

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
November 9, 2005
6:30 p.m.

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on November 9, 2005.

Board Members Present:

Tom Moore – President
David Brown – Vice President
Charles Scholl – arrived at 6:35 p.m.
Ken Nishi
Howard Gustafson

Board Members Absent:

None.

Staff Members Present:

Marc Lucca, Deputy General Manager/District Engineer
Lloyd Lowrey, Legal Counsel
Joan Warren, Management Services Administrator
Ken Demmons, Project Manager
Rich Youngblood, Conservation Coordinator
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Byron Buck, Byron Buck & Associates
Bob Schaffer, Marina Community Partners
Michael Shaw, Cypress Knolls
Bob Holden, MRWPCA
Nancy Issacson
Bill Dendy
Tim O'Halloran, City of Seaside
Doug Yount, City of Marina
Eric Robinson, Cypress Knolls
Bill Brasher, Marina Heights
LeAnne Humble, Denise Duffy & Associates

2. Oral Communications:

Ms. Nancy Issacson introduced herself and Mr. Michael Breva as representatives of the Clark Colony Water Company.

The Board entered into closed session at 6:31 p.m.

3. Closed Session:

Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator
Property: Water Rights
Negotiating Parties: MCWD, Clark Colony Water Company
Under Negotiation: Price and Terms of Payment

The Board returned to open session at 7:15 p.m.

4. Possible Action on Closed Session Item:

Mr. Lloyd Lowrey, Legal Counsel, stated no action was taken in closed session.

Vice President Brown made a motion to appoint Mr. Lloyd Lowrey, Mr. Bill Dendy, and Mr. Mike Armstrong to represent the MCWD and negotiate with Clark Colony Water Company. Director Scholl seconded the motion. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion was passed.

President Moore recessed the meeting from 7:15 until 7:20 p.m.

5. Action Items:

A. Consider Adoption of Resolution No. 2005-64 to Approve the 2005 Urban Water Management Plan (UWMP):

Mr. Marc Lucca, Deputy General Manager/District Engineer, introduced this item and Mr. Byron Buck, Byron Buck & Associates. Mr. Buck provided an update on the latest changes to the document. He explained that the new Conservation Ordinance is addressed in the UWMP. There is also a new subsection 3.5 regarding water quality impacts. Mr. Buck stated that due to recent Board actions, the desalination plant is considered as an available supply of water within the Marina service area; and, the Hybrid project is considered available under the context of SB210 and the UWMP. Mr. Buck commented on a recent litigation case involving Santa Clarita for not providing adequate information in their Water Supply Assessments and Urban Water Management Plan used in an EIR they processed.

Agenda Item 5-A (continued):

Mr. Lowrey commented that the Santa Clarita case came down November 2, 2005 and that it would be useful to consider the lessons of that case.

President Moore stated that requests have been received from the City of Marina and the FORA Admin Committee to postpone approval of the final UWMP until the meeting in December. President Moore suggested tabling the item until December 14, 2005. Mr. Lucca advised that the delay of approval of the UWMP would also delay any Water Supply Assessments (WSA) that are pending. Director Nishi asked that the document to be provided in December show the changes that are made.

Mr. Doug Yount, City of Marina, commented that the City of Marina and the developers would like more time to review the document.

Mr. Michael Shaw, Cypress Knolls, commented that the Cypress Knolls project is awaiting a WSA but they need the UWMP to be correct and encouraged the Board to postpone approval of the UWMP until all comments could be taken into effect.

Mr. Bob Schaffer, Marina Community Partners, concurred in having the item continued.

Mr. Bill Brasher, Marina Heights, also concurred in having the item continued.

Director Gustafson made a motion to postpone final approval of the UWMP until December 14, 2005. Director Scholl seconded the motion. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion was passed.

B. Consider Second Reading and Approval of Ordinance No. 41 Approving Penalties for Unauthorized Taking of Water:

Mr. Richard Youngblood, Conservation Coordinator, introduced this item. Director Nishi, noting that this was the second reading of Ordinance No. 41, asked Legal Counsel if there had to be a certain number of days between readings. Mr. Lowrey answered there was not a minimum number of days required between readings. Mr. Yount asked if there were any changes to the document since the first reading. Mr. Lucca answered there were no changes to the document.

Director Gustafson made a motion to approve Ordinance No. 41 as provided. Director Scholl seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2005-65 to Adopt the Initial Study/Negative Declaration for the Marina Station Property Annexation and Direct Staff to Complete the Filing with LAFCO:

Mr. Lucca introduced this item. President Moore inquired if the Negative Declaration on page 180 is correct in stating the City of Marina is seeking to annex the Marina Station property into the MCWD to allow for water and wastewater collection services. Ms. LeAnne Humble, Denise Duffy & Associates, commented that the City of Marina is the lead agency and the Negative Declaration is correct.

Vice President Brown made a motion to adopt Resolution No. 2005-65 to approve the initial study/negative declaration for the Marina Station Property Annexation and direct staff to complete the filing with LAFCO. Director Scholl seconded the motion. The motion was passed.

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

D. Consider Adoption of Resolution No. 2005-66 to Approve a Professional Services Agreement with Byron Buck & Associates for the Preparation of Water Supply Assessments for Developments in the District's Service Areas:

Mr. Lucca introduced this item. Mr. Yount commented that the City would like to see the Marina Station WSA and the UWMP worked on simultaneously.

Director Scholl made a motion to adopt Resolution No. 2005-66 to approve a PSA with Byron Buck & Associates for preparation of WSA's for developments in the District's service areas. Vice President Brown seconded the motion. The motion was passed.

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

E. Consider Adoption of Resolution No. 2005-67 to Approve Design and Bidding Phase Services for the 2005 Ord Lift Stations Improvements Project:

Mr. Ken Demmons gave a brief presentation of the Ord Lift Stations to the Board. Mr. Lowrey commented that the project is categorically exempt because the work is being done to existing facilities.

Director Scholl made a motion to adopt Resolution No. 2005-67 to approve design and bidding services for the 2005 Ord Lift Stations Improvements Project with the finding that the project is categorically exempt. Vice President Brown seconded the motion.

Agenda Item 5-E (continued):

The motion was passed.

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

F. Consider Adopting Resolution No. 2005-68 to Direct the General Manager to Inform Local Fire Authorities of the District's Policy Concerning Non-Emergency Use of Water:

Mr. Richard Youngblood, Conservation Coordinator, introduced this item. Vice President Brown asked who owned the fire hydrants. Mr. Youngblood answered the District owns the hydrants. President Moore asked if all the local fire authorities knew about the letter. Mr. Youngblood stated that not all knew of the letter, but they would be informed before they receive the letter.

President Moore made a motion to adopt Resolution No. 2005-68 to direct the General Manager to inform local fire authorities of the District's policy concerning non-emergency use of water with the caveat that staff pre-coordinate with the local fire authorities before the letter is sent. Director Scholl seconded the motion. The motion was passed.

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

G. Receive the Quarterly Financial Statements for July 1, 2005 to September 30, 2005:

Director Nishi commented that he would like to see the Schedule of Investments Summary show the current quarter for FY 2003/2004 and 2004/2005 for the Reserve Detail just as the summary does at the bottom of page 205. He added that there are extra funds in the reserve and the District may need to consider redoing the budget. Director Nishi stated he would like to see an agenda item address the over abundance of reserve funds on a future agenda.

H. Consider Approving Expenditures for the Month of October 2005:

There were no questions or comments on this item.

Director Scholl made a motion to approve the expenditures for the month of October 2005. Vice President Brown seconded the motion. The motion was passed.

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

I. Consider Director's Seating Chart:

President Moore introduced this item. Director Nishi asked who was second in seniority. Vice President Brown stated it could either be by broken or unbroken seniority. Discussion followed.

Director Scholl made a motion that the President has the discretion to seat members at the dais. Vice President Brown seconded the motion. With a vote of 3-Ayes, 2-Noes, 0-Absent, the motion was passed.

6. Staff Report:

Capital Financing and Bond Issuance:

Mr. Lucca introduced this item. He explained that Citigroup has recently been meeting with the developers regarding the progress of the development plans. Mr. Lucca stated that there is a direct relationship between the rate of development and the capital improvements the District needs to put in place and those need to be monitored so that one doesn't get ahead of the other. Mr. Lucca stated that a workshop is proposed for December or January to provide the most current information from Citigroup and Carollo Engineers and get direction from the Board. President Moore suggested holding the workshop in January.

7. Informational Items:

A. General Manager's Report:

Mr. Lucca stated there would be no report as Mr. Armstrong was absent. Ms. Riso announced the Strategic Planning Workshop was scheduled for December 6, 2005 from 3:00 – 9:00 p.m. at the Marina Dunes Resort.

B. Counsel's Report:

Mr. Lowrey stated he had nothing to report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Nishi inquired on Vice President Brown's excused absence from the meeting. Vice President Brown stated he was ill with the flu and was unable to attend the meeting.

2. Joint City-District Committee:

No comments.

3. MRWPCA Board Member:

Director Scholl commented that the PCA sent an employee to Russia to talk to officials about using recycled water to irrigate vineyards and the results of that trip were discussed. Director Scholl added that there was also a video presentation on recycled water, produced by a middle school student. The video was geared towards children and was very informative. Director Scholl suggested the WCC look into getting a copy of the video.

4. LAFCO Liaison:

No comments.

5. JPIA Liaison:

President Moore commented that there was a meeting on November 28th in San Diego that he would be attending.

6. Special Districts Association (SDA) Liaison:

No comments.

7. FORA:

No comments.

8. Executive Committee:

No comments.

9. Community Outreach:

No comments.

D. Director's Comments:

Director Nishi stated he had requested information and hadn't received it although he couldn't remember specifically what information he had not received. Director Nishi voiced his concern that Director's weren't getting the information they are requesting.

The Board entered into closed session at 8:20 p.m.

8. Closed Session:

- A. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Subdivision (C) of Section 54956.9
1- Case

- B. Pursuant to Government Code Section 54956.9
Conference with Real Property Negotiator
Property: District Desalination Plant
Negotiating Parties: MCWD and Marina Developers
Under Negotiation: Price and Terms

The Board returned to open session at 9:00 p.m.

9. Possible Action on Closed Session Items:

President Moore stated that the Board did not discuss item 8-A, and there was no action taken on item 8-B.

Director Scholl made a motion to appoint Director Nishi and Director Gustafson as the District negotiators for closed session item 8-B. Vice President Brown seconded the motion. With a vote of 5-Ayes, 0-Noes and 0-Absent, the motion was passed.

10. Adjournment:

The meeting was adjourned at 9:07 p.m.

APPROVED:

David W. Brown, President Date

ATTEST:

Marc A. Lucca, General Manager