

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
November 20, 2019 270 Elm Road, Bolinas

This meeting was held at the Bolinas Firehouse Public Meeting Room at 100 Mesa Road.

1. Call to Order.

6:04 p.m.

2. Roll.

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

3. Bolinas Community Land Trust (“BCLT”) Request to Transfer Water Use Limits to and between BCLT Properties at 20 Wharf Road and 31 Wharf Road; BCLT Request for Confirmation of Sewer Service to 31 Wharf Road.

Staff reported that the BCLT owns two properties on Wharf Road: 20 Wharf (an existing developed property providing affordable housing) and 31 Wharf Road (now a vacant lot with a water and sewer connection that the BCLT seeks to develop as additional affordable housing). The property at 20 Wharf Road has a limited water use permit issued many years ago with a quarterly water use limit of 13,750 cubic feet; current average water use at this property is less than 5,000 cubic feet per quarter. BCLT is aware that when it submits permit applications to develop the property at 31 Wharf Road it must also submit a limited water use permit application to the BCPUD, at which time the BCPUD likely would impose a quarterly water use limit of 2,700 cubic feet on the existing water meter per current regulations. BCLT owns an extra water meter and would like to place that meter also at 31 Wharf Road, where it likely also would be subject to a limited quarterly water use permit of 2,700 cubic feet, for a combined water use limit of 5,400 cubic feet per quarter. The BCLT then would like to “swap” the water use limits as between these two properties so that 20 Wharf Road would have a quarterly water use limit of 5,400 cubic feet and 31 Wharf Road would have a quarterly water use limit of 13,750 cubic feet.

Arianne Dar said the BCLT held a community meeting last week to present the proposed development at 31 Wharf Road and, with the Board’s permission, she presented tonight the PowerPoint slide show with the project plans. There will be two commercial spaces at ground level and 8 housing units (4 townhouses and 4 apartments) on the site (for a total of 20 bedrooms), along with 8 off-street parking spaces and storage units for each housing unit and additional 14 parking spaces in a lot to be created on the property. The BCLT will share trash space with Smiley’s and Coast Café and also likely will lease some of the 14 parking spaces to Smiley’s and/or Coast Café for employee parking. Arianne said that the donor who gifted this property to the BCLT has agreed to pay for all construction costs if the BCLT can navigate through the permitting process (and pay all costs) within 18 months, so the BCLT request for a determination from the BCPUD on water use is time-sensitive. Finally, Arianne said the BCLT has learned that there may be one location on the 31 Wharf Road property where the BCLT potentially could install a water well to serve the new development; if that should be the case, she will seek to transfer the 13,750 water use limit proposed for 31 Wharf to the BCLT’s property on Mesa Road (the BCLT unsuccessfully attempted to install a well on that property). A brief discussion ensued about the various BCLT properties and pending projects and the number of people to be housed, and Arianne clarified that the BCLT is planning on an average water use of at least 25 gallons per day per person.

Director Siedman said that the district’s attorney has determined that the Board does not currently have the authority under its existing rules and regulations to approve the BCLT’s proposal to “swap” and “stack” water meters but that the Board has the discretion to amend its rules and regulations to do so. As such, he said, the Board needs to determine whether to so amend its rules and regulations. Janine Aroyan noted that Ordinance 38 has a provision that requires that all development at a property from which a meter is transferred must be removed, which obviously would be problematic here, so she suggested that perhaps the Board could limit any amendment of Ordinance 38 to situations where a transfer is proposed between two properties owned by the same person/entity.

Ralph Camiccia said his concerns are more philosophical. He said that essentially an anonymous donor is seeking the amendment of existing BCPUD rules and regulations; he feels that person should come forward and identify themselves. Director Siedman asked if it would make a difference if the money to pay for the project was coming from an identified grant source rather than an anonymous person. Ralph said that it would. Director Siedman said it is quite common for donors to wish to be anonymous. Director Smith noted that the water use issue would be the same, regardless of the source of funds.

Discussion continued, with various people present offering comments. John Bryant said the issue before the Board is how to allocate water; whether or not a pre-existing development is removed, or not, isn’t really the question. Director Comstock agreed that the BCPUD is allocating water and noted that the district’s moratorium on new connections to the water system is a de facto water rationing system. The

BCPUD also has enacted rules designed to prohibit “end runs” around the moratorium such as prohibiting customers from extending water to other properties, for example, and requiring that pre-existing development be removed as part of any water meter transfer. Here, said director Comstock, the latter requirement would be “capricious” if strictly applied as it would require the destruction of an entire building and then its reconstruction simply to transfer the water meter. As such, he believes the correct solution is to amend Ordinance 38 where, as here, the applicant has adequate water available to it (i.e., another water meter, or a water well), so that the underlying premise of the moratorium is not undermined.

Director Smith said that Ordinance 38 never anticipated a situation like this – originally, a customer could transfer a meter only for “health and safety” reasons, but this is no longer the case due to revisions to the water meter transfer process. Director Smith feels the Board should not further amend Ordinance 38 but rather pass a separate resolution to allow an exception for this specific project (because of its significant public benefits for the community) in order not to potentially set a broader precedent. He said the 25 gallons per day usage envisioned by the BCLT is quite achievable and reasonable. In response to a question from Matt Lewis, director Comstock said there is a limited amount of water available to the BCPUD -- the district’s water sources/licenses are finite -- and the district carefully manages consumption in order not to exceed those finite limits. Director Comstock said the existing process has worked thus far, but it may be necessary in the future to make additional revisions. Arianne said all of the BCLT properties have limited water use permits and the overall allotment of water is not proposed to be increased here. Genie McNaughton said she agrees that 25 gallons per person per day is “doable” and would be a great model for the rest of California.

Following additional discussion, director Siedman said the water meter transfer proposals presented to the Board thus far have involved properties where some sort of fire or natural disaster such as bluff erosion destroyed a home and the district required the property owner to clean-up the property before it could transfer the meter to another lot. To his knowledge, this is the first case not involving such circumstances. He suggested the Board refer this matter to the Legal Committee to come up with a proposal to amend Ordinance 38 or pass a resolution with an exception to Ordinance 38 to allow the BCLT proposal; there was no objection from the Board.

Arianne inquired about the sewer connection for the property at 31 Wharf. Staff confirmed there is an existing sewer connection at the property and it will be classified as a commercial connection if the BCLT project proceeds as presented. Janine Aroyan noted the district is in the process of conducting a sewer treatment capacity analysis and asked whether flows from 31 Wharf Road will be factored in. Staff said the treatment capacity analysis is necessitated by requests from homeowners on Canyon Road to be *added* to the sewer system and the study therefore is focused on the impacts of *new* proposed connections; here, there is an existing sewer connection and the flows to the system will be controlled via the limited water use permit process.

4. Manager’s Report and Project Updates.

-- East Tank Rehabilitation Project.

Staff reported that coating of the tank interior is complete and looks great. There are some issues with regard to the exterior touch-up paint color not quite matching the rest of the exterior; a representative from the Wasser paint company is coming out to meet with staff, the district’s engineer and coating inspector to figure out how to resolve the matter. At this point, the contractor is on the “punch list” stage of the project with regard to the painting. Apart from the painting, the contractor still needs to install and coat the replacement roof vent, install the HDPE plumbing on the inside of the tank, adjust the new level indicator, install mesh wire around the ladder cage, reinstall the cathodic protection, and install the new earthquake joint piping. Director Comstock said the daily coating inspection reports submitted by DB Gaya have been very helpful and it is clear that supervision of the coating process has been very detailed and careful.

-- Wastewater Pump Station Replacement Project: Update on Schedule and Status of Bid Documents; Request from Allied Engineers for Increase to Engineering Design Budget.

Staff conferred with engineers and established a tentative bid schedule for publishing the project in December and holding a mandatory pre-bid site meeting in early January with bids due near the end of that month so that the Board can award the contract at the February meeting. This schedule is dependent on confirmation that the pump station will be ready for delivery in late April – early May 2020. Staff proposed that the Allied Engineers’ request for an increased design budget be referred to the Operations Committee for evaluation; the Board had no objection.

-- Woodrat Reservoir Rehabilitation Project: Proposal from Moleaer Nanobubble Generator Technology.

