee made a motion to adopt Resolution No. 2016-45 to amend the Professional Services Agreement with Harris & Associates for Inspection and Construction Support Services for the Dunes on Monterey Bay Development Phase 1C-1, 1B and 1C-2. President Gustafson 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. Staff Reports:

- A. Receive an Update on the Developer Account Report:

Mr. Wegley gave an update on the Developer accounts and explained that there were several that were uncollectable and those would have to be written off. He also noted that they were reviewing how the deposits were calculated and received and that staff was looking at changing some of the processes.

B. Receive the 2nd Quarter 2016 MCWD Water Consumption and Sewer Flow Report:

Ms. Kelly Cadiente, Director of Administrative Services, handed out a revised staff report and noted that the highlighted paragraph would be included the Water Consumption and Sewer Flow report from now on. Vice President Moore thanked Ms. Cadiente for putting information in the staff report explaining the variances.

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten informed the Board that a tenant had been found for the empty space in the FORA building and minimal capital outlay was needed to prepare the space for occupancy.

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:

Vice President Moore noted the next meeting was scheduled for August 8th.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was scheduled for August 8th.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was scheduled for August 8th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

No report.

8. FORA:

Vice President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten noted the next meeting is August 17th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Director Shriner gave a brief update.

12. Correspondence:

Vice President Moore praised the complimentary letter received by the District and thanked staff for their good work.

13. Board Member Requests for Future Agenda Items:

President Gustafson noted that any requests could be emailed to staff.

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 7:38 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary