

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
September 13, 2006
6:45 p.m.

Minutes

1. Call to Order:

President Brown called the meeting to order at 6:45 p.m. on September 13, 2006 after which the Board entered into closed session.

Board Members Present:

David Brown – President
Howard Gustafson – Vice President
Tom Moore
Ken Nishi
Charles Scholl

Board Members Absent:

None.

Marc Lucca, General Manger
Lloyd Lowrey, Legal Counsel
Suresh Prasad, Director of Finance
Andrew Sterbenz, Interim District Engineer
Jim Dowless, Operations and Maintenance Superintendent
Rich Youngblood, Conservation Coordinator
Joan Warren, Management Services Administrator
Jose Rodriguez, Collection Systems Operator
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Peter Taormina, Marina Cottages
Heather Yeager, CSUMB
Ron Allen
Bob Schaffer, Marina Community Partners
Steve Emerson

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Proposed Corporation Yard Site
Negotiation Parties: MCWD and City of Marina
Under Negotiation: Price and Terms

- B. 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

- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and MRWPCA
Under Negotiation: Price and Terms

- D. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

- E. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Armstrong Ranch Reserved Area and Easements
Negotiating Parties: MCWD and Armstrong Family
Under Negotiation: Price and Terms

President Brown reconvened the meeting to Open Session at 7:05 p.m.

5. Possible Action on Closed Session Items:

President Brown stated that no action was taken in closed session.

4. Pledge of Allegiance:

Everyone present participated in the pledge of allegiance.

6. Oral Communications:

There were no oral communications.

7. Consent Calendar:

Director Moore commented that a revision was made to one of the consent calendar items and questioned if it should be pulled. Mr. Marc Lucca, General Manager, stated that a number was missing from the document and the revised page includes the missing number. President Brown noted the revision for the record.

President Brown requested to pull item A (Adopt Resolution No. 2006-73 to Approve a Professional Services Agreement with Ron Allen to Provide Consultant Services for the Water Conservation Education Program).

Vice President Gustafson made a motion to approve the consent calendar consisting of items; B) Receive the Quarterly Financial Statements for April 1, 2006 to June 30, 2006; and C) Approve the Expenditures for the Month of August 2006. Director Scholl seconded the motion. The motion was passed.

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

A. Adopt Resolution No. 2006-73 to Approve a Professional Services Agreement with Ron Allen to Provide Consultant Services for the Water Conservation Education Program:

President Brown commented that he pulled the item because he was concerned over the number of hours (approximately four hundred) allotted for the consultant. Mr. Richard Youngblood, Conservation Coordinator, stated that the last consultant spent over six hundred and sixty hours on water education. Discussion on the value of water education in elementary schools followed. Director Moore suggested having a clause added to the contract that a survey be conducted at the beginning of the program and repeated at the end of the program to see if there is a difference in the knowledge base of the children. Director Scholl agreed. Mr. Lucca answered that something could be added to the contract to reflect that. Mr. Ron Allen commented that the previous consultant kept a binder documenting what was done in the classes and he would be glad to share the information with the Directors.

Agenda Item 7-A (continued):

Vice President Gustafson made a motion to approve a Professional Services Agreement with Ron Allen to provide consultant services for the Water Conservation Education Program. Director Moore seconded the motion. The motion was passed.

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

8. Action Items:

A. Consider Adoption of Resolution No. 2006-74 to Approve the Infrastructure Agreement between Marina Cottages, LLC, and MCWD for the Marina Cottages Subdivision:

Mr. Andrew Sterbenz, Interim District Engineer, introduced this item. Director Moore suggested adding language to require developers to use recycled water should it be useable on the property and available for use. Mr. Lloyd Lowrey, Legal Counsel, stated that there was language in the agreement that pertained to recycled water. Director Moore answered that he wanted something more specific requiring the use of recycled water if and when it is available. Discussion followed. Director Moore asked that the word “currently” be added to Section 6.1 of the agreement so that it reads, “...associated with this project do not currently apply to this Development...” Mr. Sterbenz asked if Director Moore also wanted to add Section 6.2 to the agreement which refers to recycled water. Director Moore answered that he did and then read aloud the language in Section 6.2. Director Nishi asked if the other developments had this requirement added to their agreements. Mr. Sterbenz stated that this language was just added in June on the last two agreements. Discussion followed.

Director Moore made a motion to adopt Resolution No. 2006-74 approving the Infrastructure Agreement between Marina Cottages, LLC, and MCWD for the Marina Cottages Subdivision with the addition of the word “currently” to Section 6.1 and the addition of Section 6.2 from the Imjin Office Parkway Agreement. The motion died for lack of a second.

Vice President Gustafson made a motion to adopt Resolution No. 2006-74 approving the Infrastructure Agreement between Marina Cottages, LLC, and MCWD for the Marina Cottages Subdivision with the addition of the word “currently” inserted into Section 6.1 so it would read, “...associated with this project do not currently apply to this Development...”. Director Nishi seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2006-75 to Accept a Sewer Easement from Cypress Pacific Investors, LLC, for the Marina Cottages Subdivision:

Mr. Sterbenz introduced this item.

Vice President Gustafson made a motion to adopt Resolution No. 2006-75 accepting a sewer easement from Cypress Pacific Investors, LLC, for the Marina Cottages subdivision. President Brown seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2006-76 to Approve a Professional Services Agreement with TPO Human Resource Management for Completion of a Succession Plan and Training Gaps Analysis Report:

Ms. Joan Warren, Management Services Administrator, introduced this item. She explained the challenges faced with recruiting personnel and the possibility of a labor shortage in the near future.

Director Moore made a motion to adopt Resolution No. 2006-76 approving a Professional Services Agreement with TPO Human Resource Management for completion of a succession plan and training gaps analysis report. Director Scholl seconded the motion. Director Scholl commented that he supported promoting from within. The motion was passed.

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

9. Staff Reports:

A. Receive Update on District's Fats, Oil and Grease Program:

Mr. Lucca introduced this item and Mr. Jose Rodriguez, Collection Systems Operator, explaining how Mr. Rodriguez was the one who was the primary customer/District interface for the Program. Mr. Lucca explained that grease was the main cause of sewer back-ups and the District, along with initial help from the Monterey Regional Water Pollution Control Agency (MRWPCA), was inspecting businesses to make sure they comply with the regulations that the California Regional Water Quality Control Board recently implemented. Mr. Jim Dowless, Operations and Maintenance Superintendent, explained the different types of grease interceptors and grease traps and how they work.

Agenda Item 9-A (continued):

Director Moore inquired on the size and placement of interceptors and traps.

Director Nishi asked who determines the maintenance schedule on grease traps and interceptors. Mr. Dowless answered there were standards and manufacturer's recommendations. Director Nishi asked if small businesses could ask for additional time to comply with the regulations. Mr. Lucca answered that anyone could ask for a variance of the District's Ordinance No. 38 that pertains to the Fats, Oil and Grease program.

Director Scholl commented that he larger interceptor was more effective than a smaller trap, even if the business owner maintains the trap daily or weekly, due to the process of trapping grease.

Director Nishi commented that the MRWPCA has a program to financially help businesses comply with the new regulations. He then questioned private catering trucks and what did they do with their grease. Director Moore asked if the District had worked with the City to pull a list of business licenses to find businesses being run from residences and add them to the inspection list. Mr. Lucca stated that at this time, the District is concentrating on the businesses who are semi or non-compliant before expanding the list.

B. Receive Presentation on Maintaining Separate Cost Centers as Directed by District's 2006 Strategic Plan:

Mr. Suresh Prasad, Director of Finance, introduced this item. Director Moore asked if there were any barriers to the Board passing an Ordinance that would recognize the separate cost centers along the lines as they are specified in the FORA Agreement. Mr. Lowrey commented that an Ordinance was something that is adopted to affect the activity of parties other than the District. A Resolution is the mechanism the District uses when it wants to affect internal policy. Mr. Lowrey stated that an Ordinance could be amended by a subsequent Board or by the public if they wanted to subject it to the initiative process or the referendum process in which an Ordinance is adopted. A Resolution would not be subject to a referendum or an initiative but could be subject to amendment by a future Board. Mr. Lowrey stated that a Resolution or Ordinance would not accomplish much more than what the FORA Agreement already accomplished. Director Moore commented that if it was set by an Ordinance, the public would be able to weigh-in on any changes a future Board might make and having an Ordinance on the books would help when FORA sunsets.

Vice President Gustafson commented that FORA is set-up to receive any concerns from the community in regards to water issues. If there are any problems, the District would receive direction from FORA.

Agenda Item 9-B (continued):

Director Moore stated he would like the District to memorialize the policy of separate cost centers. Director Scholl stated that the Director's should consider Director Moore's point.

Director Moore requested to have a draft Ordinance regarding separate cost centers brought to the September 27, 2006 meeting for review.

10. Discuss Possible Agenda Items for the September 27, 2006 Planning Workshop and Provide Direction to Staff:

There were no suggestions provided by the Board. Director Nishi commented that if a Director had any suggestions to call the General Manager with the information.

11. Director's Comments:

President Brown welcomed the CSUMB students present at the meeting. President Brown then gave a brief explanation of the District's history.

A student inquired how the Board was selected. President Brown answered that they were elected for four-year terms. He then explained the voting boundaries of the District.

A student inquired on the Presidency. President Brown explained that there was a rotating Presidency on an annual basis.

President Brown recessed the meeting from 8:15 until 8:25 p.m.

President Brown re-entered into closed session at 8:25 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Proposed Corporation Yard Site
Negotiation Parties: MCWD and City of Marina
Under Negotiation: Price and Terms
- B. 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

- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and MRWPCA
Under Negotiation: Price and Terms

- D. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

- E. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Armstrong Ranch Reserved Area and Easements
Negotiating Parties: MCWD and Armstrong Family
Under Negotiation: Price and Terms

President Brown reconvened the meeting to Open Session at 8:42 p.m.

5. Possible Action on Closed Session Items:

President Brown stated that no action was taken in closed session other than to provide direction to staff.

12. Adjournment:

The meeting was adjourned at 8:43 p.m.

APPROVED:

Howard Gustafson, Vice President Date

ATTEST:

Marc A. Lucca, General Manager