



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
211 Hillcrest Avenue, Marina
November 18, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on November 18, 2019 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Thomas P. Moore – President
Jan Shriner – Vice President
Herbert Cortez – arrived at 6:32 p.m.
Peter Le
Matt Zefferman

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Michael Wegley, District Engineer
Don Wilcox, Senior Engineer
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 Member
Shawn Storm, Marina Resident
Sarah Babcock, East Garrison Resident
Ashley Quackenbush, Denise Duffy & Associates
Erin Harwayne, Denise Duffy & Associates
Andy Hunter, Whitson Engineers
Paul Tran, CHISPA
Dana Cleary, CHISPA
Jose Cruz, Clark Colony/Monterey Bay Military Housing

3. Public Comment on Closed Session Items:

Mr. Shawn Storm, Marina Resident, commented that he encouraged action on the following conservation opportunities: Pressure reduction valves; submeter housing and apartments that share a common meter; and, Code 3.36 should be updated to include the top 7 structural retrofit programs. He said that the potential savings from this list is over 50 HCF per household and added that the District should look into multiple tier rate structures. Mr. Storm requested the Board look at these items.

The Board entered into closed session at 6:34 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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 Damages, Breach of Warranties, etc.)
- 2) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468
- 3) 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)
- 4) 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)
- 5) Marina Coast Water District, and Does 1-100 v, County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Property in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – Three Potential Cases

The Board ended closed session at 7:08 p.m.

President Moore reconvened the meeting to open session at 7:09 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

Vice President Shriner led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments.

8. Presentations:

- A. Consider Adoption of Resolution No. 2019-80 in Recognition of Sarah Babcock, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Director Zefferman made a motion to adopt Resolution No. 2019-80 recognizing Sarah Babcock for her service to the Marina Coast Water District as a member of the Water Conservation Commission. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

President Moore read the narration and presented Ms. Babcock with the Resolution.

- B. Consider Adoption of Resolution No. 2019-81 in Recognition of Shawn Storm, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Director Zefferman made a motion to adopt Resolution No. 2019-81 recognizing Shawn Storm for his service to the Marina Coast Water District as a member of the Water Conservation Commission. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

President Moore read the narration and presented Mr. Storm with the Resolution. President Moore noted that there were now two vacancies on the Commission and encouraged anyone interested in serving on the Commission to fill out an application.

9. Consent Calendar:

Director Zefferman requested to pull item C; Director Le requested to pull item E; and, Vice President Shriner also requested to pull item C, from the Consent Calendar.

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive the Check Register for the Month of October 2019; B) Receive the Quarterly Financial Statements for April 1, 2019 to June 30, 2019; and D) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of November 4, 2019. President Moore seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

C. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of October 21, 2019:

Vice President Shriner noted that on page 9 of the minutes, she thought she “abstained” from the vote. Ms. Paula Riso, Executive Assistant/Clerk to the Board, verified that it should have been an abstention, not a “no” vote. President Moore noted he had seen a minor typo and would let Ms. Riso know what it was later.

Vice President Shriner made a motion to approve the draft minutes of the regular joint Board/GSA meeting of October 21, 2019 with the corrections noted. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Abstained	Vice President Shriner	-	Yes
Director Le	-	Abstained	President Moore	-	Yes
Director Cortez	-	Yes			

E. Receive the Validated 2018 Water Loss Audit Report and Level 1 Validation Document:

Director Le requested that this item be brought back to the Board so they can discuss goals and set policies. Mr. Keith Van Der Maaten, General Manager, stated that this item would be brought to the Water Conservation Commission to discuss goals and then it would come before the Board for discussion.

Director Zefferman made a motion to accept the Validated 2018 Water Loss Audit Report. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

10. Action Items:

- A. Consider Adoption of Resolution No. 2019-82 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, L.P. for the Junsay Oaks Senior Apartments Development Project:

Mr. Brian True, Senior Engineer, introduced this item noting the easement was recorded at the Monterey County Recorder’s Office on November 8th. Director Le asked for clarification on the easements, and if all fees have been paid to the District. Mr. True stated they are current with their fees. Director Le asked that the District collect any remaining fees before the final sign-off. Director Cortez asked who was doing a walk-thru on the final completion. Mr. True answered that the District has an agreement with Harris and Associates, and they will do the walk-thru. Director Le asked if the units were equipped with hot water recirculating systems. Mr. True answered they were.

Director Cortez made a motion to adopt Resolution No. 2019-82 accepting the Infrastructure Improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, L.P. for the Junsay Oaks Senior Apartments Development Project. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2019-83 to Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Ord Village Lift Station and Force Main Replacement Project:

Mr. Don Wilcox, Senior Engineer, introduced this item. Director Zefferman inquired about environmental impacts and asked if the pipes would be left in place. Mr. Wilcox affirmed the pipes would be left in place. Director Le asked questions on the proposed force main and if it would line up with future developments. He also asked for clarification on the mitigation monitoring and if monitoring would be done after the project was complete. Ms. Ashley Quackenbush, Denise Duffy & Associates, answered that there would be monitoring before, during and after construction on certain things. The Board asked more clarifying questions.

Director Zefferman made a motion to adopt Resolution No. 2019-83 adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Ord Village Lift Station and Force Main Replacement Project. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

C. Consider Adoption of Resolution No. 2019-84 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Bay Military Housing, LLC for the Lower Stilwell Neighborhood, Phase 1 Project:

Mr. Wilcox introduced this item and noted that Jose Cruz, Clark Colony/Monterey Bay Military Housing, was present. Director Le commented that according to the District’s Developer Account Report, Monterey Bay Military Housing’s account is in arrears and asked if the developer would make the account current before starting Phase 2. Mr. Cruz answered that they were discussing this with staff. The Board questioned who proposed the changes to the Infrastructure Agreement and if District Counsel reviewed them. Mr. Wilcox answered that the developer proposed the changes and that District Counsel did indeed review them before moving forward. Discussion followed. Mr. Masuda suggested adding a paragraph that if the existing EDU amount is exceeded, the developer will have to pay additional capacity charges.

Director Zefferman made a motion to adopt Resolution No. 2019-84 approving a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Bay Military Housing, LLC for the Lower Stilwell Neighborhood, Phase 1 Project with the language suggested by Legal Counsel and that the outstanding balance be paid before the agreement goes into effect. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

D. Consider Adoption of Resolution No. 2019-76 to Approve Funding for Director Le to Attend the Association of California Water Agencies (ACWA) Fall Conference in San Diego; and, Consider Appointing a Voting Representative to Vote for ACWA President and Vice President for the 2020-2021 Term:

Director Le removed himself from the dais and left the chambers at 8:14 p.m.

Mr. Van Der Maaten introduced this item. Director Zefferman commented that it was bad practice to go over budget and advised against it. Vice President Shriner stated that there was enough left in the budget to cover attendance at the Monterey conference. Discussion followed regarding available funds in the budget and increasing the budget for next fiscal year.

Vice President Shriner made a motion to deny the request. Director Zefferman seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Cortez	-	Yes	President Moore	-	Yes
Director Le	-	Absent/Recused			

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten informed the Board that the District's Annual Chili Cook-Off was scheduled for November 21st; and the Holiday Pancake Breakfast was scheduled for December 12th.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Mr. Breen stated they did not meet due to a lack of quorum and noted the next meeting is scheduled for December 5th.

2. Joint City District Committee:

President Moore noted that they met October 30th, and the next meeting is scheduled for December 11th.

3. Executive Committee:

President Moore noted that they met November 12th and that the next meeting is scheduled for December 10th.

4. Community Outreach Committee:

Director Cortez gave a brief update and noted the next meeting is scheduled for December 10th.

5. Budget and Personnel Committee:

Director Cortez gave a brief update and noted the next meeting is scheduled for December 10th.

6. M1W Board Member:

President Moore gave a brief update and noted the next meeting is scheduled for November 25th.

7. LAFCO Liaison:

No report was given.

8. FORA:

Director Zefferman gave a brief update and noted the next meeting is scheduled for December 13th.

9. WWOC:

Mr. Van Der Maaten noted the next meeting was December 2nd.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

President Moore stated the next meeting is scheduled for January 15th.

12. SVGSA Liaison:

Mr. Van Der Maaten commented that there may be an update regarding the 180'/400' aquifer in December.

12. Correspondence:

There were no comments made.

13. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests.

14. Director's Comments:

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

President Moore recessed the meeting from 8:43 p.m. to 8:50 p.m.

The Board reentered into closed session at 8:50 p.m. to discuss the following item:

4. Closed Session:

- B. Pursuant to Government Code 54956.9(d)(4)
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – Three Potential Cases

President Moore reconvened the meeting to open session at 10:00 p.m.

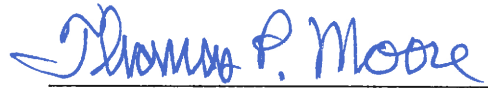
5. Reportable Actions Taken during Closed Session:

Mr. Masuda stated that there were no reportable actions taken during Closed Session.

16. Adjournment:

The meeting was adjourned at 10:00 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary