

Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
November 19, 2018

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on November 19, 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
Herbert Cortez

Board Members Absent:

Howard Gustafson

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Brian True, Senior Engineer
Patrick Breen, Water Resources Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident/WCC Chair
Matt Zefferman, Marina Resident

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) 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)

The Board ended closed session at 7:01 p.m.

President Moore reconvened the meeting to open session at 7:03 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

Director Lee led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Phil Clark, Seaside resident/WCC Chair, commented that the District was still in Stage 2 Conservation and noted that as of December 1st, the Bay View Mobile Home owner is requiring tenants to keep their lawns green and water rates will increase in January 2019. He suggested that the District meet with Bay View to discuss other options that would save water.

8. Presentation:

- A. Consider Adoption of Resolution No. 2018-60 In Recognition and Appreciation of Jean Premutati, Human Resources/Customer Relations Manager, Upon Her Retirement from the Marina Coast Water District:

President Moore made a motion to approve Resolution No. 2018-60 in recognition and appreciation of Jean Premutati, Human Resources/Customer Relations Manager, upon her retirement from the Marina Coast Water District. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

President Moore read the narration into the record. The Board voiced their thanks for Ms. Premutati's service to the District.

9. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Action Item:

1. Consider Adoption of Resolution No. 2018-GSA02 to Approve a Groundwater Sustainability Agency Framework Agreement:

Mr. Patrick Breen, Water Resources Manager, introduced this item and explained the Agreement is for the Parties to work collaboratively to create one Groundwater Sustainability Plan for the entire Monterey Subbasin and the 180/400 Foot Aquifer Subbasin.

Vice President Shriner made a motion to adopt Resolution No. 2018-GSA02 to approve a Groundwater Sustainability Agency Framework Agreement. Director Lee seconded the motion. The motion was passed.

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

10. Return to Marina Coast Water District Matters:

11. Consent Calendar:

Director Lee made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of October 2018; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of October 15, 2018; C) Consider Adoption of Resolution No. 2018-61 to Authorize the General Manager or his Designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Sothern Monterey Bay Dischargers Group; and, D) Consider Adoption of Resolution No. 2018-62 to Ratify Approval of an Amendment to a Professional Services Agreement with Denise Duffy & Associates for Annexation of the Ord Community into the Marina Coast Water District. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

12. Action Items:

- A. Consider that Staff Reports Presented at Each Board Meeting on the Status of the Shea Homes Hot Water Recirculation Issue are No Longer Necessary at This Time:

Mr. Keith Van Der Maaten, General Manager, introduced this item explaining that he felt the District has done everything they can for the time being and it doesn't need to come to the Board every month. He noted that if something changes, it can always be placed back on a Board agenda.

Agenda Item 12-A (continued):

President Moore made a motion to determine that staff reports were no longer necessary as all reasonable efforts have been taken by Marina Coast Water District to help resolve the hot water recirculation issue caused by Shea Homes. Director Lee seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2018-63 to Approve a Water Supply Assessment and Written Verification of Supply for the City of Seaside's Amended Main Gate Specific Plan:

Mr. Brian True, Senior Engineer, introduced this item and handed out a chart showing water supply, demand, and allocation options for the Main Gate project. The Board asked some clarifying questions. President Moore suggested adding the phasing concept to the Water Supply Assessment (WSA); clarifying the Desalination Project AFY on page 5 of the WSA; and, updating the production table on page 17 of the WSA.

Director Lee made a motion to adopt Resolution No. 2018-63 to approve a Water Supply Assessment and Written Verification of Supply for the City of Seaside's Amended Main Gate Specific Plan with the modifications suggested by President Moore. Director Cortez seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2018-64 to Amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station Design:

Mr. True introduced this item explaining the reason for the change to the Ord Village Lift Station alignment was due to coordinating with development projects. The Board asked clarifying questions and questioned easements with the new alignment.

Director Lee made a motion to adopt Resolution No. 2018-64 to amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station design. Vice President Shriner seconded the motion. The motion was passed.

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

- D. Receive a Developer Account Update and Consider Adoption of Resolution No. 2018-65 Directing Staff to Write-Off One Aged Development Account Balance in the Total Amount of \$10,932:

Mr. True introduced this item explaining that this report covered both the quarterly developer account update and the request to write-off one aged and uncollectable development account balance. There was discussion on whether there was a chance to recoup the funds from Monterey Downs, and what procedures are in place to prevent this from happening again. Director Cortez asked for a report of how much the District has written-off in 2018 on the next agenda.

Vice President Shriner made a motion to adopt Resolution No. 2018-65 directing staff to write-off one aged development account balance in the total amount of \$10,932. President Moore seconded the motion. The motion was passed.

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

13. Staff Report:

- A. Receive an Update on the 2018 Year in Review Report and Provide Comments:

Mr. Van Der Maaten introduced this item explaining that this report was more extensive from last year's report as it encompasses and follows the District's Goals and Objectives format. He then gave a brief overview of the 2018 Year in Review (YIR) and asked for comments from the Board. Vice President Shriner suggested page 7 of the YIR clarify the first sentence of the Groundwater Sustainability Plan Development "...(*GSA*) status in portions of the Monterey Subbasin...". Director Cortez suggested re-ordering the paragraphs under Section 4.0 *Strategic Partners and Public Affairs* on page 21 of the YIR. He suggested moving *News & Outreach* to the first paragraph; *Meetings with SWRCB, Regional Board, State Lands*, as the second paragraph; *MCWD Partners with California State University, Monterey Bay*, as the third paragraph; and, *Social Media Presence* as the last paragraph. He suggested adding a picture of the General Manager giving a presentation. President Moore suggested adding a table of Public Partners under this section. President Moore noted that he had several grammatical changes that he would send straight to staff.

14. Informational Items:

- A. General Manager's Report:

No report was given.

- B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No report was given.

2. Joint City District Committee:

President Moore gave a brief update.

3. Executive Committee:

President Moore noted that they met and the next meeting was December 11th.

4. Community Outreach Committee:

No report was given.

5. Budget and Personnel Committee:

No report was given.

6. M1W Board Member:

President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated that the next meeting was December 19th.

10. JPIA Liaison:

Director Cortez noted that there was an upcoming conference in San Diego.

11. Special Districts Association Liaison:

President Moore gave a brief update.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief update.

15. Board Member Requests for Future Agenda Items:

President Moore noted that any requests could be emailed to staff and requested a list of developer accounts the District has written-off.

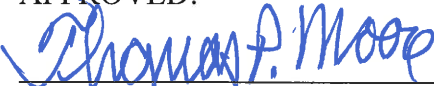
16. Director's Comments:

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

17. Adjournment:

The meeting was adjourned at 8:33 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary