



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
February 19, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on February 19, 2019 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Thomas P. Moore – President
Jan Shriner – Vice President
Herbert Cortez
Peter Le
Matt Zefferman

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Michael Wegley, District Engineer
Patrick Breen, Water Resources Manager
Rose Gill, Human Resources/Risk Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident, WCC Member
Shawn Storm, Marina Resident, WCC Member

3. Public Comment on Closed Session Items:

There were no public comments.

The Board entered into closed session at 6:33 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, H039559, and H043902, and related California Supreme Court petitions for review.
- 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 Application (“A.”) 12-04-019
- 3) In the Matter of the Application of California-American Water Company (U 210 W) for an Order (1) Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency to Settle and Resolve Claims and Issues Between the Parties and to Promote the Development, Construction and Operation of a Water Supply Project for Monterey County on an Expedited Basis, and (2) Authorizing the Transfer of Authorized Costs Related to the Settlement Agreement to Its Special Request 1 Surcharge Balancing Account, California Public Utilities Commission Application (“A.”) 13-05-017, and related California Supreme Court petition for writ of review.
- 4) City of Marina and Marina Coast Water District, Petitioners v. Public Utilities Commission of the State of California, Respondent (California-American Water Company, et al., Real Parties in Interest), Petitions for Writ of Review, California Supreme Court Case No. S253585
- 5) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Damages, 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. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468

Agenda Item 4-A (continued):

- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

 - 8) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- B. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (to be determined)
Employee Organization: Marina Coast Water District Employees Association
- C. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (to be determined)
Employee Organization: Teamsters Local 890

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

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

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Director Le led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no public comments.

8. Consent Calendar:

Director Le pulled items A and E from the Consent Calendar.

Agenda Item 8-A (continued):

Vice President Shriner made a motion to approve the Consent Calendar consisting of: B) Receive the Quarterly Financial Statements for October 1, 2018 to December 31, 2018; C) Approve the Draft Minutes of the Joint Board/GSA Meeting of January 14, 2019; and, D) Approve the Draft Minutes of the Joint Board/GSA Meeting of January 22, 2019. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

A. Receive and File the Check Register for the Month of January 2019:

Director Le inquired about Check Nos. 67069 and 67151.

Vice President Shriner made a motion to receive and file the check register for the month of January 2019. President Moore seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

E. Approve the Salinas River Stakeholders' Statement:

Director Le asked if there was an urgent and if they could wait for more information. Mr. Van Der Maaten commented that a request had been made to bring this to the Board as soon as possible and noted that this was a draft and there were likely to be more revisions soon, but he didn't know how substantial they would be. Discussion followed.

Director Le made a motion to look further into the statement and bring it back to the next Board meeting with new information and the latest information on the Plan. President Moore seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

9. Action Items:

A. Receive the Marina Coast Water District FY 2018-2019 Mid-Year Report:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and noted that although the net revenue is looking good at mid-year, there is a debt service payment due in May and that will bring it back into alignment. The Board asked clarifying questions.

Agenda Item 9-A (continued):

Vice President Shriner made a motion to receive the Marina Coast Water District FY 2018-2019 Mid-Year Report. Director Zefferman seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

B. Consider Adoption of Resolution No. 2019-12 to Approve the Reorganization of the Operations and Maintenance Department to Create One New Full-Time Electrical/Mechanical Field Supervisor Position by Replacing an Operator II Position:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item explaining the duties of the new position and how it will be a cost savings to the District. The Board asked clarifying questions. Director Le suggested adding language requiring electrical certification and also some clarification in the definition. Vice President Shriner suggested looking into going green and reducing carbon emissions.

Director Le made a motion to adopt Resolution No. 2019-12 to approve the reorganization of the Operations and Maintenance Department to create one new full-time Electrical/Mechanical Field Supervisor position by replacing an Operator II position. Director Zefferman seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

C. Consider Adoption of Resolution No. 2019-13 to Revise the Job Descriptions for the System Operator III and Operations and Maintenance Supervisor Positions:

Mr. Cray introduced this item explaining the due to the Regional Urban Water Augmentation Project, three staff members will be required to have a valid Cross-Connection Specialist certification through the American Water Works Association. Currently, staff meets this requirement, however the System Operator III and the Operations and Maintenance Supervisor job descriptions do not list the certification as a requirement.

