

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
April 12, 2011
6:45 p.m.

Minutes

1. Call to Order:

President Lee called the meeting to order at 6:45 p.m. on April 12, 2011.

2. Roll Call:

Board Members Present:

Bill Lee – President
Dan Burns – Vice President
Howard Gustafson
Jan Shriner
Kenneth K. Nishi

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Thomas Barkhurst, Water Quality Chemist
Rich Youngblood, Conservation Coordinator
Brian True, Capital Projects Manager
James Derbin, Interim Operations and Maintenance Superintendent
Gary Rogers, Assistant Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Richard Newhouse, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Paula Pelot, Marina Resident
William Shelby, TORO Association
Joe Elliott, Elliott Management
Don Bolles

Harold Krotzer, Marina Resident
Will Franks, Marina Resident
Don Evans, Evans Group
Dave Swanson, TORO Association
Walt Conley
Carrie Williams, CSUMB Student

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

3. Closed Session:

- A. 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)

- B. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency designated representatives: William Lee and Dan Burns
Unrepresented Employee: General Manager

The Board ended closed session at 7:03 p.m.

President Lee reconvened the meeting to open session at 7:06 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

- 3-A – there was no conference, no discussion, and no action was taken.
- 3-B – direction was given, no action was taken.

Director Shriner inquired on item 3-A asking if action was taken at the special Board meeting on April 8th regarding this matter. Mr. Lowrey answered that no action was taken in closed session but there was action taken in open session on April 8, 2011. Director Shriner stated that she had received some draft minutes of the April 8th meeting, although in a different format than usual, and asked if there was a reason behind it. Mr. Lowrey stated that should be discussed either under the minutes or Director's Comments.

5. Pledge of Allegiance:

President Lee led everyone present in the pledge of allegiance.

6. Oral Communications:

No comments.

7. Consent Calendar:

Director Shriner asked to pull items D and F from the Consent Calendar. Vice President Burns asked to pull item B from the Consent Calendar.

Director Gustafson made a motion to approve Consent Calendar consisting of items:

- A. Adopt Resolution No. 2011-25 to Amend the Marina Coast Water District Conflict of Interest Code
- C. Adopt Resolution No. 2011-26 to Approve a Professional Services Agreement with TJC & Associates Inc. for \$26,000 for Consulting Services Related to the District's Supervisory Control and Data Acquisition System
- E. Approve the Expenditures for the Month of March 2011
- G. Approve the Draft Minutes of the Regular Board Meeting of March 8, 2011

Director Shriner seconded the motion. The motion was passed.

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

- B. Approve the 2010 Consumer Confidence Report for the Marina Coast Water District Water System:

Vice President Burns inquired what corrective action was taken when coliform was detected. Mr. Thomas Barkhurst, Water Quality Chemist, answered that repeat samples were taken both upstream and downstream from the detection site and all six District Wells were sampled. Those samples were all negative. Vice President Burns asked what the arsenic level for reporting was. Mr. Barkhurst answered that the Maximum Contaminant Level was 10 and the highest detected amount was 6.4. Vice President Burns commented that there is a website listed for people to find out more information on Radon in the air, but no website was listed for Radon in the water. He suggested adding a water website for people to get more information. Mr. Barkhurst stated that the language in the report was required, but something could be added.

Director Gustafson made a motion to approve the 2010 Consumer Confidence Report for the Marina Coast Water District Water System. Director Shriner seconded the motion. The motion was passed.

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

D. Adopt Resolution No. 2011-27 to Approve the Issuance of a Request for Proposals to Provide Legal Assistance on Personnel and Employment Matters to the Marina Coast Water District:

Director Shriner questioned why the District was sending out a Request for Proposals for legal assistance when Noland, Hammerly, Ettienne & Hoss have been providing assistance to the District for years. Ms. Jean Premutati, Management Services Administrator, answered that the Request for Proposals was to hire a law firm with more focus on employment law and personnel matters. Mr. Lowrey commented that this was beyond the scope of services that Noland, Hammerly, Ettienne & Hoss normally performs.

Director Gustafson made a motion to adopt Resolution No. 2011-27 to approve the issuance of a Request for Proposals to provide legal assistance on personnel and employment matters to the Marina Coast Water District. Director Shriner seconded the motion. The motion was passed.

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

F. Approve the Draft Minutes of the Special Board Meeting of February 22, 2011:

Director Shriner commented that she had a change on page 52 of the packet, page 12 of the minutes. She suggested the second paragraph, first sentence read, "Director Shriner suggested replacing the phrase "MCWD shall approve all contract change orders..." with "All changes will be subject to approval by MCWD."

Director Gustafson made a motion to approve the draft minutes of the special Board meeting of February 22, 2011 with Director Shriner's changes.

Director Nishi commented that he had a change on page 47 of the packet, page 7 of the minutes. He asked the fourth sentence of the last paragraph to read, "Director Shriner said she passed Director Nishi copies of the documents she referred to." Director Nishi explained he did not receive the documents that that she referred to. Director Nishi asked Director Gustafson to amend his motion to have staff review the section of the tape Director Shriner was talking about, and make the correction to page 7 of the minutes adding the words "said she".

Director Gustafson amended his motion to have staff review the tapes, add the words "said she" and bring the corrected minutes back to the next meeting. Director Nishi seconded the motion. The motion was passed.

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

Mr. Lowrey commented that Director Shriner wanted to know about the April 8th minutes. Director Shriner asked if they would be on the next agenda. Mr. Jim Heitzman, General Manager, answered they would.

8. Action Items:

A. Consider Appointment to the Water Conservation Commission:

Mr. Richard Youngblood, Conservation Coordinator, introduced this item explaining that staff had advertised the vacancy and had received one application. He added that Commissioner Newhouse tendered his resignation at the last meeting, so once the current vacancy is filled, there would be another to fill.

Director Shriner commented that in December 2009, after only one application was received, the Board asked staff to re-advertise the vacancy. Mr. Youngblood stated that in 2009, the Board asked staff to advertise the vacancy because it was never advertised to begin with and it was a requirement of the Commission.

Director Nishi commented that he felt this discussion was straying from the agenda item. Mr. Lowrey answered that the Board can discuss what action they want to take.

Vice President Burns asked how much the District spent on advertising the vacancy. Mr. Youngblood answered that the District spent \$350 on advertising the vacancy.

Director Burns made a motion to table this item and re-evaluate the Water Conservation Commission as to how many people should be on it and what their direction should be. Director Shriner seconded the motion. President Lee commented that they weren't ready for a motion yet as public comment had not been received.

Ms. Paula Pelot, Marina Resident, questioned what qualifications are required for this position and also asked if related people can serve on the same committee.

Mr. Harold Krotzer, Marina Resident, commented that his was the application for the position and if the Board was unsure of the appointment, they could table this item and move on. He added that he had been attending the last several meetings of the Water Conservation Commission and really enjoyed them. Mr. Krotzer commented that his qualifications are that he has lived in Marina since 1984, he has a concern for water, and a concern as a Marina resident.

President Lee asked if there were any legal issues or anything to prevent family members from serving on the same Commission. Mr. Lowrey answered that there were no legal issues and nothing to stop anyone from serving on the same Commission.

Agenda Item 8-A (continued):

Director Burns re-stated his motion to table this item and re-evaluate the Water Conservation Commission. Director Shriner seconded the motion. Director Nishi commented that he had concerns on this motion. He was concerned that the District already spent \$350 on advertising and shouldn't throw it away. Director Nishi suggested appointing Mr. Krotzer and putting an item on the agenda next month to discuss the Water Conservation Commission.

President Lee made a substitute motion to appoint Mr. Krotzer to the Water Conservation Commission. Director Gustafson seconded the motion. The motion to make a substitute motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	No
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

The Board voted on President Lee's substitute motion to appoint Mr. Krotzer to the Water Conservation Commission. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	No
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

B. Consider Adoption of Resolution No. 2011-28 to Select a Consultant to Facilitate a Board Workshop and Develop a Five-Year Strategic Plan for the Marina Coast Water District:

Ms. Premutati introduced this item.

Director Shriner asked if the Board had any experience with any of these firms. Ms. Premutati answered that the Board has worked with The Ingram Group and Applied Development Economics. Director Shriner thanked Ms. Premutati for putting together a spreadsheet showing the different bids and asked if any of the consultants were local. Ms. Premutati answered that one was local and the other three were out of town.

Vice President Burns commented that BHI Management Consulting was a more hands on consultant and didn't rely on phone or online contact with Board members. Ms. Premutati added that Mr. Brent Ives, BHI Management Consulting, was President of California Special Districts Association and has taught many training classes throughout the state. Ms. Premutati commented that the scope-of-work can be revised depending on the needs of the Board.

Vice President Burns clarified that staff was looking for the Board to select a facilitator from the group at this meeting. Ms. Premutati answered affirmatively.

Agenda Item 8-B (continued):

Director Nishi made a motion to adopt Resolution No. 2011-28 selecting BHI Management Consulting to facilitate a Board workshop and develop a five-year Strategic Plan for the Marina Coast Water District. Director Gustafson seconded the motion.

Director Shriner made a substitute motion to adopt Resolution No. 2011-28 selecting The Ingram Group to facilitate a Board workshop and develop a five-year Strategic Plan for the Marina Coast Water District. She commented that she selected The Ingram Group because they were local and a lower cost than BHI Management Consulting. The motion died for lack of a second.

The original motion to adopt Resolution No. 2011-28 selecting BHI Management Consulting to facilitate a Board workshop and develop a five-year Strategic Plan for the Marina Coast Water District was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

- C. Consider Adoption of Resolution No. 2011-29 to Approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to the Eastern Distribution Project Watkins Gate Well & Pipeline Installation for a Not-To-Exceed Amount of \$54,680:

Mr. Gary Rogers, Assistant Engineer, introduced this item.

Director Nishi asked what work Schaaf & Wheeler would be doing for the \$54,680. Mr. Rogers answered that they would be doing preliminary services; surveying and base mapping of the area; soil investigation and geotechnical engineering; preliminary design & report; and, meetings and coordination.

Director Nishi stated that he had concerns that if the District is going to drill into the deep aquifer, it is too close to Well No. 34 which is also in the deep aquifer, citing information in the draft Urban Water Management Plan. He indicated concerns regarding Well 34 depth and perforations, and that such should be a Board decision. Mr. Lowrey commented that Schaaf & Wheeler is doing the preliminary work along with the Hydrogeologist and the final decision will be made by the Board.

Agenda Item 8-C (continued):

Director Gustafson made a motion to adopt Resolution No. 2011-29 to approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering services related to the Eastern Distribution Project Watkins Gate Well & Pipeline Installation for a not-to-exceed Amount of \$54,680 and that following the CEQA work, the Board will make the final decision on the well. Director Shriner seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	Yes	President Lee	-	Yes
Director Nishi	-	No			

D. Reconsider the Appointment of the Liaisons to the Regional Desalination Project:

Mr. Heitzman introduced this item.

Ms. Pelot asked what the reasoning was behind this item. Vice President Burns explained that Director Nishi has more experience in the financial issues than he does, and he has more experience than Director Nishi in the design and operation phase of the process. This will make it more beneficial to the District if they both have equal partnership in this process.

Director Shriner commented that she had suggested the primary and alternate, was because it was difficult to have one Director quit without reason in January, and reapply in February without reason. She said she was concerned about reliability.

Director Nishi commented that Director Shriner chastised the Board on January 31st for lacking to select a member for the Water Conservation Commission who had more experience than the others. In March, when both Director Nishi and Vice President Burns volunteered to serve as liaisons to the Regional Desalination Project, Director Shriner selected Vice President Burns when they were both willing to work as equals. Director Nishi asked that they be allowed to give it a chance to work.

Mr. William Franks, Marina resident, commented that having both serve is a good idea and agreed with Vice President Burns that they both bring experience.

Director Gustafson made a motion to appoint Vice President Burns and Director Nishi as co-liaisons to the Regional Desalination Project. Vice President Burns seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

E. Consider Providing Direction to the Board President on the District Vote for the LAFCO Independent Special District Alternative Seat:

Mr. Heitzman introduced this item.

Vice President Burns asked if staff had any preference to any of the candidates. Mr. Heitzman commented that he has heard good things about Mr. Stephen Snodgrass, although he had not heard anything bad about anyone else.

Director Nishi commented that Mr. Snodgrass would be a benefit to LAFCO because he is from a water district and it would be a benefit if there was someone from a water use agency on LAFCO.

Director Shriner commented that she has had experience with Ms. Mary Ann Leffel and has been impressed with her communication skills and collaborative efforts.

Director Gustafson made a motion to recommend the Board President vote for Mr. Stephen Snodgrass for the LAFCO Independent Special District Alternative Seat. Vice President Burns seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

F. Consider Providing Direction to Staff on the Coalition of Toro Area Homeowners' Associations Request to Provide Sanitary Sewer Service:

Mr. Lowrey recused himself from this matter to avoid any possible implication or appearance of conflict of interest, as he lives within the area to be discussed. He left the room at 7:57 p.m.

Mr. Heitzman introduced this item and noted that the financial impact on page 170 should be "yes" as the District would have to spend some resources to get a report on the preliminary cost figures as requested.

Mr. William Shelby, Toro Park Homeowners Coalition, commented that they were seeking to change their service from a private to public agency. If they succeed in acquiring the system, they could either operate the facility as it is, or, connect to a service provider such as the Marina Coast Water District and allow them to maintain and operate it.

Agenda Item 8-F (continued):

Vice President Burns asked if they had asked the Monterey Regional Water Pollution Control Agency (MRWPCA) to be annexed into their territory. Mr. Shelby didn't think so. Vice President Burns asked if this would eliminate the small treatment plant. Mr. Shelby said it did.

Vice President Burns asked if the District would get the recycled water from the sewer flows. Mr. Heitzman answered the District would if it owned the system. He added that there are many options available to the Toro Park Homeowners, from purchasing and operating it themselves, or running a pipe to the Salinas treatment plant. Mr. Heitzman stated that the Toro Park Homeowners Coalition wanted the District to put together some numbers so that they can decide for themselves what would be the best for them.

Director Nishi asked what the answer from the MRWPCA was, when they asked for annexation.

Mr. Don Bolles, Toro Park Homeowners Coalition Secretary, stated that he made the original request to the MRWPCA to be included in their system. The MRWPCA spent about \$30,000 on a study that it said it was feasible to be included into the system by connecting at Hitchcock Road in Salinas. Mr. Bolles said that they were told that the MRWPCA only does treatment and not collection, so the Toro Park Homeowners would have to find some other agency to handle the collection and how to acquire the assets from the current owner.

Director Nishi commented that as a Director for the Marina Coast Water District ratepayers, he cannot support spending the Marina ratepayer's funds to do the research. He stated that when the District was asked to do something similar to this before, the people wanting the research, paid the funds themselves. Director Nishi suggested letting the General Manager figure things out.

Mr. Heitzman said the Board could ask staff to give Toro Park Homeowners Coalition a ballpark figure on the costs for the District to do the work that they requested. They can then take that figure back to their next meeting and decide if they want to pay the District to move forward.

Director Nishi said that the sewer system is privately owned and the owner has stated publicly that they are not interested in selling it. There is no way of guessing what the cost would be.

Mr. Heitzman stated that the District staff could let the Toro Park Homeowners know approximately what the cost for maintaining the infrastructure would be. Vice President Burns asked if the costs would be borne on the Toro Park Homeowners and how the costs would be paid. Mr. Heitzman answered that if it went to the point where the District spent money on the infrastructure and connecting it to the system, a separate cost center would be created for the Toro Park Homeowners so they don't have to pay for anything but their system.

Agenda Item 8-F (continued):

Director Gustafson made a motion for staff to work with the Toro Park Homeowners Coalition and provide them with an estimate of the cost to do research into their request. Director Shriner seconded the motion. The motion was passed.

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

Mr. Lowrey returned to his seat in the Board room at 8:16 p.m.

- G. Consider First Reading of Ordinance No. 54 Approving New District Rates, Fees & Charges for Marina Water and Wastewater and Approve Prop. 218 Public Notice and Set Date, Time and Location for Public Hearings for Proposed Changes in Rates, Fees, and Charges for Marina and Ord Community Service Areas:

Ms. Kelly Cadiante, Director of Administrative Services, introduced this item.

Ms. Pelot commented that she understands that even if a Prop. 218 notice is done for two years, if you change the rates the second year you have to do another Prop. 218 notice. Mr. Lowrey stated that the Government Code provides for you to do up to a five-year Prop. 218 notice and set an upper limit so that as long as you adopt rates within that limit, you don't have to send out another Prop. 218 notice. Ms. Pelot asked for the Code reference. Mr. Lowrey said he didn't know it off the top of his head but would look it up and let her know what it was.

Director Shriner reminded everyone that a 7.8% increase was originally proposed, but was reduced to 4.9%.

Director Gustafson made a motion to consider the First Reading of Ordinance No. 54 approving new District rates, fees & charges for Marina Water and Wastewater and approve Prop. 218 Public Notice and set date, time and location for Public Hearings for proposed changes in rates, fees, and charges for Marina and Ord Community service areas. Director Shriner seconded the motion. The motion was passed.

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

9. Staff Report:

A. Receive an Update on the 2010 Urban Water Management Plan:

Mr. Rogers introduced this item.

Director Shriner noted that there were phrases in the 2010 Urban Water Management Plan (UWMP) such as overdraft, shortfall, and net imbalance. She wanted to know why, if there is a net imbalance for 2030, would anyone want to build houses that there is no water for and why would the District even approve those plans? Mr. Heitzman answered that the land use jurisdictions make those decisions. Director Shriner said the District gives the jurisdictions Water Assessments. Mr. Heitzman answered that the District gives Water Supply Assessments based on the Monterey County Water Resources Agency's water allocation for each jurisdiction on the current available supply. Director Shriner asked clarification questions on recycled water availability. Discussion followed regarding recycled water, storage and availability.

Director Shriner commented that on page 22, the table shows a shortfall of water by 2015 and it grows by 2020. Mr. Andrew Sterbenz, Schaaf & Wheeler, commented that this table was for the State of California's Water Conservation Plan, the 20x2020 Plan. The table shows the difference between the conservation target for the year 2020 and what the projected per person water demand is going to be in the year 2020. Mr. Sterbenz stated that the Marina Coast Water District is pulling down the state average for per person water demand due to the fact it is mostly residential and very little commercial use. Over the next ten years, the local jurisdictions are predicting more commercial development which raises the per person water demand, and in the next decade, they are predicting more residential development which brings the average back down.

There were clarifying questions on current water supply and future water supply.

Director Nishi commented that the map on page 7 showing the service area was incorrect. On page 29, the last paragraph needs to be clarified. Director Nishi stated that he had other comments and that he would meet with Mr. Sterbenz to go over his concerns at another time.

Ms. Pelot noted on page 46 that the UWMP mentions the District's desalination plant is idle. She asked that it be clarified if it was idle or broken. Mr. Rogers answered that staff would take the comment into consideration.

Mr. Lowrey asked the Board to return to item 8-G to set the date for the hearing and designate an official, the General Manager or designee, to prepare the summary of Ordinance No. 54 for publication.

Agenda Item 8-G (continued):

Director Gustafson made a motion to set the date for the public hearing to June 10, 2011 at a joint meeting with the Fort Ord Reuse Authority, and June 14, 2011 for the Central Marina Ordinance No. 54 public hearing. Vice President Burns seconded the motion. The motion was passed.

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

10. Informational Items:

A. General Manager's Report:

No report.

B. District Engineer's Report:

No report.

C. Counsel's Report:

No report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

President Lee commented that the meeting was boiler-plate.

2. Joint City-District Committee:

Mr. Heitzman commented that it was a productive meeting.

3. Budget and Personnel Committee:

No meeting was held.

4. MRWPCA Board Member:

Vice President Burns stated there was nothing to report.

5. Special Districts Association Liaison:

Director Gustafson commented that meeting is next week.

6. LAFCO Liaison:

Nothing to report.

7. JPIA Liaison:

Director Shriner commented that the Spring Conference Program is May 10-13 in Sacramento.

8. FORA:

President Lee commented that the meeting was last Friday and was boiler-plate.

9. CalDesal:

Vice President Burns stated that was a meeting in Redondo Beach on April 7 and 8. The State Water Resources Control Board moved up their priorities for intake and brine waste discharge and was going to start looking at the regulations on these processes. Vice President Burns stated that CalDesal will make a presentation on May 18 to the State Water Resources Control Board. He said that there were presentations on new technology and information.

10. Executive Committee:

No meeting was held.

11. Community Outreach:

President Lee commented that information was going through the Water Conservation Commission.

12. Regional Desalination Reports:

The matrix is included in the packet.

C. Director's Comments:

Director Shriner thanked the CSUMB students for attending the Board meeting.

Director Gustafson said it was a great meeting.

Agenda Item 10-C (continued):

Director Nishi commented that the Board decided that they wanted to discuss portions of the Procedures Manual in each agenda and asked that staff follow through with it.

President Lee asked Ms. Paula Riso, Board Clerk, to help him make sure that the Procedures Manual was on each agenda. He also thanked the students for attending the meeting.

11. Correspondence:

Provided in the packet.

12. Adjournment:

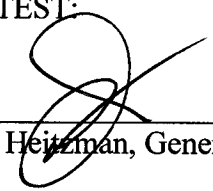
The meeting was adjourned at 8:44 p.m.

APPROVED:



William Y. Lee, President

ATTEST:



Jim Heitzman, General Manager