



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
October 16, 2017

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on October 16, 2017 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Thomas P. Moore – Vice President
Bill Lee – arrived at 6:40 p.m.
Jan Shriner
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Human Resources/Customer Relations Manager
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Phil Clark, Seaside Resident
Andrew Sterbenz, Schaaf & Wheeler
Mr. Leon, Marina 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); First Appellate District Court of Appeals Case No. A145604
- 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 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Howard Gustafson, Thomas Moore
Negotiating parties: MOW and MCWD
Under Negotiation: Price and Terms

D. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline Easements
Negotiating Parties: CSUMB and MCWD
Under Negotiation: Price and Terms

The Board ended closed session at 6:59 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 there was no reportable action taken in closed session.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Leon, Marina resident, asked about fluoride in the water and commented that fluoride was dangerous and encouraged the Board members to go online and watch "10 Facts about Fluoride".

8. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Actin Item:

1. Consider Adoption of Resolution No. 2017-GSA04 to Authorize the General Manager to Submit an Application and Execute a Grant Agreement with the California Department of Water Resources for a Proposition 1 Sustainable Groundwater Planning Grant Program Funds and Execute a Grant Coordination Agreement with the Salinas Valley Basin Groundwater Sustainability Agency:

Mr. Michael Wegley, District Engineer, introduced this item explaining that EKI Engineers would be putting together the Grant Application package as it was part of their scope when they were hired by the District. He added that this would be a fund matching grant of up to \$1 million. Mr. Wegley stated that the District would also execute a Grant Coordination Agreement with the Salinas Valley Basin Groundwater Sustainability Agency.

Agenda Item 8-A1 (continued):

Director Shriner made a motion to adopt Resolution No. 2017-GSA04 to authorize the General Manager to submit an application and execute a Grant Agreement with the California Department of Water Resources for a Proposition 1 Sustainable Groundwater Planning Grant Program Funds and execute a Grant Coordination Agreement with the Salinas Valley Basin Groundwater Sustainability Agency. Vice President Moore seconded the motion. The motion was passed.

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

9. Return to Marina Coast Water District Matters:

10. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of September 2017; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of September 18, 2017; and, C) Approve the Draft Minutes of the Joint Board/GSA Rate and Capacity Fee Workshop Meeting of October 9, 2017. Director Lee seconded the motion. The motion was passed.

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

11. Action Items:

- A. Consider Providing Direction to Staff Regarding Suggested Updates to the District Code, Chapter 3.36, the Water Conservation Requirements for New Construction, Renovations, and Properties upon Change of Ownership or Use:

Ms. Jean Premutati, Human Resources/Customer Service Manager, introduced this item. She explained that most of the proposed changes to the District Code are for new construction while there were also some proposed requirements for renovations and change of ownership. Ms. Premutati stated that the Water Conservation Commission discussed and reviewed this item over the past several months and recommended sending it to the Board for direction.

Director Shriner commented that with the recommended exemption on metering for hotel/motel units, she would like to look into the financial aspects of such an exemption. Director Shriner suggested having the rate study look into whether it would be feasible to have some kind of "hotel/motel water meter fee" so that all customers help pay for the fixed costs of the water system. Vice President Moore agreed that staff needed to look into the financial impacts of this exemption.

Agenda Item 11-A (continued):

Mr. Keith Van Der Maaten, General Manager, stated that this item was brought forward to get Board input on what's proposed then prepare to bring it back for first and second readings. Vice President Moore made a motion to approve the staff recommendation. Director Shriner seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2017-62 to Approve a Water Sewer, and Recycled Water Infrastructure Agreement Between Marina Coast Water District and The Inn, L.P. for the Dunes – Phase IC2 Development Project:

Mr. Brian True, Capital Projects Manager, introduced this item and noted a couple of changes. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2017-62 to approve a Water Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and The Inn, L.P. for the Dunes – Phase IC2 Development Project. Director Lee seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2017-63 to Approve a Grant of Easement Between Marina Coast Water District and Monterey Peninsula Unified School District at the Marshall School Property:

Mr. Wegley introduced this item and explained that there is a new alignment that is being proposed and as a result of that new alignment, the school district is requesting to have the entire play area repaved. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2017-63 to approve a Grant of Easement between Marina Coast Water District and Monterey Peninsula Unified School District at the Marshall School property, as is; and, to appoint President Gustafson and himself to negotiate with the School Board to see if they could do some cost control on future maintenance and other issues. Director Shriner seconded the motion. There was more clarifying discussion. The motion was passed.

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

D. Receive an Update on the Ord Community Annexation and Provide Guidance on the Project Description:

Mr. Wegley introduced this item explaining that staff recently met with LAFCO and there was discussion about the Sphere of Influence. He added that it was decided that the undeveloped areas would be classified as “Future Study Areas” and not included in the annexation application at this time.

Vice President Moore made a motion to approve staff’s recommendation along with the written comments on page 186 of the packet. Director Shriner seconded the motion. The motion was passed.

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

E. Consider Approving the District’s 2017 “Year in Review”:

Mr. Van Der Maaten introduced this item. Vice President Moore asked to adjust the years the District’s desal plant was in service. Director Cortez asked for a little more cautious language regarding the Monterey Peninsula Water Supply Project.

Vice President Moore made a motion to approve the District’s 2017 “Year in Review” with the comments included. Director Shriner seconded the motion. The motion was passed.

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

12. Staff Report:

A. Receive the 3rd Quarter 2017 MCWD Water Consumption and Sewer Flow Reports:

Ms. Cadiente introduced this item and noted that an updated version of the report was on the dais and that included the Monterey One Water flow information. Vice President Moore asked if the reporting issues have been resolved and that accurate information is now being gathered. Ms. Cadiente answered that the reports have been fixed.

13. Informational Items:

A. General Manager’s Report:

No Report.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No meeting was held.

2. Joint City District Committee:

Vice President Moore stated the meeting was scheduled for Wednesday, October 25th.

3. Executive Committee:

President Gustafson stated the meeting was scheduled for Monday, October 23rd.

4. Community Outreach Committee:

President Gustafson stated the meeting was scheduled for Monday, October 23rd.

5. Budget and Personnel Committee:

President Gustafson stated the meeting was scheduled for Monday, October 23rd.

6. MOW Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez said the meeting was at the end of the month.

8. FORA:

Vice President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten said the meeting was canceled and the next meeting was in November.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The meeting is October 17th.

12. SVGSA Liaison:

No report.

14. Board Member Requests for Future Agenda Items:

Vice President Moore suggested having staff look into how difficult it would be to keep track of water use by individual users towards the water allocations for each jurisdiction that was made by FORA, and bring it back to a future meeting. President Gustafson noted that any other requests could be emailed to staff.

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:06 p.m. in honor of Mr. Ken Leach.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary