

**Bolinas Community Public Utility District**  
**A Regular Meeting Of The Board Of Directors**  
**January 15, 2020 270 Elm Road, Bolinas**

**1. Call to Order.**

7:30 p.m.

**2. Roll.**

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

**3. Manager's Report and Project Updates.**

-- *East Tank Rehabilitation Project.*

Staff reported the tank has been disinfected and refilled with treated water. Staff will obtain water samples after the required detention time in the rehabilitated tank and send them out for laboratory testing to ensure the treated water meets public health standards before it is put back in service. There is a punch-list of items remaining to be done as identified by the district's coating inspector (a copy of which is in the Board binders) which likely will be completed after the rainy season. Once the East Tank is back in service, staff will schedule an inspection of the West Tank while water consumption is low as the West Tank will need to be drained and taken out of service for the inspection. In response to a question from director Comstock, staff confirmed that there is a "hold back" on final payment to the project contractor pending completion of the job.

-- *Wastewater Pump Station Replacement Project.*

The delivery of the pump station is now forecast for late May or early June. Staff has not been able to finalize preparation of the bid documents due to on-going recovery from a medical condition but will do so as soon as possible. In response to a question from director Comstock, staff said the project remains largely on track given the delay in production of the station.

-- *Woodrat Reservoir Rehabilitation Project: Proposal from Moleaer Nanobubble Generator Technology; Monitoring Proposal from Aquasource Management.*

Staff reported that consultant Eli Kersh evaluated the Aquasource Management monitoring proposal and concluded it is more costly than necessary, so he is developing a self-monitoring protocol for staff to implement. Staff would like to proceed with some monitoring of the baseline conditions in the reservoir by late March with the Moleaer unit to be installed in April before the weather starts to warm up. Director Comstock inquired whether staff has done any further work to determine whether new piping should be installed to enable the transfer of water directly from the Woodrat #2 reservoir to the treatment plant. Staff said no, this project was discussed as a possibility if the district had to take the Woodrat #1 reservoir out of service for a period of time for rehabilitation; since that has not proven to be necessary, staff has not further pursued this project. Director Comstock suggested staff also monitor water quality conditions in Woodrat #2 as it would be interesting to understand the comparative water quality.

-- *Alliance of Coastal Marin Villages.*

The ACMV met with Supervisor Rodoni on January 13<sup>th</sup> and he invited Jean Berensmeier of the San Geronimo Valley Planning Group to attend and express her strong opposition to "Measure D", which she believes has the potential to dramatically undercut local community planning. Supervisor Rodoni echoed her concerns. Staff urged everyone to inform themselves about this measure, which is on the March 2020 ballot and which is connected with the San Geronimo Valley golf course dispute, and come to their own conclusions about the potential threat to local community plans. The Board suggested the Bolinas Community Center may be the appropriate venue for a community meeting to discuss this topic. The ACMV also discussed the Coastal Community Working Group to be convened by the County (more on this later in the agenda) and Supervisor Rodoni provided an update on Measure C, which will create a JPA for Wildfire Prevention in Marin County to be funded by a parcel tax to raise the funds needed to do more on fire prevention across the County. Supervisor Rodoni reported the County has acquired the Coast Guard property in Point Reyes Station and plans to develop 36 units of affordable housing; the next challenge is to site and design an appropriate wastewater disposal system. Finally, Supervisor Rodoni said the County is making a strong effort to ensure the 2020 Census is accurately conducted; the County also plans to enact a ban on single-use plastic in the County.

Staff reported that per the Board's authorization at the December meeting, the district placed an order for the replacement pump for the downtown Lift Station. With regard to general water operations, staff noted consumption in the district was down for the quarter ending in December as compared to this time last year for the downtown area. Overall, with the holidays and winter illnesses, the district was relatively

short-staffed for most of the last month so the focus was on maintaining general operations and supervising the East Tank project.

Staff directed the Board's attention to a letter in the binders from the National Park Service with regard to the Special Use Permit for the old Arroyo Hondo water treatment plant site and, unless the Board has any objection, staff will sign and return the letter. The Board had no objection. Staff also noted correspondence from the State Water Resources Control Board ("SWRCB") about a public comment period on the Board's draft policy for developing the fund expenditure plan for the Safe and Affordable Drinking Water Fund.

Finally, staff noted the Point Reyes Light recently published an article about the 40<sup>th</sup> anniversary of the Inverness Public Utility District. This article prompted staff to realize that the BCPUD's 50<sup>th</sup> anniversary occurred on July 1, 2017 (i.e., 50 years after the consolidation of the Bolinas Beach Public Utility District and the Bolinas Public Utility District into the Bolinas Community Public Utility District). Staff apologized for the oversight and assured the Board an appropriate (if belated) celebration and acknowledgement of this milestone will be forthcoming.

#### **4. Community Expression.**

Moses Berkson inquired whether any progress had been made with regard to implementing a drainage improvement project on Overlook Road. Staff said an email was sent to the County Department of Public Works on this topic last month, but staff has not yet heard back. Staff promised to follow-up further with the County.

#### **5. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 375 Overlook (M. Berkson).**

Director Siedman said the information presented in the Board binders indicates that a blind leak occurred on an outside line at the property. Moses confirmed this and said Ben Eastman has fully repaired the broken pipe. Director Smith said this is a classic case of a leak that could not have been detected, the owner took immediate steps to repair it, and the owner is a conservative water user, so he recommends full relief. Director Comstock said he would like to register his concern that the homeowner can be deemed to have zero responsibility for a leak at his or her property, noting that there is a cost to the district to treat and deliver this water and to grant full relief means the entire community bears the cost. Director Godino agreed this point should be considered, but as a policy change rather than in connection with this particular request. Directors Amoroso and Smith concurred. Board directed staff to include an item on the next meeting agenda for the Board to consider possible a possible amendment to Resolution 553.

V. Amoroso/ D. Smith all in favor to forgive 100% of the amount of the bill attributable to the leak as determined by the historical water use at this property during the same quarter during the last three years.

#### **6. Second Notice of Non-Compliance with Terms of Limited Water Use Permit - 210 Kale Road (K. Okamura).**

Staff reported that Kitty Okamura is not able to attend tonight. Staff read the meter this week and confirmed that her current water use is now well below the permit amount. After receiving the second notice, Kitty told staff she is very willing to meet at the property to consider how to reduce her summer water usage. Director Smith noted that this has been a long-term pattern for this customer: water use is quite reasonable except for during the summer quarter when it is extremely high, so it seems to be a question of how summer landscape irrigation can be reduced. Director Smith offered to attend the meeting at the property and suggested it be scheduled for the beginning of the irrigation season. Staff noted that many other customers have similar consumption patterns and meetings on site to reduce landscape irrigation in the summer and/or fall months generally are very successful.

#### **7. Second Notice of Non-Compliance with Terms of Limited Water Use Permit - 305 Cedar Road (S. Hodge).**

Steve Hodge said he very much regrets the overuse of water, which was due to landscape irrigation. Laurie Higgins explained that after receiving the first notice they had a family emergency which distracted them from making changes to their landscape irrigation but they have made those changes now. Steve said he is now reading the meter on a weekly basis and said he "guarantees" that this will not happen again. The Board expressed appreciation for their efforts and commitment.

#### **8. 100 Brighton Avenue Seawall Repair Project: *Design Revisions; Construction and Staging Plan; Mitigation for Seawall Construction; Riprap Removal.***

