



**MEETING MINUTES
TUESDAY, MARCH 21, 2023
AGENDA 6:00 PM**

In response to the current Declaration of Emergency for the ongoing storm events, Soquel Creek Water District's March 21, 2023 Board Meeting was held remotely via Zoom.

Recorded Meetings: Recorded meetings are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

00. CALL TO ORDER AND ROLL CALL

President Christensen called the meeting to order at 6:03 pm via Zoom.

Board Members Present:

Carla Christensen, President
Dr. Bruce Jaffe, Vice-President
Dr. Bruce Daniels, Director, *Arrived at 6:25 pm*
Dr. Thomas LaHue, Director
Rachél Lather, Director

District Counsel

Joshua Nelson, District Counsel

Staff Members Present:

Ron Duncan, General Manager
Shelley Flock, Water Resources Manager
Taj Dufour, Engineering Manager
Leslie Strohm, Finance Manager
Traci Hart, Human Resources Manager
Nick Emmert, Operations and Maintenance Manager
Melanie Mow Schumacher, Special Projects-Communications Manager / Assistant General Manager
Rebecca Rubin, Public Outreach Coordinator
Emma Western, Executive Assistant/Board Clerk
Amanda Bunte, Engineering Technician

Others Present:

2 members of the public
Anup Shah, Brown and Caldwell
Cliff Moriyama, The Gualco Group

0. REMOTE MEETING FINDINGS

- 0.1 Approve Resolution 23-04, Permitting a Remote Meeting under AB 361 due to the Declaration of Emergency Related to the On-Going Storm Events

General Counsel Nelson stated that proposed Resolution 23-04 will authorize remote meetings pursuant to Assembly Bill (AB) 361, based upon a declared state of emergency in Santa Cruz County for the ongoing severe winter storm events.

MOTION: Director Lather; Second: Director LaHue; To adopt Resolution 23-04, authorizing the Board to hold remote meetings pursuant to AB 361, in response to recent storm events and the state of emergency declared in Santa Cruz County. Motion passed by unanimous roll call vote. Director Daniels absent.

1. CLOSED SESSION

- 1.1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section §54956.9(d)(1)
Steinbruner vs. California Coastal Commission, et al., San Francisco County Superior Court Case No. CPF-20517119; CA First District Court of Appeals Case Nos. A163079, A163199
Steinbruner v. Soquel Creek Water District, et al. Santa Cruz County Superior Court Case No. 21CV01517
Steinbruner v. Soquel Creek Water District, et al. Santa Cruz County Superior Court Case No. 21CV02699; CA Sixth District Court of Appeals Case No. H050093
- 1.2 Conference With Labor Negotiators
Agency designated representative(s): Ron Duncan, Traci Hart, Melanie Mow Schumacher, Leslie Strohm
Employee Organization: Service Employees International Union (SEIU)
- 1.3 Closed Session Pursuant to California Government Code Section 54597(b)
Personnel Session to Evaluate Performance of General Manager

At 6:06 pm, President Christensen announced that the Board will return to closed session to discuss Items 1.1, 1.2, and 1.3.

One public comment was heard.

CONVENE TO CLOSED SESSION – 6:08 pm

RETURN TO OPEN SESSION – 6:49 pm

President Christensen adjourned the closed session and returned to open session at 6:49 pm.

President Christensen reported that the Board discussed Items 1.1, 1.2, and 1.3 in closed session. No reportable action was taken.

2. PUBLIC HEARING

- 2.1 Public Hearing - Variance Request for Subdivision Agreement Term Extension for Aptos Village

Mr. Dufour reviewed the variance request for a subdivision agreement term extension for Aptos Village. The Board granted a 2-year extension on December 15, 2020, with the option to apply for an additional 2-year extension on or before December 15, 2022. The District received a written request for a 2-year extension after the extension deadline on February 1, 2023; therefore, a variance request for a subdivision agreement term extension is presented to the Board for consideration.

Board discussion ensued regarding water capacity fees, sub-metering, and meter drop fees. Staff responded to a variety of questions.

MOTION: Director Daniels; Second: Director Jaffe; To open the public hearing. Motion passed by unanimous roll call vote.

Two public comments were heard.

MOTION: Director Jaffe; Second: Director Daniels; To close the public hearing. Motion passed by unanimous roll call vote.

Board discussion ensued, specifically regarding the findings needed for the Board to grant variances as established by District Resolution No. 74-55, Section 1.03, as stated below:

Findings: A - Granting the variance is required by special circumstances applicable to the property and as a result of which the strict application of District resolutions and ordinances would cause the property to be deprived of privileges enjoyed by other similar properties in the District; B - Granting the variance would be in harmony with the general intent and purpose of the ordinances, resolutions and policies of the District but would not be materially detrimental to public health, safety or general welfare.; C - Granting of the variance would not constitute a grant of special privilege inconsistent with those placed upon other parcels where payment in full is required prior to executing the subdivision agreement including payment of water capacity fees in effect at the time water service is activated.

Directors expressed concern specifically related to Finding C above. Directors recognized that granting this variance request may be considered a special privilege for Aptos Village. There was consensus to deny the variance request.

MOTION: Director Daniels; Second: Director Jaffe; To deny the variance request for a second extension to the APTOS VILLAGE subdivision agreement term TWO (2) years expiring on or before 12/15/2024. Motion passed by unanimous roll call vote.

Directors asked a variety of questions, and discussion ensued regarding the process for executing a subdivision agreement.

MOTION: Director Daniels; Second: None; To direct staff to work with the developer to first confirm interest in submitting a new subdivision agreement, and, if yes, work with the developer to prepare a standard subdivision agreement with a term of TWO (2) years. Motion failed.

Discussion continued regarding the process for executing a subdivision agreement. Mr. Dufour provided clarification regarding the motions presented in the memo.

MOTION: President Christensen; Second: None; To grant or deny the execution of a NEW subdivision agreement for APTOS VILLAGE PHASE II with a term of TWO (2) years and option for a TWO (2) year extension following the terms of the current subdivision agreement template and the current rate schedule. Phase II fees will be paid upfront, and new agreement will come before the Board. Motion failed.

Directors were not supportive of including an option for a two (2) year extension because this is not part of a standard subdivision agreement. Directors emphasized the importance of fairness in the subdivision agreement approval process and in the terms of the agreement.

Board discussion continued, and there was consensus to have staff work with the developer and return with a standard subdivision agreement presented for Board approval at a future meeting.

MOTION: Director LaHue; Second: Director Jaffe; To direct staff to return with a standard subdivision agreement for Board consideration at a future meeting. Motion passed by unanimous roll call vote.

MOTION: Director Jaffe; Second: Director LaHue; To have the developer pay a labor-only meter drop fee for all sub-meters following the current rate schedule. Motion passed by unanimous roll call vote.

3. BOARD MEMBERS' OPPORTUNITY TO REMOVE ITEMS FROM CONSENT AGENDA

None removed.

4. CONSENT AGENDA

MOTION: Director Daniels; Second: President Christensen; To approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7. Motion passed by unanimous roll call vote. Director Daniels and Vice-President Jaffe abstained from voting on Consent Agenda Item 4.1.2.

- 4.1 Approval of Minutes
 - 4.1.1 February 7, 2023 – Regular Meeting Minutes
 - 4.1.2 February 21, 2023 – Regular Meeting Minutes

Action: Approved
- 4.2 Board Planning Calendar
Action: Approved
- 4.3 Special Board Assignments Status Report
Action: Approved
- 4.4 Production Reports
Action: Approved
- 4.5 Finance Status Report
Action: Approved
- 4.6 Management Update
Action: Approved
- 4.7 Cancel the April 4, 2023 Board Meeting
Action: Approved

5. ORAL AND WRITTEN COMMUNICATIONS (items not on the Agenda)

Written communications addressed to the Board are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

One public comment was heard.

Mr. Duncan and Director Daniels responded to public comment.

President Christensen discussed a recent article in the New York Times, "How Can We Measure Droughts and Deluges? Weigh the Planet."

6. REPORTS

6.1 District Counsel – Oral Report

General Counsel Nelson stated that he will continue to monitor Assembly Bill (AB) 361, which permitted the Board to meet virtually tonight due to the declared state of emergency in Santa Cruz County for the ongoing severe winter storm events.

7. ADMINISTRATIVE BUSINESS

7.1 Conditional and Unconditional Will Serve Letters

7.1.1 Conditional Will Serve for 42-Room Hotel at 720 Hill St, Capitola. APN: 036-011-28 (D. Patel).

Mr. Dufour reviewed the conditional will serve application for the 42-room hotel at 720 Hill St, Capitola.

Ms. Flock confirmed that this will serve applicant has been working with staff for over a year on this project.

One public comment was heard.

Board discussion ensued. Staff responded to a variety of questions:

- The subject project is not subject to WDO fees (as the WDO program has ended); however, the approximate offset calculation is 7.8 acre feet.
- Development projects are subject to the State's green building requirements.
- Water conservation signage is posted in hotel rooms.

Director Daniels stated that he is not supportive of approving a conditional will serve for a 42-room hotel. He noted that this request is for a second hotel in addition to an existing operating hotel on the parcel.

Director LaHue expressed concern about conditioning will serve approvals based on land use.

MOTION: President Christensen; Second: Director LaHue; To approve a Conditional Will Serve letter for the 42-room hotel at 720 Hill St, Capitola, APN 036-011-28. Motion passed (3:2). Director Daniels and Director Lather voted no.

7.2 New Water Service Approval Process

Ms. Flock purpose of this memo is to ask for the Board's consideration, input and approval of the New Water Service Approval process given the sunset of the Water Demand Offset Program.

Ms. Flock stated that staff recommends the following projects be brought to the Board for consideration of approval prior to staff issuing Will Serve letters:

- 1 All projects requiring an Infrastructure Agreement
- 2 All multi-family residential projects
- 3 All new construction commercial projects
- 4 Any project staff believe should be reviewed by the Board for any reason (e.g., projects that require a variance from District policies, large-scale commercial change-in-use projects where the parcel is already served by the District but may require a larger meter, etc.).

One public comment was heard.

Director Daniels requested that any parcels over 1 acre of land be presented to the Board for consideration of approval prior to staff issuing Will Serve letters.

MOTION: Director Daniels; Second: Director Lather; To adopt the approval protocol outlined in the memo with the addition of any parcels on over 1 acre of land be presented to the Board for consideration of approval prior to staff issuing Will Serve letters. Motion passed by unanimous roll call vote.

7.3 Presentation on Pure Water Soquel Update

Ms. Mow Schumacher, Ms. Strohm, and Mr. Shah presented the Pure Water Soquel (PWS) Update, which discussed construction activities, funding, outreach, and schedule. The presentation is available online: <https://www.soquelcreekwater.org/AgendaCenter>

One public comment was heard. Vice-President Jaffe responded to public comment.

Directors expressed appreciation for the presentation and recognized the hard work on PWS. Directors highlighted their support for the finances, collaboration, relationships, and commitment.

Vice-President Jaffe requested a future presentation on PWS treatment, specifically focused on system redundancy. President Christensen agreed.

Mr. Duncan commended staff for their ongoing hard work on PWS.

INFORMATION ONLY

7.4 Reschedule Anti-Harassment Training for 2023 (Mandatory/Biennial)

Mr. Duncan explained that this item is presented for the Board to consider training options and reschedule the Anti-Harassment Training for 2023.

There was consensus to direct the Human Resources Manager to work with Board Members individually to coordinate online anti-harassment trainings in 2023.

MOTION: President Christensen; Second: Director Jaffe; To direct staff to coordinate online training resources and schedule anti-harassment training with individual Board Members. Motion passed by unanimous roll call vote. Director Lather absent.

8. **ADJOURNMENT**

President Christensen adjourned the meeting at 9:06 pm.

SUBMITTED:



Emma Western, Board Clerk

APPROVED:



Carla Christensen, President