

Monterey County

*Monterey County Government Center
Board Chamber
168 W. Alisal St.
Salinas, CA 93901*



Action Minutes - Final

Tuesday, February 20, 2018

12:00 PM

Water Resources Agency Board of Directors

*Chair, Mark Gonzalez
Vice-Chair, Deidre Sullivan
Glen Dupree
Ken Ekelund
Claude Hoover
Richard Ortiz
Mike Scattini
Mike LeBarre
Vacancy*

Call to Order at 12:00 p.m.

The meeting was called to order at 12:05 P.M.

Present 8 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Claude Hoover, Director Mike Scattini, Director Mike LeBarre,
Director Deidre Sullivan, and Director Glen Dupree

Public Comments on Closed Session Items

There were no Public Comments on Closed Session Items.

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code Section 54956.9 the Board will confer with Legal Counsel regarding two matters of anticipated litigation:
 1. Claim of Dobler & Sons, LLC
 2. Claim of JAL Berry Farms, LLC.
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
Salinas Valley Water Coalition v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County, et al. (Monterey County Superior Court case no. 17CV000157)
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of significant exposure to litigation.
 - d. Pursuant to Government Code Section 54956.8, the Board of Directors will confer regarding real property negotiations:
Property: 72350 New Pleyto Road, Bradley, CA 93426;
APN-424-061-018-000
Agency Negotiators: David E Chardavoyne, Jesse J. Avila and Shaunna Murray
Negotiating Party: SAC Wireless, LLC on behalf of Verizon
Under Negotiation: Terms and price

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

The Board recessed to Closed Session at 12:06 P.M.

Reconvene Meeting at 1:00 p.m.

The meeting reconvened at 1:35 P.M. County Counsel reported that both Item a.1. Claim of Dobler & Sons, LLC and Item a.2. Claim of JAL Berry Farms, LLC were continued to the March Board of Directors meeting. There were no reportable actions on Items b through d.

Pledge of Allegiance

Public Comment

None

Consent Calendar

Upon Motion by Director LeBarre and Second by Director Hoover the Board approved the Consent Calendar, with the exception of Item No. 4, which was pulled for discussion by Director Ortiz.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre

Noes: None

Absent: None

2. Approve the Action Minutes of January 29, 2018

Attachments: [Action Minutes](#)
3. Receive the Monterey County Water Resources Agency (MCWRA) Second Quarter Financial Status Report through December 31, 2017.

Attachments: [Board Report](#)
 [Fund 111](#)
 [Finance Summary](#)
 [Board Order](#)
4. Approve the Monterey County Water Supply Project Mediation Services Cost Sharing Agreement

Attachments: [Board Report](#)
 [Cost Sharing Agreement](#)
 [Exhibit A](#)
 [Exhibit B](#)
 [Board Order](#)

Upon Motion by Director Ortiz and Second by Director Ekelund, the Board approved the Monterey County Water Supply Project Mediation Services Cost Sharing Agreement.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre
Noes: None
Absent: None

4.(a)

Recommend that the Monterey County Water Resources Agency Board of Supervisors, upon approval as to form by County Counsel:

- a. Approve a Drainage and Flood Control Systems Agreement for each subdivision phase of the Pebble Beach Company project including Areas J, K, and L; and
- b. Authorize the Chair to execute a Drainage and Flood Control Systems Agreement for each subdivision phase of the Pebble Beach Company project including Areas J, K, and L, by and among, the Monterey County Water Resources Agency, and the Pebble Beach Company.

(MOVED FROM SCHEDULED MATTERS ITEM NO. 8 TO CONSENT CALENDAR)

Attachments: [Board Report](#)
 [Attachment 1 - Agreement - Area J - Spyglass 3](#)
 [Attachment 2 - Agreement Area K - Spyglass 2](#)
 [Attachment 3 - Agreement - Area L - Spyglass 1](#)
 [Attachment 4 Watershed Map](#)
 [Board Order](#)

Scheduled Matters

5.

Consider approving Amendment No. 4 to the Agreement for Services with Industrial Machine Shop, Inc., in the amount of \$150,000 to provide repair, fabrication and machining services of components for facilities and projects owned and managed by MCWRA; and, authorizing the General Manager to execute the agreement.

Attachments: [Board Report](#)
 [Fund Account Summary](#)
 [Amendment No. 4](#)
 [Amend No 3](#)
 [Amend No 2](#)
 [Amend No 1](#)
 [Agreement for Services](#)
 [Board Order](#)

Upon Motion by Director Dupree and Second by Director Ortiz the Board approved Amendment No. 4 to the Agreement for Services with Industrial Machine Shop, Inc., in the amount of \$150,000 to provide repair, fabrication and machining services of components for facilities and projects owned and managed by MCWRA; and, authorized the General Manager to execute the agreement.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre
Noes: None
Absent: None

6. Consider approving an Agreement with Management Partners in the amount of \$94,900 for the first phase of a comprehensive Strategic Planning process for the Monterey County Water Resources Agency and direct staff to include this activity in the FY 2018-19 Budget.

Attachments: [Board Report](#)
 [Management Partners Agreement](#)
 [Board Order](#)

Upon Motion by Director Sullivan and Second by Director Ortiz the Board Approved the agreement with Management Partners in the amount of \$94,900 for a comprehensive strategic planning process for the Monterey County Water Resources Agency to be included in the FY 2018-19 budget; and directed staff to utilize a \$6800 portion of the Agreement to conduct an employee survey, and then bring back the Agreement to the Planning Committee for further review.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre
Noes: None
Absent: None

Public Comment: Norm Groot

7. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors approve a Quitclaim Deed for an eighty-foot-wide Easement near Bryant Canyon Road in Soledad; and, authorize the General Manager to execute the Quitclaim Deed upon approval as to form by County Counsel.

Attachments: [Board Report](#)
 [Quitclaim Deed](#)
 [Board Order](#)

Upon Motion by Director Lebarre and Second by Director Ekelund the Board approved a Quitclaim Deed for an eighty-foot-wide Easement near Bryant Canyon Rd. in Soledad; and, authorized the General Manager to execute the quitclaim deed upon approval as to form by County Counsel.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre

Noes: None

Absent: None

9. Consider authorizing the Monterey County Water Resources Agency to negotiate Memoranda of Understanding to provide technical and professional support to the Salinas Valley Basin Groundwater Sustainability Agency and its consultants.

Attachments: [Board Report](#)
 [Preliminary Proposal](#)
 [Board Order](#)

Upon Motion by Director Ekelund and Second By Director Sullivan the Board authorized the Monterey County Water Resources Agency to negotiate Memoranda of Understanding to provide technical and professional support to the Salinas Valley Basin Groundwater Sustainability Agency and its consultants.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini, and Lebarre

Noes: None

Absent: None

10. Consider amending the Nacimiento Dam Operation Policy

Attachments: [Board Report](#)
 [Draft Nacimiento Dam Operation Policy](#)
 [Comments](#)
 [Board Order](#)

Upon Motion by Director Ortiz and Second by Director Dupree the Board amended the Nacimiento Dam Operations Policy.

Ayes: Directors Gonzalez, Dupree, Ekelund, Ortiz and Scattini

Noes: Directors Hoover and LeBarre

Abstain: Director Sullivan

Absent: None

Public Comment:

Nancy isakson, Curtis Weeks, Pam Silkwood

Key Information and Calendar of Events

General Manager's Report

Cathy Paladini, Deputy General Manager, provided the report. Subjects included Status of Dams, CSIP Referral, Status of Pure Water Monterey, White Bass Meeting and Settlement Discussion.

Committee Reports

There were no Committee reports.

Information Items

11.

Information Items:

1. Well Permit Application Activities
2. Reservoir Release Update
3. Development Services Report
4. NMFS Winter Releases (**Added per Addendum**)

Attachments: [Well Permit Application Activities](#)
 [Reservoir Release Update](#)
 [Development Services Report](#)
 [NMFS Winter Releases](#)

Public Comment: Steve McIntyre, Nancy Isakson

Correspondence

12.

Correspondence:

1. Letter dated January 22, 2018 from Layne Long, City Manager, City of Marina
Re: 2018 Tax Allocation Refunding Bonds Subordination
2. Letter dated January 23, 2018 from Erik J. Malvick, Acting Chief, Design Engineering Branch, Division of Safety of Dams to Mr. David Chardavoyne, General Manager
Re: Nacimiento Dam, No. 1008, San Luis Obispo County
3. Letter dated February 12, 2018 from Norman C. Groot, Executive Director, Farm Bureau Monterey to Mr. David Chardavoyne, General Manager
Re: Reservoir Operations Manual Revisions

Attachments: [Correspondence](#)

Board of Directors Comments

Director Ortiz requested that an item be placed on the March 19, 2018 Board Agenda to appoint an ad hoc committee to review the Agency By-Laws.

Adjournment

The meeting adjourned at 3:53 P.M.

AMENDMENT:

Monterey County Water Resources Agency Board of Directors Agenda Item No. 8 under Scheduled Matters has been amended and placed in the Consent Calendar as Item No. 4(a):

~~Consider recommending~~ Recommend that the Monterey County Water Resources Agency Board of Supervisors, upon approval as to form by County Counsel: Approve a Drainage and Flood Control Systems Agreement for each subdivision phase of the Pebble Beach Company project including Areas J, K, and L; and Authorize the Chair to execute a Drainage and Flood Control Systems Agreement for each subdivision phase of the Pebble Beach Company project including Areas J, K, and L, by and among, the Monterey County Water Resources Agency, and the Pebble Beach Company.

ADDENDUM:

Monterey County Water Resources Agency Board of Directors Addendum for Tuesday, February 20, 2018.

Addition to Information Items:

4. NMFS Winter Releases