

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
June 6, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on June 6, 2016.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Mike Owen, Marina Resident
Grace Silva-Santella, Marina Resident
Richard Green, MCWD Employee
Tony Kelsey, MCWD Employee
Kurt Gonzalez, MCWD Employee
Joe Pineda, MCWD Employee
Joe Correa, MCWD Employee
Warren Foster, MCWD Employee
Rene Magdaleno, MCWD Employee

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:32 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 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) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) 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)
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Sewer Infrastructure

Negotiating Parties: Howard Gustafson

Under Negotiation: Price and Terms

The Board ended closed session at 6:45 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Presentations:

- A. Consider Adoption of Resolution No. 2016-31 in Recognition of James Derbin, Operations and Maintenance Superintendent, and Awarding a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-31 recognizing James Derbin, Operations and Maintenance Superintendent, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

President Gustafson read the narration and presented Mr. Derbin with the plaque and gift certificate.

- B. Consider Adoption of Resolution No. 2016-32 in Recognition of Brian West, Systems Operator II, and Awarding a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-32 recognizing Brian West, Systems Operator II, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the following items:

- A. Receive and File the Check Register for the Month of May 2016
- B. Approve the Draft Minutes of the Regular Board Meeting of May 16, 2016

Director Lee seconded the motion. The motion was passed with one vacant seat.

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

10. Public Hearing:

President Gustafson opened the public hearing at 7:07 p.m.

- A. Receive Public Comment on the Draft 2015 Urban Water Management Plan:

Mr. Michael Wegley, District Engineer, introduced this item.

Mr. Mike Owen, Marina resident, remarked that he missed the Oral Communication period and inquired if there were any rate increases to support the budget.

With no further public comment, President Gustafson closed the public hearing at 7:10 p.m.

11. Action Items:

- A. Consider Adoption of Resolution No. 2016-33 to Approve and Adopt the District's 2015 Urban Water Management Plan:

Mr. Wegley introduced this item.

The Board asked clarifying questions and made several suggested edits.

Vice President Moore made a motion to adopt Resolution No. 2016-33 approve and adopt the District's 2015 Urban Water Management Plan. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

B. Consider Adoption of Resolution No. 2016-34 to Approve the Marina Coast Water District Budget for FY 2016-2017:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2016-34 approving the Marina Coast Water District Budget for FY 2016-2017. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

C. Consider Adoption of Resolution No. 2016-35 to Approve the District Five-Year Capital Improvement Projects Budget:

Mr. Michael Wegley, District Engineer, introduced this item and handed out the Central Marina 5-year CIP that was missing from the packet.

Mr. Owen inquired on the rates and asked how they related to the budget. Mr. Keith Van Der Maaten, General Manager, explained how rates are set to support the budget and CIP.

Director Lee made a motion to adopt Resolution No. 2016-35 approving the District Five-Year Capital Improvement Projects Budget. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

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

D. Consider Adoption of Resolution No. 2016-36 to Approve a Professional Services Agreement for Inspection and Construction Support Services for the Dunes-1C Phrase 3 Development Project:

Mr. Wegley introduced this item and noted that the inspection costs were passed through to the developers.

Director Lee made a motion to adopt Resolution No. 2016-36 approving a Professional Services Agreement for inspection and construction support services for the Dunes-1C Phrase 3 Development Project. President Gustafson seconded the motion. The motion was passed with one vacant seat.

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

- E. Consider Adoption of Resolution No. 2016-37 to Approve a Professional Services Agreement to Provide Information Technology Support Services to the District for FY 2016-2017:

Ms. Cadiente introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-37 approving a Professional Services Agreement with Monterey Bay Technologies to Provide Information Technology Support Services to the District for FY 2016-2017. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

- F. Discuss and Consider Adoption of Resolution No. 2016-38 to Approve Revisions to the Board Procedures Manual:

The Board discussed several suggested changes and suggested tabling this item. They asked to have a track change version and a final version brought back for consideration to the July 5th meeting.

12. Staff Reports:

- A. Receive the Developer Account Update as of March 31, 2016:

Mr. Wegley introduced this item and explained why there were some delinquent accounts. Vice President Moore requested another update in July with more current balances and ideas on how to collect the fees on delinquent accounts.

- B. Receive the 1st Quarter 2016 MCWD Water Consumption and Sewer Flow Report:

Ms. Cadiente introduced this item. Vice President Moore asked for a footnote next to the year 2016 column noting what month it was through.

13. Informational Items:

- A. General Manager's Report:

Mr. Keith Van Der Maaten, General Manager, noted that Mr. Stephen Snodgrass was appointed to the alternate LAFCO seat.

- B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update.

2. Joint City District Committee:

Vice President Moore noted the next meeting was scheduled for July 27th.

3. Executive Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

President Gustafson noted the meeting was at the end of the month.

8. FORA:

Mr. Van Der Maaten noted the next meeting was scheduled for June 10th.

9. WWOC:

No report.

10. JPIA Liaison:

Director Shriner noted that there was training available.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting was July 19th.

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12. Board Member Requests for Future Agenda Items:

President Gustafson noted that any requests could be emailed to staff.

13. Director's Comments and Reports on Meetings:

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

14. Adjournment:

The meeting was adjourned at 8:24 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary