

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
August 8, 2007
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on August 8, 2007.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi – Vice President
Bill Lee
Tom Moore
David Brown

Board Members Absent:

None.

Staff Members Present:

Marc Lucca, General Manager
Lloyd Lowrey, Legal Counsel
Jeff Cattaneo, District Engineer
Rich Youngblood, Conservation Coordinator
Andy Sterbenz, Schaaf & Wheeler Consultant
Brian True, Capital Projects Manager
Suresh Prasad, Director of Finance
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Bob Holden, MRWPCA
Martin Feeney, Geohydrogeologist
Lizet Ceras
Sergio Ybarra
Mark Duplissie
Diana Duplissie

The Board entered into closed session at 6:45 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators: (Marc Lucca, Lloyd Lowrey, Bill Dendy)
Property: Water Rights
Negotiating Parties: MCWD and Clark Colony Water Company
Under Negotiations: Price and Terms
- B. Pursuant to Government Code Section 54957
Public Employee Appointment
Title: General Manager
- C. Pursuant to Government Code Section 54956.9 (c)
Deciding Whether to Initiate Litigation
- D. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency Designated Representatives: (Directors Gustafson and Nishi)
Unrepresented Employee: General Manager
- E. 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

President Gustafson reconvened the meeting to open session at 7:05 p.m.

4. Possible Action on Closed Session Items:

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

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Presentations:

B. Consider Adoption of Resolution No. 2007-56 in Recognition of Mark Duplissie, System Operator I, and Award a Plaque and Gift Certificate for 10-Years of Service to the Marina Coast Water District:

Director Moore made a motion to adopt Resolution No. 2007-56 recognizing Mark Duplissie for 10-years of service to MCWD and awarding him a plaque and gift certificate. Director Brown seconded the motion. The motion was passed.

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

President Gustafson presented Mr. Duplissie with his plaque and gift certificate.

C. Consider Adoption of Resolution No. 2007-57 in Recognition of Lizet Ceras, Accounting Technician, and Award a Plaque and Gift Certificate for 5-Years of Service to the Marina Coast Water District:

Director Brown made a motion to adopt Resolution No. 2007-57 recognizing Lizet Ceras for 5-years of service to MCWD and awarding her a plaque and gift certificate. Director Moore seconded the motion. The motion was passed.

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

President Gustafson presented Ms. Ceras with her plaque and gift certificate.

President Gustafson recessed the meeting from 7:10 – 7:16 p.m. so everyone could enjoy a congratulatory piece of cake.

A. Consider Adoption of Resolution No. 2007-55 in Recognition of Tom DeAmaral, System Operator I, and Award a Plaque and Gift Certificate for 10-Years of Service to the Marina Coast Water District:

President Gustafson asked to postpone this item until August 22, 2007 when Mr. DeAmaral can be present to receive his award.

8. Public Hearing:

- A. Consider Second Reading and Adoption of Draft Ordinance No. 47 to Add An Expiration Term to Capacity Charges Paid by District Customers:

Mr. Suresh Prasad, Director of Finance, introduced this item.

Director Moore made a motion to adopt Ordinance No. 47 adding an expiration term to capacity charges paid by District customers. Director Lee seconded the motion. The motion was passed.

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

9. Consent Calendar:

Vice President Nishi asked to pull item B from the consent calendar.

Director Moore made a motion to approve the consent calendar consisting of items A) Adopt Resolution No. 2007-52 to Accept the New 18-Inch Sewer Main in Abrams Drive; C) Approve Expenditures for the Month of July 2007; D) Approve the Draft Minutes of the Regular Board Meeting of July 11, 2007; and, E) Approve the Draft Minutes of the Regular Board Meeting of July 25, 2007. Director Brown seconded the motion. The motion was passed.

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

- B. Approve the Draft September 2007 Newsletter:

Vice President Nishi asked to recognize the efforts of conservation staff members Rich Youngblood and Paul Lord in the General Manager's Corner.

Director Moore made a motion to approve the Draft September 2007 Newsletter with the addition of conservation department recognition in the General Manager's Corner. Director Lee seconded the motion. The motion was passed.

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2007-53 to Amend the Schaaf & Wheeler Consulting Civil Engineers Professional Services Agreement for Engineering Services for the Design and Bid Phase Services of the Pumping and Related Facilities for Well No. 34:

Mr. Jeff Cattaneo, District Engineer, introduced this item and Mr. Martin Feeney, Geohydrologist. Mr. Feeney gave a brief explanation of the aquifers system which comprise the Paso Robles Formation. He explained that the question regarding the source of the groundwater comes down to the definition of "aquifer". When Mr. Feeney completed a deep aquifer study several years ago for the District, he discovered that the "400" and "900" foot aquifers are within the Paso Robles Formation. He also stated that although there are several levels of sediment and rock present which may have occurred due to environmental changes, the water in the "deep aquifer" is only replenished by leakage from the shallower levels above, therefore making the "400" and "900" foot aquifers basically the same aquifer.

The Board asked several clarifying questions with Director Moore asking if there was a way to perforate the aquifer at two different levels with the ability to seal off the shallower screen if in the future there is a problem with seawater intrusion. Mr. Feeney answered that it could be done. Vice President Nishi stated he still had concerns over pumping from the "400" and "900" foot aquifers as the District is limited to a certain amount of pumping from each aquifer. More discussion followed. Vice President Nishi commented that he would only feel comfortable perforating in one aquifer and could not support perforating in different aquifers as is suggested with Well No. 34. Discussion continued regarding the different aquifers.

Director Moore made a motion to adopt Resolution No. 2007-53 (amending the Schaaf & Wheeler Consulting Civil Engineers Professional Services Agreement for Engineering Services for the Design and Bid Phase Services of the pumping and related facilities for Well No. 34) with direction to staff to ensure that the Well No. 34 perforation meets the legal requirements of the various Agreements in a reasonably defensible way. President Gustafson seconded the motion.

Vice President Nishi stated his concern over drilling a well for only an additional 300 af. He would rather drill into the 400' aquifer or upper level of the Paso Robles Formation aquifer and have less capacity and then drill another deep well and use the 1400 af from that one.

Director Lee asked why drill another deep aquifer well when there are already wells in the deep aquifer. Can the District not just use those wells? Mr. Cattaneo answered that the reason you would not want to do that is because you limit your redundancy in your well fields and your capacity. Vice President Nishi suggested drilling only a 400' well because the new well field further south will be in the deep aquifer. Discussion followed.

Agenda Item 10-A (continued):

Director Lee asked what the order of the vote was and stated he wanted to vote after Vice President Nishi.

The motion was passed.

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

B. Consider Adoption of Resolution No. 2007-58 to Approve the Landscape Incentives Rebate Program:

Mr. Rich Youngblood, Water Conservation Coordinator, introduced this item.

Director Moore complimented Mr. Youngblood on the program. Vice President Nishi questioned the ET controller rebate and the artificial turf rebate. Mr. Youngblood answered that the ET controller rebate is \$150 for up to 6 stations and \$20 for each additional station; and, artificial turf rebates of \$0.50/sq. ft. are if a customer removes their lawn and installs turf. Vice President Nishi suggested adding turf on the Program Summary slide so people could understand the rebate better.

Director Moore made a motion to adopt Resolution No. 2007-58 approving the Landscape Incentives Rebate Program. Director Brown seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2007-59 to Approve Participation in the Monterey Bay Region Water Authority:

Mr. Lucca introduced this item. He reviewed the suggested changes in the MOU.

President Gustafson stated he is very leery of this right now and would like to wait and see what happens.

Vice President Nishi commented that the MCWD did not approve the MOU although the list provided at the MBRWA meeting showed that they did. He commented that he feels this is a Monterey Peninsula problem and they are trying to get everyone else to pay for it. Vice President Nishi suggested waiting to participate financially until after everyone else participates.

Agenda Item 10-C (continued):

The consensus of the Board was to wait on this item and bring it back after the next meeting of the MBRWA.

11. Information Item:

- A. Press Release from Carollo Engineers Titled "Marina Coast Water District Helps Lead Effort with New Seawater Intake Research Project":

President Gustafson stated this was just an informational item for the Board members to review.

12. Discuss Possible Agenda Items for the August 22, 2007 Planning Workshop and Provide Direction to Staff:

There were no suggestions forthcoming.

13. General Manager's Comments:

Mr. Lucca commented that the draft rate study was supposed to be presented at this meeting, but there was a last minute error found in the calculations and the study will be delayed until August 22, 2007.

Mr. Lucca commented that there was a small problem with the sewer lines at the El Rancho Mobile Home Park and a staff report will be presented on August 22, 2007.

Vice President Nishi asked that Director Comments be placed on the next agenda.

President Gustafson recessed the meeting from 8:15 until 8:20 p.m.

The Board reentered into Closed Session at 8:20 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators: (Marc Lucca, Lloyd Lowrey, Bill Dendy)
Property: Water Rights
Negotiating Parties: MCWD and Clark Colony Water Company
Under Negotiations: Price and Terms

- B. Pursuant to Government Code Section 54957
Public Employee Appointment
Title: General Manager
- C. Pursuant to Government Code Section 54956.9 (c)
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Under Negotiation: Price and Terms

President Gustafson reconvened the meeting to open session at 9:32 p.m.

5. Possible Action on Closed Session Items:

President Gustafson stated that direction was given on two items and action will be taken on two other items.

- B. Pursuant to Government Code Section 54957
Public Employee Appointment
Title: General Manager

President Gustafson announced that the Board would appoint Mr. Jeff Cattaneo as the Interim General Manager on September 8, 2007 for a minimum of ten days with a salary the same as the current General Manager.

Director Moore made a motion to appoint Mr. Jeff Cattaneo as the Interim General Manager on September 8, 2007 for a minimum of ten days with a salary concurrent with the current General Manager. Director Brown seconded the motion. The motion was passed.

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

D. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency Designated Representatives: (Directors Gustafson and Nishi)
Unrepresented Employee: General Manager

President Gustafson announced the hiring of the new General Manager, Mr. Jim Heitzman, at an amount of \$205,000 per year. Mr. Heitzman is currently employed by the MRWPCA. Mr. Lloyd Lowrey, Legal Counsel, commented that it was based on the agreement which was now a public document available for public distribution and before the Board for approval.

Vice President Nishi made a motion to hire Mr. Jim Heitzman as the new General Manager per the agreement. Director Lee seconded the motion. The motion was passed.

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

14. Adjournment:

The meeting was adjourned at 9:37 p.m.

APPROVED:

<hr/> Howard Gustafson, President	<hr/> Date
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ATTEST:

Jeff Cattaneo, Interim General Manager