



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
August 21, 2017

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on August 21, 2017 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Thomas P. Moore – Vice President
Bill Lee
Jan Shriner
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Brian True, Capital Projects Manager
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Joe Correa, MCWD
Richard Green, MCWD
Phil Clark, Seaside Resident
Andrew Sterbenz, Schaaf & Wheeler
Margaret-Anne Coppernoll, Marina Resident
Efreem Valentin, East Garrison Resident

Warren Foster, MCWD
Rene Magdaleno, MCWD
Jose Rodriguez, MCWD
Mark Duplissie, MCWD
Kurt Gonzalez, MCWD

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:31 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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
- 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)
- 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

- C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Howard Gustafson, Thomas Moore
Negotiating parties: MRWPCA and MCWD
Under Negotiation: Price and Terms

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

President Gustafson reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that there was no reportable action taken.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Presentations:

- A. Consider Adoption of Resolution No. 2017-51 in Recognition of Mark Duplissie, System Operator II, for 20 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-51 in recognition of Mark Duplissie, System Operator II, for 20 years of service to the Marina Coast Water District, and present him with a plaque and gift certificate. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

President Gustafson read the narration and presented Mr. Duplissie with a plaque and gift certificate.

- B. Consider Adoption of Resolution No. 2017-52 in Recognition of Lizet Ybarra, Accountant I, for 15 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-52 in recognition of Lizet Ybarra, Accountant I, for 15 years of service to the Marina Coast Water District, and present her with a plaque and gift certificate. Director Lee seconded the motion.

Agenda Item 8-B (continued):

The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

President Gustafson read the narration. Ms. Ybarra was not present, but staff will make sure to get the plaque and gift certificate to her.

C. Consider Adoption of Resolution No. 2017-53 in Recognition of Warren Foster, System Operator II, for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-53 in recognition of Warren Foster, System Operator II, for 10 years of service to the Marina Coast Water District, and present him with a plaque and gift certificate. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

President Gustafson read the narration and presented Mr. Foster with a plaque and gift certificate.

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of July 2017; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of July 17, 2017; and, C) Approve the Draft Minutes of the Joint Board/GSA Meeting of August 7, 2017. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

10. Action Items:

A. Consider Appointments of Public Members to the Water Conservation Commission:

Mr. Paul Lord, Water Conservation Specialist III, introduced this item. Ms. Margaret-Anne Coppernoll, Marina resident, introduced herself to the Board and stated she has enjoyed working on the Water Conservation Commission and in the working groups.

Mr. Efrem Valentine, East Garrison, introduced himself and said he looked forward to contributing to the Water Conservation Commission.

Agenda Item 10-A (continued):

Vice President Moore made a motion to appoint the four applicants, Mr. Jim Felton, Ms. Margaret-Anne Coppernoll, Mr. Efrem Valentine, and Mr. Jason Montgomery, to the four vacant positions on the Water Conservation Commission. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2017-54 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement Between Marina Coast Water District and Shea Homes, L.P. for the Dunes – Phase IC2 Development Project:

Mr. Brian True, Capital Projects Manager, introduced this item. The Board asked clarifying questions.

President Gustafson made a motion to adopt Resolution No. 2017-54 to accept the infrastructure improvements installed under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes, L.P. for the Dunes – Phase IC2 Development Project. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

- C. Consider Providing Direction and Authorization to the General Manager to Establish a Rate Advisory Committee:

Mr. Kelly Cadiente, Director of Administrative Services, introduced this item. The Board asked clarifying questions regarding who would facilitate the meetings, and the plan for recruiting committee members. Mr. Keith Van Der Maaten, General Manager, answered that staff would look at the last rate process and identify the community members that were involved, as well as looking at the key issues in this process. He said after gathering that information, staff would get a good cross section of interested individuals and ask them to participate.

Vice President Moore made a motion to direct and authorize the General Manager to establish a Rate Advisory Committee. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

- D. Consider Adoption of Resolution No. 2017-55, 2017-56, and 2017-57 to Award a Construction Management Services Agreement to MWH Constructors; to Amend an Engineering Services Agreement with Carollo Engineers; and, to Amend an Environmental Services Agreement with Denise Duffy and Associates for Construction of the Regional Urban Water Augmentation Project:

Mr. Michael Wegley, District Engineer, introduced this item. Vice President Moore inquired why management services was needed when the contractor already had a project manager. Mr. Wegley answered that they would manage the entire project to make sure everything was being handled correctly, including change orders. Director Shriner asked how the costs would be shared. Mr. Wegley said that the District will pay the costs up front and then invoice Monterey One Water for their portion.

Vice President Moore made a motion to adopt Resolution No. 2017-55 to award a Construction Management Services Agreement to MWH Constructors, contingent upon Clean Water State Revolving Fund eligibility authorization. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

Vice President Moore made a motion to adopt Resolution No. 2017-56 amending an Engineering Services Agreement with Carollo Engineers, contingent upon Clean Water State Revolving Fund eligibility authorization. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

Director Shriner made a motion adopt Resolution No. 2017-56 amending an Environmental Services Agreement with Denise Duffy and Associates, contingent upon Clean Water State Revolving Fund eligibility authorization. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

- E. Consider Adoption of Resolution No. 2017-58 to Approve the Second Amendment of the Joint Exercise of Powers Agreement for the Monterey Regional Water Pollution Control Agency to Change the Name of the Agency to “Monterey One Water”:

Vice President Moore introduced this item and gave a brief background.

Agenda Item 10-E (continued):

Director Shriner made a motion to adopt Resolution No. 2017-58 to approve the second Amendment of the Joint Exercise of Powers Agreement for the Monterey Regional Water Pollution Control Agency to change the name of the agency to “Monterey One Water”. Vice President Moore seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Abstained			

F. Consideration of District Comments to the 2016/2017 Monterey County Civil Grand Jury Final Report – “Water and Wastewater Rates of the Marina Coast Water District”:

Mr. Van Der Maaten introduced this item. Vice President Moore and Director Shriner made comments.

Vice President Moore made a motion to direct the General Manager to send the District’s response to the Grand Jury. Director Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Cortez	-	Yes			

11. Staff Report:

A. Receive the 2nd Quarter 2017 MCWD Water Consumption and Sewer Flow Reports:

Ms. Cadiente introduced this item. Director Cortez asked how the District manages rates with the increase in conservation efforts. Vice President Moore answered that the District’s rate structure has fixed costs as well as production costs and that allows the District to manage their finances without needing increases due to water conservation.

12. Informational Items:

A. General Manager’s Report:

Mr. Van Der Maaten stated that the District website has received a makeover and there is a GSA page with all the recent presentations on the groundwater studies. He encouraged everyone to check out the website www.mcwd.org.

B. Counsel’s Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update.

2. Joint City District Committee:

Vice President Moore stated the meeting was scheduled for Wednesday, August 23rd.

3. Executive Committee:

No report.

4. Community Outreach Committee:

Vice President Moore said they met on August 14th.

5. Budget and Personnel Committee:

Vice President Moore said they met on August 14th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez said they met the previous week.

8. FORA:

Director Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten gave a brief update and stated the next meeting was scheduled for September 13th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Director Shriner gave a brief update.

12. SVGSA Liaison:

Vice President Moore gave a brief update.

13. Board Member Requests for Future Agenda Items:

Director Shriner asked for an Ord Community capacity surcharge update. She also asked for an evaluation if the next rate increase could be less than originally projected. President Gustafson noted that any requests could be emailed to staff.

14. Director's Comments:

Director Shriner, Director Cortez, Vice President Moore, and President Gustafson made comments.

15. Adjournment:

The meeting was adjourned at 8:01 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary