

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
August 25, 2004  
7:00 p.m.

**Minutes**

1. Call to Order:

President Scholl called the meeting to order at 7:00 p.m. on August 25, 2004.

Board Members Present:

Charles Scholl – President  
Tom Moore – Vice-President  
Ken Nishi  
David Brown  
Dan O'Brien

Board Members Absent:

None.

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel  
Connie Chavoya, ASO for Administration and Personnel  
Marc Lucca, District Engineer  
Richard Youngblood, Water Conservation Specialist  
Paula Carina, Executive Assistant/Board Clerk

Audience:

Bob Shaffer  
Gail Youngblood, Army BRAC  
David Eisen, Army BRAC  
Derek Lieberman, Army BRAC  
Mike Taraszki, MACTEC E&C, Inc.  
Doug Yount, City of Marina  
Bob Jaques, MRWPCA  
Bill Mabey, USEPA  
Martin Hausladen, USEPA  
Paula Pelot

2. Oral Communications:

None.

3. Presentations:

- A. Consider Adoption of Resolution No. 2004-42 in Recognition of Barbara Montanti, Customer Service Representative I, and Awarding a Plaque and Gift Certificate for 5 Years of Service to MCWD:

Mr. Armstrong read the narration on this item.

On motion by Vice-President Moore, seconded by Director Brown; the Board adopt Resolution No. 2004-42 recognizing Barbara Montanti for 5 years of service to the MCWD. The motion was passed.

Director O'Brien	-	Yes	Vice-President Moore	-	Yes
Director Brown	-	Yes	President Scholl	-	Yes
Director Nishi	-	Yes			

- B. Receive Presentation by the Army on the Groundwater Remediation Program:

Mr. Mike Taraszki, MACTEC, Inc. presented the Board with an update of the Groundwater Remediation Program. Director O'Brien asked the approximate time frame of when test results from the new monitoring wells would be available. Mr. Taraszki stated it would be several weeks and a reliable test would probably be available in October. Director O'Brien asked if there was more than one plume. Mr. Taraszki stated it was one plume. Director O'Brien asked if higher water demand in the Ord Community would exacerbate the problem. Mr. Taraszki stated they did not believe so and that the Army would be continuing to extract contaminated water from the upper 180 aquifer for treatment and re-injecting the treated water back into the aquifer. Director O'Brien asked how long the Army's pump and treat program would continue. Mr. Taraszki stated the treatment could last as long as thirty years. Vice-President Moore asked what happens to the TCE that is removed from the water. Mr. Taraszki explained the treatment process of pumping the water through charcoal, and that the extracted chemicals are burned in an incinerator. He stated the total original amount of TCE believed to have been spilled is between ten and fifty gallons. Director O'Brien inquired on the EPA Reports about TCE gas air contamination. Mr. Bill Mabey, USEPA, stated the air contamination is minimal. Mr. Taraszki explained the results of a soil vapor test that was recently taken showed the concentration level was minimal. Mr. Doug Yount, City of Marina, asked if DTSC had any differences or concerns with the EPA. Mrs. Gail Youngblood, BRAC, stated that DTSC was fully involved in the project.

4. Action Item:

A. Consider First Reading of Ordinance No. 39 Approving Developer Payment for Water Supply Assessments and Water Supply Verifications:

Mr. Armstrong introduced this item and explained that Director O'Brien had contacted him with a question regarding the Ordinance. Director O'Brien stated that Section 6.16.030 subsection A, had a sentence that was unclear. Discussion followed. Vice-President Moore suggested taking a break and he and the General Manager would revise the last sentence and provide it for review. Director Nishi asked how the ordinance would affect the assessments already provided and future assessments. Mr. Lowrey stated the ordinance would only affect future assessments. Discussion followed regarding how to make sure developers pay for assessments even when an assessment is requested by a jurisdiction i.e. property lien or recorded notice of obligation. Vice-President Moore suggested having staff look into what power the District has to establish the requirement for a water supply evaluation, not an assessment, for certain sized projects. Mr. Lowrey stated it could possibly be done under water conservation but it would need to be looked into.

President Scholl recessed the meeting from 8:00 until 8:10 p.m.

Vice-President Moore provided the revised ordinance for the Board to consider.

On motion by Vice-President Moore, seconded by Director Brown; the Board approve the first reading of Ordinance No. 39 as amended and forwarding it for adoption at the September 22, 2004 Board meeting. The motion was passed.

Director O'Brien	-	Yes	Vice-President Moore	-	Yes
Director Brown	-	Yes	President Scholl	-	Yes
Director Nishi	-	No			

7. Consent Calendar:

Director Nishi requested to pull item B from the consent calendar.

On motion by Director Brown, seconded by Vice-President Moore; the Board approve the consent calendar consisting of items A) Consider Adoption of Resolution No. 2004-43 to Approve the Purchase of Four Ford F-250 Trucks and Two Ford Rangers; C) Consider Adoption of Resolution No. 2004-45 to Authorize Construction of Phase One of the Water Distribution Pipeline in General Jim Moore Blvd and Amend the FY 2004-2005 Budget; D) Consider Approving Expenditures for the Month of July 2004; E) Consider the Board Meeting Schedule of Two Board Meetings a Month; F) Consider Approval of the Draft Minutes of the Regular Board Meeting of June 9, 2004; and, G) Consider Approval of the Draft Minutes of the Regular Board Meeting of July 14, 2004. The motion was passed.

Agenda Item 7 (continued):

Director O'Brien	-	Yes	Vice-President Moore	-	Yes
Director Brown	-	Yes	President Scholl	-	Yes
Director Nishi	-	Yes			

- B. Consider Adoption of Resolution No. 2004-44 to Approve the Associate Engineer Job Description, Amend the FY 2004-2005 Budget, and Direct the General Manager to Recruit and Fill the Position:

Director Nishi commented that at the last meeting he stated the salary should be raised and that this job should be outsourced. Mr. Armstrong stated that the salary was increased from the previous range.

On motion by Director Brown, seconded by Vice-President Moore; the Board adopt the amended Resolution No. 2004-44 approving the Associate Engineer Job Description and amending the FY 2004-2005 Budget and directing the General Manager to recruit and fill the position. The motion was passed.

Director O'Brien	-	Yes	Vice-President Moore	-	Yes
Director Brown	-	Yes	President Scholl	-	Yes
Director Nishi	-	No			

8. Informational Items:

- A. General Manager's Report:

Mr. Armstrong directed the Board's attention to copies of a letter he provided addressed to the State Parks and Recreation Department regarding the desalination plant intake well.

- B. Counsel's Report:

Mr. Lowrey notified the Board of a pending lawsuit over a Water Supply Assessment in which the city or developer felt was too conservative. He will update the Board when more details occur.

- C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director O'Brien commented on the lack of ability to achieve a quorum for the Commission meetings. He asked if there was another way to achieve the required quorum. President Scholl commented on the lack of commitment and suggested changing the date and time of the meetings. Director Nishi commented on the lack of term limits on this committee and a lack of commitment from the members.

2. Joint City-District Committee:

President Scholl stated the entire meeting was devoted to a public debate of issues and that he would like to see it continue.

3. MRWPCA Board Member:

No comments.

4. LAFCO Liaison:

No comments.

5. JPIA Liaison:

No comments.

6. SDA Liaison:

No comments.

7. FORA:

Director Brown stated he was unavailable to attend the meeting. Vice-President Moore stated he attended as the alternate. He stated the FORA Board was given a presentation of the Coastal Water Project and that UCMBEST asked MCWD when they need to come to the District for an increased water allocation. Vice-President Moore stated that they needed to speak with FORA.

8. Executive Committee:

No comments.

9. Community Outreach:

No comments.

D. Director's Comments:

This item was deferred and was not covered due to the lateness of the hour.

9. Planning Workshop:

A. Board Policy to Call for Adjournment of Meetings at 10:00 PM:

President Scholl introduced this item. The Board discussed the process of calling for adjournment and the fact that it is rude to interrupt someone's dialogue to call for a motion to adjourn as well as adjourning the meeting with paid consultants waiting to give their presentations. Discussion followed regarding meeting management. Vice-President Moore suggested the following options: 1) at 10:00 p.m. call for discussion to end at a certain time and adjourn at said time; 2) at 10:00 p.m. call for adjournment when the current item being discussed is complete; or, 3) at 10:00 p.m. call to continue the meeting until all agenda items are complete. Discussion followed regarding how other agencies manage adjournment. Vice-President Moore suggested that staff put together a proposal to adjourn at 10:00 p.m. unless a super majority votes to continue.

The Board entered into closed session at 8:45 p.m.

5. Closed Session:

- A. Pursuant to Government Code Section 54957.6  
Conference with Labor Negotiator  
Agency Negotiator: William Avery & Associates  
Employee Organizations: Teamsters Local 890 and SEIU Local 817

The Board returned to open session at 9:03 p.m.

6. Possible Action on Closed Session Items:

Mr. Lowrey stated that no action was taken and direction was given to the negotiator.

9. Planning Workshop:

B. Ord Community Workshops:

Vice-President Moore commented that he agreed the WWOC should be involved and that the District would set the agenda's with input from community leaders. Director Nishi disagreed with having the WWOC involved. Vice-President Moore stated he would like to see the WWOC involved as they represent the different communities and areas within the Ord Community.

Agenda Item 9-B (continued):

Director Nishi stated the workshop is a vehicle for Ord Community residents to provide input.

Ms. Pelot agreed with the workshop and would like to see an agenda item to discuss how residents receive input from the District. She also agreed the WWOC should be present to listen and receive comments, but not as board members. Discussion regarding notifying residents, selecting workshop date, time, and agenda topics followed. The Board directed staff to draft a letter addressing workshop date, time and attach a partial draft agenda with one of the items giving the background on the agreement between the District and FORA and bring the draft back for review on September 8, 2004. Staff is also directed to look into adding a provision for multi-languages.

C. Ord Community Capital Component Charge:

Mr. Armstrong introduced this item. He explained that the District is looking to recommend revamping the Ord Community Budget and work through the WWOC and the FORA Board. Director Nishi stated that the FORA Board needs to be involved not the WWOC. Mr. Armstrong stated he believed the District should start with the WWOC as they report directly to the FORA Board and then continuing on to the FORA Board. Director Nishi stated this is a key policy issue on capacity charges verses users.

D. Negotiations with CSUMB:

Mr. Armstrong stated that he had direction from the Board to contact Hatch & Parent to discuss this issue. Director Nishi inquired if this discussion should take place in closed session. Mr. Lowrey stated that since there was no litigation or pending litigation there were no grounds to take this into closed session. Director O'Brien stated that he would like it in open session so that public could be aware of what is taking place with CSUMB. Discussion followed over dealing with this topic in closed session. Mr. Armstrong stated that he talked to Mr. Rob Saperstein, Hatch & Parent, and reviewed several options available to the District with one of them being mediation. Mr. Armstrong commented on the ongoing litigation between FORA and CSUMB and suggested possibly having Mr. Michael Houlemard speak to the Board regarding their lawsuit. Mr. Armstrong stated that a prospective solution could be in restructuring the fees and charges but that collecting the amount past due is another issue. He suggested bringing back a rates, fees, and charges proposal for the Board to consider in early October. Director Nishi asked if there was any way to stop CSUMB from connecting to the system when they build new infrastructure. Mr. Armstrong stated that he was not positive the District could stop them from connecting to the District infrastructure. Discussion followed. Director Nishi commented that he would like to see an item on the next agenda discussing ways to stop new infrastructure from connecting to the District. Discussion followed.

Agenda Item 9-D (continued):

Ms. Pelot asked who was picking up the cost of capital improvement on the Ord Community while CSUMB is withholding the capital component charge from their payments. Mr. Armstrong answered that the Ord Community residents were paying for the capital improvement in their fees and that if CSUMB was contributing to the capital improvements, everyone's monthly component charge would be less per unit.

Noting that it was 10:00 p.m. President Scholl asked for a motion to adjourn.

On motion by Director Brown, seconded by Director Nishi; the Board adjourn the meeting at 10:10 p.m. With a vote of 2-Ayes, 3-Noes, 0-Absent, the motion failed and the meeting continued.

Director Nishi inquired on the recent budget amendment for the General Jim Moore project and asked if the WWOC was aware that capital project funds were rearranged. Mr. Armstrong stated that the budget was developed without any CSUMB capital component charge revenue. Discussion followed. Mr. Armstrong stated he will investigate the possibility of stopping new hook-ups into the District's infrastructure. Vice-President Moore asked if ACWA was aware of the issue with State Universities not paying their fair share. Mr. Armstrong stated that the problem was statewide and this District was only one of many dealing with this particular statute.

On motion by Vice-President Moore, seconded by Director Brown, the Board adjourn the meeting at 10:30 p.m. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion passed.

E. Board Policy Governance:

President Scholl introduced this item. The Board discussed the Santa Clara Valley Water District's Policy Manual along with the District's Board Procedures Manual. Mr. Armstrong stated the SCVWD's manual included much input from the Carver model.

Ms. Pelot stated that she can't believe what goes on at these meetings. Ms. Pelot stated that from sitting in the audience she can see that it is a real struggle for the Board to work together and suggested the Board consider hiring a consultant to assist the Board in working together.

F. Strategic Planning:

President Scholl commented that the District did not participate in Strategic Planning this year and that last year the Board worked on policies. President Scholl stated it might be better to have a Strategic Plan in place as guidance in case any new Directors are elected to the Board.



Agenda Item 9-F (continued):

Mr. Armstrong stated the Board needs to decide if they want to work on policy governance or strategic goals and objectives.

10. Correspondence:

There were no questions or comments on this item.

12. Adjournment:

The meeting was adjourned at 10:31 p.m.

APPROVED:

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Thomas P. Moore, Vice-President      Date

ATTEST:

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Michael D. Armstrong, General Manager