



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
11 Reservation Road, Marina
August 19, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on August 19, 2019 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Peter Le
Matt Zefferman

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Michael Wegley, District Engineer
Rose Gill, HR/Risk Administrator
Patrick Breen, Water Resources Manager
Brian True, Senior Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler	Kate McKenna, LAFCO CEO
Philip Clark, Seaside Resident, WCC Member	Christy Hopper, City of Marina
Shawn Storm, Marina Resident, WCC Member	Kurt Gonzalez, MCWD Employee
Therese Kollerer, East Garrison	Jaron Hollida, MCWD Employee
Gail Morton, Marina Councilmember	
Paula Pelot, Preston Park	
Frank O'Connell	

3. Public Comment on Closed Session Items:

There were no public comments.

President Moore stated that a request was made by Director Le to table Closed Session Item 4-B to the next meeting and asked if any Director would like to make a motion to postpone the item. There were no forthcoming motions.

The Board entered into closed session at 6:33 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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 Application (“A.”) 12-04-019
- 2) In the Matter of the Application of California-American Water Company (U 210 W) for an Order (1) Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency to Settle and Resolve Claims and Issues Between the Parties and to Promote the Development, Construction and Operation of a Water Supply Project for Monterey County on an Expedited Basis, and (2) Authorizing the Transfer of Authorized Costs Related to the Settlement Agreement to Its Special Request 1 Surcharge Balancing Account, California Public Utilities Commission Application (“A.”) 13-05-017, and related California Supreme Court petition for writ of review.
- 3) City of Marina and Marina Coast Water District, Petitioners v. Public Utilities Commission of the State of California, Respondent (California-American Water Company, et al., Real Parties in Interest), Petitions for Writ of Review, California Supreme Court Case No. S253585
- 4) 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 Damages, Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468

Agenda Item 4-A (continued):

- 6) 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)
- 7) 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)

B. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:09 p.m.

President Moore reconvened the meeting to open session at 7:10 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

Mr. Masuda led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Phil Clark, Seaside Resident, WCC Member commented that the District's Water Conservation booth and the Water Awareness Committee would be at the Monterey County Fair on August 31st and invited everyone to stop by.

8. Presentations:

A. Consider Adoption of Resolution No. 2019-55 in Recognition of Jaron Hollida, Assistant Engineer, for 5 Years of Service to the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2019-55 in recognition of Jaron Hollida for 5 years of service to the Marina Coast Water District. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

B. Consider Adoption of Resolution No. 2019-56 in Recognition of Kurt Gonzalez, Maintenance Worker, for 10 Years of Service to the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2019-56 in recognition of Kurt Gonzalez for 10 years of service to the Marina Coast Water District. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

C. Receive a Presentation from the Local Agency Formation Commission on the District's Annexation of the Ord Community:

Ms. Kate McKenna, Local Agency Formation Commission (LAFCO) Executive Officer, gave a brief update on the District's annexation of the Ord Community and presented the District with a Certificate of Completion. She acknowledged Mr. Van Der Maaten's assistance with moving this annexation forward, as well as a heartfelt thanks to the late Mr. Carl Niizawa, and his help getting the process started. Vice President Shriner asked about voting and running for Board seats. Ms. McKenna answered that those areas will be able to vote and run in the next election. President Moore thanked Ms. McKenna for all the hard work that went into the annexation.

Ms. Paula Pelot, Preston Park Tenants Association, commented that over the years, she and others have pushed for this annexation and is very happy that it is now complete.

Ms. Therese Kollerer, East Garrison resident, expressed her thanks to MCWD and LAFCO to have the tenacity over the years to bring this annexation to fruition.

9. Consent Calendar:

Mr. Keith Van Der Maaten, General Manager, commented that there was a typo on page 2 of the July 30, 2019 draft minutes, and noted the word "sights" should be "sites".

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of July 2019; B) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of July 15, 2019; C) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of July 30, 2019, as amended; and, D) Consider Affirming that District Board Members and District Staff are Covered Under the District's Liability Insurance While Attending Meetings and Activities Conducted by the Special Districts Association of Monterey County. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

10. Action Items:

- A. Consider Adoption of Resolution No. 2019-57 Authorizing a Task Order Under the Schaaf & Wheeler On-Call Engineering Services Contract for the Preparation of a Water Supply Assessment and an Infrastructure Impact Analysis for the City of Marina's Downtown Vitalization Specific Plan:

Mr. Brian True, Senior Engineer, introduced this item.

Vice President Shriner made a motion to adopt Resolution No. 2019-57 to authorize a Task Order Under the Schaaf & Wheeler On-Call Engineering Services Contract for the Preparation of a Water Supply Assessment and an Infrastructure Impact Analysis for the City of Marina's Downtown Vitalization Specific Plan. Director Cortez seconded the motion.

Ms. Christy Hopper, City of Marina, commented that the Water Supply Assessment and water and sewer modeling are critical elements of the City's ability to progress with the Environmental Impact Report (EIR) for the Downtown Vitalization Plan. She noted there are a lot of moving parts of this project and the City is requesting a timeline of when the Assessment will be completed so they can keep moving forward. President Moore asked if the City needed to provide anything else to the District in order to move this forward. Ms. Hopper stated that the City Council has adopted some baseline conditions as well as some assumptions that will be studied in the EIR regarding proposed densities in the Downtown Plan and that is information that will need to be passed along to the District.

The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2019-58 Amending a Professional Services Agreement with Denise Duffy and Associates for Monitoring of the Regional Urban Water Augmentation Project:

Mr. Michael Wegley, District Engineer, introduced this item. The Board asked clarifying questions.

Director Cortez made a motion to adopt Resolution No. 2019-58 amending a Professional Services Agreement with Denise Duffy and Associates for monitoring of the Regional Urban Water Augmentation Project. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

11. Staff Reports:

A. Receive the Developer Account Update through March 31, 2019:

Mr. True introduced this item noting that although the Dunes Residential, and East Garrison Projects show outstanding balances as of March 31st, the District has received payment and the accounts are in good standing. President Moore suggested staff contact RCI to encourage them to pay the funds that have been owed to the District since 2010. Mr. True answered that RCI will be moving forward on another project by the end of the year and staff will require they pay the arrears before moving forward. He said the same is for Seaside Resort. President Moore suggested looking into an agreement that requires developers to pay late fees on outstanding balances owed to the District.

B. Receive an Update of the Capital Projects to be Funded with 2019 Revenue Bonds:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. Vice President Shriner thanked Ms. Cadiente for the information and that it helped clarify any questions she had. Director Cortez questioned how projects get rated for high/medium/low priority. Mr. Wegley answered that high priority projects need to be started within the first year and medium priority projects started within the next two years, and so on.

C. Review and Provide Input on Updates to the 5-Year Strategic Plan:

Mr. Van Der Maaten introduced this item and reviewed the proposed changes to the Plan.

Vice President Shriner questioned if the District has “green policies” or if they would need to be created. Mr. Van Der Maaten stated he envisioned them as part of the Plan. Vice President Shriner suggested making a carbon emission inventory as part of the Facilities Master Plan as well as a plan to reduce carbon emissions. She also suggested adding the WIIN, SWRCB, and GSP acronyms to the Glossary of Acronyms.

Director Cortez asked to highlight the Water Conservation Commission in the Vision Statement. He also suggested listing the District Core Values under the Core Value section.

President Moore agreed that there should be some mention of the Water Conservation Commission and the work they do. He suggested the second bullet in the Vision Statement should remove “we have annexed the Ord Community” as that is done, and the Vision Statement is looking forward.

Director Cortez asked to add the validation of employees, i.e. anniversary awards, to the Plan.

President Moore suggested staff create a list of District policies to help identify the policy types.

Mr. Shawn Storm, Marina resident/WCC member, commented that what was missing from the Plan for the Water Conservation Commission was a tangible goal, i.e. what is the plan and how much to conserve. He suggested adding tangible numbers. For instance, “In the next five years conserve 20% of water and reduce the water loss to 4%.”

12. 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:

Mr. Patrick Breen, Water Resources Manager, gave a brief update and noted the next meeting is scheduled for September 5th.

2. Joint City District Committee:

President Moore gave a brief update and said the next meeting is scheduled for September 3rd.

3. Executive Committee:

President Moore gave a brief update noting the next meeting is scheduled for September 10th.

4. Community Outreach Committee:

Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Vice President Shriner gave a brief update.

6. M1W Board Member:

President Moore gave a brief update noting the next meeting is scheduled for August 26th.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

Mr. Van Der Maaten gave a brief update.

9. WWOC:

Mr. Van Der Maaten noted the next meeting was September 19th.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

President Moore stated the next meeting is scheduled for October 15th.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief update.

13. Correspondence:

President Moore noted that USGS commended the District for their help with groundwater monitoring.

14. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests.

15. Director's Comments:

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

President Moore recessed the meeting from 8:40 p.m. to 8:49 p.m.

The Board reentered into closed session at 8:49 p.m. to discuss the following item:

4. Closed Session:

- B. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

President Moore reconvened the meeting to open session at 9:59 p.m.

5. Reportable Actions Taken during Closed Session:

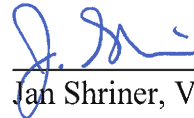
Mr. Masuda stated that there were no reportable actions taken during Closed Session.

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16. Adjournment:

The meeting was adjourned at 10:00 p.m.

APPROVED:



Jan Shriner, Vice President

ATTEST:



Paula Riso, Deputy Secretary