Staff reminded the Board that the BCPUD was invited to be a co-applicant on this project by the property owner because of the easement needed across BCPUD property to repair the seawall and also because the ramp to the seawall is partially on BCPUD property. That said, staff noted, the main reason the BCPUD agreed to be a co-applicant was to advocate for the public benefits provided by the seawall –

namely, public access and recreational uses across and on top of the seawall, as well as access for first responders to the northern beaches at high tides. The project permit application was scheduled to be heard by the California Coastal Commission (“CCC”) at the November 2019 meeting; however, the CCC staff postponed the item because they did not feel it was ready to present to the Commission because there were too many unresolved issues between CCC staff and the property owner. The planners for the property owner believe the CCC staff will recommend approval of the permit, but likely will impose numerous conditions on the permit including, for example, narrowing the width of the seawall and/or raising it and installing a safety railing on the seaward side. It appears the CCC staff will schedule the project for the February 2020 CCC hearing. Director Amoroso said he would strongly object to narrowing the width of the seawall as it is heavily used by the public for recreational purposes and narrowing the seawall would deprive the public from a significant benefit; he said he has no objection to raising the wall if that is needed for some reason. Director Comstock agreed and said he wants to be sure the property owner understands that it is completely unacceptable to the BCPUD to agree to narrow the width of the wall; staff said the property owner is well aware of this -- it is the CCC staff who is insisting on this.

Steve Kaufman, attorney for 100 Brighton, called in to the meeting at this point. Steve commented that in addition to the seawall design modifications staff previously described, the CCC staff seems likely to demand that the existing riprap around the seawall be removed; apart from this, the entire scope of what the CCC staff may insist upon is not yet clear and he cautioned that it is important to wait and see exactly what the CCC staff project report says when it is issued prior to the hearing. Staff said the CCC staff have explained that they view the riprap as a “structure” so, in their view, leaving it would be allowing a “structure” in front of another “structure”; however, the property owner has balked at the estimated cost of removing the riprap, which was permitted. Director Smith said the perfect thing to do with the riprap if it needs to be removed would be to place it very nearby -- in front of the County seawall below Terrace Avenue at Surfer’s Overlook. Steve Kaufman said that there would need to be a very strong argument in favor of protecting an existing public structure in order to get CCC permission to do this. Discussion ensued with the directors explaining the importance of Terrace Avenue to the community which otherwise is threatened by bluff erosion and noting that Supervisor Rodoni no doubt would write a letter in favor of relocating the riprap to this location. Steve Kaufman said this could be a proposal worth pursuing if the CCC staff does impose a condition on the permit to remove the riprap.

Director Comstock questioned why the CCC staff is so unwilling to acknowledge *any* recreational value of the existing seawall. Steve Kaufman says he does not know why this is the case as he has been on the wall himself and it clearly does have such value; he said it will be critical for this point to be made directly to the Commission, noting that BCPUD staff has prepared a letter to CCC staff on this very point. Director Comstock said he wants to be sure the property owner understands the BCPUD is not willing to agree to a reduction in the width of the seawall. Director Amoroso emphasized that he goes to this beach nearly every day and the top of the seawall is used all of the time as an area of picnicking, sea viewing, fishing and the like and he said it would be a major loss for the public if the width of the wall is reduced. Steve Kaufman said he agrees this is a unique seawall with clear public access and safety benefits and he believes this will be a key factor to explain to the Commission.

Director Smith said the BCPUD agreed to be involved in this project in order to represent the public. If the CCC staff wants to raise the height of the seawall, he noted this may provide an opening to redesign the ramp from Brighton Avenue to the top of the seawall to be ADA compliant; if so, this would be the *only* wheelchair accessible beach access anywhere in Bolinas, which would be a clear public benefit. Turning back to the topic of removing the riprap, he noted the cost and greenhouse gas emission consequences of moving this riprap off the beach entirely would be enormous and very wasteful when it could have a clearly useful purpose to protect the base of the bluff below Terrace Avenue. Steve Kaufmann again said that persuading the CCC to allow the riprap to remain anywhere on the beach will be difficult but it may be possible with enough evidence and support from the County. Director Siedman suggested that if the CCC staff recommends removal of the riprap perhaps that would be the time to raise the idea of relocating it at the base of the bluff nearby.

Staff reported the CCC staff has requested that the property owner provide a construction staging plan and staff has asked Mesa Park if equipment could be located there during the project; staff also has asked Supervisor Rodoni if some equipment could be staged on Brighton Avenue near the site, or perhaps at the County Park parking spaces adjacent to the tennis courts. With regard to mitigation, the CCC staff has offered to allow the property owner to propose a “public benefits package” in lieu of paying the \$1.9 million fee they have calculated for the alleged sand supply and recreational value impacts of the seawall project. One component of this package could be the clean-up of the area on the opposite side of the ramp down to the beach, part of which is owned by the BCPUD and part of which is owned by the County, including removal of concrete rubble and/or installation of public “amenities” such as benches or bike racks, trash receptacles, relocation of carved rip rap and the like. Staff told the property owner that the BCPUD would cooperate with this on the understanding any such work would be paid for by the property owner.

Janine Aroyan commented that she frequently works at properties at the end of the Brighton Avenue and she has observed for years that people access the beach from Terrace via the stairs between Terrace and Brighton all day long, so there is no doubt that Terrace Avenue is a critical public access way to the

beach and should be protected as such. Also, she said, the extent of the garbage problem on Brighton Beach is huge. She said that residents have hired a trapper to remove the numerous raccoons and skunks attracted to the area by the garbage.

**9. Sewer System Treatment Capacity Study – Proposal for Engineering Services: Wastewater Collection System and Wastewater Treatment Plan Capacity Study (West Yost Associates).**

Staff reported that data was collected, put into an excel spreadsheet and sent to the engineers, but staff has not yet heard back as to how this will impact the cost of their proposal. Director Comstock said it seems like there are two issues at play with regard to the district's treatment capacity: (1) infiltration and inflow ("I&I") into the collection system and (2) rainfall into/onto the treatment ponds and disposal fields. Staff said the moratorium imposed by the Regional Water Quality Control Board on new connections to the sewer system appears to have been prompted by excessive I&I into the collection system, hence the subsequent slip lining project in the 1990s. Director Comstock asked how the district should analyze the impact of rainfall on its treatment and its disposal capacity. Discussion ensued and staff said that the engineers have made clear there are accepted methods and protocols in the industry for analyzing such rainfall event impacts.

**10. Proposed Amendments to BCPUD Ordinance 38 re: Transfers of Water Meters; Bolinas Community Land Trust ("BCLT") Request to Place Second Water Meter at 31 Wharf Road and Transfer Water Use Limits to and between BCLT Properties at 20 Wharf Road and 31 Wharf Road.**

Staff said the proposed amendments to BCPUD Ordinance 38 are in the form of a proposed BCPUD Resolution 671 in the Board binders. Director Amoroso said he just saw the Board binder today and may not be prepared to take action. Director Smith noted that this is the same information considered by the Board last month; the only difference is that all of the changes requested by the Board at last month's meeting have now been made. He noted that one additional clarifying revision should be made to the last line of the proposed Exhibit A to Resolution 671 to specifically identify that it is Section e(ii) of Ordinance 38 that is being amended (i.e., add the words "Ordinance 38"); the other directors concurred.

Janine Aroyan expressed concern about the language in Exhibit A allowing the BCPUD Board to "make reasonable increased water use allocations if deemed appropriate" and such authority could be abused sometime in the future by a less vigilant Board. Director Godino said she understands the concern, but believes the Board already has this discretion even if the resolution doesn't explicitly say so. Directors Comstock and Smith agreed. Director Amoroso said in his view, the water use allocation assigned to a water meter should have to stay with a specific property and should not be able to be transferred. Director Siedman responded that the general policy of the district in this regard remains the same, this exception is very narrowly drawn and only for affordable housing because of the state mandate to promote such housing. Director Amoroso said he believes the downtown affordable housing project is "way over the top", citing the proposed "underground" parking spaces and "twenty" bedrooms on one property.

L. Comstock/D. Smith                      four in favor, director Amoroso opposed                      to approve the proposed amendments to BCPUD Ordinance 38 in the form of BCPUD Resolution 671.

**11. Public Review Draft of the 2020-2025 California Coastal Commission Strategic Plan: Comment Deadline – February 14, 2020.**

Director Comstock said he would like the Board to comment on the sections of the plan that seem to operate against coastal communities as currently drafted; he prepared specific language for the Board to consider which is in the binders. Director Siedman said he thinks director Comstock's suggested points are all excellent and the Board should adopt them word-for-word; director Godino agreed. Director Smith said he supports director Comstock's points and also has some of his own to add. He said the draft Strategic Plan asserts that it "deftly balances statewide and local interests" via certifying local coastal plans, but director Smith said this absolutely has not been the case in Marin County where CCC staff has pushed to change many locally preferred provisions. Furthermore, he noted, the draft Strategic Plan also references "continuing to improve communications with local governments" yet such improvement has yet to begin as CCC staff rarely if ever takes local input into account. Another objective in the draft Strategic Plan to "bring more people to the coast" should be rewritten, director Smith said, to direct people to the vast sections of the coast which currently are nearly empty and away from the small villages which are overrun. After mentioning several other concerns, director Smith said he would draft up all of his concerns for inclusion by staff (along with director Comstock's points) in a comment letter.

**12. Ratify Appointment of BCPUD General Manager to Marin County's Coastal Communities Working Group.**

V. Amoroso/G. Godino                      all in favor                      to ratify the appointment of the BCPUD General Manager to Marin County's Coastal Communities Working Group.

**13. Election of BCPUD Board Officers/Committee Assignments.**

G. Godino/L. Comstock all in favor to approve the current selection of Board Officers and Committee assignments for 2020.

#### 14. Volunteer Committee Reports:

-- *Resident Permit Parking Plan Committee: Request for Appointment of BCPUD Board member committee liaison; Request for Funds to Mail out Customer Survey.*

Bruce Bowser said the committee wants to be sure the BCPUD Board is kept up-to-speed on the committee's activities so that the committee doesn't go in the wrong direction, which is why the committee members would like a representative from the Board to attend the monthly meetings. Director Siedman said as long as the committee reports every month and/or comes for guidance as necessary to BCPUD meetings, he doesn't think it is necessary to assign a Board liaison. Discussion ensued and the other Board members agreed.

Director Siedman inquired about the request for funds to mail out a customer survey. In response to questions from the Board, Bruce said that the prior parking committee did survey years ago via "Survey Monkey" by distributing flyers downtown asking visitors and residents to respond; the response was very good and informative so the current committee wants to conduct an updated survey. Director Smith said an approach like that may be a better route than mailing something out; director Godino concurred and suggested publicizing the survey via posters and Nextdoor, as well, noting this would be far less costly than a physical mailing.

-- *Resource Recovery:* Staff reported that an email has been sent to Recology Sonoma-Marin to inquire why the company has not dropped off any green waste collected in Bolinas at the Resource Recovery Project site since November 27, 2019.

-- *West Marin Mosquito Control Coordinating Council:* Nothing to report.

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

-- *Internet Access Committee:* Nothing to report.

#### 15. Other Business.

a. Board Committee Reports.

-- *Finance:* The Board reviewed a memo prepared by staff verifying that the district was in compliance with its Financial Reserve Policy during fiscal year 2018-19.

-- *Legal:* Nothing to report.

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

-- *Operations: Minutes of the December 4, 2019 meeting of the Operations Committee.*

Staff was unable to prepare the minutes of the December 4, 2019 Operations Committee due to on-going symptoms from a medical condition.

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

-- *Personnel:* Nothing to report.

-- *Sewer:* Nothing to report

b. Minutes of the December 18, 2019 regular Board meeting.

Staff was unable to prepare the minutes of the December 18, 2019 regular Board meeting due to on-going symptoms from a medical condition.

c. Warrants.

Deferred to the February meeting.

d. Scheduling of Next Meeting(s):

February 19, 2020 at 7:30 p.m.

#### 14. Adjournment.

10:21 p.m.

