

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
February 1, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on February 1, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Tom Moore – Vice President
Bill Lee
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Mike Wegley, District Engineer
Jean Premutati, Management Services Administrator
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Herbert Cortez, Marina Resident
Ken Nishi, Marina Resident
Paula Pelot, Preston Park Tenants Association
George Riley, Monterey Resident
Grace Silva-Santella, Marina Resident
Kathy Biala, Marina Resident
Greg Simmons, Marina Resident
Doug McCoun, Marina Fire

3. Public Comment on Closed Session Items:

None.

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

- 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 through 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. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 6) 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: Recycled Water Pipeline, Recycled Water

Agency Negotiators: Howard Gustafson

Negotiating Parties: MRWPCA, MCWRA, MPWMD, City of Salinas and others.

Under Negotiation: Price and Terms

Agenda Item 4 (continued):

- C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Howard Gustafson
Under Negotiation: Price and Terms

The Board ended closed session at 6:58 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. George Riley, Monterey resident, commented that the proposed Cal Am water project has some legal issues regarding water rights and its ability to deliver water to the community. Mr. Riley stated that he would like the District to consider discussing the option of taking over the drilling/well intake operation and being in charge of that for the following reasons: 1) MCWD has the jurisdiction, water rights and the obligation to serve their own customers; 2) benefit from the freshwater being pumped and the possibility of removing some wells from service; and, 3) economic benefit from the continuing legal conflicts with Cal Am.

8. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the following items:

- A. Receive and File the Check Register for the Month of December 2015
- B. Approve the Draft Minutes of the Regular Board Meeting of January 11, 2016

Director Shriner seconded the motion. The motion was passed with one vacant seat.

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

9. Action Items:

A. Consider Appointment of Applicant to Fill the Existing Vacated Seat on the Board of Directors until December 2, 2016:

President Gustafson stated that they would flip a coin to see which candidate would speak first and each candidate would get five minutes to make their statement. Mr. Herbert Cortez won the coin toss and deferred to Mr. Ken Nishi to speak first.

Mr. Ken Nishi, Board Applicant, expressed his desire for filling the vacant Board seat. He noted that he had served on the District Board, off and on, over the last 25 years. Mr. Nishi added that his institutional knowledge would be advantageous to the District.

Mr. Herbert Cortez, Board Applicant, expressed his desire for filling the vacant Board seat. He provided a background of his professional accomplishments and noted that he served on the City of Marina's Economic Development Commission. Mr. Cortez added that his educational background in Public Policy and his experience in financial management will support the District Board.

Ms. Grace Silva-Santella, Marina resident, voiced her support for Mr. Cortez.

Mr. Greg Simmons, Marina resident, noted that both applicants were well qualified and suggested leaving it to a vote in the next election.

Ms. Kathy Biala, Marina resident, voiced her support for Mr. Cortez.

Vice President Moore made a motion to appoint Mr. Herbert Cortez to the vacant seat on the District Board for the balance of the term. Director Shriner seconded the motion.

Director Shriner asked the applicants to respond to several questions regarding the role of the District. Both applicants responded.

The motion to appoint Mr. Cortez failed with one vacant seat.

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

President Gustafson made a motion to appoint Mr. Kenneth Nishi to the vacant seat on the District Board for the balance of the term. Director Lee seconded the motion. The motion failed with one vacant seat.

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

Mr. Masuda noted that a resolution to call an election would be brought to the next meeting.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-03 for a Professional Services Agreement with Harris & Associates for Inspection and Construction Support Services for the Dunes-1C Phase 2 Development Project:

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

Vice President Moore made a motion to adopt Resolution No. 2016-03 for a Professional Services Agreement with Harris & Associates for Inspection and Construction Support Services for the Dunes-1C Phase 2 Development Project. President Gustafson seconded the motion. The motion was passed with one vacant seat.

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

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-05 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison LLC for the East Garrison – Phase 2 Development Project:

Mr. Wegley introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2015-05 to accept the infrastructure improvements installed under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison LLC for the East Garrison – Phase 2 Development Project. President Gustafson seconded the motion. The motion was passed with one vacant seat.

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

10. Staff Reports:

- A. Receive 4th Quarter 2015 Ord Community Water Consumption and Sewer Flow Report:

Mr. Keith Van Der Maaten, General Manager, introduced this item. The Board asked clarifying questions regarding the large increase in usage in several developments. Mr. Van Der Maaten stated he would investigate and provide an answer at a later time.

- B. Receive and Update on the Workforce Succession Plan:

Ms. Jean Premutati, Management Services Administrator, introduced this item and explained the steps the District is taking to promote workforce succession. The Board voiced their appreciation of the plan.

11. Informational Items:

A. General Manager's Report:

1. Verbal Update on the FORA Three Party Planning MOU:

Mr. Van Der Maaten gave a brief update on the Three Party Planning MOU and stated that he hoped to bring it to the Board at the next meeting for consideration.

2. Verbal Update on the SGMA Collaborative Working Group:

Mr. Van Der Maaten stated that he is part of a sub-working group that reports to the collaborative working group and would provide reports to the Board regularly.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

The next meeting is scheduled for February 4th.

2. Joint City District Committee:

No report.

3. Executive Committee:

The next meeting is scheduled for Feb 8th.

4. Community Outreach Committee:

The next meeting is scheduled for Feb 8th.

5. Budget and Personnel Committee:

The next meeting is scheduled for Feb 8th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

The meeting was canceled.

8. FORA:

President Gustafson stated the next meeting is February 12th.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is January 19th.

12. Board Member Requests for Future Agenda Items:

No comments.

13. Director's Comments and Reports on Meetings:

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

14. Adjournment:

The meeting was adjourned at 8:12 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary