

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
February 27, 2002
7:00 p.m.

Minutes

1. Call to Order/Roll Call:

President Moore called the meeting to order at 7:00 p.m. on February 27, 2002.

Board Members Present:

Tom Moore – President
David Brown – Vice-President
Kenneth Nishi
Emmette Randle, Jr.
Vacant

Board Members Absent:

None.

Staff Members Present:

Mike Armstrong, General Manager
Lloyd Lowrey, Legal Counsel
Dave Meza, District Engineer
Evelina Adlawan, Technical Support Manager
Suresh Prasad, ASO Finance and Technology
Rich Youngblood, Water Conservation Coordinator
Paula Carina, Board Clerk

Audience:

Peggy Shirrel, MRWPCA Board
Peter LaShomb
Frank Blasé
James Brezack, RBF Consulting
May Zhew, RBF Consulting
Paula Pelot

2. Oral Communications:

Ms. Peggy Shirrel introduced herself as the new Chair of the MRWPCA and asked for the Board's support towards the joint Regional Urban Water Recycling Project. Mr. Peter LaShomb voiced his concerns regarding Fort Ord representation on the Board. He distributed a letter explaining his concerns. Ms. Paula Pelot added her concerns to Mr. LaShomb's regarding representation. She also voiced an interest in reviewing the District's audits. Director Nishi stated that he has not received the information he requested previously. He also voiced his opinion of the Board's actions.

Mr. Armstrong advised the Board that staff has two items that they would like added to the agenda. These items came to the District's attention after the agenda had been posted and need attention before the next regularly scheduled Board meeting. The two items would be:

Closed Session Item:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Water Rights-Reclaimed Water
Agency Negotiators: Board – Thomas Moore and David Brown
Staff – Mike Armstrong and Legal Counsel Lloyd Lowrey
Negotiating Parties: Marina Coast Water District
Monterey County Water Resources Agency
Monterey Regional Water Pollution Control Agency
Under Negotiation: Price and Terms

Action Item:

- Consider Adopting Resolution No. 2002-11 Approving a Contract with Hatch & Parent Law Firm to Act as District Special Counsel

On motion by Vice-President Brown, seconded by Director Randle; the Board add these items to the agenda. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes

3. Presentation:

- A. Consider Adoption of Resolution No. 2002-08 in Recognition of Marion Bryson:

Director Nishi stepped down from the dais and left the room at 7:18 p.m.

Item 3-A (continued):

Mr. Armstrong read the narration commending Mr. Bryson for his outstanding performance and dedication to the District while serving on the Board of Directors.

On motion by Director Randle, seconded by Vice-President Brown; the Board approved Resolution No. 2002-08 commending Marion Bryson. With a vote of 3-Ayes, 0-Noes, 1-Absent, 1-Vacant, the motion was passed.

President Moore then presented a plaque to Mr. Bryson. Mr. Bryson thanked the Board and staff and voiced his appreciation.

Director Nishi returned to his seat on the dais at 7:25 p.m.

4. Action Items:

A. First Reading of Ordinance 36 Approving New District Rates, Fees, and Charges for Marina Water and Wastewater:

Mr. Prasad introduced this item, explained three possible alternatives to increasing rates and the process for adopting any rate increase(s). Updated handouts showing corrections made to Draft Ordinance 36 were distributed. Discussion followed.

President Moore asked to agendaize master metering issues for a future meeting.

On motion by Vice-President Brown, seconded by Director Randle; the Board insert the alternative 3 figures, which increases the water rates over the next five years by 8%, 7%, 6%, 5%, and 4%, into Ordinance 36. Discussion followed. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

On motion by Vice-President Brown, seconded by Director Randle; the Board insert the alternative 3 figures, which increases the wastewater collection rates over the next five years by 8%, 7%, 6%, 5%, and 4%, into Ordinance 36. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

Action Item 4-A (continued)

President Moore requested clarifying language within the Ordinance to include those agreements to which the District provides water for, but are not necessarily within the jurisdiction.

On motion by Vice-President Brown, seconded by Director Randle; the Board follow the proposed schedule, as set forth on page 6 of the Board packet, for adoption of the Prop. 218 rate increases. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

- B. Consider Approval of the Environmental Document and Permit Report Draft Scope of Work for the Regional Urban Water Augmentation Project as to Form and Direct Staff to Solicit Proposals:

Mr. Meza introduced this item.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve the Environmental Document and Permit Report Draft Scope of Work for the Regional Urban Water Augmentation Project as to form and direct staff to solicit proposals.

Director Nishi suggested the Board write a letter to FORA and MRWPCA staff thanking them for their work to help find a solution that could benefit everyone.

Vice-President Brown amended the motion to direct President Moore to send letters to FORA and MRWPCA staff. President Moore seconded the amended motion. With a vote of 4-Ayes, 0-Noes, 0-Absent, 1-Vacant, the amendment was passed.

The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes

- C. Consider Adoption of Resolution No. 2002-09 to Approve a Professional Services Contract with RBF Consultants to Prepare the Fort Ord Water System Master Plan:

Mr. Meza introduced this item. Discussion followed.

Action Item 4-C (continued):

On motion by Director Randle, seconded by Vice-President Brown; the Board adopt Resolution No. 2002-09 to approve a Professional Services Contract with RBF Consultants to Prepare the Fort Ord Water System Master Plan. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

D. Review and Discuss the Draft BY 2002/2003 Fort Ord Water and Wastewater Budget:

Mr. Prasad introduced this item. Discussion followed.

Director Nishi requested to discuss the Fort Ord reserve on the March agenda.

Director Nishi requested to discuss the LAFCO application at the March Board Meeting. President Moore suggested the April Board meeting.

E. Consider Scheduling Two Board Meetings Each Month:

On motion by Vice-President Brown, seconded by Director Randle; the Board table the discussion until next Board meeting. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

President Moore recessed the meeting from 9:23 p.m. until 9:29 p.m.

5. Consent Calendar:

Director Nishi requested to pull items B, C, D, and H from the consent calendar.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve the Consent Calendar consisting of items A, E, F and G. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes

Consent Calendar (continued):

- B. Approve Minutes of the Regular Board Meeting of January 23, 2002:

Director Nishi asked staff to check minutes for clarification on action item 4-G. Staff will report back findings at next Board meeting.

- C. Approve Minutes of the Special Joint Meeting between the Marina Coast Water District and the City of Marina of January 29, 2002:

Director Nishi asked staff to check minutes for clarification on Director Nishi's comments under "Director's Comments". Staff will report back findings at next Board meeting.

- D. Approve Expenditures for the Month of January 2002:

Director Nishi asked for information on number of payroll checks processed each pay period.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve the expenditures for the month of January 2002. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes

- H. Consider Appointment of Jim Roberts to Fill Fort Ord Position on the Water Conservation Commission:

Director Nishi questioned the lack of a quorum of the Water Conservation Commission in nominating Mr. Roberts.

On motion by Vice-President Brown, seconded by Director Randle; the Board appoint Mr. Jim Roberts to the Water Conservation Commission to fill the seat for the former Fort Ord. Director Nishi again questioned the lack of a quorum.

Vice-President Brown motioned to call the question. Director Randle seconded the motion. With a vote of 3-Ayes, 1-No, 0-Absent, 1-Vacant the motion was passed. Discussion followed.

Vice-President Brown motioned to un-call the question to allow for public comment. President Moore seconded the motion. With a vote of 4-Ayes, 0-Noes, 0-Absent, 1-Vacant, the motion was passed. Discussion followed. Director Nishi questioned this action.

With a vote of 4-Ayes, 0-Noes, 0-Absent, 1-Vacant, the motion to appoint Mr. Roberts to the Water Conservation Commission was passed.

6. Informational Items:

A. General Manager's Report:

Mr. Armstrong stated that he had nothing to report.

B. Staff Reports

1. New Arsenic Reporting Requirements

Ms. Adlawan referred to the written staff report and gave an update on the new arsenic reporting requirements required by the USEPA.

President Moore suggested adding information in the newsletter notifying customers of the upcoming arsenic reporting change and stating that arsenic is a natural mineral found in the water.

C. Strategic Plan Update:

No comments.

D. Committee Reports:

1. Water Conservation Commission:

No comments.

2. Operations & Maintenance Committee:

No meeting was held in February.

3. Budget & Personnel Committee:

No meeting was held in February.

4. Projects and Planning Committee:

Director Nishi stated that the Committee asked staff to provide more information on the Holiday Inn Express request for variance. Discussion followed.

Noting that it was 10:00 p.m., President Moore asked for a motion to adjourn. Hearing none, the meeting continued.

5. Joint City/District Committee:

No comments.

6. MRWPCA Board Member:

President Moore stated that Ms. Peggy Shirrel was appointed as Chair to the MRWPCA Board.

7. LAFCO Liaison:

No comments.

8. JPIA Liaison:

No comments.

E. District Correspondence:

No comments.

F. Director's Comments:

Director Nishi stated that he had not received answers to his questions on the following issues: 1) Meza Construction prevailing wage, 2) LAIF insurance coverage, 3) CIP improvements for UC MBEST, 4) changes that Budget and Personnel Committee made to minutes, 5) payroll deficiencies in number of checks written on December expenditures, 6) placing Mr. LaShomb's letter on the agenda, and 7) explanation of the Virginia conference call.

Vice-President Brown praised President Moore on his handling of the meeting.

President Moore congratulated staff on the transfer of the water and sewer infrastructure for Paddon Place. He is pleased that staff is following through on the getting contractors to agree to comply with the Marina landscape guidelines.

Director Randle inquired on Mr. Ballagh's health and was told Mr. Ballagh was improving.

The Board entered into closed session at 10:10 p.m.

7. Closed Session:

- A. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Water Rights-Reclaimed Water
Agency Negotiators: Board – Thomas Moore and David Brown
Staff – Mike Armstrong and Legal Counsel Lloyd Lowrey
Negotiating Parties: Marina Coast Water District
Monterey County Water Resources Agency
Monterey Regional Water Pollution Control Agency
Under Negotiation: Price and Terms

8. Possible Action on Closed Session Item:

The Board returned to Open Session at 11:10 p.m.

No action was taken in closed session.

9. Consider Adopting Resolution No. 2002-11 Approving a Contract with Hatch & Parent Law Firm to Act as District Special Counsel:

Mr. Armstrong introduced this item. Discussion followed.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve Resolution No. 2002-11 as set forth and the waiver to conflict of interest. The motion was passed with one director's seat vacant.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No

10. Adjournment:

The meeting was adjourned at 11:20 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Michael D. Armstrong, General Manager