

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
April 17, 2017
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on April 17, 2017.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Thomas P. Moore – Vice President
Jan Shriner
Herbert Cortez – Arrived at 6:31 p.m.

Board Members Absent:

Bill Lee

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Jean Premutati, Human Resources/Customer Relations Manager
James Derbin, Operations and Maintenance Superintendent
Kelly Cadiente, Director of Administrative Services
Brian True, Capital Projects Manager
Patrick Breen, Project Manager
Thomas Barkhurst, Laboratory Supervisor
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Phil Clark, Seaside Resident
Hans-Ulrich Siebeneick, Seaside Resident

3. Public Comment on Closed Session Items:

None.

President Gustafson stated that he would like to add an emergency item to the Closed Session Agenda. This item presented itself after the agenda was already posted and cannot wait until the next Board meeting scheduled for May 15, 2017.

Vice President Moore made a motion to add an item to Closed Session. Director Shriner seconded the motion. The motion was passed with a vote of 3-Ayes, 0-Noes, 2-Absent (Lee, Cortez).

Director Cortez arrived at 6:31 p.m. 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: Sewer Infrastructure
Negotiating Parties: Howard Gustafson, Thomas Moore
Under Negotiation: Price and Terms
- C. Pursuant to Government Code 54956.9 (d)(2)
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation – One Potential Case

Added item:

- D. Pursuant to Government Code 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – One Potential Case

The Board ended closed session at 7:04 p.m.

President Gustafson reconvened the meeting to open session at 7:05 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that direction was given to write a letter in regards to item 4-D.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Presentations:

- A. Consider Adoption of Resolution No. 2017-14 in Recognition of Patrick Breen, Project Manager, for 5 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-14 recognizing Patrick Breen for 5 years of service to the Marina Coast Water District and awarding him a plaque and gift certificate. Director Shriner seconded the motion. The motion was passed.

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

President Gustafson read the narration.

B. Consider Adoption of Resolution No. 2017-22 in Recognition of Brian True, Capital Projects Manager, for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-22 recognizing Brian True for 5 years of service to the Marina Coast Water District and awarding him a plaque and gift certificate. Director Cortez seconded the motion. The motion was passed.

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

President Gustafson read the narration.

9. Consent Calendar:

Vice President Moore requested to pull Item A from the Consent Calendar.

Vice President Moore made a motion to approve the Consent Calendar consisting of B) Approve the Draft Minutes of the Regular Board Meeting of March 20, 2017; and C) Approve the 2016 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community. Director Shriner seconded the motion. The motion was passed.

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

A. Receive and File the Check Register for the Month of March 2017:

Vice President Moore inquired on the Imjin Office Park Owners Association (IOPOA) dues paid in March. Ms. Kelly Cadiente, Director of Administrative Services, answered that they were the annual dues and the District represents two of the four owners, so the fees are twice what the others are. Vice President Moore asked to see the IOPOA budget at the next Board meeting.

Vice President Moore made a motion to receive and file the Check Register for the Month of March 2017. Director Cortez seconded the motion. The motion was passed.

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

10. Action Items:

A. Consider a Variance Request for the Property of 3055 Zanetta Drive, Marina, Regarding Installation of a Backflow Device:

Agenda Item 10-A (continued):

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item and explained that he had met with the property owner. He stated that staff recommends denying the variance because granting the variance would be a disservice to the other property owners on the street that already complied with the Ordinance.

Vice President Moore made a motion to deny the variance and direct staff to work with the property owner about placement of a backflow device. Director Shriner seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2017-23 to Approve an Agreement with SkyTEM to Provide an Airborne Electromagnetic Survey to Map Out the Distribution of Salt and Freshwater in the Northern Salinas Valley:

Mr. Keith Van Der Maaten, General Manager, introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2017-23 to approve an agreement with SkyTEM to provide an Airborne Electromagnetic Survey to map out the distribution of salt and freshwater in the Northern Salinas Valley. Vice President Moore seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2017-24 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Target Parcel:

Mr. Brian True, Capital Projects Manager, introduced this item. Vice President Moore questioned if the infrastructure value should be the 10-year depreciated value or the 10-year old unadjusted value and asked which would be better to have on the District books.

Vice President Moore made a motion to adopt Resolution No. 2017-24 to accept the Infrastructure Improvements installed under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Target Parcel, and staff verify the inflated/depreciated number and correct it. Director Shriner seconded the motion.

Agenda Item 10-C (continued):

The motion was passed.

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

- D. Receive a Revised Draft District FY 2017-2018 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, introduced this item and reviewed the revisions to the draft budget. The Board asked clarifying questions and Director Shriner suggested adding several items to the prior year's list of accomplishments, such as the Water Conservation achievements, the 3-Party MOU, and the Army meter installation.

This item was for review and no action was taken.

- E. Consider Adoption of Resolution No. 2017-25 to Direct Staff to Distribute a Request for Proposal to Conduct a Customized Classification and Compensation Study for the District:

Ms. Jean Premutati, Human Resources/Customer Relations Manager, introduced this item and noted that this was a Goal in the Strategic Plan. The Board asked clarifying questions. Ms. Premutati stated that it is industry standard to conduct a compensation study every five years.

Director Cortez made a motion to adopt Resolution No. 2017-25 to direct staff to distribute a Request for Proposal to conduct a customized Classification and Compensation Study for the District. Director Shriner seconded the motion. The motion was passed.

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

- F. Consider Adoption of Resolution No. 2017-26 to Approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement Between Monterey Regional Water Pollution Control Agency and Marina Coast Water District:

Mr. Van Der Maaten introduced this item and explained the few minor changes in the document including date changes. Director Shriner asked for clarification on Section 1.01(b)(ii)(b). Mr. Van Der Maaten explained the reason for the proposed changes. Vice President Moore inquired on the cost sharing of the pipeline. Mr. Van Der Maaten explained how the costs would be split.

Agenda Item 10-F (continued):

Vice President Moore made a motion to appoint adopt Resolution No. 2017-26 to approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and Marina Coast Water District. Director Shriner seconded the motion. The motion was passed.

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

11. Staff Report:

A. Receive the 1st Quarter 2017 MCWD Water Consumption and Sewer Flow Reports:

Ms. Cadiente introduced this item. Vice President Moore commented that there has been considerable population and housing growth in the Ord Community in the last year and yet the water consumption has gone down.

12. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten noted that he had attended a WRAMP meeting on April 10th and was able to answer some of their questions about the District. He stated that he would be attending the April 20th County GSA meeting, as well as the FORA Transition meeting on April 18th. Mr. Van Der Maaten shared that the District has just received its 9th CAFR award.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update noting the next meeting is scheduled for May 4th.

2. Joint City District Committee:

Vice President Moore noted the next meeting is scheduled for April 26th.

3. Executive Committee:

President Gustafson stated the meeting was boiler-plate.

4. Community Outreach Committee:

President Gustafson stated the meeting was boiler-plate.

5. Budget and Personnel Committee:

President Gustafson stated the meeting was boiler-plate. Director Cortez added that the District has received strong candidates for the Associate Engineer position.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez stated that the next meeting is scheduled for April 24th.

8. FORA:

Mr. Van Der Maaten gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated that the budget was discussed and the next meeting is May 17th.

10. JPIA Liaison:

Director Shriner gave an update.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting is scheduled for April 18th.

13. Correspondence:

No comments.

14. Board Member Requests for Future Agenda Items:

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

15. Director's Comments:

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

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16. Adjournment:

The meeting was adjourned at 8:00 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary