

# MARINA COAST WATER DISTRICT

DIRECTORS

HOWARD GUSTAFSON President

THOMAS P. MOORE Vice President

WILLIAM Y. LEE JAN SHRINER

# 11 RESERVATION ROAD, MARINA, CA 93933-2099 Home Page: www.mcwd.org TEL: (831) 384-6131 FAX: (831) 883-5995

# Agenda Regular Board Meeting, Board of Directors Marina Coast Water District

Marina Council Chambers 211 Hillcrest Avenue, Marina, California Monday, May 16, 2016, 6:30 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. The meetings normally begin at 6:30 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

**Our Mission:** We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.

- 1. Call to Order
- 2. Roll Call
- **3.** Public Comment on Closed Session Items Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.

#### 4. Closed Session

- A. Pursuant to Government Code 54956.9 Conference with Legal Counsel – Existing Litigation
  - Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559
  - 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Wednesday, May 11, 2016. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

- 3) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief); First Appellate District Court of Appeals Case No. A145604
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)
- B. Pursuant to Government Code 54956.8 Conference with Real Property Negotiator

Property: Sewer Infrastructure

Negotiating parties: Howard Gustafson, Thomas Moore

Under Negotiation: Price and Terms

#### 7:00 p.m. Reconvene Open Session

**5.** Reportable Actions Taken During Closed Session The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.

#### 6. Pledge of Allegiance

**7. Oral Communications** Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.

#### 8. Presentation

A. Receive a Verbal Status Update on Communications, Education, and Outreach by Runyan, Saltzman, & Einhorn

- **9. Consent Calendar** Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to four minutes.
  - A. Receive the Quarterly Financial Statements for January 1, 2016 to March 31, 2016
  - B. Receive and File the Check Register for the Month of April 2016
  - C. Approve the Draft Minutes of the Regular Board Meeting of May 2, 2016
- **10. Action Items** The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to four minutes.
  - A. Consider Adoption of Resolution No. 2016-30 to Authorize the Bureau of Land Management Building Real Estate Commission Payment to Mahoney & Associates; and, Approve a General Release and Settlement of Claims
    - Action: The Board of Directors will consider authorizing the Bureau of Land Management building real estate commission payment to Mahoney & Associates, and approve a General Release and Settlement of Claims.
  - B. Approve an Agreement with the Naval Postgraduate School to Allow Installation of a Sensor Hosting Tripod Tower and Perform Rawinsonde Launches at the Marina Coast Water District Reservation Road Office Site
    - Action: The Board of Directors will consider approving an Agreement with the Naval Post Graduate School to allow them to install a Sensor Hosting Tripod Tower and perform Rawinsonde Launches at the District's Reservation Road Office site.
  - C. Discuss District Goals for 2016 and Update the Adopted Five-Year Strategic Plan
    - Action: The Board of Directors will discuss goals for 2016 and update the fiveyear Strategic Plan.
- 11. Informational Items Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.
  - A. General Manager's Report
  - B. Counsel's Report

## C. Committee and Board Liaison Reports

- 1. Water Conservation Commission
- 2. Joint City-District Committee
- 3. Executive Committee
- 4. Community Outreach Committee
- 5. Budget and Personnel Committee
- 6. MRWPCA Board Member Liaison
- 7. LAFCO Liaison
- 8. FORA
- 9. WWOC Report
- 10. JPIA Liaison
- 11. Special Districts Association

## 12. Board Member Requests for Future Agenda Items

- **13. Director's Comments** Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.
- **14.** Adjournment Set or Announce Next Meeting(s), date(s), time(s), and location(s):

Regular Meeting: Monday, June 6, 2016, 6:30 p.m.,

Marina Council Chambers, 211 Hillcrest Avenue, Marina

Agenda Item: 9	Meeting Date: May 16, 2016
Prepared By: Paula Riso	Approved By: Keith Van Der Maaten
Agenda Title: Consent Calendar	
Staff Recommendation: The Board	of Directors approve the Consent Calendar as presented.
quality water, wastewater collection	Mission Statement – We provide our customers with high n and conservation services at a reasonable cost, through elopment of water resources in an environmentally sensitive
Consent calendar consisting of:	
B) Receive and File the Check	cial Statements for January 1, 2016 to March 31, 2016 Register for the Month of April 2016 of the Regular Board Meeting of May 2, 2016
Discussion/Analysis: See individua	transmittals.
Environmental Review Compliance	None required.
Other Considerations: The Board of pull these items and discuss each on	Directors can approve these items together or the Board can e individually.
	Consideration: Quarterly financial reports for January 1, 2016 or the month of April 2016; and, the draft minutes of May 2,
Action Required:Resol (Roll call vote is required.)	ntion X Motion Review
	Board Action
Motion By Second	ed By No Action Taken
Ayes	Abstained
Noes	Absent

Agenda Item: 9-A Meeting Date: May 16, 2016

Prepared By: Kelly Cadiente Approved By: Keith Van Der Maaten

Agenda Title: Receive the Quarterly Financial Statements for January 1, 2016 to March 31,

2016

Staff Recommendation: The Board receives the Quarterly Financial Statements for January 1, 2016 to March 31, 2016.

Background: 2015 Strategic Plan, Strategic Element No. 3.2 – Regular Financial Updates to Policymakers and Managers.

Discussion/Analysis: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$2.886 million and expenses of \$1.630 million, resulting in net gain from operations of \$1.256 million. The District budget projected net gain from operations of \$0.421 million for the same period.

The net gain from operations was higher than the budget expectation by \$0.836 million due to the timing of when revenues are earned and expenses are accrued produce different results than those in which the annual budget amounts are divided evenly by quarter.

#### Summary of Cost Centers:

Description	Actual Qtr	<b>Budget Qtr</b>	Actual FYTD	<b>Budget FYTD</b>
Marina Water				
Revenue	823,325	1,036,155	2,650,858	3,108,466
Expenses	425,013	678,036	1,524,745	2,034,104
Net Gain	398,312	358,119	1,126,113	1,074,362
Marina Sewer				
Revenue	267,307	258,132	767,478	774,394
Expenses	111,801	189,172	412,299	567,517
Net Gain	155,506	68,960	355,179	206,877
Ord Community Water				
Revenue	1,254,688	1,419,973	3,996,918	4,259,917
Expenses	835,580	1,513,974	3,239,558	4,541,923
Net Gain	419,108	(94,001)	757,360	282,006)
Ord Community Sewer				
Revenue	540,801	529,718	1,569,703	1,589,154
Expenses	257,416	383,177	815,043	1,149,531
Net Gain	283,385	146,541	754,660	439,623

Recycled Water Project				
Revenue	1	2,075	617	6,225
Expenses		61,175	159,292	183,524
Net Gain	1	(59,100)	(158,675)	(177,299)
Regional Project				
Revenue	-	-	-	-
Expenses		<u> </u>		
Net Gain	-	-	-	-
Consolidated Cost				
Centers				
Revenue	2,886,122	3,246,053	8,985,574	9,738,156
Expenses	1,629,810	2,825,534	6,150,937	8,476,599
Net Gain	1,256,312	420,519	2,834,637	1,261,557

As of March 31, 2016, the District had \$15.157 million in liquid investments. The District also had \$1.721 million of bond proceeds for construction purposes and \$0.849 million of 2010 refunding bond proceeds for debt reserve purposes in the bank. The District owed \$29.840 million for the 2015 Senior Revenue Refunding Bonds Series and \$1.115 million for Series B. In addition the District owed \$4.945 million for the 2010 Refunding Bond and \$1.842 million in aggregate for the BLM building financing. The Construction loan financing for the IOP building was paid off in full on December 1, 2015.

Environmental Review	Compliance: None require	d.
Financial Impact:	YesXNo	Funding Source/Recap: None
Other Considerations:	None	
Material Included for I and Debt Summary Sta		Quarterly Financial Statements, Investments
Action Required:	Resolution	MotionXReview
	Board A	ction
Motion By	Seconded By	No Action Taken
Ayes		Abstained_
Noes		Absent

Agenda Item: 9-B	Meeting Date: May 16, 2016	
Prepared By: Kelly Cadiente	Approved By: Keith Van Der Maaten	
Agenda Title: Receive and File the Check Register	for the Month of April 2016	
Staff Recommendation: The Board of Directors retotaling \$769,294.16.	eceive and file the April 2016 expenditures	
Background: 2015 Strategic Plan, Objective No. 3 assure financial stability, prudent rate management Our fiscal strategy is to forecast, control and optin transparent manner. We will efficiently use our final current and future demands.	nt and demonstrate responsible stewardship. nize income and expenditures in an open and	
Discussion/Analysis: These expenditures were paid receive and file the check register.	I in April 2016 and the Board is requested to	
Environmental Review Compliance: None required	I.	
Financial Impact:YesXNo allocated across the six cost centers; 01-Marina W Ord Sewer, 05-Recycled Water, 06-Regional Water	Vater, 02-Marina Sewer, 03- Ord Water, 04-	
Other Consideration: None.		
Material Included for Information/Consideration: A	pril 2016 Summary Check Register.	
Action Required:ResolutionX (Roll call vote is required.)	MotionReview	
Board Act	tion	
Motion By Seconded By	No Action Taken	
Ayes	Abstained	
oes Absent		

Agenda Item: 9-C		Meeting	g Date: May 16, 2016	
Prepared By: Paula Ri	so	Approv	red By: Keith Van Der	Maaten
Agenda Title: Approve	e the Draft Minutes of the	Regular Board Me	eeting of May 2, 2016	
Staff Recommendation regular Board meeting.	: The Board of Directors	s approve the draft	minutes of the May 2	2, 2016
wastewater collection	trategic Plan, Mission and conservation servi evelopment of water resou	ices at a reasona	able cost, through pla	anning,
Discussion/Analysis: 7 approval.	The draft minutes of May	2, 2016 are provi	ded for the Board to co	onsider
Environmental Review	Compliance: None requi	red.		
Financial Impact:	Yes <u>X</u> No	Funding Source	e/Recap: None	
Other Considerations:	Γhe Board can suggest ch	anges/corrections t	o the minutes.	
Material Included for In	nformation/Consideration	: Draft minutes of	May 2, 2016.	
Action Required:	Resolution	X_Motion	Review	
	Board	Action		
Motion By	Seconded By	No A	Action Taken	
Ayes		Abstained		
Noes		Absent		

Agenda Item: 10-A Meeting Date: May 16, 2016

Prepared By: Patrick Breen Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Consider Adoption of Resolution No. 2016-30 to Authorize the Bureau of Land

Management Building Real Estate Commission Payment to Mahoney &

Associates and Approve a General Release and Settlement of Claims

Staff Recommendation: That the Board considers authorization of the Real Estate Commission Payment to Mahoney & Associates for the Bureau of Land Management building, Approve a General Release and Settlement of Claims, and authorize the General Manager to execute all documents as may be necessary.

Background: 2015 Strategic Plan, Element No. 3 – Fiscal Planning.

In August 2012, the District entered into a Professional Services Agreement with Mahoney & Associates for real estate services pertaining to District owned property located in the Imjin Office Park in Marina. The services were specifically related to obtaining long term tenants for the District's property.

The Agreement established commission payments to Mahoney & Associates based on various percentages of any lease Mahoney & Associates was able to secure for the District. Half of any lease commission would be paid at lease execution and the remaining half would be paid upon occupancy.

In September 2013, Mahoney & Associates and District Staff developed and submitted a build-to-suit lease proposal for the District owned building lot formerly known as the "AMBAG Parcel" to the General Services Administration for the Bureau of Land Management (BLM) Building. The General Services Administration selected the District's proposal as the preferred proposal.

In April 2013, the District executed Lease No. GS-09B-03074 between the United States of America and the Marina Coast Water District for a term of 20 years (15 years firm lease with an option for another 5 years).

In May 2013, Mahoney & Associates invoiced the District for half of the commission due upon lease execution and the District paid the commission amount due of \$71,743.98.

Discussion/Analysis: During the construction of the BLM Building, the District executed a lease amendment with the Government that amended the lease by making the term of the lease 20 Years, 20 Years firm (increased the firm term to 20 years). This lease amendment altered the amount of the commission due to Mahoney & Associates upon occupancy of the building, increasing it by \$44,547.34 for a total of \$116,291.32.

District staff received Mahoney & Associates Invoice No. 3146 on March 15, 2016 based upon occupancy by BLM of the building March 1<sup>st</sup>. The invoice is for \$116,291.32.

If authorized, once the invoice is paid staff will terminate the existing agreement in order to solicit a new Request For Proposals (RFP) for Real Estate Services. The RFP will broaden the scope of real estate services for the District to include and consider strategies for District owned property at 11 Reservation Road, the Ord Offices, and continue to pursue tenants for the vacant space at 920 Second Ave (next to FORA). The only property that would be actively listed would be the vacant space in 920 Second Ave (next to FORA).

Environmental Review	Compliance: None requ	iired.	
<u> </u>		Funding Source/Recappaid from District Reserves.	•
Other Considerations:	Any of the following opt	ons may also be considered	:
1. Refer the item	back to staff for further co	onsideration.	
Agreement between No. 03074 Amendment No.	Marina Coast Water Distro. 1; current invoice; and	n: Resolution No. 2016-30; rict and Mahoney & Assoc General Release and Settlen	iates; Lease GS-09B- nent of Claims.
(Roll call vote is requi		Motion	Review
	Board	Action	
Motion By	Seconded By	No Action T	aken
Ayes		Abstained	
Noes		Absent	

#### May 16, 2016

# Resolution No. 2016 - 30 Resolution of the Board of Directors Marina Coast Water District

Authorizing BLM Building Real Estate Commission Payment to Mahoney & Associates and Approve a General Release and Settlement of Claims

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on May 16, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District has a Professional Services Agreement (PSA) with Mahoney & Associates to obtain long term tenants for District owned property within the Imjin Office Park in Marina California; and,

WHEREAS, the PSA with Mahoney & Associates establishes commission payments to Mahoney & Associates based on various percentages of any lease Mahoney & Associates was able to secure for the District. Half of any lease commission would be paid at lease execution and the remaining half would be paid upon occupancy; and,

WHEREAS, the District entered into a long term lease (15 years firm lease with an option for another 5 years) with the United States Government to construct and house the Central Coast BLM Office; and,

WHEREAS, the District has paid half of the commission due to Mahoney & Associates upon execution of the lease with the United States Government; and,

WHEREAS, during the construction of the building the lease was amended to a term of 20 years, 20 years firm increasing the commission due to Mahoney & Associates by \$44,547.34 for a total final commission payment of \$116,291.32; and,

WHEREAS, pursuant to the professional services agreement the final commission payment is to be paid upon occupancy; and,

WHEREAS, the BLM has occupied the building since March 1, 2016; and,

WHEREAS, pursuant to the General Release and Settlement of Claims the District wishes to terminate the Professional Service Agreement with Mahoney & Associates upon final payment by the District.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby authorize the BLM Building Lease Real Estate Commission Payment to Mahoney & Associates of \$116,291.32, approve a General Release and Settlement of Claims, and authorize the General Manager to execute all documents as may be necessary.

Coast		D ADOPTED on May 16, 2016 by the Board of Directors of the Marina by the following roll call vote:
	Ayes:	Directors
	Noes:	Directors
	Absent:	Directors
	Abstained:	Directors
		Howard Gustafson, President
ATTE	ST:	
Keith	Van Der Maate	en, Secretary
		CERTIFICATE OF SECRETARY
	_	ned Secretary of the Board of the Marina Coast Water District hereby egoing is a full, true and correct copy of Resolution No. 2016-30 adopted
		Keith Van Der Maaten, Secretary

Agenda Item: 10-B Meeting Date: May 16, 2016

Prepared by: Jean Premutati Approved by: Keith Van Der Maaten

Agenda Title: Consider Approving an Agreement with the Naval Postgraduate School to Allow

Installation of a Sensor Hosting Tripod Tower and Perform Rawinsonde Launches

at the Marina Coast Water District Reservation Road Office Site

Staff Recommendation: Approve an Agreement with the Naval Postgraduate School to allow installation of a sensor hosting tripod tower and perform rawinsonde launches at the Marina Coast Water District Reservation Road office site.

Background: 2015 Strategic Plan, Mission Statement — We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.

Discussion/Analysis: In April, staff was contacted by Professor Qing Wang from the Meteorology Department at the Naval Postgraduate School (NPS). She requested use of the Reservation Road facility to set up monitoring equipment to measure wind and speed direction, temperature, humidity, atmospheric radiation, and air turbulence in collaboration with the University of Miami.

This project is sponsored by the Office of Naval Research and entails installation of a 20' tall tower with a mast that would be set up on a tripod which will be guy-wired to the ground to keep the sensors on the mast secure. The tower will require power and NPS is requesting to run an extension cord from the nearest outlet at the District's facility. The total power needed is approximately 50 watts.

The Rawinsonde launch is the same as all weather stations around the world. NPS will use a balloon inflated with helium gas to lift the sensor package (Rawinsonde). The Rawinsonde will transmit signals back to the receiver and display on a laptop computer which NPS is requesting to store inside our Reservation Road facility. In addition, they will need outdoor space for the balloon inflation shelter (~5' in diameter and 4' tall), helium bottles and the inflation gear.

Once the system is setup, the tower measurements will be made continuously without an operator up to four times per day.

Ideally, NPS would like to begin the project on May 23 and will require one day for tower installation. The project, if approved, will run through June 17, 2016.

Financial Impact:	Yes	X N	0	Funding Sour	ce/Recap:	None
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## Other Considerations:

- 1. Refer back to staff with direction
- 2. Continue to a future meeting (date and time to be specified in the motion)

	n of a sensor hosting	tripod	tower and pe	with the Naval Postgraduate rform rawinsonde launches at
Action Required:	Resolution	X	Motion	Review
	Board	d Actio	on	
Motion By	Seconded By_		No A	ction Taken
Ayes		A	bstained	
Noes		A	bsent	

Agenda Item:	10-C	Meeting Date: May 16, 2016
Prepared By:	Paula Riso	Approved By: Keith Van Der Maaten
Agenda Title:	Discuss District Goals for 20	016 and Update the Adopted Five-Year Strategic Plan
		rectors discuss updates to the five-year strategic plan asider approving those updates.
wastewater c	ollection and conservation	sion Statement – We Provide high quality water, services at a reasonable cost, through planning, resources in an environmentally sensitive manner.
	th BHI Management Consult	gave staff direction to amend a Professional Services ing to facilitate a Board workshop and develop a five-
meeting to gai 2013, the Boa process. Perio strategic plan	in insight and feedback for card and department heads met odically, staff and Mr. Ives co	ith individual Board members and conducted a public reating a strategic plan for the District. On April 13, with Mr. Ives to begin the goal setting and planning ommunicated by phone and email to construct a draft and at a workshop on January 11, 2014. The five-year 4.
directions char	•	uires updating on an annual basis as situations and ve-year strategic plan was in February 2015. Staff is r Board discussion.
Environmenta	l Review Compliance: None	required.
Financial Impa	act: Yes X	No Funding Source/Recap: None
	, or consider updating seve	rectors can approve updates to the entire five-year eral sections each month until the entire five-year
Material Inclu	ded for Information/Consider	ration: 2015 Five-Year Strategic Plan.
		Review
		oard Action
Motion By	Seconded I	By No Action Taken
Ayes		Abstained
Noes		Absent