

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
April 18, 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 18, 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
James Derbin, Operations and Maintenance Superintendent
Brian True, Capital Projects Manager
Thomas Barkhurst, Laboratory Supervisor
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Wendy Elliott, Shea Homes

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: 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 6:55 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.

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 pulled item A from the Consent Calendar.

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

- B. Receive and File the Check Register for the Month of March 2016
- C. Approve the Draft Minutes of the Regular Board Meeting of April 4, 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

- A. Consider Approval of the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community:

Vice President Moore asked if there was lead in the water system. Mr. James Derbin, Operations and Maintenance Superintendent, answered that there was no lead detected in the system.

Vice President Moore made a motion to approve the 2015 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community. 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. 2016-21 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Mairna Coast Water District and Shea Homes, LP, for the Dunes – 1C Phase 3 Development in Marina, CA:

Mr. Brian True, Capital Projects Manager, introduced this item.

Director Shriner inquired on the relationship between Shea Homes and Marina Community Partners. Ms. Wendy Elliott, Shea Homes, explained how the two companies were intertwined.

The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-21 to approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Shea Homes, LP, for the Dunes – 1C Phase 3 Development in Marina, CA, with a change to Section 2.1.1 so that it references Section 4.1. 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. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-22 to Reallocate Funds in the FY 2015-2016 Capital Improvements Program Budget and Use of the 2006 Certificates of Participation Proceeds for the Procurement of Six New Flygt Pumps for the Ord Community Service Area:

Mr. Mike Wegley, District Engineer, introduced this. The Board asked clarifying questions.

Director Lee made a motion to adopt Resolution No. 2016-22 to reallocate funds in the FY 2015-2016 Capital Improvements Program Budget and use of the 2006 Certificates of Participation Proceeds for the procurement of six new Flygt pumps for the Ord Community service area. Vice President Moore 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. 2016-23 to Adopt Addendum No. 3 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project; Adoption of Resolution No. 2016-24 to Adopt the Mitigation Monitoring and Reporting Program with the Minor Revisions as Included in Addendum No. 3; and, Direct Staff to File a Notice of Determination:

Mr. Wegley introduced this item.

Agenda Item 9-C (continued):

The Board asked clarifying questions. Vice President Moore asked that the minutes clarify Table 2 on page 13 of Addendum No. 3. He wants it noted that the 192,891 linear feet of pipeline is comprised of both trunklines and laterals.

Vice President Moore made a motion to adopt Resolution No. 2016-23 to adopt Addendum No. 3 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project with “who” changed to “that” in the ninth Whereas. 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

Director Lee made a motion to adopt Resolution No. 2016-24 to adopt the Mitigation Monitoring and Reporting Program with the Minor Revisions as Included in Addendum No. 3. 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

10. Informational Items:

A. General Manager’s Report:

No report.

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 May 9.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was set for May 9.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was set for May 9.

6. MRWPCA Board Member:

Vice President Moore noted the next meeting was set for April 25.

7. LAFCO Liaison:

President Gustafson noted the next meeting was set for April 25.

8. FORA:

President Gustafson noted the next meeting was set for May 13.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting is April 19.

13. Board Member Requests for Future Agenda Items:

Director Shriner asked that the Committee appointments for the FORA alternate be placed on the next agenda.

14. Director's Comments and Reports on Meetings:

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

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15. Adjournment:

The meeting was adjourned at 7:50 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary