



## **Marina Coast Water District**

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
November 20, 2017

### Draft Minutes

#### 1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on November 20, 2017 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

#### 2. Roll Call:

##### Board Members Present:

Howard Gustafson – President  
Thomas P. Moore – Vice President  
Bill Lee  
Jan Shriner  
Herbert Cortez

##### Board Members Absent:

None

##### Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, Legal Counsel  
Michael Wegley, District Engineer  
Kelly Cadiente, Director of Administrative Services  
Brian True, Capital Projects Manager  
Paul Lord, Water Conservation Specialist III  
Paula Riso, Executive Assistant/Clerk to the Board

##### Audience Members:

Georg Krammer, Koff & Associates  
Phil Clark, Seaside Resident  
Andrew Sterbenz, Schaaf & Wheeler  
Ashley Quackenbush, Denise Duffy & Associates  
Michael Cady, CHISPA

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); First Appellate District Court of Appeals Case No. A145604
- 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, Thomas Moore

Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Agency Negotiators: Howard Gustafson, Thomas Moore  
Negotiating parties: MOW and MCWD  
Under Negotiation: Price and Terms

D. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline Easements  
Negotiating Parties: CSUMB and MCWD  
Under Negotiation: Price and Terms

The Board ended closed session at 6:59 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 there was no reportable action taken in closed session and direction was given.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Action Item:

1. Consider Ratifying a Grant Coordination Agreement with the Salinas Valley Basin Groundwater Sustainability Agency:

Mr. Keith Van Der Maaten, General Manager, introduced this item explaining that the Board had approved this agreement on October 16, 2017 and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) approved a slightly altered agreement on November 9, 2017. He explained that a red-lined version showing the changes was provided and asked that the Board ratify the clarification on how the Ord Area would be managed.

Agenda Item 8-A1 (continued):

Vice President Moore made a motion to approve the Proposition 1 Coordination Agreement with the Salinas Valley Basin Groundwater Sustainability Agency, with the changes. Director Lee seconded the motion. The motion was passed.

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

9. Return to Marina Coast Water District Matters:

10. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of October 2017; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of October 16, 2017; and, C) Approve the Draft Minutes of the Joint Board/GSA Meeting and Rate Study Workshop of November 6, 2017. Director Lee seconded the motion. The motion was passed.

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

11. Action Items:

A. Consider Approving the Compensations Study Comparator Agencies and Proposed Organization Chart:

Mr. Van Der Maaten introduced Mr. Georg Krammer, Koff & Associates. Mr. Krammer gave a brief presentation and explained the criteria in which the comparator agencies were selected and ranked.

Director Shriner questioned a few of the agencies on the list and asked if there was a way to narrow the list to agencies to ones that were more comparable cost-of living wise. Mr. Krammer answered that cost-of-living was only one factor they look at. He added that there were other things they compare such as size of agency, number of customers, etc. Mr. Krammer stated that for those agencies that are significantly different from the District, either much higher or lower, they will apply geographic adjustment factors to neutralize the data. He advised against removing any agencies from the list as there could be difficulty in finding matching positions. Discussion followed.

Agenda Item 11-A (continued):

Vice President Moore made a motion to approve the staff recommendation to approve the twelve comparator agencies. Director Lee seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2017-64 to Approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement Between Monterey One Water (formerly Monterey Regional Water Pollution Control Agency) and Marina Coast Water District:

Mr. Van Der Maaten introduced this item and reviewed some of the changes to the agreement. Vice President Moore asked that Section 9(b) be clarified further.

Vice President Moore made a motion to adopt Resolution No. 2017-64 to approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement between Monterey One Water (formerly Monterey Regional Water Pollution Control Agency) and Marina Coast Water District, with the change to Section 9(b). Director Lee seconded the motion. The motion was passed.

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

- C. Review of Administrative Draft of the Ord Community Annexation Draft Initial Study and Set a Public Hearing for January 22, 2018:

Mr. Michael Wegley, District Engineer, introduced this item and gave a brief presentation. The Board asked clarifying questions. Vice President Moore stated that he would like more time to review the Initial Study.

Vice President Moore made a motion to set the Public Hearing for January 22, 2018 and bring the Draft Initial Study back to the December 4<sup>th</sup> meeting for any further comments from the Board. Director Lee seconded the motion. The motion was passed.

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

- D. Consider Adoption of Resolution Nos. 2017-65, 2017-66, and 2017-67 to Prequalify and Award Engineering Services Agreements to Carollo Engineers, Harris and Associates, and Schaaf & Wheeler for On-Call Engineering Services:

Mr. Wegley introduced this item explaining that was to prequalify engineering firms so that when projects come up, the District can move ahead without asking for Request for Proposals first. He said this should help move the process forward at a faster pace. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution Nos. 2017-65, 2017-66, and 2017-67 to prequalify and award Engineering Services Agreements to Carollo Engineers, Harris and Associates, and Schaaf & Wheeler for On-Call Engineering Services. Director Lee seconded the motion. The motion was passed.

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

- E. Consider Adoption of Resolution No. 2017-68 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District, UCP East Garrison, LLC, and the East Garrison Public Finance Authority for the East Garrison Phase 3 Development Project:

Mr. Brian True, Capital Projects Manager, introduced this item explaining that this agreement has been brought back because Monterey County requested that it comply with Mello-Roos requirements. The Board asked clarifying questions. Mr. Michael Cady, CHISPA, stated that they have lawyers that monitor everything to ensure that prevailing wages are met.

Director Lee made a motion to adopt Resolution No. 2017-68 to approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District, UCP East Garrison, LLC, and the East Garrison Public Finance Authority for the East Garrison Phase 3 Development Project. Director Shriner seconded the motion. The motion was passed.

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

- F. Consider Adoption of Resolution No. 2017-69 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, LP for the Junsay Oaks Senior Apartments Development Project:

Mr. True introduced this item.

Agenda Item 11-F (continued):

Director Lee made a motion to adopt Resolution No. 2017-69 to approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, LP for the Junsay Oaks Senior Apartments Development Project. Director Cortez seconded the motion. The motion was passed.

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

12. Staff Reports:

A. Receive a Developer Account Update thru June 30, 2017:

Mr. Wegley introduced this item and answered questions from the Board members.

B. Receive the Validated 2016 Water Loss Audit Report and Level 1 Validation Document:

Mr. Paul Lord, Water Conservation Specialist III, introduced this item and reviewed some of the information that is submitted in this report. He explained that the Water Loss Audit Report is an accounting exercise similar to financial audits. Mr. Lord added that this report will also provide ideas on what the District can do to reduce water and revenue loss.

13. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten stated that he recently spoke with Dr. Rosemary Knight, Stanford University, and more information from the Airborne Electromagnetic study will be coming soon.

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 stated the meeting was scheduled for Wednesday, December 6th.

3. Executive Committee:

President Gustafson stated the meeting was scheduled for Monday, December 11th.

4. Community Outreach Committee:

President Gustafson stated the meeting was scheduled for Monday, December 11th.

5. Budget and Personnel Committee:

President Gustafson stated the meeting was scheduled for Monday, December 11th.

6. MOW Board Member:

Vice President Moore stated that the next meeting was November 27th.

7. LAFCO Liaison:

Director Cortez said the meeting was scheduled for December 4th.

8. FORA:

Vice President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten said the next meeting is scheduled for November 29th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The meeting is January 16th.

12. SVGSA Liaison:

No report.

14. Board Member Requests for Future Agenda Items:

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



15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:27 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary