

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
March 21, 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 21, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Tom Moore – Vice President
Bill Lee
Jan Shriner – arrived at 6:33 p.m.

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Wendy Elliott, Marina Community Partners
Chris Stump, Shea Homes
Lou Carella, Carollo Engineers
Grant Leonard, TAMC and LAFCO Candidate

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:

No comments.

8. Consent Calendar:

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

- A. Receive and File the Check Register for the Month of February 2016
- B. Approve the Draft Minutes of the Regular Board Meeting of March 7, 2016

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. Action Items:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-17 to Accept The Dunes on Monterey Bay Phase 1C – First Phase Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Shea Homes, L.P. for The Dunes on Monterey Bay – Phase 1C Development Project:

Mr. Brian True, Capital Projects Manager, introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-17 to accept The Dunes on Monterey Bay Phase 1C – first phase infrastructure improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Shea Homes, L.P. for The Dunes on Monterey Bay – Phase 1C Development Project. Director Lee seconded the motion.

Agenda Item 9-A (continued):

The motion was passed with one vacant seat.

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

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-18 to Approve Amendment No. 2 to the Professional Services Agreement with Carollo Engineers, P.C. for Design of the Regional Urban Water Augmentation Project:

Mr. Mike Wegley, District Engineer, introduced this item noting that the Board would also be reaffirming and authorizing work on recycled water and recycled water projects. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-18 to approve Amendment No. 2 to the Professional Services Agreement with Carollo Engineers, P.C. for design of the Regional Urban Water Augmentation Project. 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

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-19 to Award a Construction Contract to Monterey Peninsula Engineering for the Clark and Cosky Lift Station Improvement Project, and Use of the 2006 Certificates of Participation Proceeds for the Ord Community Service Area:

Mr. Wegley introduced this item and explained how the 2006 Certificates of Participation Proceeds would be used for this project.

Director Shriner made a motion to adopt Resolution No. 2016-19 to award a construction contract to Monterey Peninsula Engineering for the Clark and Cosky Lift Station Improvement Project, and Use of the 2006 Certificates of Participation Proceeds for the Ord Community Service Area. 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 Providing Direction Regarding the Call for Nominations to Seat B of the California Special Districts Association Coastal Network:

The Board did not take action on this item.

E. Discussion and Possible Action to Consider Providing Direction Regarding the Election of One Independent Special District Representative to the Local Agency Formation Commission:

Vice President Moore made a motion to nominate Warren Poitras to the Independent Special District seat on the Local Agency Formation Commission. President Gustafson seconded the nomination.

Mr. Grant Leonard, TAMC and LAFCO candidate, introduced himself to the Board and shared his background and desire to serve on the LAFCO Board.

The motion to nominate Warren Poitras to LAFCO 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, gave a brief update on the Sprint lease issue and noted that it would be coming back to the Board in April.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner noted the next meeting was set for April 7.

2. Joint City District Committee:

Vice President Moore noted the next meeting was set for April 27.

3. Executive Committee:

Vice President Moore gave a brief update.

4. Community Outreach Committee:

Vice President Moore gave a brief update.

5. Budget and Personnel Committee:

Vice President Moore gave a brief update.

6. MRWPCA Board Member:

Vice President Moore noted the next meeting was set for March 28.

7. LAFCO Liaison:

The meeting was canceled.

8. FORA:

Mr. Van Der Maaten gave a brief update.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is April 19.

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 7:34 p.m.

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APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary