

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
July 13, 2010  
6:45 p.m.

**Minutes**

1. Call to Order:

President Nishi called the meeting to order at 6:45 p.m. on July 13, 2010.

2. Roll Call:

Board Members Present:

Ken Nishi– President  
Bill Lee – Vice President  
Howard Gustafson  
Tom Moore – arrived at 6:46 p.m.

Board Members Absent:

Dan Burns

Staff Members Present:

Jim Heitzman, General Manager  
Lloyd Lowrey, Legal Counsel  
Carl Niizawa, Deputy General Manager/District Engineer  
Suresh Prasad, Director of Finance  
Brian True, Capital Projects Manager  
Jean Premutati, Management Services Administrator  
Sean Knight, Assistant Engineer  
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Jan Shriner, Marina Resident  
Andy Sterbenz, Schaaf & Wheeler  
Alison Imamura, Denise Duffy & Associates  
Denise Duffy, Denise Duffy & Associates

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: Parcel of Land known as Sunset Place  
Negotiating Parties: MCWD, Residents, City of Marina  
Under Negotiation: Fee Title Ownership and Disposal
  
- B. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Section 54956.9)  
Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County  
Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and  
Complaint for Declaratory Relief)

The Board ended closed session at 6:49 p.m.

President Nishi reconvened the meeting at 7:00 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported that on item 3-A, pursuant to Government Code 54956.8, the Board of Directors conferred with the Real Property Negotiators and no action was taken. On item 3-B, pursuant to Government Code 54956.9, the Board of Directors conferred with Legal Counsel and no action was taken.

5. Pledge of Allegiance:

President Nishi asked Ms. Jean Premutati, Management Services Administrator, to lead everyone present in the Pledge of Allegiance.

6. Oral Communications:

There were no comments.

8. Consent Calendar:

Director Moore requested to pull items B, D, E, F, and G from the Consent Calendar.

Director Gustafson made a motion to approve the Consent Calendar consisting of items A) Adopt Resolution No. 2010-44 to Approve the Contract Extension of the Temporary Assistant Engineer Position; and, C) Adopt Resolution No. 2010-46 to Authorize the Agreement with Bureau of Reclamation, Mid-Pacific Region, to Provide Assistance in Conducting a Feasibility Study and Associated Reviews and Assessments for a Not-to Exceed Amount of \$20,000. Director Moore seconded the motion. The motion was passed.

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

- B. Adopt Resolution No. 2010-45 to Authorize the Contract Extension with Troutman Sanders Strategies to Provide Consultant Services in Connection with Federal Government Affairs for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses:

Director Moore commented that the contract amount did not allow for any incidentals and asked if it should be increased. Mr. Jim Heitzman, General Manager, answered that there have never been any incidentals incurred in the past and did not expect any to be incurred in the remainder of this contract.

Director Moore made a motion to adopt Resolution No. 2010-45 to authorize the contract extension with Troutman Sanders Strategies to provide consultant services in connection with Federal Government Affairs for a not-to-exceed amount of \$36,000 plus direct expenses. 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	-	Absent			

- D. Adopt Resolution No. 2010-47 to Authorize the Construction Contract for CIP# OW-0170 With Randazzo Enterprises, Inc. for the Demolition of the Existing Municipal Well No.32 Site Structures Within a Not-To-Exceed Project Work Amount of \$29, 600:

Director Moore questioned why the contingency was larger than the usual 10%. Mr. Brian True, Capital Projects Engineer, answered that because the contract amount was so small, the larger contingency allowed for unexpected costs that may arise. Mr. Carl Niizawa, Deputy General Manager/District Engineer, added that there could be asbestos or lead paint involved and that could trigger extra costs to the District to have it removed.

Agenda item 7-D (continued):

Director Moore made a motion to adopt Resolution No. 2010-47 to authorize the construction contract for CIP# OW-0170 with Randazzo Enterprises, Inc. for the demolition of the existing Municipal Well No.32 site structures within a not-to-exceed project work amount of \$29,600. Director Gustafson seconded the motion.

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

- E. Adopt Resolution No. 2010-48 to Approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services Related to CIP# OW-0207 for the Installation of Potable Water Pipelines in 3<sup>rd</sup> Avenue and 12<sup>th</sup> Street in Marina, CA for a Not-to-Exceed Project Amount of \$6,200:

Director Moore again questioned why the contingency was so much higher than usual. Mr. True answered that there are uncertainties in what might be found when the work is performed and the extra funds would allow two additional site visits.

Director Moore made a motion to adopt Resolution No. 2010-48 to approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services related to CIP# OW-0207 for the installation of potable water pipelines in 3<sup>rd</sup> Avenue and 12<sup>th</sup> Street in Marina, CA for a not-to-exceed project amount of \$6,200. Director Gustafson seconded the motion.

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

- F. Approve the Expenditures for the Month of June 2010:

Director Moore questioned check numbers 49640, 49486, 49676, 49706, 49714 and 49723. Staff answered Director Moore's inquiries.

Director Gustafson made a motion to approve the expenditures for May 2010. 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	-	Absent			

G. Approve the Draft Minutes of the Regular Board Meeting of June 22, 2010:

Director Moore requested to postpone approval of the draft minutes until Director Burns returns.

President Nishi asked for corrections to pages 11 and 12 of the minutes. On page 11, under item 3 - MRWPCA Board Member, the second sentence is to read, "...have a pipeline ~~and it be included~~ # in the 2010-2011 CIP." Under item 4 - LAFCO Liaison, second sentence is to read, "...June 16<sup>th</sup> Sphere of Influence Committee meeting, some minor changes were suggested for the June 28<sup>th</sup> Board meeting, and...". On page 12, the fourth paragraph under "Director's Comments" shall read as follows, "...could do something to show appreciation to the employees for their outstanding work." and, "...to get the City of Marina to comply, and it was successful."

Director Gustafson made a motion to approve the draft minutes of the regular Board meeting of June 22, 2010, as corrected. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	No	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Absent			

8. Action Items:

- A. Consider Adoption of Resolution 2010-49 to Ratify the Amended and Restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and Designate ACWA HBA Membership Representatives:

Ms. Premutati introduced this item explaining that the Board is requested to ratify the amended and restated ACWA HBA bylaws, ratify the amended JPA Agreement and to designate the Board President and General Manager as ACWA HBA membership representatives. Ms. Premutati also explained that there are several committees that the District staff can volunteer to serve on. Those committees meet quarterly and may occur via conference call.

Director Gustafson made a motion to adopt Resolution No. 2010-49 ratifying the amended and restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and designate the Board President and General Manager as ACWA HBA membership representatives. 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	-	Absent			

- B. Consider Adoption of Resolution No. 2010-50 to Approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services Related to the Regional Water Supply Project for a Not-to-Exceed Amount of \$535,000:

Mr. Niizawa introduced this item and answered that the services were reviewed and approved by California America Water Company (Cal Am) prior to Board approval. Director Moore asked what other environmental work needed to be done. Ms. Alison Imamura, Denise Duffy & Associates, answered that the Federal Process requires more detailed environmental work for the Endangered Species Act than what has already been completed.

Director Moore made a motion to adopt Resolution No. 2010-50 to approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services related to the Regional Water Supply Project for a not-to-exceed amount of \$535,000. Director Gustafson seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Day and Time of Each Committee:

Mr. Niizawa introduced this item. President Nishi suggested tabling this item until a full Board is present for discussion. He asked that each Board member email him their committee requests for consideration at the next meeting.

Director Moore made a motion to table this item until the next meeting. Director Gustafson seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

9. Staff Reports:

- A. Update on the Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis:

President Nishi asked to table this item until the next meeting when Director Burns is present as he was the one who asked for information on this item.

All Directors present concurred to table this item until next meeting.

B. Oral Update on the Regional Urban Water Augmentation Project:

Mr. Heitzman commented that there are designs on the pump station and the pipeline. There are some issues with the pump station working with the rest of the distribution system, but those issues are being worked on. Mr. Heitzman commented that there are details still being discussed with the City of Marina regarding easements for the pipeline through the City and the location of the pump station. There is about 30% of the recycled water pipeline installed and the District is continuing to look for additional grant funds for this project. It is imperative that the easements with the City get resolved as soon as possible so the District can stay qualified for the State Revolving Fund monies.

C. Oral Update on the Regional Water Plan:

Mr. Heitzman commented that the judge has weighed in and approved the reimbursement agreement between the District and Cal Am and there is a great amount of support for this project from almost everyone. The agencies are working with Peninsula Mayors to see if they and/or the Monterey Peninsula Water Management District want to represent the constituents of the Peninsula. Mr. Heitzman commented that a Community Outreach forum is being developed for interested parties to participate, learn about the project and stay abreast of the project. Mr. Heitzman stated that the courts could make a decision within the next ninety days and then it will be forwarded to the CPUC for final determination.

10. Informational Items:

A. General Manager's Report:

Mr. Heitzman stated he had nothing to report.

B. District Engineer's Report:

Mr. Niizawa introduced Mr. Sean Knight, the Assistant Engineer in the District's engineering department. Mr. Knight thanked the Board for the opportunity to continue working for the District and is looking forward to being a part of helping the Community grow.

C. Counsel's Report:

Mr. Lowrey stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented there was no meeting last month.

2. Joint City-District Committee:

President Nishi stated they were meeting on Thursday, July 15<sup>th</sup> and the recycled water pipeline easement was one of the issues to be discussed.

3. MRWPCA Board Member:

President Nishi commented that the June 28<sup>th</sup> regular Board meeting was boiler-plate.

4. LAFCO Liaison:

Director Moore stated that there is no meeting in July and the next meeting was in August. Director Moore commented that he understood Mr. Don Champion was elected as Chair for the upcoming year. President Nishi commented that the meetings run slow although public member, Vince DiMaggio, keeps things moving along, and the meeting was boiler-plate.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated that the meeting was held July 9<sup>th</sup> and the meeting was boiler-plate.

7. Executive Committee:

No meeting was held.

8. Community Outreach:

Director Gustafson commented that there hasn't been a lack of press by any means, and the District didn't even have to do anything to get it.

9. Special Districts Association Liaison:

Director Gustafson commented that the meeting was next week on July 20<sup>th</sup>.



E. Director's Comments:

Director Gustafson commented that Vince DiMaggio, Sr. gave him his first job.

President Nishi commented that Marina Coast is on the threshold of doing something to help our neighbors to the south with their economic situation because of the additional supply of water. President Nishi congratulated his fellow Board members and encouraged them to keep up the good work as they persevere to move forward. President Nishi stated that he didn't think the District and Board members would take as much flack as they are taking. He thought that people would appreciate what the District is trying to do for everyone on the Peninsula and is surprised by the resistance. President Nishi said that he thinks if the District carries on, things should be okay.

11. Correspondence:

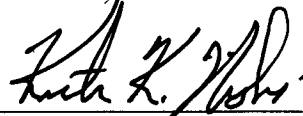
Mr. Heitzman commented that the District received a letter of appreciation from the California State University Monterey Bay, and as letters of appreciation are received, he will keep the Board informed.

President Nishi stated he would like to form an Ad-Hoc with the General Manager to look at ways to show appreciation to the staff.

12. Adjournment:

The meeting was adjourned at 7:41 p.m.

APPROVED:



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Kenneth K. Nishi, President

ATTEST:



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Jim Heitzman, General Manager