Staff reported on a conference call with the district’s reservoir management consultant, Eli Kersh, regarding next steps on the Woodrat Reservoir Rehabilitation project. Eli previously recommended the installation of a diffuser system at a cost of approximately \$3,300; however, he recently became aware of

a new technology by Moleaer using nanobubble technology to oxygenate water bodies. Nanobubbles are gas injection technology bubbles so small that they do not move and rise to the surface of the water body; rather, they stay suspended and raise O2 levels across the lake. Algae do not like highly oxygenated water, so algae levels respond quickly. Director Smith said it sounds like a very interesting technology, although he cannot glean much about how the technology works from the company's promotional materials. He and director Comstock raised some questions about the specifics of the Moleaer proposal and, following further discussion; staff suggested the Operations Committee further "vet" the proposal with a call to be scheduled with Eli.

-- *Alliance of Coastal Marin Villages.*

Staff said the most recently scheduled meeting of the Alliance on October 24th was cancelled due to fire danger and the on-going power outages, so there is nothing to report on this item.

With regard to general water operations, staff directed the Board's attention to the most recent water consumption data, which indicates that consumption was up for the quarter ending in October as compared to this time last year, which is unwelcome but not surprising news given the dry Fall this year.

The crew has been busy doing grading work around the clarifier to improve site conditions there for the upcoming rainy season. Unexpectedly, the crew recently discovered a previously unknown water main in the Zebra right-of-way. The crew was trying to trace the source of water in a ditch adjacent to the Yucca right-of-way and ultimately discovered the old main, which was still fully charged.

The past month was a difficult one in terms of productivity for the district staff with the two long "public safety power outages" and also a virulent flu that hit all of the crew, so operations are just now getting back on track. The crew continues to monitor the East Tank project on a daily basis and also plans to start working on drainage projects pursuant to customer requests.

Staff reported that a hearing will be held tomorrow on the County's proposal to regulate parking in downtown Bolinas (i.e., implementation of Measure X); the notice for the meeting indicates that the County is proposing to phase in the parking regulations, beginning with one side of the street only.

On the wastewater side of operations, spray season was completed a few weeks early and Ponds 2 and 3 are now empty.

The district's outside auditors conducted the field work for the audit of the district's FY 2018-19 financial statements on September 26th and have finalized the draft statements; the Board is scheduled to hold a special meeting on Friday, November 22 to approve the draft statements.

The Board reviewed correspondence sent and received since the last regular Board meeting, including a "recognition award" from the president of ACWA/JPIA for the district's low loss ratio in liability, property and workers compensation claims.

5. Community Expression.

None.

6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 325 Overlook Road (A. Dunningham).

James Barnhardt was present to explain that a toilet in the house appears to have been leaking but he was unaware of this until he received his water bill. He stated that he did not hear the toilet leaking, although it is a very inexpensive toilet that he purchased many years ago from Home Depot. Director Smith explained that the Board has considered many requests for relief due to toilet leaks and in the normal course has forgiven 25% of the amount of the bill attributable to the water loss, which he recommends in this case, as well.

D. Smith/L. Comstock all in favor to forgive 25% of the amount of the bill attributable to the leak as determined by the historical water use at this property during the same quarter over the prior three years.

7. Coastal Permit Application (Project ID P2634); Limited Water Use Permit Application – APN# 191-251-17, 22 Oak Road, Bolinas (new 1,343 square foot single family residence) (M. Griffith).

This matter is deferred to the December 2019 Board meeting per the request of the applicant.

8. Coastal Permit Application (Project ID P2562), APN# 188-170-54, 276 Mesa Road, Bolinas (new 3,872 square foot single family residence, detached 276 square foot pool house and detached 1,232 square foot garage/barn) (C. Savitz for S. Lessin).

Carl Savitz explained that he is the contractor for the project; he noted that the County's 3,872 square foot number is an aggregate number for the square footage of *all* of the proposed buildings, not just the house. Staff apologized for repeating the error in the agenda item; it was taken from the County permit application materials. Staff reminded the Board that it already approved the transfer of a water meter to this property at an earlier meeting, and imposed a water use limit of 2,700 cubic feet per quarter, all of which was conditioned on the successful completion of the annexation of this property into the jurisdictional boundaries of the district. Carl explained that the annexation, in turn, is conditioned upon the successful completion of the coastal permit process for the project. Director Siedman asked if anyone was present to speak about the project. John Norton asked who will pay the cost of conveying the water to this property; director Siedman said the property owner will pay for the connection of the water service to the main in the Mesa Road right-of-way as well as all plumbing on the property itself. Director Smith asked how much water the pool is expected to use; Carl said the initial water use will be to fill the pool, which requires 10,000 – 15,000 gallons of water -- it will be covered when not in use to minimize evaporation. There were no other comments on the project.

9. Appointment of a Volunteer Committee to Develop a Residential Permit Parking Plan for Downtown Bolinas.

Director Siedman explained that the purpose of this committee will be to develop a residential permit parking plan for downtown Bolinas, in contrast to the former Downtown Parking & Traffic Committee, which worked on the effort to regulate the types of vehicles allowed to park downtown. Sarah McNamara said she volunteered to serve on the committee because she is concerned about possible implications that downtown parking restrictions may have on the streets on the Bolinas Mesa. Director Siedman noted the other applicants are Chuck McParland, Bruce Bowser, Sherry Hirsch, Al Minvielle and Judith Shaw; he suggested the Board approve all applicants and requested that they keep the Board apprised of their progress over time.

D. Smith/L. Comstock all in favor to appoint the six applicants (Sherry Hirsch, Al Minvielle, Bruce Bowser, Chuck McParland, Judith Shaw and Sarah McNamara) to the Residential Permit Parking Plan Committee.

10. Request for Increase to Solid Waste Disposal Service Rates per Section 3 of the Franchise Agreement between Recology Sonoma Marin and the BCPUD.

Staff confirmed that the rate increase request submitted by Recology Sonoma Marin comports with the rate-setting requirements in Section 3 of the Franchise Agreement.

L. Comstock/G. Godino all in favor to approve the request submitted by Recology Sonoma Marin to increase the solid waste disposal service rates in Bolinas per Section 3 of the Franchise Agreement.

11. Brighton Avenue Seawall Repair Project.

Director Siedman said that Coastal Commission staff postponed consideration of the 100 Brighton Avenue Seawall Repair project from this month (November 2019) until the next Coastal Commission meeting to be held in northern California in March 2020. Staff noted this was done to provide more time for Coastal Commission staff and the property owner to resolve areas of disagreement relating to the width of the seawall, placement of riprap, agreement on public improvements and other issues. Director Comstock said that the Coastal Commission does not appear to understand the public benefits provided by the seawall and he urged the Board to hold firm on preserving those public benefits (including but not limited to the width of the seawall as it serves public recreation purposes); he said the property owner needs to understand the district as co-applicant does not agree to any compromise on these points.

12. Volunteer Committee Reports:

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

-- *Resource Recovery:* Nothing to report.

-- *West Marin Mosquito Control Coordinating Council:* Director Godino reported that there are concerns at the Marin-Sonoma Mosquito & Vector Control District about certain disease-carrying mosquitos moving north due to climate change.

-- *Land Stewardship Committee:* Nothing to report.

-- *Internet Access Committee:* Director Siedman commented that Horizon Cable trucks have been present downtown and on Terrace Avenue with workers evidently installing cable.

13. Other Business.

a. Board Committee Reports.

-- *Finance: FY2019-20 First Quarter Financial Statements.* Staff reported that the quarterly statements show that the district's reserves are being spent to pay for the East Tank Rehabilitation project, as expected; water sales are somewhat below budgeted estimates at this point in time.

-- *Legal:* Nothing to report.

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

-- *Operations:* The next meeting of the Operations Committee will be on December 4, 2019 at 11:00 a.m. Director Siedman inquired whether this committee is interested in pursuing a potential project for Bolinas to become independent of the PG&E grid. Director Smith said he will be attending a meeting tomorrow with Tom Williard and others to discuss this possibility, although he is skeptical because of the requirement to have 24/7 back-up power.

-- *Park and Recreation:* Nothing to report.

-- *Personnel:* Nothing to report.

-- *Sewer:* Nothing to report

b. Minutes of the October 23, 2019 regular Board meeting.

Directors Comstock, Godino and Smith offered clarifying revisions to the draft minutes of the October 23, 2019 regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the October 23, 2019 regular Board meeting, as clarified.

c. Warrants.

L. Comstock/G. Godino all in favor to approve the warrant list.

d. Scheduling of Next Meeting(s):

Special meeting: November 22, 2019 at 11:30 a.m.

Regular meeting: December 18, 2019

14. Adjournment.

8:08 p.m.