

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
September 8, 2015
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on September 8, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Peter Le – Vice President
Tom Moore
Jan Shriner

Board Members Absent:

Bill Lee - excused

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Mike Wegley, District Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Ken Nishi, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Suzy Worcester, CSUMB
Paul Sciuto, MRWPCA

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:32 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

- 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) 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)
 - 4) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1-50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
 - 5) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate)
 - 6) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Peter Le and Howard Gustafson
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others.
Under Negotiation: Price and Terms
- C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Howard Gustafson and Peter Le
Under Negotiation: Price and Terms
- D. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:05 p.m.

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

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken in closed session and direction was given.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

Director Moore made a motion to approve the Consent Calendar consisting of the draft minutes of August 17, 2015. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Le	-	Yes
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	Absent			

9. Action Item:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-44 to Award a Construction Contract with Andersen Pacific Engineering Construction Inc. and Amend the FY 2015-2016 Capital Improvement Budget:

Mr. Mike Wegley, District Engineer, introduced this item.

Following discussion, Director Moore made a motion to adopt Resolution No. 2015-44 to award a construction contract with Andersen Pacific Engineering Construction Inc. and amend the FY 2015-2016 Capital Improvement Budget. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Le	-	No
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	Absent			

B. Update Board of Directors on CSUMB Service Learning Institute Agreement for Placement of Students:

Mr. Keith Van Der Maaten, General Manager, introduced this item.

Dr. Suzy Worcester, CSUMB, voiced her support of the program and encouraged the District to strongly consider participation in the program.

Vice President Le made a motion to direct staff to implement the program and report back to the Board if there are any issues. Director Moore seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Le	-	Yes
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	Absent			

C. Discussion and Possible Action to Consider Association of California Water Agencies Committee Appointment Nominations for the 2016-2017 term:

Vice President Le made a motion to nominate Mr. Masuda to the Legal Affairs Committee at no cost to the District. Director Moore seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Le	-	Yes
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	Absent			

10. Correspondence Received by the District, Directors and General Manager:

None.

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten gave status updates on the BLM building and the SCADA Master Plan.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le gave a brief update of the last meeting.

2. Joint City District Committee:

President Gustafson stated that the next meeting was scheduled for later this month.

3. Executive Committee:

The next meeting is scheduled for September 10th.

4. Community Outreach Committee:

The next meeting is scheduled for September 10th.

5. Budget and Personnel Committee:

The next meeting is scheduled for September 10th.

6. MRWPCA Board Member:

The next meeting is scheduled for September 28th.

7. LAFCO Liaison:

There was no meeting.

8. FORA:

The meeting is scheduled for September 11th.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

No report.

12. Board Member Requests for Future Agenda Items:

President Gustafson stated that Board members can submit their requests in writing.

13. Director's Comments:

Director Shriner, Director Moore and Vice President Le made comments.

14. Adjournment:

The meeting was adjourned at 7:38 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary