

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
March 10, 2009
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on March 10, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee – Vice President
Ken Nishi
Tom Moore
Dan Burns

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jean Premutati, Management Services Administrator
Brian True, Interim District Engineer
Suresh Prasad, Director of Finance
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Bob Holden, Monterey Regional Water Pollution Control Agency
Vienna Moore, Resident
Jan Shriner, Green Party
Russ Willeford, Resident
Leif Coponen, Schaaf & Wheeler
Shaelyn Hession, Resident
Stefanie Kortman, CSUMB Student
Joe Russell, Mayor of Del Rey Oaks

The Board entered into closed session at 6:46 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.95
Liability Claims
Claimant: El Rancho Mobile Home Park and Shopping Center
Agency Claimed Against: Marina Coast Water District
- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Second and Imjin
Negotiating Parties: MCWD, FORA, AMBAG
Under Negotiation: Price and Terms
- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Water Rights
Negotiating Parties: MCWD and California American Water Company
Under Negotiation: Price and Terms
- D. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: D/E Reservoir Site
Negotiating Parties: MCWD and City of Seaside
Under Negotiation: Lease Agreement

President Gustafson reconvened the meeting to open session at 7:02 p.m.

4. Possible Action on Closed Session Items:

President Gustafson stated that direction was given to bring closed session Item A, El Rancho Mobile Home Park and Shopping Center, to open session for action.

- A. Adopt Resolution No. 2009-05 for the El Rancho Mobile Home Park and Shopping Center:

Mr. Lloyd Lowrey, Legal Counsel, stated that this was the result of negotiations to settle a claim lodged against the District by El Rancho Mobile Home Park and Shopping Center concerning work performed on a sewer line.

Agenda Item 4-A (continued):

Director Nishi made a motion to adopt Resolution No. 2009-05 for the El Rancho Mobile Home Park and Shopping Center and the Settlement Agreement that will include paying funds to the claimant and obtaining a wider easement after appropriate environmental review. Director Moore seconded the motion. The motion was passed.

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

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Consent Calendar:

Mr. Jim Heitzman, General Manager, requested to pull item A from the Consent Calendar as the policy was not attached.

Director Moore made a motion to approve the Consent Calendar consisting of items; B) Receive the Quarterly Financial Statements for October 1, 2008 to December 31, 2008; C) Approve Expenditures for the Month of February 2009; and D) Approve the Draft Minutes of the Regular Board Meeting of February 10, 2009. Director Burns seconded the motion. The motion was passed.

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

8. Action Items:

- A. Consider Adoption of Resolution No. 2009-06 to Approve a Water Wheeling Agreement with California American Water Company (CAW):

Mr. Lowrey introduced this item. He explained that the California Law, Sections 1810-1818 of the California Water Code, provides authority for an agency or entity that has unused capacity in its water system to allow another entity to transport water using the unused capacity.

Agenda Item 8-A (continued):

Mr. Lowrey commented that based on the statutory authority and the environmental work and approvals previously done by FORA for the General Jim Moore Boulevard project, and by various agencies for the aquifer storage and recovery system, staff is recommending the Water Wheeling Agreement be approved by the Board to allow CAW to utilize the capacity. Mr. Lowrey stated that there will also be a side letter to the Agreement for sharing of costs if anyone challenges the adoption of the agreement.

Mayor Joe Russell, Mayor of Del Rey Oaks, asked if the water would be metered where it ties into Seaside and Del Rey Oaks through the General Jim Moore Boulevard Pipeline (GJMB). Mr. Brian True, Interim District Engineer, answered that there will be a meter at the point where the pipeline enters the District's service area in Del Rey Oaks, but not between Del Rey Oaks and Seaside, and another meter will be placed at the northernmost end of the GJMB, approximately Coe Avenue and General Jim Moore Boulevard. Mayor Russell inquired if the water would be metered in both directions. Mr. True answered that water would be metered in both directions.

Director Nishi made a motion to adopt Resolution No. 2009-06 to Approve a Water Wheeling Agreement with California American Water Company (CAW) and the side letter to the Agreement. Director Moore seconded the motion. Director Moore cautioned that Section 10 of the Agreement requires both parties to provide insurance and that CAW had the ability to be self-insured. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2009-03 to Authorize the Expenditure of an Increased Amount of Construction Costs to Install a 30-inch Potable Waterline Within the Fort Ord Reuse Authority's General Jim Moore Boulevard Phase IV Improvement Project Alignment:

Mr. True introduced this item.

Director Moore made a motion to adopt Resolution No. 2009-03 to Authorize the Expenditure of an Increased Amount of Construction Costs to Install a 30-inch Potable Waterline Within the Fort Ord Reuse Authority's General Jim Moore Boulevard Phase IV Improvement Project Alignment. President Gustafson seconded the motion. The motion was passed.

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

8. Action Items (continued):

- C. Consider Adoption of Resolution No. 2009-15 to Approve the Planning, Design Modifications, and Construction of a Recycled Water Facility Through the City of Marina and Terminating at California State University Monterey Bay and Amending the FY 2008-2009 Budget:

Mr. Heitzman introduced this item.

Director Burns made a motion to adopt Resolution No. 2009-15 to Approve the Planning, Design Modifications, and Construction of a Recycled Water Facility Through the City of Marina and Terminating at California State University Monterey Bay and Amending the FY 2008-2009 Budget. Vice President Lee seconded the motion. The motion was passed.

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

- D. Consider Adoption of Resolution No. 2009-16 to Authorize an Amendment to the Professional Services Agreement with RMC Water & Environment for Program Management and Preliminary Design of the Regional Urban Water Augmentation Project for the Preliminary Design of Desalination Treatment Facilities Within the Regional Urban Water Augmentation Project and Amending the FY 2008-2009 Budget:

Mr. True introduced this item. Director Moore suggested waiting until the California Public Utilities Commission (CPUC) renders their decision on the Coastal Water Project Environmental Review. Mr. Heitzman stated that this work could be rolled into the Regional Project if it was selected by the CPUC. Director Burns asked if this work was in the original contract. Mr. True answered that it was included in the original scope and the Board had previously authorized three of the five tasks to be completed. This amendment will authorize the final two tasks to be completed.

Director Nishi made a motion to adopt Resolution No. 2009-16 to Authorize an Amendment to the Professional Services Agreement with RMC Water & Environment for Program Management and Preliminary Design of the Regional Urban Water Augmentation Project for the Preliminary Design of Desalination Treatment Facilities Within the Regional Urban Water Augmentation Project and Amending the FY 2008-2009 Budget. Vice President Lee seconded the motion. The motion was passed.

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

8. Action Items (continued):

- E. Consider Adoption of Resolution No. 2009-17 to Authorize a Professional Services Agreement with Environmental Science Associates for Preparation of the Environmental Documentation for a Regional Desalination Project:

Mr. Heitzman introduced this item. Director Moore questioned the amount being authorized in the Resolution. Mr. True answered that staff is anticipating many rounds of comments and the additional amount should cover any fees associated with that.

Mr. Heitzman stated that the title on the agenda and resolution should read “Regional Urban Water Augmentation Project”.

Director Moore made a motion to adopt Resolution No. 2009-17 to Authorize a Professional Services Agreement with Environmental Science Associates for Preparation of the Environmental Documentation for a Regional Desalination Project and changing the title to “Consider Adoption of Resolution No. 2009-17 to Authorize a Professional Services Agreement with Environmental Science Associates for Preparation of the Environmental Documentation for the Regional Urban Water Augmentation Project”. Director Nishi asked if there is a problem with the title not being correct. Mr. Lowrey answered that the RUWAP was a regional project and desalination is one part of the hybrid alternative that was approved by both FORA and this Board. He opined that the description was enough to alert anyone with questions or concerns. President Lee seconded the motion. The motion was passed.

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

- F. Consider Adoption of Resolution No. 2009-18 to Approve District Participation in the Coastal Water Project/Regional Water Project Proceedings and Appropriate Funds for District Participation:

Mr. Lowrey introduced this item. He explained that this Resolution would approve funds for the General Manager, Legal Counsel and Consultants to participate in pre-hearing conferences and proceedings.

Mr. Heitzman announced that CAW is seeking a Memorandum of Understanding (MOU) to support all three of the projects based on the District’s ability to get MOU’s with the Monterey Regional Water Pollution Control Agency (MRWPCA) and the Monterey County Water Resources Agency (MCWRA).

Action Item 8-F (continued):

Director Moore asked some clarifying questions regarding costs associated with this participation. Director Nishi commented that the MRWPCA is only allocating \$7,500 for participation.

Director Moore made a motion to adopt Resolution No. 2009-18 to Approve District Participation in the Coastal Water Project/Regional Water Project Proceedings and Appropriate Funds for District Participation. Director Burns seconded the motion. The motion was passed.

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

G. Receive Draft Budget for FY 2009-2010 and Review Budget Schedule:

Mr. Suresh Prasad, Director of Finance, introduced this item and stated that staff would request the Board to set a date for a Budget Workshop to discuss the budget in detail. He also stated that the draft Ord Community Budget will be distributed and discussed with the Water Wastewater Oversight Committee on March 18, 2009.

The Board selected March 31, 2009 at 6:30 p.m. for the Budget Workshop.

Director Nishi commented that he was opposed to the proposed rate increase. Mr. Prasad stated that different alternatives can be discussed at the workshop.

H. Consider Adoption of Resolution No. 2009-13 to Approve the Revised Board Procedures Manual:

Mr. Heitzman stated that there was a handout with a suggestion by Director Moore. The suggestion read, "A speaker who wishes to have more than three minutes to speak must, when he or she first comes to the podium, state the requested total amount of time. The board shall consider this request at that time. The speaker's time shall start once the board has finished considering this request for extended speaking time." Director Moore suggested adding this language to the end of the first paragraph of Section 29.

President Gustafson stated that the public is allowed three minutes for comment, but they can also bring a letter which staff will review allowing them ample time for their concerns. He added that his phone number is in the phonebook and as an elected member, he is always available to discuss any issues.

Vice President Lee commented that page 13, Section 29, the first paragraph needs a period at the end of the sentence.

Action Item 8-H (continued):

Director Moore commented that applicants are also limited to three minutes for comment.

Ms. Jan Shriner, Green Party, commented that to call a Director wouldn't be as official as having extra minutes to speak at a public meeting. The meetings of this Board are important as regional water issues move forward.

Director Moore made a motion to adopt Resolution No. 2009-13 to approve the revised Board Procedures Manual with the additional language added to the end of the first paragraph in Section 29. Motion died for lack of a second.

Director Nishi made a motion to adopt Resolution No. 2009-13 to approve the revised Board Procedures Manual. Director Burns seconded the motion. The motion was passed.

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

9. Informational Items:

A. General Manager's Report:

Mr. Heitzman stated he had nothing to report.

B. District Engineer's Report:

Mr. True stated he had nothing to report.

C. Counsel's Report:

Mr. Lowery stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee stated that there was an applicant for a vacant position and some CSUMB students were present at the meeting and expressed some interest.

2. Joint City-District Committee:

President Gustafson stated the meeting was scheduled for the end of the month.

3. MRWPCA Board Member:

Director Nishi reported that Supervisor Calcagno was the new Chair, and Gloria De La Rosa was the new Vice Chair. He added that no action was taken on the RUWAP MOU.

Mr. Lowrey commented that at the request of the General Manager, he had submitted two letters to the MRWPCA. The first was concerning a Brown Act question, which the District did receive a response saying they would reconsider the action taken; the second was concerning a request for information on groundwater replenishment. No response has been received at this time.

4. LAFCO Liaison:

Director Moore reported that there was a meeting scheduled for March 23, 2009 and the last meeting was boiler-plate.

5. JPIA Liaison:

No comments.

6. Monterey Bay Regional Water Authority:

No comments.

7. FORA:

Vice President Nishi stated that the next meeting was on Friday the 13th. The last meeting had an update on the Imjin Office Park issue and the Draft EIR for the PUC.

8. Executive Committee:

No comments.

9. Community Outreach:

No comments.

10. Ord Community Ad Hoc Committee:

No comments.

11. Special Districts Association Liaison:

President Gustafson commented that there were officer elections and there was finally a quorum so business could be held. Don Champion is the President. Director Moore added that Mr. Champion is very open to ideas and if there is anything the Board wants the Association to address, let Mr. Champion know.

E. Director's Comments:

Director Burns asked if any feedback had been received from the EIR at the CPUC workshops. Mr. Heitzman answered that feedback was directed to the CPUC. Director Burns asked if the MOU with the MRWPCA was still pending. Mr. Heitzman answered that it was.

Director Moore commented that the Community Outreach Committee should be more active. President Gustafson answered that they are looking into ways to do that.

Director Nishi commented that the District is moving along and has seen a lot of changes. Hopefully the District can ride out this economic situation and move forward.

Vice President Lee commented that aside from the Community Outreach Committee, the Water Conservation Committee actually does a lot of public outreach, visits many schools and has funds to do that.

President Gustafson commented that in the future, the Board could look at tying the Water Conservation Commission and Community Outreach together in their public outreach efforts.

10. Correspondence:

President Gustafson stated that there was correspondence received and provided in the packet.

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11. Adjournment:

The meeting was adjourned at 7:52 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager