

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
October 6, 2014
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on October 6, 2014.

2. Roll Call:

Board Members Present:

Tom Moore – President
Bill Lee – Vice President
Howard Gustafson
Jan Shriner
Peter Le

Board Members Absent:

None

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Jeanine DeBacker, Special Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Andy Sterbenz, Schaaf & Wheeler Engineering
Brian True, Capital Projects Manager
Paul Lord, Water Conservation Specialist
Paula Riso, Executive Assistant

Audience Members:

Margaret Davis, Marina Resident
Melvin Mason, Jr., Marina Resident
Dan Amadeo, Marina Resident
Dave Stoldt, MPWMD
Keith Israel, MRWPCA
Gary Stowe, Stowe Contracting
Scott Leavenworth, Leavenworth Contracting
John Leding, Pacific Monarch
Mike McCullough, MRWPCA

Dave Della Mora, Della Mora Heating
Dino Erardi
Steve Nebb

3. Public Comment on Closed Session Items:

No comments.

President Moore stated that the Board would enter into closed session to discuss the following items as time permits:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559

2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 – & A.13-05-017 Settlement Agreement

3) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)

B. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9
One Potential Case

C. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Subdivision (c) of 54956.9
Three Potential Cases

D. Pursuant to Government Code 54957

Public Employee Appointment
Title: General Manager

E. Pursuant to Government Code 54957

Public Employee Evaluation
Title: Interim General Manager

- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

- G. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Armstrong Ranch
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

- H. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

The Board entered closed session at 6:02 p.m. The Board ended closed session at 6:59 p.m.

President Moore reconvened the meeting to open session at 7:01 p.m.

5. Possible Action on Closed Session Items:

Mr. Roger Masuda, Legal Counsel, reported that the Board discussed items 4-A1, A2, A3, 4-B, 4-C, 4-D, and 4-E during closed session and no reportable action was taken. He stated that the Board would return to closed session at the end of the meeting to discuss the remaining items.

6. Pledge of Allegiance:

Vice President Lee led everyone present in the pledge of allegiance.

5. Possible Action on Closed Session Items:

- F. Consider Adoption of Resolution No. 2014-42 to Approve a Memorandum of Understanding Regarding Source Water and Water Recycling:

Mr. Dave Stoldt, MPWMD General Manager, thanked the Board for considering this item and encouraged the Board to approve the Memorandum of Understanding (MOU) as this is the first step to the definitive agreements between the five agencies which should take place early next year.

Mr. Keith Israel, MWRPCA General Manager, encouraged the Board to approve the MOU.

Agenda Item 5-F (continued):

Director Le made a motion to adopt Resolution No. 2014-42 to approve a Memorandum of Understanding regarding source water and water recycling. President Moore seconded the motion. The Board asked clarifying questions. Mr. Stoldt explained how the MOU would affect the District and how the previous agreements would still be in place.

Director Shriner made a substitute motion to bring this item back on October 20th with the concession that MCWD representative be allowed to participate in the MRWPCA closed sessions, and that they think of a benefit to the MCWD to help urge this along. Motion died for lack of a second.

The motion by Director Le was passed.

Director Shriner	-	Yes	Vice President Lee	-	No
Director Gustafson	-	No	President Moore	-	Yes
Director Le	-	Yes			

7. Oral Communications:

No comments.

8. Consider Adoption of Resolution No. 2014-36 in Recognition of Mr. Dan Amadeo, Public Member, for his Service on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2014-36 in recognition of Mr. Dan Amadeo for his service on the Water Conservation Commission. Director Gustafson seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

9. Consent Calendar:

Director Gustafson made a motion to approve the Consent Calendar consisting of item:

A. Approve the Draft Minutes of the Regular Board Meeting of September 15, 2014:

Vice President Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Abstained
Director Le	-	Yes			

10. Action Items:

A. Discussion and Possible Action on the Private Fire Service Fees:

Mr. Brian Lee, Interim General Manager, introduced this item and the results of the latest fire service field audit. He explained options available to the Board with regards to adjusting fees in the Ord Community; and, charging for the fire service line instead of the lateral. Per Board request, Mr. Lee said a confidential copy of the fire service listing will be provided to the Board at the next Board meeting.

Mr. Gary Stowe, Stowe Contracting, voiced his appreciation of the work done by staff and the Board in looking into this issue and that a reasonable solution had been reached.

Mr. Scott Leavenworth, Leavenworth Contracting, agreed with Mr. Stowe that a reasonable solution had been reached.

Mr. John Leding, Pacific Monarch, supported staff's suggested solution.

Mr. Steve Neff voiced his concerns over the charges.

Mr. Dave Della Mora, Della Mora Heating, agreed with being charged for the fire service line and not the lateral and noted that the rate hike is outrageous.

Director Shriner made a motion to support staff's recommendation and to direct staff to bring back a policy to charge customers based on the size of the fire service line and not the lateral; as well as a request for the technical calculations and a confidential list of fire service locations to be provided to the Board at the next meeting. Vice President Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

B. Discussion and Possible Action on Attorney Evaluations:

Following discussion, Director Le made a motion to direct staff to provide copies of all seven legal contracts to the Board and to place the attorney evaluations as a closed session agenda item in November after the election. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	No
Director Gustafson	-	No	President Moore	-	Yes
Director Le	-	Yes			

- C. Consider Adoption of Resolution No. 2014-39 to Adopt an Updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to Declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations:

Following discussion, Director Shriner made a motion to adopt Resolution No. 2014-39 to adopt an updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations. President Moore seconded the motion.

Ms. Margaret Davis, Marina resident, commented that she felt the Water Shortage Contingency Plan was not adequately focusing on the real problem of saltwater intrusion into the aquifer.

Director Shriner added to her motion to direct staff to look for State grants to augment the loss of revenue due to water conservation. President Moore seconded the addition to the motion. The motion failed.

Director Shriner	-	Yes	Vice President Lee	-	No
Director Gustafson	-	No	President Moore	-	Yes
Director Le	-	No			

Director Shriner made an alternate motion to comply with the State Mandates for outdoor irrigation and to direct staff to look for State grants to augment the loss of revenue due to water conservation. President Moore seconded the motion. Following discussion, President Moore withdrew his second and made an alternate motion.

President Moore made a motion to postpone this item to the next meeting. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

- D. Consider Adoption of Resolution No. 2014-40 to Approve Recommended Revisions to the Board Procedures Manual:

Following discussion, Vice President Lee made a motion to postpone this item until the next meeting. Director Shriner seconded the motion. Director Le asked Vice President Lee to amend his motion to postpone this item until December or January. Vice President Lee amended his motion to postpone this item until late December or January. Director Shriner seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Yes
Director Le	-	Yes			

- E. Consider Adoption of Resolution No. 2014-31 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program:

Following discussion, Director Shriner made a motion to adopt Resolution No. 2014-31 approving a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program; and extending the MOU to include grades 4-12 in FY 2015-2016. Mr. Masuda stated that FY 2015-2016 cannot be included in this motion and would need to be discussed at the next meeting.

Director Shriner made a motion to adopt Resolution No. 2014-31 approving a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program. Vice President Lee seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Moore	-	Yes
Director Le	-	No			

11. Informational Items:

A. General Manager's Report:

- 1. Correspondence Received by Board or General Manager:

No report.

B. Counsel's Report:

- 1. General Counsel's Report:

Mr. Masuda gave an update on the CalAm Wheeling Agreement.

C. Committee and Board Liaison Reports:

- 1. Water Conservation Commission:

Director Shriner provided an update.

- 2. Joint City District Committee:

Vice President Lee stated the meeting was boiler-plate.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Director Shriner stated a meeting was scheduled for October 13th.

5. MRWPCA Board Member:

President Moore provided an update.

6. LAFCO Liaison:

Director Shriner provided an update.

7. FORA:

Director Le provided an update.

8. WWOC:

Mr. Lee provided a brief update.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison:

The next meeting is October 21st.

13. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Shriner asked the Board to consider how the monthly water reports would be shared.

Director Le asked for: 1) review a proposal from Schaaf & Wheeler to review the SCSD study; 2) SCADA Master Plan; and 3) the claim he filed in July that hasn't been addressed.

President Moore asked to consider directing the Water Conservation Commission to do an evaluation of the K-3, K-6, and K-12 education programs.

13. Director's Comments:

Director Gustafson, Director Shriner, and President Moore made comments.

President Moore recessed the meeting from 9:06 until 9:10 p.m.

4. Closed Session:

The Board re-entered closed session at 9:10 p.m. to discuss items:

F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Negotiating parties: Tom Moore and Peter Le
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G. Pursuant to Government Code 54956.8
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H. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

The Board ended closed session at 9:56 p.m.

5. Possible Action on Closed Session Items:

President Moore reported that the Board discussed items 4-F, 4-G, and 4-H during closed session and no reportable action was taken.

14. Adjournment:

The meeting was adjourned at 9:56 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Paula Riso, Deputy Secretary