



MINUTES
of the Regular Meeting
Monterey Regional Water Pollution Control Agency
Board of Directors
April 29, 2002

1. CALL TO ORDER

The Regular Meeting of the Board of Directors of the Monterey Regional Water Pollution Control Agency was Called to Order by Chair Shirrel at 7:00 p.m. on Monday, April 29, 2002, in the Board Room of the Administrative Offices at 5 Harris Court, Building D, in Ryan Ranch.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

BOARD MEMBERS PRESENT:

Peggy Shirrel, Chair	Moss Landing County Sanitation District
Morrie Fisher, Vice-Chair	Pacific Grove
Ramiro Cortez	Boronda County Sanitation District
Carlo Cortopassi	Castroville Service Area 14
Jack D. Barlich	Del Rey Oaks
Tom Moore	Marina Coast Water District
Theresa Canepa	Monterey
Judy Pennycook	Monterey County [7:02 p.m.]
David Pendergrass	Sand City
Darryl Choates	Seaside
Dewey J. Baird	U.S. Army - Ex-Officio

BOARD MEMBERS ABSENT:

Gloria De La Rosa	Salinas
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STAFF PRESENT:

Keith Israel	General Manager
Robert Wellington	Legal Counsel
Robert Jaques	Director of Engineering Planning and Technology
John Tiernan	Director of Administrative Services
Dan Mizerski	Director of Wastewater Facilities

Tom Buell	Director of Finance
Deborah Fortune	Executive Assistant
Kay Bardin	Finance Manager
Bob Holden	Reclamation Project Coordinator
Greg Antosz	Environmental and Safety Services Manager

OTHERS PRESENT: Yolanda Stowbunenko
Bjorn Lundergard - Seaside Public Works Department
Bill Reichmuth - Monterey Public Works Department
John Fair - Salinas Public Works Department
Cara Calloway, EMC Planning Group
Brian Finegan, Attorney for EMC Planning Group
Tony Sammut, Owner - Cypress Center Project

AUDIENCE: 1

4. CONSENT AGENDA

Referring to the agreement for PG&E to pay MRWPCA for power delivered between December 1, 2000, and April 6, 2001, Mrs. Canepa commented that it's nice to see someone who honored their obligation, even under the circumstances they were under.

Mrs. Shirrel requested that Item 4-K, Adopt Resolution No. 2002-07, Posthumous Recognition from MRWPCA to Jim Hughes, be moved down to the regular agenda.

ACTION TAKEN: On a motion by Mr. Choates, seconded by Mr. Barlich, the Board unanimously approved that Item 4-K, Adopt Resolution No. 2002-07, Posthumous Recognition from MRWPCA to Jim Hughes, be moved from Consent to the regular agenda.

ACTION TAKEN: On a motion by Mr. Barlich, seconded by Mr. Fisher, the Board unanimously approved the Consent Agenda (Items A through J, and L), as follows:

- A. Approve Minutes: Regular Meeting – March 25, 2002
- B. Receive Financial Statements - February 2002
- C. Receive Comparison Percentage of Budget Expended Through March 2002 vs. 2001
- D. Receive Check Register – March 2002
- E. Receive Plant Flows and Effluent Quality for Connected Agencies, Plus Flow Charts for Fort Ord and Marina – March 2002
- F. Receive Actual vs. Budgeted Fiscal Year 2001/02 Expenditures for the Capital

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Improvement Program and Capitalized Equipment Fund

- G. Receive Actual vs. Anticipated Fiscal Year 2001/02 Revenues from Capacity Charges**
- H. Receive Residential Dwelling-Unit Aggregate as of March 31, 2002**
- I. Adopt Resolution No. 2002-05, Authorizing Purchase of 69,000 Pounds of US Filter Westates Advanced Odor Control Carbon Without Formal Competitive Bidding Under Exception to Purchasing Resolution No. 87-19**
- J. Adopt Resolution No. 2002-06, Authorizing the Establishment of Great West Agency Health Plan Bank Accounts, the Signing of Checks and Other Instruments at the First National Bank of Central California**
- L. Approve Agreement with PG&E for Payment to MRWPCA for Cogen Power Delivered Between December 1, 2000, and April 6, 2001**

5. PUBLIC COMMENTS

[At 7:02 p.m., Chair Shirrel opened Public Comments.]

Mrs. Yolanda Stowbunenko identified herself as the wife of an Agency employee and addressed the Board regarding issues she felt were serious concerns of the employees.

[At 7:06 p.m., Chair Shirrel closed Public Comments.]

- K. Adopt Resolution No. 2002-07, Posthumous Recognition from MRWPCA to Jim Hughes**

Chair Shirrel noted that although Jim Hughes had not been associated with MRWPCA for quite some time, he was an early and long-time Board and a great force within the community. And, the resolution will be framed in a plaque and delivered to Jim's wife, daughter and sons.

ACTION TAKEN: On a motion by Mr. Fisher, seconded by Mr. Barlich, amended at the request of Mr. Choates to close the meeting in the name of Jim Hughes, the Board unanimously adopted Resolution No. 2002-07, Posthumous Recognition from MRWPCA to Jim Hughes.

6. COMMITTEE REPORTS AND RELATED ACTION ITEMS

A. BUDGET/PERSONNEL COMMITTEE

1. Receive and Approve Committee Minutes/Report - Thursday, April 11, 2002

ACTION TAKEN: On a motion by Mr. Fisher, seconded by Mr. Barlich, with no comments, the Board unanimously approved the April 11, 2002, Budget/Personnel Committee Minutes/Report, which included no recommended action.

B. RECYCLED WATER STORAGE COMMITTEE

1. Receive and Approve Committee Minutes/Report - Thursday, April 11, 2002

ACTION TAKEN: On a motion by Mr. Fisher, seconded by Mr. Barlich, with no comments, the Board unanimously approved the March 14, 2002, Recycled Water Storage Committee Minutes/Report, which included no recommended action.

C. RECYCLED WATER STORAGE COMMITTEE

1. Receive and Approve Committee Minutes/Report - Thursday, April 18, 2002

There were questions and concerns expressed about the induction of sodium into the wastewater system. Based on the results of the 1987 11-year Monterey Wastewater Reclamation Study for Agriculture (MWRSA), staff reported that the increased benefits of the permitted reject water acceptance outweigh the associated risk, as close monitoring of the recycle water will continue. And, the monies associated with permitting will enable funding of the proposed Sodium Reduction Program.

[At 7:24 p.m., Chair Shirrel opened public comments.]

On behalf of Mr. Sammut, owner of the Cypress Center Project, and EMC Planning Group, Mr. Brian Finegan, attorney representing the owner, thanked the Board for supporting staff's recommendations, noting that staff worked diligently to propose the Salt Reduction Program.

[At 7:28 p.m., Chair Shirrel closed public comments.]

ACTION TAKEN: On a motion by Mr. Choates, seconded by Mr. Barlich, amended to include evaluation/adjustment by the Board in one (1) year, the Board unanimously approved the April 18, 2002, Source Control Committee Minutes/Report, which included the following recommendation(s):

- 1) Approve the Sodium Threshold Limit of 180 mg/l for influent to the Regional Treatment Plant;
- 2) Approve acceptance of additional reverse osmosis reject wastewater that results

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from source water enhancement on a case-by-case basis, provided that the sodium threshold limit is not exceeded and that the proposed discharge does not exceed 150 pounds per day of sodium;

- 3) Approve a Proposed Sodium Reduction Program for funding in the FY 2002/03 Budget;
- 4) Approve a Proposed Fee Schedule for projects wishing to discharge reverse osmosis reject wastewater;
- 5) Approve the Cypress Center Project's request to participate in the Proposed Sodium Reduction Program and to discharge reverse osmosis reject wastewater to the sewage system; and, (a sixth recommendation added)
- 6) Approve that staff report back to the Board for evaluation/adjustment in one (1) year.

[At 7:28 p.m., Mr. Finegan, Mr. Sammut, and Ms. Galloway left the meeting.]

7. ACTION ITEMS

A. Final Approval of Third Amendment with Monterey County Water Resources Agency

[Mr. Wellington handed out four documents to the Board.]

Mr. Israel reported that the Third Amendment in the agenda packet was approved by the Monterey County Water Resources Agency's Board of Directors on Monday, April 22. But it was further noted that Mr. Weeks made minor changes (handed out by Mr. Wellington) that do not change the substance of what's being recommended before the Third Amendment went in the WRA's staff report to the Board of Supervisors for final approval on Tuesday, April 30, 2002.

Chair Shirrel reported that at its last Board meeting, the Marina Coast Water District stated that they would support the Third Amendment.

Mr. Israel offered public thanks to Supervisor Edith Johnson for her continued support through the lengthy process of Third Amendment final approval.

Mr. Israel noted a two-page summary handout from Rauch Communications that summarized the day-long facilitated session on April 23, 2002, between Board/staffs and legal counsels from the Marina Coast Water District and MRWPCA. Mr. Wellington stated that negotiations with MCWD will continue on May 30.

ACTION TAKEN: On a motion by Mr. Choates, and seconded by Mrs. Canepa, the Board unanimously approved Third Amendment to the 1992 Agreement with Monterey

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County Water Resources Agency, which include the latest language changes distributed in the handout to the Board.

Chair Shirrel thanked Tom Moore for the generosity of time he devoted to assisting in the process which moved this agreement forward to final resolution.

8. INFORMATIONAL ITEMS

A. Fort Ord Issues Update

Mr. Buell reported that Mr. Israel would be making a presentation on this item.

B. Reclamation Project Status Report Update

Mr. Israel reported that the recycle water plant is running well, with high quality water.

C. Strategic Planning Goals and One-Year Objectives Update

Mr. Israel reminded the Board of the Strategic Planning Meeting next Friday, May 10, 2002, at 8:00 a.m. (Embassy Suites in Seaside).

D. MRWPCA Goal to Actively Address the Issue of Storm Water Update

To an inquiry by Mr. Fisher, Mr. Jaques noted that storm water 'best management practices' (BMP's) are different from the best management practices associated with grease traps. Each city will select its own storm water BMP's, with the same title, practiced within each city.

9. STAFF REPORTS

A. General Manager/Legal Counsel

Mr. Wellington noted, in regard to the public comment by the wife of an Agency employee, that the last stage of a grievance by that employee will come before the Board at the May 20 Board meeting, re-scheduled for 5:00 p.m., and in the meantime, admonished Board members to avoid having ex parte, out-of-meeting discussions regarding that personnel matter.

B. Department Head(s)

There were no further reports.

D. Presentation(s)

1. Update on Army Transfer of Capacity Using EDU's

Mr. Fisher questioned if he might have a conflict of interest in hearing this matter as a member of the FORA Board appointed by the Monterey/Salinas Transit District. Mr. Wellington responded that this is not a conflict issue since it is not a matter of personal financial gain, but that all MRWPCA Board members simply wear different hats than from their other representations when they sit on this

Board and are thus not prohibited from hearing this issue.

In an overhead presentation, Mr. Israel summarized the issues and recommendations in response to the letter of February 4, 2002, from the Fort Ord Reuse Authority (FORA) about the use of Equivalent Dwelling Units (EDU's) in the calculation of wastewater use at the former Fort Ord.

The three issues are: 1) Proper Assignment of the Army's Capacity Rights; 2) Legal Issues Associated with Transfer of Capacity; and 3) Economic Impact of Using EDU's.

The recommendations are: 1) Suggest FORA hire a rate consultant; 2) MRWPCA do a further flow/EDU inventory study in 10 years; and, 3) Bring this to full FORA Board for further discussion.

10. CORRESPONDENCE

There were no comments or questions.

11. BOARD MEMBER COMMENTS

There were no comments or questions.

12. CLOSED SESSION

A. Conference with Property Negotiator

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| 1. Property: | Recycled Water |
| Negotiating Parties: | Marina Coast Water District |
| Agency Negotiators: | Keith Israel, Robert Wellington, Martha Lennihan and Alan Harris |
| Under Negotiation: | All Terms and Conditions |

Mr. Wellington reported there would be no need for a Closed Session.

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13. ADJOURNMENT

With no further business, the meeting adjourned at 8:07 p.m. to the Strategic Planning Workshop on Friday, May 10, 2002, at 8:00 a.m., at the Embassy Suites in Seaside, followed by the next Regularly-Scheduled Meeting on Monday, May 20, 2002, re-scheduled for an earlier time of 5:00 p.m.

Keith E. Israel
General Manager/Secretary to the Board

Peggy Shirrel, Ph.D.
Chair of the Board of Directors

Date Passed: May 20, 2002