Director Cortez made a motion to adopt Resolution No. 2019-13 to approve the revisions to the job descriptions for the System Operator III and Operations and Maintenance Supervisor positions. Vice President Shriner seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- D. Consider Adoption of Resolution No. 2019-14 to Approve a Contract with Maggoria Bros Drilling, Inc. for the Radical Injection Surge and Development Rehabilitation of Watkins Gate Well:

Mr. Cray introduced this item. He explained the issues that Watkins Gate Well has been experiencing and the attempts to correct them. The Board asked clarifying questions.

Director Le made a motion to adopt Resolution No. 2019-14 to approve a contract with Maggoria Bros Drilling, Inc. for the radical injection surge and development rehabilitation of Watkins Gate Well. Vice President Shriner seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- E. Consider Adoption of Resolution No. 2019-15 to Amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station Design:

Mr. Michael Wegley, District Engineer, introduced this item explaining the need to move the lift station to the east of Highway 1. The Board asked clarifying questions. Director Le suggested several corrections to the resolution as follows: Change the fifth WHEREAS to read, “the existing Ord Village Lift Station west of Highway 1 is on environmentally sensitive California State Park lands and the force main is east of Highway 1” ; and, the seventh WHEREAS to read, “relocating the existing lift station to the east of Highway 1...”.

Director Le made a motion to adopt Resolution No. 2019-15 to amend the On-Call Engineering Professional Services Agreement with Schaaf & Wheeler for the Ord Village Lift Station Design with the following conditions: 1) have staff proceed with the survey and obtain the easement from the City of Seaside before proceeding further on the design of the project; 2) when negotiating with the City of Seaside, ask that they agree to pump the storm water into the lift station and for additional land for the pump station; 3) have a stand-by generator and insure that it won't flood for 50/100 years; and, the suggested changes to the resolution. President Moore seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- F. Consider Designating Agency Negotiator(s) to Meet and Confer with the Marina Coast Water District Employees Association and Teamsters Local 890 Regarding Renewal of Memorandums of Understanding:

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

Agenda Item 9-F (continued):

President Moore made a motion to designate Vice President Shriner as the agency negotiator and himself as the alternate. Director Zefferman seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

10. Staff Report:

A. Receive Sewer Flows for July 1, 2018 until December 31, 2018:

Ms. Cadiante introduced this item and suggested making this a separate report from the quarterly water consumption report and have it on a monthly basis. She noted that July's total flow number was incorrect because they didn't read the meter for the first 9 days.

11. Informational Items:

A. General Manager's Report:

1. Annexation Update:

Mr. Van Der Maaten gave a brief update noting that staff met with LAFCO in January and they are scheduled for a public hearing in April. A draft Municipal Service Review (MSR) will come before the Board in March.

2. Update on Outreach to Other Cities:

Mr. Van Der Maaten commented that staff will be working on setting up meetings with the individual cities in April.

3. Response to Requested Agenda Items from January 22, 2019:

Mr. Van Der Maaten commented that the Annexation Governance will be discussed in March with the MSR. He noted that the Board Procedures Manual update is scheduled for March. Mr. Van Der Maaten stated that the discussion on 1" paving requirement and an update on the 180/400' aquifers has yet to be determined when it will come to the Board.

Director Le stated that he would like to discuss if the Water Conservation Commissioners need to fill out a Form 700, and, receive a report on the Salinas Valley Basin Groundwater Sustainability Agency's 180/400' plan. Mr. Masuda stated that since the Water Conservation Commission is completely advisory, they do not need to fill out a Form 700.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Mr. Shawn Storm, Water Conservation Commission Chair, gave a brief update.

2. Joint City District Committee:

President Moore said they would be meeting on February 27th.

3. Executive Committee:

President Moore noted that they met on February 12th, and the next meeting is March 12th.

4. Community Outreach Committee:

Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Vice President Shriner noted that they met on February 12th, and the next meeting is March 12th.

6. M1W Board Member:

President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

Vice President Shriner gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated that the meeting was canceled, and the next meeting is February 27th.

10. JPIA Liaison:

Director Le said there was a meeting coming up in May.

11. Special Districts Association Liaison:

President Moore gave a brief update.

12. SVGSA Liaison:

No update was given.

12. Correspondence:

President Moore thanked staff for their generosity.

13. Board Member Requests for Future Agenda Items:

President Moore noted that they can email in their requests.

14. Director's Comments:

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

15. Adjournment:

The meeting was adjourned at 9:16 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary