

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
November 17, 2009  
5:30 p.m.

**Minutes**

1. Call to Order:

President Gustafson called the meeting to order at 5:30 p.m. on November 17, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Bill Lee – Vice President  
Ken Nishi  
Dan Burns – arrived at 5:41 p.m.  
Tom Moore

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager  
Lloyd Lowrey, Legal Counsel  
Jean Premutati, Management Services Administrator  
Carl Niizawa, Deputy General Manager/District Engineer  
Brian True, Capital Projects Manager  
Suresh Prasad, Director of Finance  
Rich Youngblood, Conservation Coordinator  
Paula Riso, Executive Assistant

Audience Members:

Bob Holden, MRWPCA  
Vienna Merritt Moore, Marina Resident  
Andy Sterbenz, Schaaf & Wheeler  
Kurt Gonzalez, Marina Resident  
Scott Ottmar, City of Seaside  
Alison Imamura, Denise Duffy & Associates  
Ryan Alameda, RMC Water & Environment

Ashley Duquette, CSUMB Student  
Forest Brazelton, Marina Resident  
Shaelyn Hession, Marina Resident  
Ralph Rubio, Mayor of Seaside  
Kate McKenna, LAFCO Exec. Officer

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Board Workshop:

A. Receive the Recommendations from the Ord Community Ad Hoc (OCAC) and Discuss Annexation Regarding the Former Fort Ord Service Area:

Mr. Lloyd Lowrey, District Legal Counsel, introduced this item. Mr. Jim Heitzman, General Manager, commented that this workshop was going to report out the recommendations of the OCAC and not delve into details. Director Moore had asked some questions several months ago and staff has been working on the answers. Staff was planning a series of workshops and discussions scheduled to discuss the OCAC recommendations.

Mr. Brian True, Capital Projects Director, gave a brief presentation of the recommendations made by the OCAC. The key recommendations being, 1) MCWD annex only to the jurisdictional boundaries of the City of Marina; 2) the allocation of responsibilities fall to a new Joint Powers Authority (JPA); and, 3) the Seaside Municipal Water System (SMWS) and Seaside County Sanitation District (SCSD) take over the cities of Seaside and Del Rey Oaks.

Mr. True stated that to answer Director Moore's questions of several months ago, it would be a significant undertaking to design and plan, and take extensive construction activity to achieve the recommendation made by the OCAC. There will be an inefficiency regarding fire flow that will be realized where the jurisdictions abut each other. There would have to be service agreements, wholesale water agreements, as well as other agreements to provide service to all the jurisdictions. There will be cost involved with moving and changing infrastructure, as well as developing all the agreements between the different jurisdictions and agencies.

Mr. Lowrey commented that the City of Monterey and the Army have requested to have only one service provider. The City of Seaside has proposed that the District serve everything north of Eucalyptus and Seaside serve everything south of Eucalyptus.

Mr. Heitzman commented that the District should look at each option more thoroughly and over the next several Board meetings, hold workshops to discuss the different options in detail.

Director Burns arrived at 5:41 p.m.

Mayor Ralph Rubio, City of Seaside, thanked the Board for putting the Committee together and their hard work. It was never the intent that things just slid through and it was understood that there would be a lot of discussions and negotiations to pull the recommendations off. Mayor Rubio stated that the City of Seaside and SCSD are ready to help and work together with the District to begin the work needed to resolve any issues.

The Board entered into closed session at 5:45 p.m.

5. Closed Session:

- A. 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 or Quitclaim
  
- B. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator (General Manager, Legal Counsel)  
Property: 5<sup>th</sup> Avenue Pump Station Site  
Negotiating Parties: MCWD and City of Marina  
Under Negotiation: Price and Terms
  
- C. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator (General Manager, Legal Counsel)  
Property: Water Rights  
Negotiating Parties: MCWD and Clark Colony Water Company  
Under Negotiation: Price and Terms
  
- D. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator (General Manager, Legal Counsel)  
Property: Existing Desalination Plant at 11 Reservation Road, Marina  
Negotiating Parties: MCWD and California American Water Company  
Under Negotiation: Price and Terms
  
- E. Pursuant to Government Code 54956.9(a)  
Conference With Legal Counsel--Existing Litigation  
Name of case: BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA In the Matter of the Application of California-American Water Company (U210W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates. Application 04-09-019

The Board ended closed session at 6:50 p.m.

President Gustafson reconvened the meeting to open session at 6:52 p.m.

6. Possible Action on Closed Session Items:

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

7. Oral Communications:

None.

8. Presentations:

- A. Consider Adoption of Resolution No. 2009-77 to Recognize Suresh Prasad, Director of Finance, and Awarding a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Director Moore made a motion to approve Resolution No. 2009-77 recognizing Suresh Prasad, Director of Finance, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. 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			

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

- B. Receive a Presentation from RMC Water and Environment on the Final Environmental Review for the Coastal Water Project:

Mr. Heitzman introduced this item. Mr. Ryan Alameda, RMC Water and Environment, gave a brief presentation and update on the Final Environmental Review for the Coastal Water Project.

9. Consent Calendar:

President Gustafson stated that Agenda Item 9-A was pulled.

Director Burns made a motion to approve the Consent Calendar consisting of items; B) Approve Expenditures for the Month of October 2009; and, C) Approve the Draft Minutes of the Regular Board Meeting of October 21, 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			

10. Action Items:

A. Consider Adoption of Resolution No. 2009-75 to Approve the Updated Landscape Incentive Program and to Allocate Additional Funding:

Mr. Rich Youngblood, Conservation Coordinator, introduced this item and gave a brief presentation. Director Nishi asked if this item was returned to the Water Conservation Commission (WCC) for review and if they were aware of the issues. Mr. Youngblood answered that this item did not return to the WCC. Director Burns commented that the presentation was given to the WCC two meetings ago and they were aware of the numbers. Director Nishi asked that the residential and large landscape projects be split into separate categories. He also voiced his concern over giving a rebate to a customer and having someone else move into the residence and put turf back in. Director Nishi suggested having a stipulation that the renovated landscape must be maintained for a certain number of years. Director Burns commented that if a customer spends \$15,000 on hardscape, it will take many years for them to recoup their investment.

Director Nishi would like the WCC to discuss this program and bring back ideas to benefit conservation. Director Burns asked to look into accommodations for people with low income.

Director Nishi made a motion to adopt Resolution No. 2009-75 approving the updated Landscape Incentive Program and allocating an additional \$10,000 in funding. 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			

B. Consider Adoption of Resolution No. 2009-76 to Approve the Hot Water Recirculation System Rebate Program and Allocate Funds for the Program:

Mr. Youngblood introduced this item and gave a brief presentation. Director Burns asked if Mr. Youngblood spoke with a plumber on installation costs or took the figures from the internet. Mr. Youngblood said he made some phone calls to get a cost estimate, but there are many variables that come into play.

Director Moore made a motion to adopt Resolution No. 2009-76 approving the Hot Water Recirculation System Rebate Program and allocating funds for the program. Director Burns seconded the motion. Director Nishi asked if this item went back to the WCC for further discussion. Mr. Youngblood answered that it did not. Director Nishi commented that there were cold water recirculation systems put into some of the Seaside Highland homes and suggested that staff look at which houses put that system in and do a study to see how efficient cold water recirculation is and then bring it to the Board for discussion and approval.

Agenda Item 10-B (continued):

Mr. Youngblood answered that the recirculation systems being discussed are the same as the cold water recirculation systems. Director Moore asked how staff will verify that there was no prior system installed in the house. Mr. Youngblood stated that there will be questions on the application form. Director Moore amended his motion to fund the Hot Water Recirculation System Rebate Program with \$5,000. Director Burns seconded the amendment. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2009-74 to Accept the Infrastructure Installed by FORA as a Portion of the General Jim Moore Boulevard - Phase IV Project and to Convey Certain Portions of that Infrastructure to the California American Water Company:

Mr. Lowrey stated that staff was pulling this item until next month.

11. Informational Items:

A. General Manager's Report:

Mr. Heitzman introduced Mr. Carl Niizawa, Deputy General Manager/District Engineer, who joined the Marina Coast Water District on November 6<sup>th</sup>, and welcomed him to the District.

B. District Engineer's Report:

Mr. Niizawa thanked everyone and stated that it was a privilege to work at the District.

C. Counsel's Report:

Mr. Lowery stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Burns stated he attended the meeting for Vice President Lee and the recommendation that was pulled from the Consent Calendar was what was discussed.

2. Joint City-District Committee:

President Gustafson stated there was no meeting held.

3. MRWPCA Board Member:

Director Nishi reported that the Board extended the allocation plan to April 2010.

4. LAFCO Liaison:

Director Moore stated the October meeting was canceled and the next meeting is December 7, 2009.

5. JPIA Liaison:

No comments.

6. FORA:

Director Nishi stated the meeting was boiler-plate.

7. Executive Committee:

No comments.

8. Community Outreach:

President Gustafson commented that Water Conservation information was sent out.

9. Special Districts Association Liaison:

President Gustafson commented that the next meeting is January 2010.

C. Director's Comments:

Director Burns thanked Mr. Heitzman for his dedication to the District and acknowledged how difficult it has been with all the travel involved. He also thanked Mr. Lowrey for his dedication to the District.

Vice-President Lee echoed Director Burns' comments and thanked both Mr. Heitzman and Mr. Lowrey.

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Director Moore cautioned Mr. Heitzman not to get sick since he is working so hard. He also commented that he would like to see negotiations opened with the City of Marina to get the District's Board meeting on television.

Director Nishi asked for an item to fund the REPOG Program; and an item for a Public Relations Program on the next agenda.

President Gustafson thanked Mr. Heitzman and Mr. Lowrey for their hard work and welcomed Mr. Niizawa to the District.

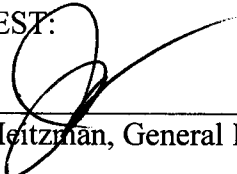
12. Adjournment:

The meeting was adjourned at 7:59 p.m.

APPROVED:

  
\_\_\_\_\_  
Kenneth K. Nishi, President

ATTEST:

  
\_\_\_\_\_  
Jim Heitzman, General Manager