

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
April 14, 2009
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on April 14, 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
Evelina Adlawan, Water Quality Manager
Rich Youngblood, Conservation Coordinator
Thomas Barkhurst, Water Quality Chemist
Gary Rogers, Associate Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Bob Schaffer, Marina Community Partners	Mike Owen, Marina Resident
George Riley, Monterey Resident	Vienna Moore, Marina Resident
Jan Shriner, Green Party	
Nathan Chaney, Marina Resident	
Henry Gowin, Monterey County	
Bob Holden, Monterey Regional Water Pollution Control Agency	
Keith Israel, Monterey Regional Water Pollution Control Agency	

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 Negotiator (General Manager, Legal Counsel)
Property: Second and Imjin
Negotiating Parties: MCWD, FORA, AMBAG
Under Negotiation: Price and Terms
- B. 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
- C. 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
- D. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Negotiator: General Manager
Employee Organizations: Teamsters Local 890 and Unrepresented Employees
- E. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

President Gustafson reconvened the meeting to open session at 7:06 p.m.

4. Possible Action on Closed Session Items:

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

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Mike Owen, Marina Resident, expressed his appreciation to the District for advertising the Marina Garden Tour set for May 10, 2009.

Ms. Jan Shriner, Marina Resident, videographer, commented on Assembly Bill 419 proposed by Anna Caballero and asked that the Board be conscious of what they are voting on this evening. Ms. Shriner also asked that the Board members speak up because the wind was blowing loudly and it was difficult to hear.

7. Presentation:

- A. Consider Adoption of Resolution No. 2009-20 in Recognition of Thomas Barkhurst, Water Quality Chemist, and Awarding a Plaque and Gift Certificate for 10 Years of Service to Marina Coast Water District:

Director Nishi made a motion to adopt Resolution No. 2009-20 recognizing Thomas Barkhurst, Water Quality Chemist, and awarding a plaque and gift certificate for 10-years of service to the Marina Coast Water District. 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			

President Gustafson read the narration and presented Mr. Barkhurst with a plaque and gift certificate. Mr. Jim Heitzman, General Manager, commended Mr. Barkhurst on his tenure with the District.

8. Consent Calendar:

Director Burns made a motion to approve the Consent Calendar consisting of items; A) Appoint Mr. Nathan Chaney as a New Public Member to the Water Conservation Commission; B) Approve the 2008 Consumer Confidence Report for the Marina Coast Water District Water System; C) Approve Expenditures for the Month of March 2009; D) Approve the Draft Minutes of the Regular Board Meeting of March 10, 2009; and, E) Approve the Draft Minutes of the Special Board Meeting of March 18, 2009. 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			

Mr. Heitzman asked Mr. Chaney, the new member of the Water Conservation Commission, to introduce himself. Mr. Nathan Chaney briefly explained how he became interested in water issues, his education, and business endeavors. Mr. Chaney commented that he was looking forward to serving on the Commission.

9. Action Items:

President Gustafson moved agenda items 9-C, D, E and F to the forefront for discussion.

- C. Consider Adoption of Resolution No. 2009-23 to Approve a Memorandum of Understanding between Marina Coast Water District, Monterey County Water Resources Agency, and the Monterey Regional Water Pollution Control Agency for Planning:

Mr. Heitzman introduced this item explaining that the Memorandum of Understanding (MOU) states the Monterey County Water Resources Agency (MCWRA), the Monterey Regional Water Pollution Control Agency (MRWPCA), and the District will work together for planning in the Regional Water Project Plan.

Director Moore made a motion to adopt Resolution No. 2009-23 approving a Memorandum of Understanding between Marina Coast Water District, Monterey County Water Resources Agency, and the Monterey Regional Water Pollution Control Agency for planning, with the caveat that the version used is the one handed out just prior to the meeting; and, in the “Now Therefore Be It Resolved” at the bottom of page 1, remove the commas after the words “through” and “regional desal plant”. Director Burns seconded the motion.

Mr. George Riley, Monterey Resident, asked if there was a plan to form a working committee between the three agencies and if there was a structural arrangement for dialogue. Mr. Heitzman answered that the agencies have been, and will continue to, work together on all four of the MOU’s.

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. 2009-24 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the Regional Urban Water Augmentation Project:

Mr. Heitzman introduced this item.

Agenda Item 9-D (continued):

Director Moore asked for clarification on page two of the agreement where it states, “MRWPCA has access to an additional 766 AFY of recycled water plus with an 11 percent variance...” Mr. Lloyd Lowrey, Legal Counsel, commented that the language was taken from the 3rd Amendment and will be further clarified by the Three-Way Agreement if it is approved later in the meeting. Director Moore asked that the minutes reflect that the variance of 11% is over and above the 766 AFY.

Director Burns made a motion to approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the Regional Urban Water Augmentation Project. 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			

- E. Consider Adoption of Resolution No. 2009-25 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the Planning for Use of Outfall for Brine Disposal:

Mr. Heitzman introduced this item. He explained that on page 2 of the agreement, Section 8.1 should read, “By reason of the specialized nature of the outfall capacity, and for the...” Mr. Heitzman stated that Mr. Keith Israel, MRWPCA General Manager, agreed with the non-substantive language change.

Director Moore made a motion to approve the 4-10-09 version of the MOU with the change noted by Mr. Heitzman. 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			

- F. Consider Adoption of Resolution No. 2009-26 to Approve a Memorandum of Understanding between Marina Coast Water District, Monterey County Water Resources Agency, and the Monterey Regional Water Pollution Control Agency for a Three-Way Agreement:

Mr. Heitzman introduced this item and reviewed the 4-10-09 version of the MOU handed out prior to the meeting. Mr. Heitzman commented that the MRWPCA approved these MOU’s at their Board meeting last evening and they acknowledged MCWD and MCWRA for their contributions bringing this MOU together.

Agenda Item 9-F (continued):

Mr. Heitzman commended Mr. Israel for his collaborative effort and expressed hopeful anticipation for MCWRA Board approval on these MOU's. Mr. Heitzman acknowledged that this was a landmark agreement in that it shows how everyone is looking towards a regional solution. Director Burns commented that there is still one agreement pending. Mr. Heitzman answered that it was a desalination agreement.

Director Moore asked for clarification on page 1, the last sentence of the first paragraph of the agreement. Mr. Lowrey answered that the concepts are in general terms as a result of the process and urgency of approval.

Director Moore asked that the minutes reflect that the statement "same provisions for ongoing debt service payments identified in sections 3 and 4, of debt service..." in the fourth "BE IT FURTHER RESOLVED" on page two of the agreement, refers to Exhibit C of the agreement.

Director Moore suggested having a contract number listed under section 4 of Exhibit C for the Bureau Loan Contract. Under section 2 of Exhibit C, Director Moore questioned the pumping cost and Mr. Israel answered that it could be close to zero under normal circumstances.

Mr. Riley asked several clarifying questions on the agreement regarding reduced recycled water costs and if other agencies could participate as well. Mr. Heitzman answered that the agriculture community uses recycled water from the Salinas Valley Water Project (SVWP) and by allowing the urban community to also use recycled water from the SVWP, the cost would be shared. Other agencies could participate if they were a water purveyor with a project and had met all the criteria needed for the project. They would then go before a committee of the participating entities for review and possible approval.

Director Burns made a motion to adopt Resolution No. 2009-26 approving a Memorandum of Understanding between Marina Coast Water District, Monterey County Water Resources Agency, and the Monterey Regional Water Pollution Control Agency for a Three-Way Agreement. 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			

President Gustafson recessed the meeting from 7:52 until 7:57 p.m.

- A. Consider Adoption of Resolution No. 2009-21 to Approve the Submittal of the Clean Water State Revolving Fund Application to the State Water Resources Control Board for the Regional Urban Water Augmentation Project and to Authorize a District Representative:

Mr. Heitzman stated that this Resolution is needed for the Application Package.

Director Nishi made a motion to adopt Resolution No. 2009-21 approving the submittal of the Clean Water State Revolving Fund Application to the State Water Resources Control Board for the Regional Urban Water Augmentation Project and to authorize a District Representative. 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			

- B. Consider Adoption of Resolution No. 2009-22 to Approve a Professional Services Agreement with Creegan + D'Angelo for Infrastructure Design, Bid Support, and Construction Support Services within the General Jim Moore Boulevard Phase V Project and to Amend the FY 2008/2009 Budget:

Mr. Heitzman introduced this item.

Director Nishi made a motion to adopt Resolution No. 2009-22 approving a Professional Services Agreement with Creegan + D'Angelo for Infrastructure Design, Bid Support, and Construction Support Services within the General Jim Moore Boulevard Phase V Project and to Amend 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			

10. Staff Report:

- A. Receive 1st Quarter 2009 Ord Community Water Consumption and Sewer Flow Report:

Director Nishi said someone was doing a good job because the numbers are lower.

11. 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 a new volunteer.

2. Joint City-District Committee:

President Gustafson stated a meeting was held and items of mutual interest were discussed.

3. MRWPCA Board Member:

Director Nishi reported that there was a special meeting held where the MOU's were approved and several new committees were created of which MCWD is on one. Director Nishi added that things should move smoother.

4. LAFCO Liaison:

Director Moore reported that procedural business was discussed at the March 23, 2009 meeting.

5. JPIA Liaison:

No comments.

6. Monterey Bay Regional Water Authority:

No comments.

7. FORA:

Director Nishi commented that on April 3rd Mr. Heitzman gave a presentation on the CPUC Project Approval Process. The FORA Board also approved the lease on the Imjin Office Park project and authorized the property for sale.

8. Executive Committee:

No comments.

9. Community Outreach:

Vice President Lee commented that there were Landscape Incentive checks given out to several customers and the Marina Garden Tour was upcoming.

10. Ord Community Ad Hoc Committee:

No comments.

11. Special Districts Association Liaison:

Director Moore commented that Supervisor Parker and the Mayor of Greenfield would be at the next meeting to discuss relationships between Cities, Counties and Special Districts.

E. Director's Comments:

Director Burns voiced his appreciation of the work the three General Managers did to bring the MOU's forward for adoption.

Vice President Lee commented that the MOU's were the product of eleven or more years of negotiations and they were finally completed in two weeks.

Director Moore commended the good work of the General Managers in getting the MOU's completed. He encouraged getting the Board meetings permanently shown on the cable channels. Director Moore suggested considering getting better microphones and sound system to cross better on the web and cable channels.

Director Nishi commented that he agreed with the other Directors and the key issue is the District took the bull by the horns and has leadership now and accomplishes things. The Board made a good decision and the fruit of our labor has been steadily shown. Director Nishi stated the test will be in time when the District will be the premier Special District of the State.

Agenda Item 11-E (continued):

President Gustafson commented this will be the No. 1 water project in the state. He also thanked MRWPCA, MCWRA, and MCWD staffs along with the public's input and help. President Gustafson added that he was one of the original founding members of AMP and believed that the entire meeting could be aired on AMP because it is free to the public.

12. Correspondence:

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

13. Adjournment:

The meeting was adjourned at 8:13 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager