

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

July 18, 2018 270 Elm Road, Bolinas

Note: this meeting was held at the Bolinas Fire Protection District Public Meeting Room, 100 Mesa Road, Bolinas

1. Call to Order.

7:31 p.m.

2. Roll.

Directors Amoroso, Comstock, Godino (by telephone), Siedman and Smith present; director Siedman presiding.

3. Manager's Report.

-- *Update on the Terrace Avenue Bluff Stabilization Project.*

No update at this time.

-- *Update on the East Tank Rehabilitation Project – See Item 9, below*

-- *Update on the Wastewater Pump Station Upgrade and Pond Recirculation Project.*

As reported last month, BCPUD staff met with the district's engineers in early June to discuss and review the project and yesterday received a plan document from the engineers reflecting the proposed pump station layout.

-- *Update on the Fire Fuel Reduction Project in the Eucalyptus Grove above the Resource Recovery Center.*

Staff reported that the herd of goats is in the project area grazing and making real progress on reducing ground level vegetation in the eucalyptus grove; evidently goats eat the equivalent of approximately one-third of their body weight every day. The goats are distracted by nearby human activity, so staff urged people not to approach the goats, especially with dogs; young people on dirt bikes have been startling the goats and staff urged community members to dissuade the young people from riding in the area as the noise of the bikes causes the goats to stampede and stop eating. Staff is working to finalize contracts with outside vendors for the hand work to remove the remaining ground level vegetation and small saplings/limb up larger trees.

-- *Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa: Staff Report and Draft Letter to Customers.*

The staffs of the BCPUD and the Bolinas Fire Protection District ("BFPD") met again to identify the areas of the Bolinas Mesa which are the top priority areas for both districts to focus upon and coordinate their enforcement efforts. The staffs also are working on a joint letter to the community to explain the project and the public health and safety reasons behind the efforts to preserve the public rights-of-way. The goal is to develop a work plan to present to the Boards of both districts for approval as soon as possible. Director Comstock emphasized that resident egress in the event of a fire is a high priority issue for the BFPD; even more important than engine access is the ability for residents to safely evacuate during a major fire event.

The Board reviewed the most recent water consumption data for the downtown area of Bolinas for the April/May/June 2018 quarter. Staff noted that water consumption continues to rise and that this is the tenth month in a row of increased consumption; the largest water users were the visitor-serving businesses downtown (all of which were well above average), as to be expected, along with leaks on customer service lines. The Summer 2018 Pipeline newsletter will remind customers about the need for conservation and ask that everyone reduce water use as much as possible.

The BCPUD timely mailed out its 2017 Consumer Confidence Report at the end of June and a copy is in the Board binders. Staff currently is working on fiscal year-end tasks and preparing for the FY 2017-18 audit. Staff also has been engaged in communication efforts and meetings with County staff and Bolinas residents about the downtown parking situation, which will be discussed later on the agenda. Work in the field is relatively light right now with employees on vacation.

The district received an invoice from Piazza Construction for the emergency force main repair project on Wharf Road following the April 25th spill. The total cost of the emergency repair, including repaving and sidewalk restoration, was \$22,613.56. The Board had no objection to prompt payment of the invoice.

The Board reviewed a letter received from a community member who previously requested to be allowed to leave a set of redwood trees planted in the public right-of-way adjacent to his property. The letter requests additional time to move the trees to better enhance their chance of survival. Staff will assess and confer with the BFPD.

Staff noted that there is an election this November and that three seats on the Board of Directors are up for election this year; the candidate filing period has opened and closes on August 10, 2018.

4. Community Expression.

A question was raised about the amount of water used to extinguish the fire that occurred downtown last week; staff said approximately 10,000 gallons. Another question was raised as to whether the increase of short-term rentals downtown and the associated frequent cleaning of those homes could be a reason why consumption has increased recently. Staff noted that consumption has increased across the district, not just downtown; that said, the district has not analyzed the specifics of the water use data enough to know whether increased water use is particularly significant at short-term rental properties.

5. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 420 Walnut Road (J. Schuster).

Jeff Schuster submitted a letter and history of water use at his property. In response to questions from the Board, he explained that the leak was in the underground service line to his home and was not detectable until the bill was received. Director Smith said that he is in favor of excusing the entire amount attributable to the leak (i.e., over the last three quarters) because the leak clearly came on slowly and the letter demonstrates that Jeff acted responsibly to complete a repair as soon as he realized he had a leak.

