

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
July 6, 2015
6:00 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:01 p.m. on July 6, 2015.

2. Roll Call:

Board Members Present:

Peter Le – Vice President
Bill Lee
Tom Moore
Jan Shriner

Board Members Absent:

Howard Gustafson – Excused

Staff Members Present:

Bill Kocher, Interim General Manager
Roger Masuda, Legal Counsel
Andrew Sterbenz, Schaaf & Wheeler
Michael Wegley, District Engineer
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Joe Correa, MCWD
Richard Green, MCWD
Grace Silva-Santella, MCWD Water Conservation Commission
Martin Orradre, Ramco, Inc.

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:03 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
- 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) 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)
 - 4) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate)
 - 5) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- B. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency Negotiators (Bill Kocher, Peter Le)
Employee Organization: Marina Coast Water District Employees Association
- C. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency Negotiators (Bill Kocher, Peter Le)
Employee Organization: Teamsters Local 890
- D. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Peter Le and Howard Gustafson
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others
Under Negotiation: Price and Terms

- E. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiation Parties: Howard Gustafson and Peter Le
Under Negotiation: Price and Terms

- F. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

The Board ended closed session at 6:58 p.m.

Vice President Le reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that the Board considered items 4-A1 through 5, B and C. He announced that by a vote of 4-Ayes, 0-Noes, 1-Absent (Gustafson) on Item 4-A3, the Board authorized outside Special Counsel to file an independent complaint against California American Water Company and Monterey County. Mr. Masuda added that no other reportable action was taken during closed session.

6. Pledge of Allegiance:

Vice President Le asked Director Moore to lead everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Presentation:

- A. Consider Adoption of Resolution No. 2015-32 to Recognize Richard Green, Systems Operator III, and Awarding a Plaque and Gift Certificate for 15 Years of Service to the Marina Coast Water District:

Director Moore made to adopt Resolution No. 2015-32 to recognize Richard Green, Systems Operator III, and awarding a plaque and gift certificate for 15 years of service to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

9. Consent Calendar:

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

- A. Approve the Draft Minutes of the Regular Board Meeting of June 15, 2015
- B. Approve the Draft Minutes of the Special Board Meeting of June 19, 2015

Director Lee seconded the motion. The motion was passed.

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

10. Action Items:

- A. Discussion and Possible Action to Authorize the Board President to Submit a Comment Letter on the Monterey Peninsula Water Supply Project EIR:

Mr. Bill Kocher, Interim General Manager, stated that based on information received there was more work to be done on the comment letter. He noted that all the Directors were invited to provide their comments by Tuesday evening for incorporation into the letter. Mr. Masuda added that the public was also invited to provide their comments. Mr. Kocher stated that once the letter was signed, it would be placed on the District website for viewing.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-33 to Adopt an Updated Water Shortage Contingency Plan:

Ms. James Derbin, Operations and Maintenance Superintendent, introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-33 to adopt an updated Water Shortage Contingency Plan. Director Shriner seconded the motion. The motion was passed.

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

- C. Receive Information and Possible Direction to Staff on a Request for Use of an Easement on the Armstrong Ranch Property:

Mr. Kocher introduced this item.

Mr. Martin Orradre, Ramco Inc., commented that the Armstrong family approved of the use of the easement on the Armstrong property as that was what the easement was intended for.

Agenda Item 10-C (continued):

Following discussion, Director Moore made a motion to:

1. Ask Ramco for a \$5,000 deposit to cover staff costs;
2. Ask Ramco to have construction plans prepared that show where the pipelines will be placed;
3. Prepare a draft agreement for MCWD, Armstrong and Ramco to sign.

Director Lee seconded the motion. The motion was passed.

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

- D. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-34 to Approve a Professional Services Agreement to Provide Special Legal Counsel in Labor and Employment Law Services to the District:

Ms. Jean Premutati, Management Services Administrator, introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-34 to approve a Professional Services Agreement with Liebert, Cassidy, Whitmore to provide special legal counsel in labor and employment law services to the District, including the consortium. Director Lee seconded the motion. The motion was passed.

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

- E. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-35 to Approve a Contract with Whitson Engineers for Design of the Inter-Garrison Road Pipeline:

Mr. Andy Sterbenz, Schaaf & Wheeler, introduced this item.

Director Shriner made a motion to adopt Resolution No. 2015-35 to approve a contract with Whitson Engineers for design of the Inter-Garrison Road pipeline. Director Moore seconded the motion. The motion was passed.

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

F. Discussion and Possible Action to Extend the Interim General Manager's Employment Contract:

Mr. Kocher introduced this item.

Director Moore made a motion to extend the Interim General Manager's employment contract until August 3, 2015. Director Shriner seconded the motion. The motion was passed.

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

G. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-36 to Approve the Memorandum of Understanding Between the Marina Coast Water District Employees Association and the Marina Coast Water District:

Mr. Kocher introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-36 to approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District and noted the agreed upon changes. Director Lee seconded the motion. The motion was passed.

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

H. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-37 to Approve the Memorandum of Understanding Between the Teamsters Local 890 and the Marina Coast Water District:

Director Moore made a motion to adoption Resolution No. 2015-37 to approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

I. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-38 to Approve the Terms and Conditions of the Employment Agreement Between the Unrepresented Employees and the Marina Coast Water District:

Agenda Item 10-I (continued):

Director Moore made a motion to adoption Resolution No. 2015-38 to approve the Terms and Conditions of the Employment Agreement between the Unrepresented Employees and the Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

11. Informational Items:

A. General Manager's Report:

Mr. Kocher gave an update on the water usage at the Bayonet Blackhorse Golf Course.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le stated that they meet on July 9, 2015.

2. Joint City District Committee:

Vice President Le stated that the last meeting was canceled and the next one was scheduled for July 22, 2015.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

No meeting was held.

5. Budget and Personnel Committee:

Vice President Le stated that they would like to meet in August.

6. MRWPCA Board Member:

Vice President Le stated that he did not attend as the District held a special meeting that same day.

7. LAFCO Liaison:

Vice President Le stated that there was no meeting held in July.

8. FORA:

Vice President Le stated that they met on June 12, 2015 and he did not attend as he was at a conference.

9. WWOC:

Vice President Le stated there was no meeting.

10. JPIA Liaison:

Director Shriner stated that there was no report.

11. Special Districts Association Liaison:

Vice President Le stated the next meeting was July 21, 2015.

12. Director's Comments:

Director Moore, Director Shriner and Director Lee made comments. Vice President Le asked staff to organize a function for Mr. Kocher before he leaves.

Vice President Le recessed the meeting from 7:50-7:55 p.m.

The Board returned to closed session at 7:55 p.m.

4. Closed Session:

- D. Pursuant to Government Code 54956.8
 - Conference with Real Property Negotiator
 - Property: Recycled Water Pipeline, Recycled Water
 - Agency Negotiators: Peter Le and Howard Gustafson
 - Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others
 - Under Negotiation: Price and Terms

- E. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiation Parties: Howard Gustafson and Peter Le
Under Negotiation: Price and Terms

- F. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

The Board ended closed session at 8:44 p.m.

Vice President Le reconvened the meeting to open session at 8:45 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Masuda stated that no reportable action was taken during closed session and direction was given to staff.

13. Adjournment:

The meeting was adjourned at 8:47 p.m.

APPROVED:



Peter Le, Vice President

ATTEST:



Paula Riso, Deputy Secretary