

**Marina Coast Water District**  
Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
October 15, 2018

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on October 15, 2018 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Howard Gustafson

Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, Legal Counsel  
Michael Wegley, District Engineer  
Rose Gill, Human Resources/Risk Administrator  
Kelly Cadiente, Director of Administrative Services  
Derek Cray, Operations and Maintenance Manager  
Andrew Racz, Associate Engineer  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Evy Smith, Marina Resident  
Joel Johnson, Marina Resident  
Jackie Perry, Marina Resident  
Philip Clark, Seaside Resident/WCC Chair  
Sarah Babcock, East Garrison Resident  
Daniel Maschmeier, Marina Resident

3. Public Comment on Closed Session Items:

There were no public comments.

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, A146166, A146405
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (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. 15CV00267
- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

- 8) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

The Board ended closed session at 7:03 p.m.

President Moore reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Director Cortez led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Phil Clark, Seaside resident/WCC Chair, commented how, just over 2 years ago, he volunteered at an event where they demonstrated how three 5-gallon buckets equate to a 5-minute shower, and now the District is giving out low-flow showerheads that have a shut-off switch to help conserve water.

8. Consent Calendar:

Director Lee made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of September 2018; and, B) Approve the Draft Minutes of the Joint Board/GSA Meeting of September 17, 2018. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

9. Action Items:

- A. Consider Adopting Resolution No. 2018-57 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Marina Developers, Inc. for the Sea Haven Phase 5A Development Project:

Mr. Andrew Racz, Associate Engineer, introduced this item. The Board asked clarifying questions. President Moore questioned Section 15 of the Agreement. He asked why the warranty period for a repair would only be for 180 days and not a year.

Agenda Item 9-A (continued):

President Moore made a motion to adopt Resolution No. 2018-57 approving a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Marina Developers, Inc. for the Sea Haven Phase 5A Development Project with a change to *Section 15 Warranties* to increase the warranty period for a repair to 1 year. Director Lee seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2018-58 to Approve Two Additional System Operator I Positions Within the Operations and Maintenance Department:

Ms. Rose Gill, Human Resources/Risk Administrator, introduced this item.

Director Lee made a motion to adopt Resolution No. 2018-58 approve two additional System Operator I Positions within the Operations and Maintenance Department. Vice President Shriner seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2018-59 to Approve Amendment No. 2 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water:

Mr. Michael Wegley, District Engineer, introduced this item explaining that part of the delay in getting the Master Plans completed, was that some jurisdictions had changed their General Plans and they were not updated in the FORA documents. Vice President Shriner asked if there was a possibility that FORA could cost share this amendment. Staff said they would ask.

President Moore made a motion to adopt Resolution No. 2018-59 to approve Amendment No. 2 to the Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water. Director Lee seconded the motion. The motion was passed.

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

10. Staff Reports:

A. Receive an Update on Hot Water Recirculation Issue within the Shea Homes:

Mr. Keith Van Der Maaten, General Manager, introduced this item and gave a brief background. He noted that a Public Records Request had been made by Ms. Smith and staff was working on procuring the documents.

Ms. Evy Smith, Marina resident, thanked staff member Paul Lord for his help with the irrigation problems they have had at the Dunes. Ms. Smith stated that they would like to lodge a complaint about the Grundfos Valve solution. She said it is not a complete hot water recirculation system for those who paid for a complete hot water recirculation system. Ms. Smith said that the District Code required a hot water recirculation system and if the Grundfos Valve is acceptable to the District, it should say so in the Code. Ms. Smith noted that there were other deficiencies with the plumbing where the pipes were not insulated as required by California Code. She stated that they wanted a fully piped recirculation system installed in their homes. Ms. Smith asked the District to send a letter to Shea Homes requesting that they stop with the Grundfos installation, especially if the pipes are not insulated. She said they now have three Code violations with their plumbing: 1) the MCWD Code violation; 2) the California Code violation because thermal expansion tanks for homes with Backflow Preventers were not installed; and 3) no pipe insulation. Ms. Smith said they are not going to accept the Grundfos option.

Director Cortez asked for clarification on inspection authority. Mr. Van Der Maaten answered that the District does not have certified building inspectors and does not inspect anything until it is ready for meter installation after the building is complete. Discussion followed. Director Lee suggested agendizing a recall of the letter the District sent to Shea Homes.

B. Receive the 3rd Quarter 2018 MCWD Water Consumption and Sewer Flow Report:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item explaining that the report only shows water consumption.

11. Informational Items:

A. General Manager's Report:

No report was given.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner noted that the application period was extended to December 7th.

2. Joint City District Committee:

President Moore noted the next meeting is scheduled for October 24th.

3. Executive Committee:

President Moore stated the next meeting is scheduled for October 30th.

4. Community Outreach Committee:

Director Cortez stated the next meeting is scheduled for October 29th.

5. Budget and Personnel Committee:

Director Cortez stated the next meeting is scheduled for October 29th.

6. M1W Board Member:

President Moore gave a brief update and stated the next meeting is scheduled for October 29th.

7. LAFCO Liaison:

Director Cortez stated the next meeting is scheduled for October 29th.

8. FORA:

President Moore said the meeting is scheduled for November 9th.

9. WWOC:

Mr. Van Der Maaten stated the next meeting is scheduled for October 17th.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

President Moore said the next meeting is scheduled for October 16th with Claudio Valenzuela, Monterey County Registrar of Voters, and Assemblymember Mark Stone scheduled to speak.

12. SVGSA Liaison:

Mr. Van Der Maaten stated that he was anticipating a Framework Agreement to come before the Board in November.

12. Correspondence:

Mr. Van Der Maaten stated that he was looking for Board guidance and direction regarding the correspondence received. President Moore recommended providing a list of agencies that could be of assistance to the customer.

13. Board Member Requests for Future Agenda Items:

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

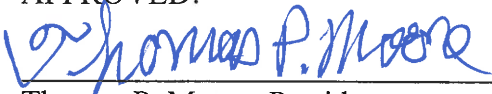
14. Director's Comments:

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

15. Adjournment:

The meeting was adjourned at 8:18 p.m.

APPROVED:

  
Thomas P. Moore, President

ATTEST:

  
Paula Riso, Deputy Secretary