



## **Marina Coast Water District**

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
May 21, 2018

Draft Minutes

### 1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on May 21, 2018 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

### 2. Roll Call:

Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Bill Lee  
Howard Gustafson  
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager  
David Hobbs, Director of Administrative Services  
Mike Wegley, District Engineer  
Jean Premutati, Human Resources/Customer Relations Manager  
Kelly Cadiente, Director of Administrative Services  
Derek Cray, Operations and Maintenance Superintendent  
Patrick Breen, Water Resources Manager  
Brian True, Capital Projects Manager  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Philip Clark, Seaside Resident  
Evy Smith, Marina Resident  
Brian McMinn, City of Marina

3. Public Comment on Closed Session Items:

There were no public comments.

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, A146166, A146405
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (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. 15CV00267
- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

- 8) LandWatch Monterey County v Marina Coast Water District and Does 1 through 25, inclusive, Monterey County Superior Court Case No. 18CV000877 (Petition for Writ of Mandate)
- 9) Keep Fort Ord Wild v Marina Coast Water District, Marina Coast Water District Board of Directors, and Does 1 through 25, Monterey County Superior Court Case No. 18CV000883 (Petition for Writ of Mandate)
- 10) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

B. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Sewer Infrastructure  
Negotiating parties: Thomas Moore and Jan Shriner  
Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Imjin Office Properties  
Negotiating parties: to be determined  
Under Negotiation: Price and Terms

The Board ended closed session at 6:57 p.m.

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

5. Reportable Actions Taken during Closed Session:

Mr. David Hobbs, Legal Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Mr. Keith Van Der Maaten, General Manager, led everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Evy Smith, Marina resident, commented that she lived in The Dunes development and was told that Marina Coast Water District would not let the developers put hot water recirculation pumps in the new homes. She asked what the Code required and why the District denied the hot water recirculation pumps in the first 100 or so homes. Ms. Smith was given contact information to follow-up with District staff.

8. Presentations:

- A. Consider Adoption of Resolution No. 2018-28 in Recognition and Appreciation of Jean Premutati, Human Resources/Customer Relations Manager, for 10 Years of Service to Marina Coast Water District:

President Moore made a motion to adopt Resolution No. 2018-28 in recognition and appreciation of Jean Premutati, Human Resources/Customer Relations Manager, for 10 years of service to Marina Coast Water District and presents her with a plaque and gift certificate. Director Gustafson seconded the motion. The motion was passed.

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

President Moore read the narration and presented Ms. Premutati with a plaque and gift certificate.

- B. Consider Adoption of Resolution No. 2018-29 Proclaiming the Week of May 20-26, 2018 National Public Works Week:

Mr. Michael Wegley, District Engineer, introduced this item and Mr. Brian McMinn, City of Marina. Mr. McMinn gave a brief explanation of National Public Works Week and presented the District with a Public Works framed poster.

Director Gustafson made a motion to adopt Resolution No. 2018-29 proclaiming the week of May 20-26, 2018 National Public Works Week. Director Lee seconded the motion. The motion was passed.

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

9. Consent Calendar:

Director Gustafson made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of April 2018; B) Receive the Quarterly Financials for January 1, 2018 to March 31, 2018; C) Approve the Draft Minutes of the Joint Board/GSA Meeting of April 16, 2018; and, D) Approve the Draft Minutes of the Special Board Meeting of April 26, 2018 with a slight change to the first page showing Vice President Shriner called the meeting to order. Director Lee seconded the motion. The motion was passed with President Moore abstaining on Item 9-D.

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2018-30 to Approve Implementation of the Classification Portion of the Koff & Associate's Compensation and Classification Study:

Ms. Premutati introduced this item. She reviewed the proposed job classification changes and noted that the title of the Water Conservation Specialist III position would change to Water Conservation Specialist since there was no longer a Water Conservation Specialist I/II position. Ms. Premutati also stated that the Water Resources Manager was now in the new Water Resources Department. The Board had some clarifying questions.

Director Gustafson made a motion to adopt Resolution No. 2018-30 to approve implementation of the classification portion of the Koff & Associate's Compensation and Classification Study. Director Lee seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2018-31 to Approve a Contract Extension with the Pun Group to Provide Audit Services to the District for Fiscal Year 2017-2018:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and explained that it is anticipated to wrap up litigation on the Regional Desal Project, and it would be prudent to have the auditors who are familiar with the litigation to complete the audit.

Director Lee made a motion to adopt Resolution No. 2018-31 to approve a contract extension with the Pun Group to provide audit services to the District for Fiscal Year 2017-2018. Director Cortez seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2018-32 to Approve Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Design of the Pipeline Facility Improvements to the Imjin Parkway Widening Project:

Mr. Michael Wegley, District Engineer, introduced this item explaining that this consultant is familiar with the project. He added that the preliminary design would be done in-house then handed over to Kimley-Horn to finish the plans to meet the construction schedule. President Moore asked how this project was funded. Mr. Wegley answered that ratepayers would be funding the project to provide fireflow to the UCMBEST Center and the Marina Airport.

Agenda Item 10-C (continued):

Director Gustafson made a motion to adopt Resolution No. 2018-32 approving Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for design of the Pipeline Facility Improvements to the Imjin Parkway Widening Project. Director Lee seconded the motion. The motion was passed.

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

D. Consider Adoption of Resolution No. 2018-33 to Reject All Bids for the Inter-Garrison Road Water Distribution Pipeline Project and Rebid a Smaller Project:

Mr. Wegley introduced this item explaining that the project was originally going to enlarge 1,700' of water main that serves East Garrison. He said that when FORA decided to rebuild and widen Inter-Garrison Road, staff decided to do a larger project in conjunction with FORA, to avoid tearing up the street again. Mr. Wegley stated that FORA decided to roll the project into their Eastside Parkway project which won't commence until 2022, and staff overlooked adding the extra expenses in the 2018/2019 Budget. Therefore, other than going back to FORA to revise the budget, the best option was to reject all bids and go back out to bid for the smaller project. The Board asked clarifying questions.

Director Gustafson made a motion to adopt Resolution No. 2018-33 to reject all bids for the Inter-Garrison Road Water Distribution Pipeline Project and rebid a smaller project. Director Lee seconded the motion. The motion was passed.

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

11. Staff Reports:

A. Receive an Update on the Progress of the MCWD Water Code Revisions:

Mr. Brian True, Capital Projects Manager, gave a brief update on the progress of the Code revisions regarding water conservation and metering. He mentioned that he has found little information regarding sub-meters, but Soquel Creek Water District offers rebates of \$150 per sub-meter on residential properties to encourage sub-metering. Mr. True stated that staff is looking at setting new meter standards to only allow sub-meters for large-scale buildings that are four or more stories tall, more than 100 units, and condensed on a smaller property that doesn't have space for individual meters. The Board asked clarifying questions and President Moore opined that he would like to see the District collect the data from the sub-meters and bill the customer directly to establish a connection with them.

B. Receive an Update on the 1<sup>st</sup> Quarter 2018 MCWD Sewer Flow Report:

Ms. Cadiente reminded the Board that she was bringing this update because the sewer flows were not available at the last meeting. She gave an update on the sewer flows for the first quarter of 2018. President Moore suggested that future reports show the sewer flows in both gallons and acre feet.

12. 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:

Vice President Shriner gave a brief update.

2. Joint City District Committee:

No report.

3. Executive Committee:

President Moore stated that the next meeting was June 4th.

4. Community Outreach Committee:

Director Gustafson gave a brief update.

5. Budget and Personnel Committee:

No report.

6. M1W Board Member:

Director Gustafson gave a brief update. The next meeting is scheduled for May 24th.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

President Moore gave a brief update and noted that he would need an alternate to attend for him on June 8th.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

President Moore noted the next meeting was scheduled for July 17th.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief report.

13. Correspondence:

President Moore noted the complimentary letter included in the correspondence. Mr. Van Der Maaten explained that it was in relation to the metering at the military housing.

14. Board Member Requests for Future Agenda Items:

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

15. Director's Comments:

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



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16. Adjournment:

The meeting was adjourned at 7:52 p.m.

APPROVED:

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Thomas P. Moore, President

ATTEST:

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Paula Riso, Deputy Secretary