D. Smith/V. Amoroso all in favor to forgive the amount of the water bill attributable to the leak, during the prior three quarters if eligible (i.e., if over 50% the amount of historic water use that quarter) based on the historic average water use during the same quarter over the past three years.

6. Text for Advisory Measure on the Ballot for the November 6, 2018 Election Concerning Parking Regulation in Downtown Bolinas. (Note: Background information about this agenda item is available on the BCPUD's website (www.bcpud.org) under the "Community" tab).

- A. "Shall the County of Marin enact an ordinance prohibiting parking between 2:00 a.m. and 6:00 a.m. on Brighton Avenue, Park Avenue and Wharf Road in downtown Bolinas, except for vehicles displaying a resident parking permit?"**
- B. "Shall the County of Marin enact a resolution pursuant to Marin County Ordinance 3662 to include Brighton Avenue, Park Avenue and Wharf Road in downtown Bolinas as County roads on which there shall be no overnight parking of vehicles, except for automobiles, motorcycles and pickups, between the hours of 11:00 p.m. and 5:00 a.m.?"**

Director Amoroso recused himself from consideration of this item.

Director Siedman noted that the Board has the language before it for two different potential advisory measures to place on the ballot for the November 6, 2018 election. The purpose of this agenda item is to solicit public input from the community on this topic – the BCPUD does not have any jurisdiction over parking or traffic enforcement, but rather acts as a conduit to the County for the community viewpoint on topics such as this from time to time. The purpose of the advisory measure is to get a documented sense of the community on this topic. For example, about ten years ago the BCPUD placed a measure on the ballot to ascertain community sentiment for or against a ban on overnight camping on Bolinas Beach. The vote was in favor of banning camping and the County Board of Supervisors subsequently enacted an ordinance to that effect.

Director Siedman said he favors approving only one measure on the ballot as it may be very confusing if two different measures on the same topic are on the ballot. Director Smith said the two alternatives are very different in nature: (A) is essentially a resident parking system and would require years to implement because a coastal permit would be required and because the administration of a resident parking permit system is very complicated; (B) prohibits the parking of large vehicles overnight and can be implemented relatively quickly if the community favors it because it is part of an existing enabling ordinance. Director Smith says he likes A but understands B could be implemented sooner. Therefore, he favors placing both measures on the ballot.

Director Comstock said the role of the BCPUD Board here has been to help craft an appropriate solution to the parking problem downtown given local priorities and existing legal constraints. Also, the Board is taking into consideration specific enforcement considerations expressed by the Sheriff's Office; for example, the deputy sheriffs assert that it is very difficult to enforce the 72-hour parking rule due to

their limited resources. Director Comstock said that a resident parking plan is the long-term objective because the parking problems downtown are not limited to overnight parking, but also daytime parking on the weekends and holidays -- but that will require a lot more time to implement given the requirement to obtain a coastal permit for such a plan from the Coastal Commission. Director Comstock said that he thinks option B is the best near term solution as it is part of an existing ordinance and is easily enforceable by the deputy sheriffs. With regard to placing two measures or only one on the ballot, director Comstock said it likely would be more clear to have only one measure on the ballot, but he doesn't want the resident parking permit plan to "disappear off the radar screen".

Director Godino said that option A was drafted by the BCPUD Board to respond to community input after the last regular meeting, but before consulting the County. After receiving a great deal of County input (i.e., implementation and enforcement concerns), the Board developed option B and she favors moving forward with that option for immediate relief of some of the downtown problems. Director Godino agrees that a resident parking permit system is and should be the goal of the future, but she thinks it would be confusing to have two different measures on the ballot.

Discussion ensued about trailers attached to pick-ups and whether they would be allowed to remain parked overnight under option B. Director Smith said the enabling ordinance refers to the state vehicle code which seems to define pickups as open-bed vehicles only, so anything on or attached to a pickup should not be allowed to remain parked overnight. On the other hand, he said, the definition of automobile doesn't seem to be well-defined. Al Minvielle said the language in the state code does not seem very clear to him about pick-ups. BCPUD staff said the district has requested clear guidance from the County about the definitions of these terms and how they will be enforced.

Discussion ensued and concerns were expressed by audience members about the potential for unwanted overnight parkers moving elsewhere in town, such as up Terrace Avenue or onto the Mesa, if overnight parking is restricted downtown. Additional discussion ensued about the need to ascertain the definition of pickups and whether pickups with camper shells or living units built onto them would be allowed to remain parked overnight. Nancy Zacher said last weekend there were 27 vehicles parked overnight on Brighton Avenue with people sleeping in them; most of them were expensive sleeper vans used by surfers – will these vans be allowed to stay parked overnight? What about the enormous white trailer attached to the extra-large pick-up truck? Director Comstock said that extending the enabling ordinance and prohibiting overnight parking of certain vehicles in downtown Bolinas will not solve every problem, but it's a start; as additional problems are identified, the community can work with the County to amend the enabling ordinance as necessary.

A member of the public who lives downtown said that friends of hers on the Mesa are concerned that the overnight problem will move to the Mesa if the overnight parking restrictions are implemented downtown and they might vote against the advisory measure on that basis; several downtown residents expressed the same concern. Director Siedman said he lives on the Mesa and intends to vote in favor of regulating parking downtown as it is an issue affecting the entire community; members of the audience who live on the Mesa said they would do so as well. Anna Gade suggested that the enabling ordinance should be extended to all of the County roads in Bolinas, if possible. Remick Hart agreed. Director Siedman indicated the BCPUD staff will inquire with the County, but over-restricting parking could trigger Coastal Commission concerns. Discussion turned to enforcement and whether violators will be towed or fined. BCPUD staff said the consequence of violating the parking restrictions is a fine. Director Smith said the County is looking into whether more than one ticket can be issued if the violation exceeds 24 hours.

Director Siedman said the Board needs to decide whether to submit two advisory measures for the ballot or just one. Nancy Zacher asked: what happens if a majority of voters do not vote in favor of the advisory measure? She is concerned that people on the Mesa, who outnumber people downtown, will outvote downtown residents. Director Comstock said that regardless of the advisory measure or its outcome, downtown residents can still express their views on what should be done to Supervisor Rodoni – the Board of Supervisors ultimately will decide what sort of regulation to enact (or not) on this issue, not the BCPUD, and the measure itself is only advisory. He said the downtown parking problem is a community issue and affects everyone who lives in town – the best way to get a sense of the community opinion seems to be through this ballot process and the BCPUD is trying to best frame an option for the community to vote on. Director Godino said that in her view, whatever advisory measure is approved by the town is just a first step in the process of addressing this very significant community problem.

Director Siedman suggested the Board poll the audience for its view on whether both proposed advisory measures or only one should be on the ballot, and if only one, which one? Remick Hart requested that the Board include Terrace Avenue to the streets on which the parking restrictions will apply; director Siedman suggested the Board first decide that issue and asked the other directors for their views. Director Comstock said he wants to see the community make headway on regulating parking downtown; although he would like to see Terrace Avenue included, he is concerned it may be a tactical mistake and it may be better to wait to ask for Terrace to be included until such time as there is a demonstrated problem there. Director Smith said that the "no parking within 6 feet of the centerline" rule should be sufficient to address parking issues on Terrace. Director Godino said she agrees with director

Comstock's view – she agrees that parking on Terrace should be regulated, but is concerned that adding it now may be a tactical error.

Director Siedman asked for a show of hands in the audience as to how many people favor placing both of the advisory measures (options A and B, above) on the ballot and how many people favor placing only one of the measures on the ballot. One person favored placing both measures on the ballot and everyone else in the room favored placing only one measure on the ballot. Director Siedman then asked for a show of hands as to whether option A or B should be on the ballot; every person in the room raised their hand in favor placing option B on the ballot. Director Siedman said that public sentiment on these questions in the room is very clear and unambiguous.

BCPUD staff said there is time before the Board's upcoming special meeting to finalize the text of the ballot language and offered to inquire with the County about whether including Terrace Avenue to the list of streets would be inadvisable. After a brief discussion, the Board directed staff to do so and agreed to defer final approval of the text of the advisory ballot measure to the special Board meeting, which will be held prior to the August 10, 2018 deadline for the submission of measures for the November 6, 2018 election.

7. Amend BCPUD Resolution 656: Proposing An Election Be Held In Its Jurisdiction on November 6, 2018; Requesting The Board Of Supervisors To Consolidate With Any Other Election Conducted On Said Date; And Requesting Election Services By The County Registrar of Voters (to include text of Advisory Ballot Measure).

This item was deferred to the BCPUD Board's upcoming special meeting.

8. BCPUD Resolution 658: Approving Form of Contract Documents for the East Tank Rehabilitation Project and Awarding a Contract for the Project to the Lowest Responsible Qualified Bidder, Subject to Certain Conditions.

