

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
September 21, 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 21, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Peter Le – Vice President  
Bill Lee  
Jan Shriner

Board Members Absent:

Tom Moore

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:

Andy Sterbenz, Schaaf & Wheeler

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) 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
- 2) 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)
- 3) 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.)
- 4) 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
- 5) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV1080895 (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

The Board ended closed session at 6:57 p.m.

President Gustafson reconvened the meeting to open session at 7:00 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 Lee made a motion to approve the Consent Calendar consisting of:

- A. Receive and File the Check Register for the Month of August 2015
- B. Approve the Draft Minutes of the Regular Board Meeting of September 8, 2015

President Gustafson seconded the motion. The motion was passed with the following votes:

8-A

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

8-B

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

9. Action Item:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-46 to Authorize a Construction Contract with Andersen Pacific Engineering Construction Inc. for the Reservation Road Siphon Remediation Project:

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

Director Lee made a motion to adopt Resolution No. 2015-46 to award a construction contract with Andersen Pacific Engineering Construction Inc. for the Reservation Road Siphon Remediation Project. Director Shriner seconded the motion. The motion was passed.

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

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-47 to Amend the Professional Services Agreement with Schaaf & Wheeler Consulting Engineers for Updating the 2015 MCWD Urban Water Management Plan:

Mr. Wegley introduced this item.

President Gustafson made a motion to amend the Professional Services Agreement with Schaaf & Wheeler Consulting Engineers for updating the 2015 MCWD Urban Water Management Plan. Director Shriner seconded the motion.

The motion was passed.

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

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

Mr. Keith Van Der Maaten, General Manager, noted that the District received a letter from the Seaside County Sanitation District regarding sewer service in the Seaside and Del Rey Oaks portions of the Ord Community.

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten commented that the District received correspondence from the ACWA/JPIA regarding the condition of a control panel in one of the lift stations and that staff has taken care of the issue.

B. Counsel's Report:

Mr. Roger Masuda, District Counsel, handed out an opinion from the Attorney General's office regarding Joint Powers Agency Board membership and voting rights.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No report.

2. Joint City District Committee:

President Gustafson stated that the next meeting was scheduled for Wednesday at 5:00 p.m.

3. Executive Committee:

President Gustafson stated that they were now setting the meeting schedules.

4. Community Outreach Committee:

President Gustafson stated that they were now setting the meeting schedules.

5. Budget and Personnel Committee:

President Gustafson stated that they were now setting the meeting schedules.

6. MRWPCA Board Member:

The next meeting is scheduled for September 28th.

7. LAFCO Liaison:

No report.

8. FORA:

Director Le gave a brief update.

9. WWOC:

No report.

10. JPIA Liaison:

Director Shriner stated that Mr. Van Der Maaten had already given an update under General Manager's Reports.

11. Special Districts Association Liaison:

The next meeting is scheduled for October 20<sup>th</sup>.

12. Board Member Requests for Future Agenda Items:

Director Shriner stated that she had submitted several agenda requests for October.

Vice President Le asked for a report on the Bay View account status, status on the Annexation, and to start organizing for the grand opening of the BLM building.

13. Director's Comments and Reports on Meetings:

No comments.

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14. Adjournment:

The meeting was adjourned at 7:26 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary