

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
September 21, 2016 270 Elm Road, Bolinas

1. Call to Order.

7:32 p.m.

2. Roll.

Directors Amoroso, Comstock, Godino, Siedman and Smith present; director Siedman presiding.

3. Manager's Report.

-- Update on the Wharf Road Lift Station Pump Replacement Project.

Staff reported that the new pumps are fully installed and the check valve on the force main has been successfully replaced. The operations staff has worked long hours to assist with and oversee the project and communicate with community members about the status. The contractor had planned to conduct the official "start up" of the pumps yesterday, but an issue arose with regard to the electrical hook-up of the pump motors that required analysis by the contractor, the district's engineers and the pump manufacturer. A solution has been identified and will be implemented as soon as possible so that the start-up can be scheduled.

-- Update on the BCPUD Chlorine Disinfection Byproduct Reduction Project.

On August 29, 2016, the district received official approval from the State Water Resources Control Board ("SWRCB") to install inline coagulation prior to filtration as part of the treatment process to reduce the levels of chlorine disinfection byproducts in the BCPUD's drinking water. Staff will hold a meeting tomorrow to plan for the project installation, which likely will take a few weeks. Jonathan Van Bourg and Lewie Likover have prepared a revised budget which reflects the up-to-date costs of project installation and staff will include an item on the October meeting agenda for the Board to consider the revised budget.

-- Update on the East Tank Rehabilitation Project.

The district has engaged DB Gaya Consulting to perform quality assurance inspection services and technical writing specifications for this project at a not-to-exceed cost of \$10,000; staff reminded the Board that the approved budget for this project (including consulting services) is \$160,000. Dennis Gaya, owner of DB Gaya Consulting, performed these same services for the district when it last rehabilitated the tanks in the late 1990's and the district was very satisfied with his work. In addition to his services, the project will require some structural engineering specifications as part of the scope of work and staff currently is researching options in this regard.

-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa.

The survey has been completed up to the Grove right-of-way.

With regard to water operations, staff reported that consumption was up slightly on the back of the Mesa as compared to this time last year. Consumption has been high for the last two weekends, but comes down considerably during the week. For example, yesterday the district consumption was approximately 80,000 gallons.

The fire sprinkler system in the office building was inspected today pursuant to a 5-year inspection cycle; the most recent previous inspection was performed in 2011 during the accessibility improvement project outside and inside the BCPUD offices. The system is in working order, but cannot be certified yet because the system alarm is not working. Staff authorized the inspection company to purchase and install a replacement alarm so that the system can be certified. Staff also requested a quote to repair some section of the system with visible signs of corrosion and to disconnect the portion of the system which was under the building for unknown reasons.

Staff wrote to Redwood Empire Disposal to inquire about the status of the district's quarterly franchise payments and diversion reports; staff also asked to discuss a communication strategy to ensure the BCPUD is informed prior to a bulky waste clean-up event so that it can notify the community and provide sufficient time for residents to prepare. Staff also wrote to one of the lessees on the sewer pond property to request prompt removal of pigs that are on the leased premises in violation of the lease terms. The lessees responded immediately, met with staff, and promised to relocate pigs within 30 days.

Staff will attend a meeting of the Point Reyes Station Village Association tomorrow evening to discuss with other participants the topic of “Tourism and Our Community” and identify issues of common concern. Director Amoroso and community member Bruce Bowser also plan to attend. There is interest across many of the West Marin communities in creating an alliance to advocate collectively for the preservation and protection of local towns.

On the wastewater side of operations, spray season is still in effect through November 15th. Recently, staff posted a reminder in the Hearsay News and on NextDoor that no one should be in the fields themselves (as distinct from the paths in the fields) at any time, whether or not the sprays are on. The posting was prompted by reports of people, horses and dogs in the fields during a recent weekend.

Staff is preparing for the audit of the district’s FY 2015-16 finances. Preparations are later than usual this year as a result of the County’s transition to a new financial system which delayed the provision of its statements concerning the district’s funds on deposit there. Staff is scheduled to meet next week with the the district’s bookkeeper and CPA.

Staff reported that CalPERS is in the news because the rate of return on its investments in 2015 was 0.61% vs an assumed rate of return (for actuarial purposes) of 7.5%. News sources also are reporting that CalPERS keeps “two sets of books” – one with actuarial-determined unfunded liability and with market-determined unfunded liability. The sources caution that participants’ market-determined net pension liability is much higher than the actuarial-determined amount. Director Comstock noted that in one reported case, the market-determined unfunded liability was three times higher. He cautioned that the district should be prepared that its required contributions toward the unfunded net pension liability likely will be increasing significantly in upcoming years.

The Board reviewed correspondence sent and received since the last regular meeting, including letters to customers explaining specific leak relief decisions.

-- Drainage Project Manager’s Report.

Nothing to report.

4. Community Expression.

None.

5. Request to Reestablish Water Service to 125 Rosewood Road (N. Gottreich).

Anna Gottreich said she was present to represent her family’s request to restore water service to the meter serving 125 Rosewood Road, notwithstanding the loss of the house. She explained that she is working hard to take care of the clean-up required due to the loss of the family’s home and to fence the property; her goal is to restore it so that it is manageable before the rains come again. The family has been working with a contractor and the County to improve the situation and Anna said that she thinks it is in everyone’s interest to have plantings there. She said her family’s request is to have water service restored to be able to water new plants.

Director Siedman asked if anyone else was present to speak to this agenda item. Seeing none, he noted that the Board has a memo from staff recommending against restoring water service because the property is not sufficiently stable; staff has determined that restoring water service to 125 Rosewood would present an unacceptable risk to the district’s water distribution system. Director Siedman noted that it would be possible for her to arrange to truck water in for irrigation purposes. Anna said her father would like to know the legal basis for denying service and he would like that in writing. Director Comstock said that the key element about this decision is the risk to the district’s water system as determined by the district’s Chief Operator. Staff provided a copy of the report to Anna, who then stepped outside to make a telephone call; the Board temporarily adjourned discussion of this agenda item.

6. Proposed Amendments and Modifications to the Marin County Certified Local Coastal Plan: Marin County Planning Commission Hearing on September 26, 2016 at 10:00 a.m.

Staff said the Planning Commission has scheduled a hearing for Monday, September 26th, and the office has received several calls asking if community member should try and attend to speak to issues of local concern. Staff said it is a bit difficult to discern the specific purpose of this hearing. Staff noted that the process of updating the Local Coastal Plan (“LCP”) has been ongoing for many years beginning in 2008 when the County directed its staff to draft amendments to update the LCP. The Planning Commission held meetings and hearings to obtain public input between 2009-2012 and ultimately recommended a set of amendments to the Board of Supervisors in February 2012. The Board of Supervisors then held public meetings and hearings eventually adopting a resolution with a set of amendments to the LCP in July 2013, which was submitted to the California Coastal Commission (“CCC”). In May 2014, the CCC staff acted on some of the policy amendments but not the implementing zoning regulations; eventually, in October 2014, the CCC staff submitted extensive revisions to County’s

proposed amendments. The Board of Supervisors then held two public hearings, one in August 2015 (which focused on issues specific to agriculture in the Coastal Zone) and one in April 2016, which focused on environmental hazards in the Coastal Zone. Staff reminded the Board that the BCPUD submitted specific comments for the Board of Supervisors and appeared at the April 2016 hearing to protest certain language proposed by the CCC staff concerning “vistor-serving” preferences and the definition of “coastal redevelopment”.

The County website states that the purposes of the Planning Commission hearing on September 26th are for the Planning Commission to have a focused discussion on key substantive policy issues that were addressed by the Board of Supervisors since the Planning Commission’s last action in 2012 and for the Planning Commission to have the opportunity to offer recommendations to the Board of Supervisors before the Board of Supervisors takes final action on the LCP amendments. Staff suggested that the district can resubmit its April 2016 letter to the Planning Commission to ensure the members are aware of the community concerns and attend the hearing in the event there is an appropriate opportunity to provide verbal comments. There was no objection from the Board.

(Item 5 cont’d) Request to Reestablish Water Service to 125 Rosewood Road (N. Gottreich).

Anna Gottreich asked if the Board has made a decision about restoring her water service. Director Siedman said that the Board has not yet taken any action. He said the Board has received a staff recommendation not to restore water service, which it is inclined to accept, but the Board has not yet made a decision.

Fire Chief Anita Tyrrell-Brown said that during the past winter, when the Gottreich property was eroding in earnest, the County contacted her and asked her to post 125 Rosewood and all of the houses in that neighborhood as potentially unstable and very dangerous (i.e., all of the homes on Rosewood, Mistle and Daffodil). Anita said she continues to have serious concerns about the property next door (135 Rosewood) as well as the cabin still existing on 125 Rosewood and she asked whether anyone is using it. She explained that if there is further erosion in the area and the Fire Department responds, attempting to rescue someone from the cabin could put rescuers at risk. Anna said that Anita is introducing a separate issue; her request is for water to irrigate plants.

Director Godino said she understands that planting can be helpful in erosion control but she is unclear whether, given the magnitude of the slide at this property, planting would help. She asked if the County has opined or weighed in with advice or information for the Gottreichs here. Or is the Gottreich family trying to cope with all of this on its own?

Tom Morrison asked whether it would be possible for the district to provide water for an hour per day so that Anna would be able to water plants and get them established. Chief Operator Bill Pierce said the only way to do so would be via the nearest fire hydrant. He explained that water is off and not connected to the Gottreich water meter because that meter is in very close proximity to the slide area and to connect it would put the system at risk of an unabated water flow if the bluff should slide further and cause the plumbing there to pull apart.

Anna said that her neighbor’s water service was moved and then turned back on. Bill Pierce said that is not accurate. Rather, in 2015 when district staff confirmed the extent of erosion occurring below the Gottreich property, the district installed shut-off valves on Mistle and Rosewood in order to be able to shut water off on these mains and to specific properties in the neighborhood (rather than a larger number of homes) if/when the cliff moves in the future. The district also abandoned the water main along the lower part of Rosewood that served only the Gottreich property in favor of a service line installed inside of the abandoned main. The BCPUD shut off the water service to the Gottreich property in early 2016 when the major erosion occurred, and the neighbor’s water service at 135 Rosewood also was turned off as a precaution. When the area stopped sliding and things stabilized after the winter, the district was able to turn the water service back on to 135 Rosewood as the water meter is located a sufficient distance away from the slide in a relatively stable area (for now), but not to 125 Rosewood as it is not sufficiently stable.

Anna said the water main is where it always has been and has not moved; she said there is a hose bib nearby that could be used for watering plants if the water is restored. She said she is shocked that a decision by the BCPUD not to restore her water service is being made on conjecture. Anna said her family installed major drainage projects over the year to protect her property; she said the problem is not bluff erosion below but surface water on the land. She said the slide has stopped and the water meter is intact with the hose bib nearby and the best solution to stabilize the land is to install plants. Anna said she is trying to be a steward of the land and no one in the room has lived through what she has lived through; she said she has a right to water if she has a meter.

Director Amoroso inquired whether she would be willing to install a tank to do the watering (which could be filled from time to time by the BCPUD). Anna said she could do this, and had considered it before, but she said she is concerned about the weight of a tank. Director Siedman asked Bill Pierce for his opinion. Bill said he really feels for what Anna is going through, but his responsibility is to ensure the integrity of the distribution system. He said it is fine to explore the possibility of a tank and water

delivery if Anna wishes to do so, but that is not his area of expertise or responsibility; his concern is about the water distribution system and not reconnecting it to this property due to the risk of further land movement and an unabated water flow. As for the nextdoor property, the district will turn the water off to that property if the bluff erosion continues there; the district is monitoring the properties in this area regularly.

Director Smith said he has some information to contribute because he was in the same situation as the Gottreichs when he lived on Ocean Avenue above Brighton Beach for eight years. He watched the bluff erosion for years, read all of the reports he could find about erosion and slippage on the Bolinas Mesa, talked with geotechnical engineers knowledgeable about Bolinas, witnessed a neighbor's house essentially cut in half by a slide a couple of years before he moved, and more. He said that the problem is not surface erosion, but rather a deep phenomenon of the fractured Monterey shale – it can withstand a certain angle of repose, but then it gives way and huge trees and more will slide down the cliff. Anything planted on the surface will not impact the deep cliff movement, he feels that he can say that with certainty that installing plants on the surface of the property will not halt the erosion there.

Staff said that the staff's recommendation as set out in the memo provided to the Board addressed only the request to restore water service to the existing meter. Staff also explored whether there is another location adjacent to the property that is sufficiently stable for the installation of a meter (i.e., a spot to which the Gottreich meter can be located), but could not identify any. Staff's memo suggests the possibility of water delivery to a tank for plant irrigation; the water could be delivered via a service or by the BCPUD, depending on the circumstances.

Director Siedman suggested that the Gottreichs read over the staff recommendation and then formulate a proposal or proposals for the BCPUD's consideration as alternative means to get water to the property (i.e., alternative to restoring water service at the meter). Anna said she now realizes the problems with restoring water to the existing meter, that she does not want to threaten any other property, and that she likely will want to propose a new location for the water meter. She asked who will make the decision about her proposal. Director Siedman said it will first go to staff for evaluation and staff then will issue its recommendation to the Board.

7. Request for a Non-Exclusive Easement on BCPUD Property to Repair/Replace and Maintain an Existing Seawall and for an Exclusive Easement on BCPUD Property (Fenced-In Area) at 100 Brighton Road, Bolinas (AMJT Capital).

Alison Pincus said she is pleased to be there and participate in a discussion about the project. Director Siedman said he assumes she knows about the proceedings at the August Board meeting; he emphasized that the district's concern is not with the concept of the project (i.e, repairing the seawall) but rather the potential details of the easement, particularly the exclusive easement over BCPUD land. At the August meeting, the Board discussed the option of being able to rescind the exclusive easement in the event there was a "compelling public purpose" to do so.

Director Amoroso said that based on his review of the drawings for the project, it appears that the design proposes to narrow the width of the public access platform on the top of the seawall at the far end from about 15-feet in width to 10-feet in width. Ron Noble, the project engineers, confirmed this is the case; he said the original easement through the Coastal Commission is 10-feet. Taylor Robinson said the historic documents show a 10-foot wide public easement when the seawall was last repaired in the 1980's; this is also when stairs were built for public access. Taylor said the secondary line at the back of the 10-feet is to have a secondary wave break/retaining wall. Director Amoroso expressed concern about the elimination of a public area on top of the seawall that is regularly used.

Discussion ensued about the design of the project and the width of the platform on top of the seawall now vs. as proposed on the repair project drawings. Director Amoroso said there may be a "prescriptive easement" across the top of the full width of the seawall for public access. Taylor Robinson said her firm is continuing to research all prior permits, recorded surveys, lot lines, etc. and will provide all of this to the district to facilitate the discussion. Ron Noble said his recollection is that the Coastal Commission during the last repair permit required a 10-foot wide public access platform. Director Siedman said director Amoroso's concerns are about the existing width of space rather than what may or may not have been minimally required by the Coastal Commission. Fire Chief Anita Tyrrell-Brown said the department needs to access the beach over the seawall platform more often than anyone might realize and the width of the platform is important for the crew and equipment.

Director Comstock said he believes there are two issues about the project: (1) the repair/improvements to the seawall itself, and (2) the access to the seawall on each side. He said that the public access to the seawall clearly will be improved by the project, but he is glad that director Amoroso caught this detail about the narrowing of the top of the seawall platform on the far end. He cautioned that this narrowing of the platform may not meet with Coastal Commission approval. Director Comstock said he is supportive of the project if the existing platform area is maintained and access is improved, noting that the BCPUD's role is to represent the community. Director Comstock said the request for the exclusive easement to the fenced in area really is a separate issue; that said, he believes there should be a

compelling public reason for the BCPUD to grant such an easement (something it ordinarily would never do).

Taylor Robinson inquired whether a short-term exclusive easement would be more attractive and noted that the ramp design has been modified to make it more accessible. Anita Tyrrell-Brown said she would go to the site and take measurements to confirm if the proposed access will work for her department. She said the department has had to evacuate many people via the rocks on the far end over the years; a staircase there could be a big improvement as long as it is wide enough for department equipment.

Janine Aroyan said she would like to speak to the issues posed to the existing public garden and potential garbage/recycling bin area by the ramp redesign component of the seawall project. She raised concern about some of the amount of fencing proposed on the project drawings which could diminish the view of the ocean/public space for the public, which is contrary to the Marin County plan. She described a project under development to redesign the garbage/recycling bin enclosure to increase the space available for the bins and also move them to the west to improve the public vista. She urged that the public garden be maintained with native plants; she said many community members feel this is the true beach entrance at Bolinas and feel a sense of ownership over the garden.

Director Godino said that the fencing points raised by Janine are well-taken. She said that the fence design could be an important point for developing good will and/or community building. Taylor said that they are proposing to re-do the landscaping as part of the project because the project installation will disturb it. Janine said the garden area gets hit with salt water/salt spray all of the time; based on her understanding of the gardens here (what works and what does not), there are only a small range of native plants that will thrive there. She suggested that any replacement planting should be consistent with what is there now.

Director Comstock asked about whether the repair and maintenance of the boat ramp is still on the table as part of the project. Taylor said district staff suggested this at the last meeting; she has concerns about potential liability implications for the property owners. Discussion ensued about this concept and also other potential “consideration” for the exclusive easement. Director Smith asked whether it might be possible not to disturb the public garden as part of the project; Janine said that the first section of the garden is so salt-laden it is almost a “no grow” zone. Her concern is that the garden remains open visually and that a grapestick fence be maintained behind it for sun to come through. Taylor said it may be possible to design the ramp/garden area as part of the project. Director Siedman suggested that the Board assign further discussion about details of the project to be referred to a committee rather than engage in extended discussion; the Board concurred and the project was assigned to the Legal Committee.

Director Smith urged the property owners to consider holding a public meeting about the project when the design is finalized to make sure the community is informed and has the opportunity to provide input. Alison thanked director Smith for the suggestion, and said she is grateful to the the Board for all of the input on this important project for the community. She thanked the Board members for their time and consideration.

8. California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area Fire Prevention Fund Grant Application -- A Grant Application by the BCPUD and the Bolinas Fire Protection District for a Hazardous Fuels Reduction Project in the Eucalyptus Grove on the BCPUD's Sewer Pond Property.

Staff asked the Board to approve the submittal of a grant application to Cal Fire for funds to continue the hazardous fuels reduction project in the eucalyptus grove on the sewer pond property, in the area above the Resource Recovery Project. Staff submitted an application for the same project in the prior grant cycle, which was not awarded. However, FireSafe Marin has encouraged the district to try again in the current grant cycle, hence this application.

D. Smith/V. Amoroso all in favor to approve the submission of a grant application for a hazardous fuels reduction project to Cal Fire.

9. Water Supply Update: *Update on Installation of the Monitoring Well at 3 Olema-Bolinas Road.*

Staff reported that Cascade Drilling and the district's hydrogeologist, Jon Philips (who works for Rob Gailey), were onsite at 3 Olema-Bolinas Road on September 8th and the first attempt to install the district's monitoring well was not successful due to silt intrusion. The driller will return for a second attempt in a slightly different manner on September 30th. The rescheduled development date is October 3rd.

10. Volunteer Committee Reports.

-- *Bolinas Lagoon Advisory Committee*: Nothing to report.

-- *Downtown Parking & Traffic Committee*: Director Amoroso said that not a lot is happening right now as the committee is focused on promoting its survey (for residents and visitors); he noted that it has been about two months since the last meeting.

-- *Resource Recovery: Report on September 13, 2016 site visit by Regional Water Quality Control Board and Marin County Environmental Health Services*. Staff reported that the district had a very productive meeting with Keith Roberson from the Regional Water Quality Control Board (“RWQCB”) and Eithne Bullick of the County Environmental Health Services (“EHS”) department, along with Jeff Creque, Mike Aitken, Anita Tyrrell-Brown, Kenny Stevens of the Stinson Beach Fire Protection District and Jim Zell of the Stinson Beach County Water District. Everyone walked the site and Keith Roberson fairly quickly said that the setback from the irrigation well approved by County EHS (32 feet) is fine; he also did not express concern or displeasure with the current setbacks from the drainage ditch. Rather, his focus was on determining whether the RRP is subject to the new state rule applicable to composting operations; Keith believes the site likely is exempt from the new rule due to its size. The district will provide data regarding the volume of greenwaste processed at the site for Keith’s consideration.

-- *West Marin Mosquito Control Coordinating Council*: Director Godino reported that the council is putting together a list of contractors available for installing screens over plumbing vents for homeowners in West Marin. Jennie Pfeifer inquired whether there are concerns about Zika in this area. Director Godino said she is not aware of any immediate concerns because the type of mosquito carrying this virus are tropical; if the virus mutates, concerns undoubtedly would arise at that time.

-- *Land Stewardship Committee*: Director Siedman reported that the committee will next meet on Friday. There has been discussion about pedestrian/ bike path maintenance and the need to engage someone to regularly to maintain the path and make repairs as necessary.

11. Other Business.

a. Board Committee Reports.

-- *Finance*: Nothing to report.

-- *Legal*: Nothing further to report.

-- *Mesa Septic, Flood Control and Roads*: Staff said that after the Fire Department removed some invasive brush as part of a hazardous fuels reduction effort, the district received complaints from homeowners on Evergreen between Elm and Alder that more vehicles are now driving down their block. The callers inquired about installing speedhumps. Staff checked with the Fire Department and there is no opposition to installing speedhumps (as opposed to speedbumps), so staff will reconnect with the callers and explain the permit process. Anita Tyrrell-Brown said the Fire Department is increasingly concerned about the encroaching vegetation chocking off emergency access and egress. She feels the situation must be addressed from a public safety standpoint and she is very supportive of the district’s current survey effort.

-- *Operations*: Nothing to report.

-- *Park and Recreation*: Director Amoroso said that Mesa Park is considering hiring a manager.

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the August 17, 2016 regular Board meeting.

Directors Amoroso and Comstock offered certain clarifying corrections to the draft minutes.

D. Smith/L. Comstock all in favor to approve the minutes of the August 17, 2016 regular Board meeting, as corrected.

c. Warrants.

L. Comstock/D. Smith all in favor to approve the warrant list.

d. Scheduling of Next Meeting(s):

October 12, 2016 at 7:30 p.m.

12. Adjournment.

9:54p.m.