Staff reported that this project went out to bid in early June and a mandatory pre-bid site meeting was held on June 26, 2018. Ten (10) contractors attended the pre-bid site meeting but only two contractors timely submitted bids. The apparent low bidder is Eurostyle Management, with a bid of \$381,000. The other bid submitted was from Piazza Construction in the amount of \$421,790. Both bids are above the engineer's estimate, so staff is reviewing the bids carefully with the districts' engineer and checking references. Staff therefore requested to defer this item pending the bid analysis and reference check.

9. BCPUD Resolution 659: Approving the 2018-19 District Budget.

L.Comstock/D. Smith all in favor to approve BCPUD Resolution 659.

10. BCPUD Resolution 660: Replaces Resolution No. 652, Stating the Current Rates and Charges for District Services and Authorizing Placement of Charges on the Marin County Property Tax Bill Where Appropriate.

D. Smith/L. Comstock all in favor to approve BCPUD Resolution 660.

11. Fiscal Year 2018-2019 Memorandum of Understanding re Compensation and Benefits between the BCPUD Board of Directors and BCPUD Employees.

This item was deferred per the request of the Personnel Committee.

12. Water Supply Update.

Director Smith attended last month's meeting of the Mesa Park Board to express his concerns about water use at the ballfields and subsequently talked with Mesa Park Board member Marc Lucanic. Mark agreed that Mesa Park will cut back on irrigating the periphery of the soccer field and also stop irrigating the baseball field altogether as it isn't regularly used at present. Director Smith also emailed Mickey Murch about his water use on the fields near Resource Recovery. Director Comstock thanked director Smith for his efforts and said he would like to receive regular updates about usage of the irrigation well. Director Smith said this data is imbedded in the monthly graphs he prepares, but the usage numbers can be separately reported, as well. Director Comstock asked if Mesa Park has received professional advice as to how to irrigate the fields most efficiently; director Siedman said that Mesa Park did seek out such advice at the outset of the project and director Smith said he would follow-up on this topic with the current Board members.

13. Volunteer Committee Reports.

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

-- *Downtown Parking & Traffic Committee*: Nothing further to report.

-- *Resource Recovery*: Staff reported that a eucalyptus tree apparently on the periphery of the Resource Recovery property line fell onto the adjacent neighboring property in the middle of the night last week. BCPUD paid for the removal of this tree and two others on an emergency basis. The neighboring property owner is now suggesting that other nearby trees should be removed. Staff recommends further investigation, including confirmation via a survey if necessary to determine of the trees at issue are, in fact, on Resource Recovery property and not the adjacent neighboring property.

-- *West Marin Mosquito Control Coordinating Council*: Director Godino said a meeting is going to be held in mid-October to review the data reported about treatment activities so far this year by the Marin/Sonoma Mosquito & Vector Control District.

-- *Land Stewardship Committee*: Staff consulted with members of the committee to update them about the status of the district's fire fuel reduction project.

-- *Internet Access Committee*: Director Comstock said that the Nicasio broadband project has not been completed as expeditiously as planned because Inyo Networks is encountering difficulties with the encroachment permitting process with the County's Department of Public Works. Supervisor Rodoni has intervened to help expedite the process. Inyo Networks also has experienced delays in receiving permission from AT&T to use its poles.

--*Vehicle Habitation*: Nothing further to report.

14. Other Business.

a. Board Committee Reports.

-- *Finance*: The district's outside auditors have advised that pursuant to Govt Code Sec. 12410.6(b), the district will need to rotate its outside auditor effective with the 2019-20 fiscal year.

-- *Legal*: Nothing to report.

-- *Mesa Septic, Flood Control and Roads*: Nothing to report.

-- *Operations*: Nothing to report.

-- *Park and Recreation*: Director Amoroso said he attended the most recent meeting of the Mesa Park Board and it seems the downtown park is using BCPUD water to irrigate the landscaping.

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the June 20, 2018 regular Board meeting; Minutes of the June 28, 2018 special meeting..

Directors Smith and Comstock offered clarifying revisions to the minutes of the June 20, 2018 regular Board meeting. Director Godino departed the meeting at 9:53 p.m.

L. Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the June 20, 2018 regular Board meeting, as clarified.

Directors Amoroso and Smith offered clarifying revisions to the minutes of the June 28, 2018 special Board meeting.

L. Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the June 28, 2018 special Board meeting, as clarified.

c. Warrants.

L. Comstock/D. Smith four in favor, director Godino absent to approve the warrant list.

d. Scheduling of Next Meeting(s):

Special meeting to be held on either August 7, 2018 or August 8, 2018 at 11:00 a.m.; next regular meeting to be held on August 15, 2018 at 7:30 p.m.

15. Adjournment.

9:58 p.m.