

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
April 4, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on April 4, 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
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Tracy Molfino, Public Safety Next Generation Radio Control Group
Dave Hober, Monterey Police Chief
Kelly McMillin, Salinas Police Chief
Edmond Rodriguez, Salinas Fire Chief
Doug McCoun, Marina Fire Chief
Ron Dunlap Marina Fire Department
Mark Sweeney, Marina Fire Department
Jeff Abraham, Marina Fire Department

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) 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: Recycled Water Pipeline, Recycled Water

Agency Negotiators: 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

Under Negotiation: Price and Terms

The Board ended closed session at 7:01 p.m.

President Gustafson reconvened the meeting to open session at 7:02 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

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

- A. Approve the Draft Minutes of the Regular Board Meeting of March 21, 2016

Director Lee 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. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-12 to Consent to Waiving Sublease Fees at the Sprint Tower Site for Public Safety Emergency Communications:

Mr. Michael Wegley, District Engineer, introduced this item. Several Public Safety members made comments.

Mr. Tracy Molfino, Public Safety Next Generation Radio Control Group, Mr. Dave Hober, Monterey Police Chief, Mr. Kelly McMillin, Salinas Police Chief, Mr. Edmond Rodriguez, Salinas Fire Chief, and, Mr. Doug McCoun, Marina Fire Chief, all voiced their support for the project and encouraged the District to waive the sublease fees so this project can move forward.

Director Shriner asked that the different Public Safety agencies put an announcement on their websites how the Marina Coast Water District was supporting this project and going the extra mile by waiving the additional sublease fees.

Agenda Item 9-A (continued):

Vice President Moore made a motion to adopt Resolution No. 2016-12 to consent to charging a \$1 per year sublease fee of for five years. Discussion followed. Vice President Moore amended his motion to consent to waiving sublease fees at the Sprint Tower site for Public Safety Emergency Communications for a period of five years. 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

- B. Receive Revised Draft District FY 2016-2017 Budget, Rates, Fees and Charges for the Marina and Ord Community Service Areas and Provide Direction Regarding Preparation of the Final Budget Documents:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this. The Board asked clarifying questions. The draft budget was received.

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-20 to Award a Construction Contract to Monterey Peninsula Engineering for the Well No. 11 Generator Project, and Use of the 2006 Certificates of Participation Proceeds for the Ord Community Service Area:

Mr. Wegley introduced this item and explained how the 2006 Certificates of Participation Proceeds would be used for this project. Director Lee suggested adding a map of the well site next time so the Board could see where the well was located.

Vice President Moore made a motion to adopt Resolution No. 2016-20 to award a construction contract to Monterey Peninsula Engineering for the Well No. 11 Generator Project, and Use of the 2006 Certificates of Participation Proceeds for the Ord Community Service Area. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

10. Staff Report:

- A. Receive an Update on the Draft 2015 Urban Water Management Plan:

Mr. Andy Sterbenz, Schaaf & Wheeler, gave a presentation on the draft 2015 Urban Water Management Plan hitting on the key factors and assumptions. The Board asked clarifying questions. This item will be brought back for approval in May 2016.

11. Informational Items:

A. General Manager's Report:

Mr. Keith Van Der Maaten, General Manager, noted that there would be a ribbon cutting on April 8 at the BLM office before the FORA Board meeting.

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 noted the next meeting was set for April 27.

3. Executive Committee:

Vice President Moore noted the next meeting was set for April 11.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was set for April 11.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was set for April 11.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

No report.

8. FORA:

President Gustafson noted the next meeting was set for April 8.

9. WWOC:

Mr. Van Der Maaten noted the next meeting was set for April 13.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is April 19.

13. Board Member Requests for Future Agenda Items:

No comments.

14. Director's Comments and Reports on Meetings:

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

15. Adjournment:

The meeting was adjourned at 8:31 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary