

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
June 13, 2007
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on June 13, 2007 after which the Board entered into closed session.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi – Vice President
Bill Lee
Tom Moore – arrived at 6:47 p.m.

Board Members Absent:

David Brown - excused

Staff Members Present:

Marc Lucca, General Manager
Lloyd Lowrey, Legal Counsel – arrived at 6:55 p.m.
Jeff Cattaneo, District Engineer
Andrew Sterbenz, Schaaf & Wheeler Consultant
Rich Youngblood, Conservation Coordinator
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Bob Holden, MRWPCA
Joan Reeves, El Rancho Mobile Home Park
Marshall Reeves, El Rancho Mobile Home Park
Martin Rauch, Rauch Communication Consultants
Chuck Stadelman, Schaaf & Wheeler

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager)
Property: Water Rights
Negotiating Parties: MCWD and Clark Colony Water Company
Under Negotiation: Price and Terms

- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Directors Gustafson, Brown)
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and Monterey Regional Water Pollution Control Agency
Under Negotiation: Price and Terms

- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager)
Property: Communications Site Lease
Negotiating Parties: MCWD and Nextel
Under Negotiation: Price and Terms

President Gustafson reconvened the meeting to open session at 7:04 p.m.

4. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

5. Possible Action on Closed Session Items:

President Gustafson stated that no action was taken in closed session and direction was given to staff.

6. Oral Communications:

Mr. Marc Lucca, General Manager, introduced Mr. Brian True as recently hired to fill one of the District's Capital Projects Manager positions. He also introduced Mr. Martin Rauch, a consultant from Rauch Communication Consultants.

7. Consent Calendar:

Vice President Nishi asked to pull items A and B from the consent calendar.

Agenda Item 7 (continued):

Director Moore made a motion to approve the consent calendar consisting of items C) Accept the Marina Coast Water District 2007/2008 Strategic Plan; D) Approve Expenditures for the Month of May 2007; E) Approve the Draft Minutes of the Regular Board Meeting of May 9, 2007; F) Approve the Draft Minutes of the Special Board Workshop of May 19, 2007; and G) Approve the Draft Minutes of the Regular Board Meeting of May 23, 2007. Director Lee seconded the motion. The motion was passed.

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

- A. Adopt Resolution No. 2007-41 to Approve a Professional Services Agreement with Rauch Communication Consultants to Assist with the District's Regional Urban Water Augmentation Project Public Outreach Program:

Vice President Nishi asked if the District solicited three public relation firms. Mr. Lucca answered that the District sent out a Request for Qualifications to three firms and based on the qualifications, the Community Outreach Committee decided to go with two firms and their proposals were provided in the packet. Director Nishi asked for clarification on why the District was looking for a public relations firm. President Gustafson answered that the Outreach Committee decided that it would be good for the District to spotlight the work in the recycled water and desalination projects.

Director Moore made a motion to approve Resolution No. 2007-41 approving a Professional Services Agreement with Rauch Communication Consultants to assist with the District's Regional Urban Water Augmentation Project Public Outreach program. Director Lee seconded the motion. Vice President Nishi commented that he would have preferred to include Communication Planners in the selection as they have done a lot of work for the District and they are a local firm. President Gustafson stated that he had concerns over using a local firm who may have done or is doing work for local campaigns that may be on opposite ends with the District. The motion was passed.

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

- B. Adopt Resolution No. 2007-42 to Amend the Water Conservation Specialist Position by Eliminating the Term Employee Provision:

Vice President voiced his approval on making this a permanent position as the Conservation Department is doing a great job.

Agenda Item 7-B (continued):

Director Moore made a motion to approve Resolution No. 2007-42 amending the Water Conservation Specialist position by eliminating the term employee provision. Director Lee seconded the motion. The motion was passed.

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

President Gustafson suggested moving to agenda item 9-A to accommodate Mr. and Mrs. Reeves who were present in the audience.

Vice President Nishi made a motion to move to agenda item 9-A. Director Moore seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

9. Staff Report:

A. Receive Update on the El Rancho Easement Work:

Mr. Jeff Cattaneo, District Engineer, introduced this item. He explained that staff had met with Mr. and Mrs. Reeves to discuss their concerns. Staff has asked Monterey Peninsula Engineering to develop a detailed construction plan that lists all the times and pieces of the project as well as impacts to residents. Mr. Cattaneo stated that staff would like to meet with Mr. and Mrs. Reeves a second time to confirm that all their concerns have been addressed.

Vice President Nishi asked if this project benefits the Marina Heights development. Mr. Cattaneo answered that there was some benefit to Marina Heights but this was a project that needed to be completed as proposed by the Marina Sewer Master Plan. Discussion followed.

Vice President Nishi asked to see what the incline of the sewer line is on Reservation Road between the El Rancho Mobile Home Park and the Seven-Eleven at Reservation Road and Crescent Avenue. He also asked to see documentation that shows how the developers are paying for all the additional upgrades. Mr. Lucca answered that the information would be brought to the next Board meeting.

Mr. Reeves commented that they had two productive meetings with District staff and things are going along smoothly.

8. Action Items:

- A. Consider Adoption of Resolution No. 2007-43 to Amend the Schaaf & Wheeler Professional Services Agreement for General Engineering Services for the Design Phase of the East Garrison Lift Station Rehabilitation and Construction Project:

Mr. Cattaneo introduced this item.

Director Moore asked why it has to be replaced if the lift station was new (albeit nine years ago) and never used. Mr. Cattaneo answered that it needed to be replaced because the pumps were never turned, and the pumps and bearings will seize from lack of use which was what happened to this lift station. Director Moore asked if just the pumps needed to be replaced. Mr. Cattaneo answered that when East Garrison is fully built-out, the flows will be greater than what the existing pump station could handle. This will necessitate the resizing and redesign of pumps, electrical equipment and a new wet well.

Vice President Nishi made a motion to adopt Resolution No. 2007-43 to Amend the Schaaf & Wheeler Professional Services Agreement for General Engineering Services for the Design Phase of the East Garrison Lift Station Rehabilitation and Construction Project. Director Lee seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution Nos. 2007-44 to Approve a Professional Services Agreement with Martin Feeney for the Design and Hydrogeologic Services for the Replacement Well No. 32 Installation and Reservation Road Well No. 33 Exploratory Test Hole:

Mr. Cattaneo introduced this item.

Director Moore made a motion to approve Resolution No. 2007-44 approving a Professional Services Agreement with Martin Feeney for the design and hydrogeologic services for the replacement Well No. 32 installation and Reservation Road Well No. 33 exploratory test hole. Director Lee seconded the motion. The motion was passed.

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

C. Receive Update on Ord Community Ad Hoc Committee and Consider Revising its Charge:

Mr. Lucca introduced this item and gave a brief explanation of the Options and Issues. He explained that the Board had previously taken a “stand-back” attitude to allow the Committee to select its chair and make its own recommendations. Mr. Lucca stated that the Committee gave direction to the District’s representative to obtain feedback from the Board regarding amending its charge.

Director Moore added his impression of the Committee is that some of them are thinking that for the moment, at least, they are not in favor of the first three options which involve annexation. The Committee doesn’t want to spend considerable time looking at options if the District Board is only interested in annexation.

Vice President Nishi stated the Committee could come back with a recommendation of any of the options. He commented that the Committee Objective is what the District charged. Vice President Nishi added to let the Committee come back with a recommendation on annexation and if they don’t want to annex, it is the District’s responsibility to come up with another solution.

Director Moore stated that the revised language suggested the Committee Objective would allow the Committee to make a recommendation without being limited to the annexation options.

President Gustafson suggested letting the Committee discuss the options and then wants to hear exactly what the Committee wants.

Mr. Lloyd Lowrey, District Counsel, commented that he has not seen reluctance in the Committee expressing what they want and his impression is that the Committee was interested in institutional control rather than voter control. He explained voter control would be through annexation and institutional control would be through other options, i.e. a Joint Powers Authority. Mr. Lowrey added that the Committee was reluctant to spend significant time on any options that the District may not even consider which is why they are asking for a more general charge which would allow them to consider as broader range of options.

Director Moore commented that his perception is that the elected’s are looking at a higher level of control as Mr. Lowrey explained as institutional control. He explained that going through the process of looking at all the options will be a learning process for everyone and could have members looking at the annexation options as they have the fewest issues as shown in the matrix.

Vice President Nishi asked why the Committee can’t look at the options and come back to the Board and say they can’t support an annexation option but can support a different option and tell the Board which one they could support.

Agenda Item 8-C (continued):

Director Moore made a motion to revise the charge of the Ord Community Ad Hoc Committee. The motion failed for lack of a second.

10. Discuss Possible Agenda Items for the June 27, 2007 Planning Workshop and Provide Direction to Staff:

Mr. Lucca stated that as he had not received emails from Board members regarding topics for discussion, he had several suggestions to offer: 1) a presentation by the MRWPCA on their Replenishment Project; 2) FY 2006/2007 Accomplishments of the District Departments. The Board members agreed to discuss the FY 2006/2007 Accomplishments of the District Departments at the June 27, 2007 Planning Workshop.

11. General Manager's Comments:

Mr. Lucca informed the Board he would be out of the office the next two days but was available by cell phone. He also informed them that while he was out Jeff Cattaneo would be sitting in for him. Mr. Lucca updated the Board that Mr. Suresh Prasad, Director of Finance, would be out with a back injury until July 1, 2007 unless his recovery permits an earlier release.

Mr. Lucca informed the Board that the Seaside County Sanitation District (SCSD) is proposing an action on July 10, 2007 that it will serve Del Rey Oaks because it is a member of SCSD. He added that he was waiting for more information and would bring it back to the Board when received.

12. Director's Comments:

Vice President Nishi asked for copies of the Ord Community Ad Hoc Committee meeting minutes to be included in future Board packets. He also asked that the District's web page be kept current. Vice President Nishi commented that he had asked for hydrant information which he never received. He also asked for grease trap updates, i.e. letters that were sent to non-compliant customers. Vice President Nishi asked for reservoir updates as FORA stated those were going forward. He added that he would like to see the reservoir charges included with the capacity charges. Vice President Nishi stated he had asked for information on the back-flow program and hasn't received it yet. He also said he was concerned with the negotiations between the District, MCWRA and MRWPCA because no direction was given nor have any reports been received.

President Gustafson recessed the meeting from 7:58 – 8:03 p.m. after which the Board re-entered into closed session.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager)
Property: Water Rights
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Under Negotiation: Price and Terms

- B. Pursuant to Government Code Section 54956.8
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President Gustafson reconvened the meeting to open session at 8:29 p.m.

5. Possible Action on Closed Session Items:

Mr. Lowrey stated that no action was taken in closed session and instructions were given to the negotiator.

11. General Manager's Comments:

Vice President Nishi asked Mr. Lucca about the comment he made under General Manager's reports regarding SCSD. Mr. Lucca reiterated that the July 10th agenda was scheduled to discuss providing sewer service to the City of Del Rey Oaks because they are a member of SCSD.

Mr. Lowrey stated that in 1998, the SCSD annexed the portion of Del Rey Oaks on the former Fort Ord, but did not annex the portion of the City of Seaside which resides on the former Fort Ord. Since that time, there was a gap in institutional memory, because all of the planning the District has done has included that area that was annexed to the SCSD and they didn't raise it as an issue until just recently. Mr. Lucca commented that there is question if the LAFCO action supersedes the District's agreement with FORA.

Agenda Item 11 (continued):

Mr. Lowrey stated that LAFCO act is a special act of the legislature and it sets up LAFCO as the planning jurisdiction for all of Fort Ord for base-wide utilities, not local things. Among the base-wide utilities identified in the law, are water and sewer. For water and sewer, FORA has primary jurisdiction that supersedes the jurisdiction of the other local agencies. Once the FORA Act went into effect, FORA had jurisdiction over the provision of base-wide services and entered into a contract with the Marina Coast Water District to provide those services. Mr. Lucca commented that the District contract with FORA was supported by the Cities of Del Rey Oaks, Seaside, and Sand City which make up SCSD. Mr. Lowrey stated that their annexation didn't occur until after the FORA Act went into effect and may be trumped by the FORA Act.

Director Moore asked how LAFCO was able to do the annexation without the notice of FORA. Mr. Lowrey stated that in 1998 it was a different era than it is now.

13. Adjournment:

The meeting was adjourned at 8:36 p.m.

APPROVED:

Howard Gustafson, President

Date

ATTEST:

Marc A. Lucca, General Manager