

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
January 12, 2010
6:45 p.m.

Minutes

1. Call to Order:

President Nishi called the meeting to order at 6:45 p.m. on January 12, 2010.

2. Roll Call:

Board Members Present:

Ken Nishi – President
Bill Lee – Vice President
Howard Gustafson
Dan Burns
Tom Moore

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Suresh Prasad, Director of Finance
Jean Premutati, Management Services Administrator
Evelina Adlawan, Water Quality Manager
Rich Youngblood, Conservation Coordinator
Paul Lord, Water Conservation Specialist
Paula Riso, Executive Assistant

Audience Members:

Tom Buell, MRWPCA
Jan Shriner, Marina Resident
Vienna Merritt Moore, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Kurt Gonzalez, Marina Resident
Dan Amadeo, Marina Resident

Cheiko Nozaki, Army BRAC Office
Derek Lieberman, BRAC Consultant
David Eisen, Army Corps of Engineers
Bill Collins, Army BRAC Office
Roy Evans, Hydro Geologic

The Board entered into closed session at 6:45 p.m.

3. Closed Session:

- A. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Outfall capacity, regional wastewater outfall, Marina, California
Agency Negotiators: (General Manager, Legal Counsel)
Negotiating Parties: MCWD, Monterey Regional Water Pollution Control Agency
Under Negotiation: Price and Terms of Payment

The Board ended closed session at 7:04 p.m.

President Nishi reconvened the meeting to open session at 7:05 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, stated that no decisions were made in closed session and the Board would return to closed session at the end of the open meeting after which any action will be reported out.

5. Pledge of Allegiance:

President Nishi asked Mr. Paul Lord to lead everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Lowrey commented that a letter addressed to the Board was received and would be received under correspondence at the end of the meeting.

7. Presentations:

- A. Consider Adoption of Resolution No. 2010-01 to Recognize Paul Lord, Water Conservation Specialist, and Awarding a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Mr. Jim Heitzman, General Manager, introduced this item and read the narration on the resolution.

Agenda Item 7-A (continued):

Director Moore made a motion to adopt Resolution No. 2010-01 recognizing Paul Lord, Water Conservation Specialist, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

President Nishi awarded a plaque and gift certificate to Mr. Lord. Director Gustafson thanked Mr. Lord for his help with the Landscape Model Ordinance.

- B. Consider Adoption of Resolution No. 2010-02 in Recognition and Appreciation of Director Howard Gustafson's Service as Board President from January 2007 through December 2009:

President Nishi read the narration.

Director Moore made a motion to adopt Resolution No. 2010-02 recognizing and appreciating Director Howard Gustafson's service as Board President from January 2007 through December 2009. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

President Nishi presented Director Gustafson with a plaque and resolution for his service as Board President from January 2007 through December 2009.

- C. Receive a Presentation by the US Army on the Groundwater Remediation Program on the Former Fort Ord:

Mr. Bill Collins, Army Base Realignment Closure Office (BRAC), introduced this item and the members of the remediation team that were present for the presentation. Mr. Derek Lieberman, BRAC Consultant, gave a presentation on the efforts made by the US Army in the Groundwater Remediation Program. Several questions were raised regarding how long it would take to capture 100% of the plume, how the soil was being cleaned, and how long the landfill cover would last.

8. Consent Calendar:

Director Moore noted that several corrections were distributed before the meeting and asked that the motion included accepting those corrections. Those corrections include: 1) name correction on page 7 of the November 17, 2009 minutes; 2) two words inserted into page 7 of the December 8, 2009 minutes; and, 3) Legal Counsel's name inserted into page 1, and a word change to page 3 of the December 22, 2009 minutes.

Ms. Jan Shriner, Marina resident, requested to pull item C.

Director Gustafson made a motion to approve the Consent Calendar consisting of items; A) Adopt Resolution No 2010-03 to Extend and Amend the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for General Engineering Services for As-Needed General Planning, Design, and Hydraulic Model Maintenance Tasks; B) Adopt Resolution No. 2010-04 to Authorize the General Manager or Deputy General Manager to Accept an Easement from PG&E for the Proposed Recycled Water Facilities; D) Approve Expenditures for the Month of December 2009; E) Approve the Draft Minutes of the Regular Board Meeting of November 17, 2009; F) Approve the Draft Minutes of the Regular Board Meeting of December 8, 2009; and, G) Approve the Draft Minutes of the Special Board Meeting of December 22, 2009; with the corrections mentioned above. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

C. Adopt Resolution No. 2010-05 to Approve the Signing Authority for the Deputy General Manager/District Engineer:

Ms. Shriner voiced her concern over the check writing policy asking why the authorized amount was so high and why so many staff members were allowed to sign checks. President Nishi explained that the policy was not changing; the only change was adding the Deputy General Manager/District Engineer as a signatory to the checks.

Director Moore made a motion to adopt Resolution No. 2010-05 approving the signing authority for the Deputy General Manager/District Engineer with the caveat that the policy language is clarified to show that one signature on checks over \$25,000 will be that of a staff member and the other will be that of a Board member. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

9. Action Items:

- A. Consider Adoption of Resolution No. 2010-06 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign a License Agreement with the Regents of the University of California for Well No. 32 Replacement/Eastern Distribution System Project:

Mr. Heitzman introduced this item. Mr. Carl Niizawa, Deputy General Manager/District Engineer, briefly explained the reason for the agreement.

Director Moore made a motion to adopt Resolution No. 2010-06 authorizing the General Manager and/or the Deputy General Manager/District Engineer to sign a License Agreement with the Regents of the University of California for Well No. 32 Replacement/Eastern Distribution System Project, with "Initial Study/Mitigated Negative Declaration" spelled out in the fourth WHEREAS of the resolution. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- B. Consider Adoption of Resolution No. 2010-07 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign a Memorandum of Understanding and License Agreement with the County of Monterey and UCP-East Garrison, LLC for Temporary Use of North Drainage Basin for Well No. 32 Replacement/Eastern Distribution System Project:

Mr. Niizawa introduced this item.

Director Gustafson made a motion to adopt Resolution No. 2010-07 authorizing the General Manager and/or the Deputy General Manager/District Engineer to sign a Memorandum of Understanding and License Agreement with the County of Monterey and UCP-East Garrison, LLC for temporary use of North Drainage Basin for Well No. 32 Replacement/Eastern Distribution System Project. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

C. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2010:

President Nishi handed out a list of his recommendations which are as follows:

- Water Conservation Commission: Bill Lee, Dan Burns – Alternate
- Joint City – District Committee: Ken Nishi, Bill Lee, Dan Burns – Alternate
- MRWPCA Board of Directors: Ken Nishi, Dan Burns – Alternate
- FORA Board of Directors: Ken Nishi, Dan Burns – Alternate
- LAFCO: Tom Moore, Ken Nishi – Alternate
- JPIA Liaison: Dan Burns, Bill Lee – Alternate*
- Executive Committee: Ken Nishi, Bill Lee
- Community Outreach Committee: Howard Gustafson, Bill Lee
- Special District’s Association: Howard Gustafson, Bill Lee – Alternate

Director Moore made a motion to approve the recommendations with a change to the MRWPCA appointment. He would like Director Burns as the primary and President Nishi as the alternate. The motion failed for a lack of a second.

Director Gustafson made a motion to approve the recommendations to Standing Committees and outside agencies as presented. Vice President Lee seconded the motion. Director Moore commented that he made his motion because Director Burns has great experience with the MRWPCA. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

10. Staff Reports:

A. Receive a Report on the Current Public Outreach Efforts:

Mr. Niizawa introduced this item explaining the District has several programs in place that reach out to customers, and those include: the District website, the annual Consumer Confidence Report, newsletters, and a Water Report.

Agenda Item 10-A (continued):

Mr. Niizawa added that the District is continuing to look for additional ways to inform the public on the continuing accomplishments of the District. Ms. Shriner asked if she could get contact information for the District's Public Outreach consultant.

B. Receive a Report on the Landscapes Incentives Program:

Mr. Richard Youngblood, Conservation Coordinator, gave a brief update on the Landscapes Incentive Program and reviewed the additional information the Board had requested at the last meeting. President Nishi asked staff to find out how many of the landscape projects were completed by landscape contractors.

President Nishi commented that the City of Marina is one of the largest water wasters with the irrigation they use on their median landscaping. Director Moore agreed.

11. Workshop:

A. Ord Community Ad Hoc Recommendation Discussion – Part III

Mr. Heitzman gave a brief recap of the Ord Community Ad Hoc's (OCAC) mission and recommendation that had been discussed at the previous workshops. Mr. Heitzman stated that the next workshop would discuss the District annexing the entire Ord Community. After that meeting, a workshop to discuss the Local Agency Formation Commission process will be held. Mr. Heitzman added that following those meetings, a final question/answer workshop will be held. Once the workshops are completed, final action will be requested of the Board.

Ms. Shriner asked to be included in the notification of the OCAC workshops. Mr. Heitzman answered that the workshops are held during regular board meetings and the OCAC group did not meet any more and had not met in over a year.

12. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that the rubber dam on the Salinas River is in place and operable. He added that the Monterey Peninsula Water Management District's aquifer storage and recovery is online with help by the District. Mr. Heitzman stated that the California State University Monterey Bay is now fully metered. He also commented that the new Deputy General Manager/District Engineer, Carl Niizawa, was doing a fine job.

B. District Engineer's Report:

Mr. Niizawa commented that the General Jim Moore Boulevard Phase V work has commenced.

C. Counsel's Report:

Mr. Lowery stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented that the Water Conservation Commission has a full Commission with nine members. Director Burns asked that a letter be sent to the applicant that did not get selected to the Commission.

2. Joint City-District Committee:

Director Gustafson stated there was no meeting held.

3. MRWPCA Board Member:

President Nishi commented that there was no meeting held in December and the next meeting will be held on the last Monday of January.

4. LAFCO Liaison:

Director Moore stated there was no meeting held in December and the next meeting is the 25th of January.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated the meeting was boiler-plate.

7. Executive Committee:

No comments.

8. Community Outreach:

Director Gustafson commented that REPOG was continued until just a few months ago.

9. Special Districts Association Liaison:

Director Gustafson commented that the meeting was scheduled for next week.

A. Director's Comments:

Director Burns asked for an update on the District's desalination plant and the contract currently in place.

Director Moore requested to have a closed session regarding negotiating the General Manager's contract.

President Nishi asked Board members to contact their alternates as soon as possible if they are unable to attend a Committee meeting. He added that he was glad the Board was working together.

13. Correspondence:

President Nishi asked that the correspondence received from Ms. Jan Shriner be included under correspondence.

President Nishi recessed the meeting from 8:42 p.m. until 8:50 p.m.

The Board re-entered closed session at 8:50 p.m.

3. Closed Session:

- A. Pursuant to Government Code 54956.8
 - Conference with Real Property Negotiator (General Manager, Legal Counsel)
 - Property: Outfall capacity, regional wastewater outfall, Marina, California
 - Agency Negotiators: (General Manager, Legal Counsel)
 - Negotiating Parties: MCWD, Monterey Regional Water Pollution Control Agency
 - Under Negotiation: Price and Terms of Payment

President Nishi reconvened the meeting to open session at 9:14 p.m.

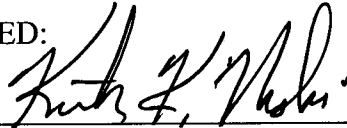
4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, stated that no decisions were made in closed session and direction was given to the negotiators.

14. Adjournment:

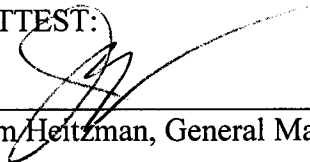
The meeting was adjourned at 9:16 p.m.

APPROVED:



Kenneth K. Nishi, President

ATTEST:



Jim Heitzman, General Manager