

Marina Coast Water District

Dual Locations  
District Offices, 11 Reservation Road  
Marina, California  
and  
401 12<sup>th</sup> Street S., Apt. 1910  
Arlington, VA 22202

Regular Board Meeting  
March 27, 2002  
7:00 p.m.

**Minutes**

1. Call to Order/Roll Call:

Vice-President Brown called the meeting to order at 7:02 p.m. on March 27, 2002.

Board Members Present:

Tom Moore – President – via telephone  
David Brown – Vice-President  
Emmette Randle  
Kenneth Nishi  
Charles Scholl

Board Members Absent:

None.

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel  
Dave Meza, District Engineer  
Suresh Prasad, ASO Finance and Technology  
Rich Youngblood, Water Conservation Specialist  
Jim Dowless, O&M Superintendent  
Lester Lee, System Operator  
Sherrie Payne, Customer Service  
Paula Carina, Board Clerk

Audience:

Peter LaShomb  
Garrett Gritz, RBF Consulting  
Tom Payne  
Melissa Payne

2. Oral Communications:

Mr. LaShomb asked for a variance to the District Code section 2.06.020, and that his appeal for a variance be placed on this evening's agenda. District Counsel, Lloyd Lowrey, explained the process that needs to be followed, and that ultimately, Mr. LaShomb needs to take this to the FORA Board for a variance and to appeal his bill, as the 1998 Water/Wastewater Facilities Agreement so states. Discussion followed.

On motion by Vice-President Brown, seconded by President Moore; the Board add Mr. LaShomb's appeal to the agenda, granting a variance to the appeal procedure, finding that the matter arose after the agenda was posted and there is need for immediate action. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	No	Director Nishi	-	Yes
		Director Scholl	-	Yes	

The item will be placed after item 4-E.

3. Presentation:

- A. Consider Awarding Twenty-Year Plaque and Gift Certificate to Lester Lee, System Operator II

Mr. Armstrong read the narration commending Mr. Lee for his twenty years of service with the District.

On motion by President Moore, seconded by Director Nishi; the Board award a twenty-year plaque and gift certificate to Mr. Lee. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes
		Director Scholl	-	Yes	

Vice-President Brown presented the plaque and gift certificate to Mr. Lee.

- B. Award Certificate and Make Presentation for Employee of the Quarter for April-May-June 2002:

Mr. Armstrong read the narration recommending Mrs. Sherrie Payne as Employee of the Quarter and commending her for her outstanding performance and dedication to the District.

Item 3-B (continued):

On motion by Director Randle, seconded by Director Nishi; the Board approved the award of a certificate, check for \$100, and 4 hours off with pay to Sherrie Payne for Employee of the Quarter. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes
		Director Scholl	-	Yes	

Vice-President Brown presented the certificate and check to Mrs. Payne.

4. Action Items:

- A. Consider Approval of the Draft Design/Build Marina Water and Sewer SCADA Project Scope of Work as to Form and Direct Staff to Solicit Proposals:

Mr. Meza introduced this item.

On motion by Director Randle, seconded by Director Scholl; the Board approve the draft design/build Marina water and sewer SCADA Project scope of work as to form and direct staff to solicit proposals. Director Nishi voiced his concern over the quality of the existing SCADA system. Director Scholl inquired how the District would assure the quality of a new system? Mr. Meza stated that the scope of work addressed the issue of quality and requires the design/builder to evaluate each component of the system to make sure that the District's expectations are met. Director Scholl asked how the District chose which design/builders to solicit proposals from? Mr. Meza stated that the District had contacted other water agencies that use a SCADA system, and developed a list from the information the other water agencies provided. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

- B. Consider Approval of the Draft Fort Ord Well No. 30 Rehabilitation Scope of Work as to Form and Direct Staff to Solicit Proposals:

Mr. Meza introduced this item. Director Scholl noted that the project is not funded in the current FY 2001/2002 budget and asked if any expenses were anticipated this fiscal year? Mr. Meza stated that the project will be in the proposed FY 2002/2003 budget and that no expenses would take place until next fiscal year. Director Scholl asked what priority Mr. Meza assigned this project? Mr. Meza answered that it was a high priority as Well No. 30 is in the closest proximity to the seawater intrusion front.

Action Item 4-B (continued):

On motion by Vice-President Brown, seconded by Director Randle; the Board approve Draft Fort Ord Well No. 30 rehabilitation scope of work as to form and direct staff to solicit proposals. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

- C. Consider Approval of Draft Facilities Plan Scope of Work for the Marina Airport Area Recycled Water Pipeline Project as to Form and Direct Staff to Solicit Proposals:

Mr. Meza introduced this item. Director Scholl asked for clarification about condition 4 in the Board transmittal.

On motion by Director Randle, seconded by Vice-President Brown, the Board approve the Draft Facilities Plan scope of work for the Marina Airport Area Recycled Water Pipeline Project as to form and direct staff to solicit proposals. Director Nishi voiced his concern over not having a storage reservoir planned for this project. Director Scholl asked if there was a need for a reservoir? Mr. Meza stated that the project does not require storage, but on page 4 of the scope of work it does state that if needed, reservoir sizing would be investigated. President Moore stated that the previously approved EIR does not include a storage facility and asked legal counsel if that would create a problem? Mr. Lowrey stated that the EIR did not include storage, but if it were needed, a supplemental EIR would need to be done. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

- D. Consider Adopting Resolution No. 2002-13 to Approve a Professional Services Agreement with RBF Consultants to Prepare a Water Conservation Feasibility Study:

Mr. Meza introduced this item. Director Scholl asked how long it would take for the District to recover the funds spent on this project? Mr. Armstrong stated that the District would stand to save possibly several hundred thousand dollars with this study. Discussion followed.

On motion by President Moore, seconded by Director Randle; the Board adopt Resolution No. 2002-13 to approve a Professional Services Agreement with RBF Consultants to prepare a water conservation feasibility study. Mr. Gritz, RBF Consulting, gave a brief overview of the proposed study. Discussion followed. The motion was passed.

Action Item 4-D (continued):

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

Vice-President Brown recessed the meeting from 8:17 p.m. until 8:25 p.m.

- E. Review and Discuss the Draft FY 2002/2003 Fort Ord Water and Wastewater Budgets and Rates:

Mr. Prasad introduced this item. Mr. Armstrong explained the process of adopting the Fort Ord Budget per the 1998 Facilities Agreement with FORA. Director Nishi asked when the Board would have the opportunity to approve the Fort Ord budget? Mr. Lowrey gave a brief history of the FORA/MCWD Water/Wastewater Facilities Agreement and the process for adopting the Fort Ord Budget. Director Nishi voiced his concern that the Board would not have the opportunity to approve the proposed budget and asked if Special District's could charge capital charges on user fees. Mr. Lowrey stated that the law allows Special District's to determine the costs to provide services to the user and explained the process each Special District must follow. Discussion followed.

This item was for review only. The Board then moved to the item that was placed on the agenda as an urgency item.

- E-2 Variance to Appeal Procedure:

Mr. LaShomb voiced his concerns regarding the District's rates and fees in the former Fort Ord service area. Mr. Armstrong clarified that Mr. LaShomb was disputing the bills that he had received from the District. Discussion followed.

On motion by Vice-President Brown, seconded by President Moore; the Board waive the fee for the appeals process. Discussion followed. Vice-President Brown withdrew his motion.

- F. Consider Scheduling Two Board Meetings Each Month:

Vice-President Brown stated that he had previously requested the Board consider scheduling two board meetings each month and had since withdrawn his request. Director Randle stated that with the District having several special meetings over the past several months, maybe the District should consider scheduling two meetings each month therefore eliminating the need to call special meetings. He also stated that he would like the Board to consider compensation for Directors.

Action Item 4-F (continued):

On motion by Director Randle, seconded by Vice-President Brown; the Board refer Director compensation to the Budget and Personnel Committee for discussion. Discussion followed. President Moore requested to call the question. The motion to add Director compensation to the Budget and Personnel agenda was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	No	

On motion by Director Randle, seconded by Director Nishi; the Board schedule two Board meetings each month. Discussion followed. The motion failed.

President Moore	-	No	Vice-President Brown	-	No
Director Randle	-	Yes	Director Nishi	-	Yes
		Director Scholl	-	Abstained	

G. Consider Setting Date for 2002 Strategic Planning Workshop:

The Board discussed possible dates for the workshop and decided upon May 15, 2002 at 4:00 p.m.

On motion by Vice-President Brown, seconded by President Moore; the Board approve May 15, 2002 at 4:00 p.m. for the 2002 Strategic Planning Workshop. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	Yes
		Director Scholl	-	Yes	

Vice-President Brown asked if anyone wanted to make a motion to adjourn the meeting, as it was 10:00 p.m.? No one made a motion. Director Randle left the meeting at 10:00 p.m.

H. Consider Approval of Board of Director's Committee Assignments for 2002:

Handouts were provided with President Moore's recommendations for committee assignments. Discussion followed. Director Nishi stated that he would not serve on the FORA or LAFCO Boards or as the alternate to the MRWPCA Board.

On motion by Vice-President Brown, seconded by President Moore; the Board approve the following recommendations provided by President Moore:

Action Item 4-H (continued):

- |                               |   |   |
|-------------------------------|---|---|
| Joint City/District           | - | Tom Moore, David Brown<br>(Alternate – Emmette Randle)      |
| Projects and Planning         | - | Charles Scholl, Emmette Randle<br>(Alternate – David Brown) |
| Operations and Maintenance    | - | David Brown, Emmette Randle<br>(Alternate – Tom Moore)      |
| Budget and Personnel          | - | Tom Moore, David Brown<br>(Alternate – Charles Scholl)      |
| Water Conservation Commission | - | Charles Scholl<br>(Alternate – Emmette Randle)              |
| MRWPCA Board                  | - | Tom Moore<br>(Alternate – Ken Nishi)                        |
| FORA Board                    | - | Ken Nishi<br>(Alternate – Tom Moore)                        |
| LAFCO                         | - | Ken Nishi<br>(Alternate – Charles Scholl)                   |
| JPIA                          | - | Emmette Randle<br>(Alternate – Ken Nishi)                   |

Discussion followed. The motion failed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Abstained	

On motion by Director Scholl, seconded by Vice-President Brown; the Board approve President Moore's recommendations as presented until the Strategic Planning Workshop on May 15, 2002, then as part of the workshop, the Board revisit the committee assignments and recommend any changes at that time. Discussion followed. President Moore called the question. The motion was passed.

Action Item 4-H (continued):

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Yes	

5. Consent Calendar:

Director Nishi requested to pull items B, E, F, I, and L from the Consent Calendar.

On motion by Vice-President Brown, seconded by President Moore; the Board approve Consent Calendar items, A, C, D, G, H, J, and K as presented. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	Yes
		Director Scholl	-	Yes	

B. Approve Minutes of the Special Joint Meeting between the Marina Coast Water District and the City of Marina of January 29, 2002:

Director Nishi disagreed with the correction to the minutes.

On motion by Vice-President Brown, seconded by President Moore; the Board approve the corrected minutes as presented. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Yes	

E. Approve Minutes of the Regular Board Meeting of February 27, 2002:

Director Nishi wants added to page 6 of the minutes that he asked why public comment was allowed after the question was called, and, that he asked Legal Counsel why he was allowing this to occur. Discussion followed.

On motion by Vice-President Brown, seconded by President Moore; the Board approve the minutes as presented. Discussion followed. President Moore suggested the minutes be referred to the Budget and Personnel Committee for review. Discussion followed. The motion failed.

President Moore	-	No	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Abstained	



F. Approve Expenditures for the Month of February 2002:

Director Nishi asked if the address on check number 32333 was where the recipient lives and not the rebate address? Mr. Prasad stated that it was and that the recipient owns the rental unit where the toilet was replaced. Director Nishi asked that both addresses show on the check register from this time forward. Mr. Prasad confirmed this would be done.

On motion by Vice-President Brown, seconded by President Moore; the Board approve the February 2002 expenditures as presented. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	Yes
		Director Scholl	-	Yes	

I. Consider Approval of the Argus Video Imaging System Lease Agreement:

Director Nishi stated that he did not approve of this agreement because of the problems the City experienced with the Navy.

On motion by Vice-President Brown, seconded by President Moore; the Board approve the Argus Video Imaging System Lease agreement. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Yes	

L. Consider Adopting Resolution No. 2002-16 Approving a District Policy for Public Member Appointments to District Committees:

Director Nishi stated that he would like to see the proposed policy show specific wording reflecting term dates for the public members. Discussion followed.

On motion by Vice-President Brown, seconded by President Moore; the Board approve Resolution No. 2002-16 approving a District policy for public member appointments to District Committees. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Absent	Director Nishi	-	No
		Director Scholl	-	Yes	

6. Informational Items:

A. General Manager's Report:

Mr. Armstrong informed the Board of the upcoming Spring ACWA Conference in Monterey on May 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>. He encouraged each member to consider attending. Mr. Armstrong stated that the District was honored to be approached by ACWA to offer a tour of the District's Desal Plant during the conference.

President Moore asked to proceed to the Closed Session items as the hour was getting late.

The Board entered into closed session at 10:35 p.m.

7. Closed Session:

A. Pursuant to Government Code Section 54956.8

Conference with Real Property Negotiators

Property: Water Rights-Reclaimed Water

Agency Negotiators: Board – Thomas Moore and David Brown

Staff – Mike Armstrong and Legal Counsel Lloyd Lowrey

Negotiating Parties: Marina Coast Water District

Monterey County Water Resources Agency

Monterey Regional Water Pollution Control Agency

Under Negotiation: Price and Terms

B. Pursuant to Government Code Section 54957.6

Conference with Labor Negotiator

Agency Negotiators: William Avery and Mike Armstrong

Employee Organization: Teamsters Local 890

8. Possible Action on Closed Session Items:

The Board returned to Open Session at 11:08 p.m.

President Moore left the meeting at 11:08 p.m.

Vice-President Brown reported that no action was taken in Closed Session.

Return to Informational Item 6-E.

6. Informational Items:

E. Director's Comments:

Director Nishi mentioned the following items: Meza's prevailing wages; changes to the minutes of the Budget and Personnel Committee; Mr. LaShomb's letter; the Virginia call; the Operations & Maintenance crew to look at well sites that people are complaining are dirty, especially the one on Talcott Avenue; two attorneys on the FORA issue, he doesn't see using Bowden for the second opinion; on next agenda, he wants to see how to get items on the agenda. Mr. Lowrey stated that Board policy is very clear that the Board Secretary sets the agenda.

9. Adjournment:

The meeting was adjourned at 11:12 p.m.

APPROVED:

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Thomas P. Moore, President

ATTEST:

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Michael D. Armstrong, General Manager