

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Special Board Meeting
November 20, 2012
5:45 p.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 5:45 p.m. on November 20, 2012.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Jan Shriner

Staff Members Present:

Jim Heitzman, General Manager
Roger Masuda, Legal Counsel
Andy Sterbenz, Interim District Engineer
Jean Premutati, Management Services Administrator
Joe Correa, Operations and Maintenance Supervisor
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Pete Talbot, HDR Engineering
Larry Johnson, HDR Engineering
Phil Molnar, Monterey Herald
Jonathon Garcia, FORA
Scott Ottmar, City of Seaside
Eric Petersen
Tom Moore, Marina Resident
Carlos Ramos
Sara Rubin, Monterey County Weekly
Sid Williams, Marina Resident
Peter Le, Marina Resident

Mike Salerno, Keep Fort Ord Wild
Chris Herin, Castroville

The Board entered into closed session at 5:45 a.m.

3. Closed Session:

- A. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association

- B. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Teamsters Local 890

The Board ended closed session at 6:06 p.m.

President Burns reconvened the meeting to open session at 6:07 p.m.

4. Possible Action on Closed Session Items:

Mr. Roger Masuda, Legal Counsel, reported that no reportable action was taken in closed session.

5. Pledge of Allegiance

President Burns led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Moore stated that the filming of these meetings was paid for by donations and anyone can make a donation to More Transparency, PO Box 693, Marina, CA, 93933.

7. Action Items:

Mr. Masuda handed out a memorandum discussing the rules and options available to the Board on motions to reconsider items. He went over the rules in both the District Board Procedures Manual and Roberts Rules of Order. Mr. Masuda explained that the Board is guided but not bound by Roberts Rules of Order, and the Board Procedures Manual is what the Board needs to follow.

- A. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-80, (Consideration and Approval of Extension of General Manager Employment Contract) and to Reconsider Adoption if the Motion Passes:

Mr. Masuda stated that, when considering each item, the Board members should confirm that the information provided in this packet was the same as what was provided and voted on at the November 13th meeting.

Agenda Item 7-A (continued):

Mr. Masuda explained that if no motion is made to reconsider the item, the motion in Section 32 of the Board Procedures Manual is satisfied and the November 13th motion remains in effect. He added that if there is a motion to reconsider the item and it is seconded, the Board would then vote to reconsider the motion.

President Burns asked the Board members to confirm that the information provided in the packet was the same as what was voted on at the November 13th meeting. The Board confirmed the information was the same.

There was no motion to reconsider the item.

- B. Consider Motion for Reconsideration of the Adoption of Ordinance No. 55 (an Ordinance Adding Chapters 6.08.090.E and 6.12.040.D to the District Code on Transfer of Water and Sewer Capacity Credit) and to Reconsider Adoption if the Motion Passes:

President Burns asked the Board members to confirm that the information provided in the packet was the same as what was voted on at the November 13th meeting. The Board confirmed the information was the same.

There was no motion to reconsider the item.

- C. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-77 (Authorizing the General Manager to Take Any and All Actions Necessary to Provide a Conditional Commitment to the General Services Administration to Construct an Imjin Office Park Building to House the Bureau of Land Management Regional Office) and to Reconsider Adoption if the Motion Passes:

President Burns asked the Board members to confirm that the information provided in the packet was the same as what was voted on at the November 13th meeting. The Board confirmed the information was the same.

There was no motion to reconsider the item.

- D. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-78 (Approving the Water Supply Assessment for the Monterey Downs Specific Plan) and to Reconsider Adoption if the Motion Passes:

Mr. Moore voiced his concerns regarding Schaaf & Wheeler disagreeing with FORA on the Seaside water allocation and that, when all the numbers are put together, Seaside is using over their groundwater allocation.

Agenda Item 7-D (continued):

Mr. Moore also voiced his concern over the water factor used in the Monterey Downs Specific Plan and noted that if the actual water use in Seaside Highlands was used as a comparison, the usage for Monterey Downs would be underestimated.

Mr. Mike Salerno, Keep Fort Ord Wild, voiced his concerns of the allocations used and asked why the WRIME Deep Aquifer Report was not referenced in the Water Supply Assessment. He also commented that the Resolution mentions the Initial Phase of the project and nowhere does it explain what exactly the initial phase is.

Ms. Chris Herin, Castroville resident, urged the Board to reject the report because the data within it is not correct.

Vice President Gustafson commented that a Water Supply Assessment only moves the project to the CEQA process and allows Seaside to make the determination on how they want to allocate their water. He stated that the District is only the purveyor and does not allocate water. Vice President Gustafson added that the water won't be needed for many years as development is moving very slowly.

President Burns asked the Board members to confirm that the information provided in the packet was the same as what was voted on at the November 13th meeting. The Board confirmed the information was the same.

There was no motion to reconsider the item.

E. Consider Adoption of Resolution No. 2012-81 to Amend the Professional Services Agreement with RMC Water and Environment for On-Call Engineering Services:

Mr. Jim Heitzman, General Manager, introduced this item.

Vice President Gustafson made a motion to adopt Resolution No. 2012-81 to amend the Professional Services Agreement with RMC Water and Environment for on-call engineering services. Director Lee seconded the motion. The motion was passed.

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

F. Receive a Report on the RUWAP Desalination Project Design-Build Request for Qualifications and Provide Direction to Staff:

Mr. Andy Sterbenz, Interim District Engineer, introduced this item and explained the options available to the Board.

Agenda Item 7-D (continued):

Mr. Sterbenz stated that the top two qualified teams were Marina Water Alliance and PCL Stantec-H2O.

Vice President Gustafson commented that he liked the idea of a design/build project.

Director Nishi asked why Balfour was not in the top two. Mr. Sterbenz answered that they had not worked with their engineering team on a design/build project before. Director Nishi asked if all the teams were qualified and Mr. Sterbenz picked the two top teams because they had worked with their engineering teams on other projects. Mr. Sterbenz answered affirmatively.

Director Nishi said his top two teams were Marina Water Alliance and Balfour because they had a completion date of 2015. He added that Marina Water Alliance also had outreach included in their proposal and no other team had outreach. Director Nishi said that an effective outreach program was very important on this peninsula. He concluded that his top team was Marina Water Alliance.

Vice President Gustafson commented that there was a community outreach coalition that met once a month for over three years when the Regional Desalination Project was first considered. He added that no media ever attended those meetings.

Director Nishi made a motion to identify Marina Water Alliance as the best qualified team based on the Statement of Qualifications, the completion date of 2015, and the outreach program, and to enter contract negotiations for design/build. Director Lee seconded the motion. The motion was passed.

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

President Burns commented that he voted no because he thought ARB and IDE were better than Marina Water Alliance.

8. Director's Comments:

Director Nishi thanked everyone for attending. He said that although they don't agree on everything, they are civil and work together to get things solved.

Vice President Gustafson commented that ARB left a lot of stuff on a project for over a year and didn't clean up their mess which is why he didn't vote for them.

President Burns stated that ARB is one of the leading companies in the world doing desalination.

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9. Adjournment:

The meeting was adjourned at 6:52 p.m.

APPROVED:

Dan Burns, President

ATTEST:

Jim Heitzman, General Manager