

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
October 11, 2006
6:45 p.m.

Minutes

1. Call to Order:

President Brown called the meeting to order at 6:45 p.m. on October 11, 2006.

Board Members Present:

Howard Gustafson – Vice President
Tom Moore – arrived at 6:49 p.m.
Ken Nishi
Charles Scholl

Board Members Absent:

David Brown – President

Staff Members Present:

Marc Lucca, General Manager
Lloyd Lowrey, Legal Counsel
Suresh Prasad, Director of Finance
Andrew Sterbenz, Interim District Engineer
Richard Youngblood, Conservation Coordinator
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Niraj Dangoria, CSUMB
LaTonya Olivier, TPO Human Resources
Bob Holden, MRWPCA
Bob Schaffer, Marina Community Partners
Steve Emerson
Chris Luffman, Creekbridge Homes
Rob Corley, MPUSD
Geoffrey Robinson, Bingham McCutchen

3. Action Item:

- A. Consider Adoption of Resolution No. 2006-83 to Approve a Professional Services Agreement with TPO Human Resources to Facilitate the General Manager's Performance Evaluation for CY 2006:

Mr. Marc Lucca, General Manager, introduced this item. Director Nishi commented that this item should be discussed when a full Board is present. Vice President Gustafson requested to skip this item and return to it later in the agenda.

The Board entered into closed session at 6:47 p.m.

4. Closed Session:

- A. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager
- B. 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
- C. 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
- D. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Proposed Corporation Yard Site
Negotiating Parties: MCWD and City of Marina
Under Negotiation: Price and Terms
- E. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
On the Advice of Legal Counsel Pursuant to Subdivision (b) of Section 54956.9
1 – Case

Vice President Gustafson reconvened the meeting to Open Session at 7:13 p.m.

5. Pledge of Allegiance:

Everyone present participated in the pledge of allegiance.

6. Possible Action on Closed Session Items:

Vice President Gustafson asked Mr. Lucca to state for the record what was decided in closed session. Mr. Lucca stated that the Board directed the District to execute a settlement agreement with CSUMB with the terms to be disclosed at a later date.

Mr. Niraj Dangoria, Associate Vice President for Facilities of CSUMB, read aloud a letter from Dianne Harrison, PHD, President of CSUMB, expressing their appreciation for finalizing the long-standing negotiations between MCWD and CSUMB. He then gave a copy of the letter to Mr. Lucca.

7. Oral Communications:

There were no oral communications.

Vice President Gustafson opened the Public Hearing at 7:18 p.m.

8. Public Hearing:

- A. Consider First Reading of Ordinance No. 43 to Maintain Separate Cost Centers and Direct Staff to Schedule a Second Reading on October 25, 2006:

Mr. Suresh Prasad, Director of Finance, introduced this item. He commented that legal counsel had one change to Ordinance No. 43. Section 2-A, last sentence, removing “in Section 66016 of the California Government Code” so that it reads, “...and adoption set forth in Section 31027 of the California Water Code.”

Vice President Gustafson closed the Public Hearing at 7:20 p.m.

Director Moore made a motion to approve the first reading of Ordinance No. 43 to maintain separate cost centers and direct staff to schedule a second reading on October 25, 2006. Director Scholl seconded the motion. The motion was passed.

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

Vice President Gustafson returned to item 3-A.

- A. Consider Adoption of Resolution No. 2006-83 to Approve a Professional Services Agreement with TPO Human Resources to Facilitate the General Manager's Performance Evaluation for CY 2006:

Mr. Lucca introduced this item and outlined several options for the Board to consider. Director Nishi commented that since this is regarding the General Manager's performance review, he would like to have all five of the Board members present before deciding on this issue. Director Scholl commented that there was a quorum present and there was no reason not to begin the process as it will take a while to complete. Director Nishi reiterated that he would like all Board members present for this item. Director Moore asked if this item was to be passed this evening, would there be adequate time for the missing Board member to be brought up to speed before anything began. Ms. LaTonya Olivier, TPO Human Resources, commented that she had planned to give each Director a packet to begin working on and nothing was going to begin until next Board meeting. That would give time for President Brown to receive his packet and get caught up. Director Nishi stated that there was an issue of two options to choose from. Director Scholl stated that the Board could begin with the first option and decide on the second option at a later date.

Director Moore made a motion to approve Resolution No. 2006-83 approving a Professional Services Agreement with TPO Human Resources to facilitate the General Manager's performance evaluation for CY 2006 with the revision to the last WHEREAS removing "Setting Goals for Next Year in the amount of \$1,920." Director Scholl seconded the motion. Director Moore also removed the same language from the RESOLVED section of the resolution. Director Scholl seconded the revision. The motion failed.

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

Vice President Gustafson requested this item be brought back at the October 25, 2006 Board meeting.

9. Consent Calendar:

Director Nishi requested to pull item A (Adopt Resolution No. 2006-84 to Approve an Amendment to the Professional Services Agreement with Byron Buck & Associates for an Annual Update to the 2005 Urban Water Management Plan); Director Scholl requested to pull item C (Adopt Resolution No. 2006-86 to Revise the Toilet and Water-Free Urinal Rebate Program); and, Mr. Lucca requested to pull item D (Approve the Draft November 2006 Newsletter) from the consent calendar.

Director Scholl made a motion to approve the consent calendar consisting of items; B) Adopt Resolution No. 2006-85 to Approve a Professional Services Agreement for Engineering Services for Rehabilitation of Well No. 10 and Amend the FY 2006/2007 Budget; E) Approve Expenditures for the Month of September 2006; F) Approve the Draft Minutes of the Regular Board Meeting of August 23, 2006; and G) Approve the Draft Minutes of the Regular Board Meeting of September 13, 2006. Director Moore seconded the motion. The motion was passed.

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

- A. Adopt Resolution No. 2006-84 to Approve an Amendment to the Professional Services Agreement with Byron Buck & Associates for an Annual Update to the 2005 Urban Water Management Plan:

Director Nishi commented that he pulled this item because he would like someone else to do the update.

Director Scholl made a motion to Adopt Resolution No. 2006-84 to approve an amendment to the Professional Services Agreement with Byron Buck & Associates for an annual update to the 2005 Urban Water Management Plan. Director Moore seconded the motion. The motion failed.

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

- C. Adopt Resolution No. 2006-86 to Revise the Toilet and Water-Free Urinal Rebate Program:

Director Scholl commented that it is important the District notify local contractors, plumbers, plumbing supply houses and retailers about this rebate program. Vice President Gustafson suggested contacting them through the FORA Contractors and Union Center. Director Scholl questioned the water-free urinals and commented that private residences probably don't have them, only commercial businesses. Director Nishi commented that the purpose is to save water and it doesn't matter if it is a business or residential.

Director Scholl made a motion to adopt Resolution No. 2006-86 to revise the toilet and water-free urinal rebate program. Director Moore seconded the motion. Mr. Dangoria commented that this was a great program and the University has been installing water-free urinals throughout the campus. He added they would be pleased to work with the District if any demonstrations were needed. Director Nishi commented that he appreciated the working partnership developing between the University and the District.

Agenda Item 9-C (continued):

Mr. Lucca suggested a revision to the resolution wherein the fourth and fifth WHEREAS is repeated under the RESOLVED section of the resolution.

Director Moore made a motion to include the changes suggested in the resolution. Director Scholl seconded the motion. The motion was passed.

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

D. Approve the Draft November 2006 Newsletter:

Mr. Lucca commented that a handout was provided to the Board showing changes to the Manager's Corner section of the newsletter.

Director Moore made a motion to approve the draft November 2006 newsletter. Director Scholl seconded the motion. The motion was passed.

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

10. Action Items:

A. Consider Adoption of Resolution No. 2006-81 to Approve a Professional Services Agreement with Denise Duffy and Associates for CEQA Documentation Services for Well No. 33 and Phase One of the Eastern Distribution System Project:

Mr. Andrew Sterbenz, Interim District Engineer, introduced this item. Mr. Lucca added that at the last meeting the Board approved design and bid phase services for Well No. 33. This item is a necessary component to completing work the Board already authorized.

Director Scholl made a motion to adopt Resolution No. 2006-81 approving a Professional Services Agreement with Denise Duffy and Associates (DD&A) for CEQA documentation services for Well No. 33 and phase one of the eastern distribution system project. President Moore seconded the motion. Director Nishi inquired what the EIR encompassed. Mr. Sterbenz gave a brief explanation of what was covered by the EIR. Discussion followed. Director Nishi stated that he still had concerns over the location and the cost of the Well field.

Agenda Item 10-A (continued):

The motion was passed.

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

- B. Consider Adoption of Resolution No. 2006-87 to Approve Execution of a Petition to Change Well No. 12 Site from the North Monterey County School District to the Monterey Peninsula Unified School District:

Mr. Lucca introduced this item. Mr. Lloyd Lowrey, Legal Counsel, suggested a revision to the resolution so that the RESOLVED section reads, "...authorize the General Manager to sign a petition to transfer jurisdiction of the District's Well No. 12 site from the North Monterey County School District to the Monterey Peninsula Unified School District and to execute all documents...".

Director Moore made a motion to adopt Resolution No. 2006-87 to approve execution of a petition to change Well No. 12 site from the North Monterey County School District to the Monterey Peninsula Unified School District to include the revision suggested by legal counsel. Director Scholl seconded the motion. Mr. Geoffrey Robinson, Bingham McCutchen, voiced his appreciation of the Board reviewing this on such notice and all the help provided by District staff. The motion was passed.

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

- C. Consider Nominating a Candidate for Independent Special District LAFCO Commissioner:

Director Nishi made a motion to nominate Mr. Tom Perkins, King City Cemetery District, for the Independent Special District LAFCO Commissioner. Director Moore stated that Mr. Perkins has already been nominated but the District could support the nomination. Director Gustafson seconded the motion to support Mr. Perkins for the Independent Special District LAFCO Commissioner. The motion was passed.

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

11. Discuss Possible Agenda Items for the October 25, 2006 Planning Workshop and Provide Direction to Staff:

Mr. Lucca commented that the Board had previously requested "Conflict of Interest" to be discussed at the October Board meeting. He added that "Duties of the President and Vice President" will be discussed at the January 24, 2007 Board meeting.

12. Director's Comments:

Mr. Lucca commented that the District received a good review by the FORA Water/Wastewater Oversight Committee and was very proud of staff's hard work. He announced that the Municipal Services Review was released by LAFCO and that would be presented to the Board at the next meeting.

13. Adjournment:

The meeting was adjourned at 7:54 p.m.

APPROVED:

Howard Gustafson, Vice President

Date

ATTEST:

Marc A. Lucca, General Manager