

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
October 21, 2015 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.

-- Update on the Terrace Avenue Bluff Stabilization Project.

A funding letter agreement has been executed by the Bolinas Community Center and the County of Marin for the project to repair the road-level retaining walls at Surfer's Overlook. The County opened the bids submitted for the project on October 15th and the low bidder is Hillside Drilling at \$303,875; staff noted that this is the same contactor who installed the Wharf Road seawall repair last year. The County is seeking to fast-track the work, which may start as soon as in the next two weeks.

-- Update on the Wharf Road Lift Station Pump Replacement Project: Request from West Yost Associates for Additional \$3,168 For Work Performed in Excess of Approved Project Budget.

The replacement pumps were ordered four weeks ago and the district has requested an update from the manufacturer on the delivery schedule so that the details of the installation can be planned. The district's consulting engineer at West Yost submitted a request for an additional payment of \$3,168 for work performed beyond the approved scope of work; the additional work consisted of developing installation sketches to confirm the new pumps will fit in the existing pump room as the space is extremely tight. After a brief discussion, during which director Smith requested that staff convey the Board's dissatisfaction with the amount of time taken by the engineer to perform the original scope of work, the Board agreed to approve the additional payment.

V. Amoroso/L. Comstock four in favor, director Smith abstaining to approve an additional payment of \$3,168 to West Yost.

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

Nothing to report.

Staff reported that water consumption in the downtown area of the district was up slightly as compared to the same time last year (July/August/September). This increase almost certainly is due primarily to the July 4th and Labor Day holidays which occurred during this billing cycle. Even so, consumption remains very low in the district when compared to historical data from the last ten years.

Staff directed the Board's attention to an article in the October 15th Marin Independent Journal which reports that the County has engaged a consultant to "study how to accommodate the parking and restroom needs of surging crowds expected to visit Marin's coastal communities in the decades ahead." This effort seems to have been prompted by recent controversies about crowds at the Tomales Bay Oyster Company parking along Highway 1, as well as crowds visiting Point Reyes Station overwhelming the public restrooms there. The study is expected to evaluate how to expand public parking and restroom capacity in coastal Marin over the next 50 years. The Board briefly discussed reaching out to the former members of the Parking Committee; director Comstock said he's willing to help but doesn't wish to serve on a committee and director Smith suggested recruiting downtown business owners to contribute their time and energy to help solve these problems.

Staff reported that there were some problematic leaks on the distribution system over the last several weeks. In particular, there was a leak on the water main in Laurel Road between Elm and Alder that was challenging to access because of unpermitted encroachments and obstructions of the public right-of-way. The adjacent property owner had developed a large portion of the middle of the right-of-way into a parking area by adding more than two feet of road base to flatten out the natural slope; as such, staff had to expend significant time and equipment to dig a 5-foot deep hole to find the leak rather than a 3-foot deep hole. Staff also had to remove several small trees and large bushes planted on top of the water main.

The district is experiencing issues with all of the membranes on one of the filters at the Woodrat Water Treatment Plant and therefore new membranes have been ordered. Staff noted that it is been

many years since the 2007 retrofit of the plant when all of the membranes were replaced. As such, the membranes in this filter likely are at the end of their useful life.

The district's Proposition 218 notice concerning the proposed rate increase for solid waste disposal services and upcoming public hearing in November was mailed out on October 2nd. The Board will consider the rate increase and an associated Amendment to the Franchise Agreement at its regular monthly meeting on November 18th.

Staff reported that the district sent out three letters recently to customers with pending building permit applications; the district does so routinely to inform customers that per the moratorium resolution, they need to apply to the district for an "expanded water use permit" whenever they do a remodel project that requires a building, use, design review or coastal permit. Some of the customers have called to say their projects do not involve any water use (i.e., replacing skylights and reshingling the roof) and asked if they still need to submit an expanded water use permit. Staff inquired how the Board would like staff to respond. Director Comstock said he believes the district is better served if customers are "on record" explaining their projects so that the Board can consider the application at a public meeting; directors Godino and Siedman agreed. Director Smith suggested that perhaps the district could develop an administrative review process for staff to consider projects that are limited to window or roof replacement, or something similar, to expedite the process. For now, however, staff was directed to require the customers to submit expanded water use permit applications for their projects.

On the wastewater side of operations, staff reported that flows continue to be low and spray season is effectively concluded (and the fields have been mowed). Staff is planning to start working soon with outside engineers on a Master Plan to address some of the operational issues at the treatment plant, including a new irrigation spray pump station and improved aeration at the ponds.

The Board reviewed correspondence sent and received since the last regular Board meeting, including documents from the Marin County Elections Department confirming that directors Amoroso and Smith were appointed in lieu of an election as no one filed papers to run for either office.

-- *Drainage Project Manager's Report.*

The Board received a drainage report from Lewie Likover.

4. Community Expression.

None.

5. Expanded Water Use Permit Application - 30 Terrace Avenue, Bolinas (APN #193-133-13) (T. Traska).

Director Siedman noted that the applicants propose to replace nine windows and doors and there is no implication of any potential increase in water use as a result of the project.

L. Comstock/D. Smith all in favor to grant an unconditional expanded water use permit.

6. Request from the West Marin Mosquito Control Coordinating Council for BCPUD to Take A Leadership Role in Negotiations with the Marin/Sonoma Mosquito & Vector Control District to Extend the Non-Toxic Protocol Agreement; *Letter to the Marin/Sonoma Mosquito & Vector Control District.*

Director Godino reminded the Board that the district held a meeting in January at the Bolinas Firehouse public meeting room with several Board members and staff of the Marin/Sonoma Mosquito & Vector Control District ("M&VCD") to discuss the renewal of the non-toxic protocol agreement in place in West Marin. The meeting was quite cordial and positive, but it was followed by months of silence. Admittedly, the M&VCD was very busy throughout much of 2015 with a ballot initiative it wanted to pass, but at this point the agreement is set to expire at the end of the year. Director Godino learned that the M&VCD has established a subcommittee to make a recommendation about the renewal of the non-toxic protocol in West Marin; the M&VCD Board is divided on the topic. The M&VCD has asked for an independent scientific evaluation of methoprene by a scientist at U.C. Davis, but the West Marin Mosquito Control Coordinating Council ("WMMCCC") is unsure of the scientist's credentials. The Stinson Beach community wants to join efforts in Bolinas to obtain a renewal of the agreement and the WMMCCC would like the BCPUD to take a leadership role in this effort.

Director Siedman favored a joint approach from the Bolinas and Stinson Beach communities as it seems the WMMCCC is not getting respect or recognition from the M&VCD. In fact, based on the recent legal opinion issued by the M&VCD's outside counsel, it seems the M&VCD does not think it is

appropriate to deal with the WMMCCC. He suggested that perhaps West Marin should be re-cast as a separate “zone” within the boundaries of the M&VCD and the non-toxic protocol could then be in effect in the boundaries of that zone. Director Comstock concurred and said he favors the BCPUD, or the BCPUD and the Stinson Beach County Water District, taking a leadership role on this issue. Director Siedman suggested the Board authorize director Godino to be its representative and request a one-year extension of the current agreement to allow time for negotiation. Discussion ensued with all directors expressing support for this approach.

V. Amoroso/L. Comstock all in favor to resurrect the BCPUD’s leadership role with regard to negotiations with the M&VCD concerning an extension of the non-toxic protocol in West Marin and requesting a one-year extension of the agreement to allow sufficient time to meet and negotiate.

7. BCPUD Ordinance 30: Report from the Mesa Septic, Flood Control and Roads Committee re: BCPUD Board of Director’s Policy Concerning Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa; Letter to S. Hodge re: BCPUD Enforcement of Ordinance 30.

Director Comstock reported that the Mesa Septic, Flood Control and Roads Committee met recently to discuss two issues: (1) general concerns about obstructions and encroachments in the rights-of-way on the Bolinas Mesa, and (2) a letter to the BCPUD from Steve Hodge concerning enforcement of Ordinance 30. Director Comstock said the greatest concerns about encroachment in or obstructions of the rights-of-way are the implications for BCPUD’s access to its infrastructure and (2) Bolinas Fire Protection District (“BFPD”) emergency and fire response access. Noting that BFPD chief Anita Tyrrell-Brown was present, director Comstock asked her to address the latter.

Chief Tyrrell-Brown said that these are not new issues – the rights-of-way on the Mesa have been impeded to some extent during the 26 years she has worked at the district, but the encroaching vegetation wasn’t as big 26 years ago as it is today. Many of the roads on the Mesa are now very narrow and overgrown, allowing only one vehicle to pass. Chief Tyrrell-Brown said she is “tremendously concerned” about fire safety on the Mesa; when a fire occurs, she said, “we are going to focus on evacuation”. She noted that during the recent Valley Fire, residents had only minutes to get out – they had double-laned paved roads to travel on yet barely made it out alive. She further noted that during the Oakland Hills fire, 24 of the 25 people who died as a result of the fire were trying to escape. Chief Tyrrell-Brown said that other fire departments have told her that their response vehicles will not go down the Mesa roads as it would be unsafe to send personnel into such narrow spaces; as such, responders would make a stand and help with evacuation. “We must take responsibility [and] remove existing vegetation” in the rights-of-way, she said. The applicable state code requires that the minimum roadway width is two ten-foot lanes, exclusive of parking areas. The BFPD goal is that every resident is within one block of one of the widest roads (i.e., Poplar, Alder, Elm or Evergreen)

Director Godino inquired whether there is any grant money available to communities for fire fuel reduction. Chief Tyrrell-Brown said the BFPD recently received a Fire Safe grant (which required a match) to reduce encroaching and hazardous vegetation in the Yucca rights-of-way. She also has included her Bolinas “wish list” of projects in the Marin County wildland fire protection plan so that if federal grant funds become available, Bolinas will be eligible. She emphasized that the compromised roads and fire safety are at a critical juncture for the community.

Director Comstock said that the Mesa Septic, Flood Control and Roads Committee recommends that the BCPUD and BFPD work together on a joint survey of the Mesa to identify and prioritize obstructions and encroachments in the rights-of-way that require action. The committee further recommends that a plan be developed to implement the needed actions (i.e., how to implement the removal of specific obstructions and encroachments), along with an extensive public outreach campaign to educate the community about the public health and safety reasons for doing so. Director Comstock emphasized that the committee is not proposing any changes to Ordinance 30, but rather recommending the district obtain factual information about the extent of encroachments in the rights-of-way and develop/build consensus for an enforcement plan.

V. Amoroso/L. Comstock all in favor directing staff to proceed to conduct a joint survey with the BFPD of the existing obstructions and encroachments in the public rights-of-way on the Bolinas Mesa.

Turning to the letter to the BCPUD from Steve Hodge, director Comstock summarized the draft response prepared by the Mesa Septic, Flood Control and Roads Committee. First, he addressed the request from Mr. Hodge that the BCPUD reimburse him for the \$1,050 he spent to remove tree stumps in the Cedar right-of-way that remained from a tree removal job several years ago. Director Comstock noted that the staff had no objection and the committee recommends that he be reimbursed by the BCPUD for this expense. Next, he noted that Mr. Hodge has requested to be reimbursed \$1,700 for his cost of removing the newly planted trees and shrubs he had installed in the Cedar and Alder rights-of-way per the BCPUD’s enforcement letter. Director Comstock noted Mr. Hodge’s stated intention of “beautifying” the neighborhood with the plants, but said the committee believes he knew the plants were

in the rights-of-way; moreover, some of the trees and other plants were installed on top of the district's water main. The Committee concludes that staff followed established Board policy in requiring the removal of these plants and the committee does not propose any reimbursement of costs incurred as a result of Mr. Hodge planting in the public right-of-way, without permission, and in a manner that obstructed the BCPUD's access to its infrastructure.

Finally, director Comstock addressed the portion of Mr. Hodge's letter about his fence parallel to the Alder right-of-way. Director Comstock said it is clear Mr. Hodge is aware that the fence is in the Alder right-of-way and not on his property line; this is a problem for the BCPUD because the water service line and water meter for the property (both of which are located in the right-of-way) are fenced in. With respect to the County permit letter submitted by Mr. Hodge, director Comstock said the committee believes Mr. Hodge has misunderstood this letter. While the County did not require Mr. Hodge to move the fence to obtain his building permit, the County clearly states the fence cannot be rebuilt there but must be relocated to the property line. The County has no jurisdiction to allow property owners to maintain fences in the public rights-of-way and the letter has no bearing on the BCPUD. At this time, the committee recommends that the Hodge property be included with all others on the Mesa in the joint BCPUD/BFPD survey and prioritized for action accordingly; as such, the committee is not recommending that the fence must be moved at this time. However, the BCPUD's standing policy continues to apply: if the BCPUD needs access to the infrastructure that is fenced in, the fence will have to be removed.

Discussion ensued. Director Smith noted that the County did not handle the fence issue well and sympathized that Mr. Hodge likely did not realize the County cannot permit the maintenance of obstructions or encroachments in the non-County rights-of-way. Jennie Pfeiffer commented that the fence issue is "disheartening" to her; she said she hates to see long rows of fences appropriating public rights-of-way and feels that it is rude. She noted that once a fence goes in, then buildings go in, then parking disappears, then space for drainage ditches disappear . . . and it's very difficult for neighbors to approach each other about these topics. She said she feels like the BCPUD Board is letting her down by saying this fence doesn't need to be moved now: "it's not helping the rest of us to have narrow roads where you can't park and with no room for drainage ditches." She acknowledged she sounded like "the bad guy" and that she struggles with this issue.

Steve Hodge said he doesn't think most people know whether their fences are in the rights-of-way, or not. When he bought his property, he added to an existing fence on the assumption that it was on the property line and then built a shed behind it. When he later applied for a building permit for his house, the County said the shed could not remain where it was because it was in the right-of-way. He had a survey and it confirmed that his fence (and the shed) were in the right-of-way – his point is, not many people do surveys or have any knowledge about where the rights-of-way are. As for Ordinance 30 and the public health and safety issues about encroachments in the rights-of-way, he said that he is very supportive of fire safety and access to utilities, but has an issue with how Ordinance 30 is enforced. Mr. Hodge said that no one ever told him he would need to remove things from the rights-of-way and his neighbors never said anything about any enforcement in the area. He said he knows where the water main in Alder is and how deep it is; he knows the plants that they put in would not interfere with access to it. As for the plants on Cedar on top of the water main, he said the district plans to install a new water main along a different pathway anyway. Finally, he said he walks around the Mesa and sees plants that look new, so he feels that the enforcement of Ordinance 30 is arbitrary and lacks consideration as to what type of plants are installed.

After further discussion, director Siedman inquired whether any directors wanted to propose changes to the draft letter from the BCPUD to Mr. Hodge. Director Smith proposed minor changes.

L. Comstock/V. Amoroso all in favor to approve the letter from the BCPUD to Steve Hodge, as amended by the changes proposed by director Smith.

8. Establishment of BCPUD Policy re: Expanded Water Use Permit (Caps on Water Use) Applicable to Property Owners Building Second Units on Existing Septic Systems.

Director Smith said that he would like to propose that BCPUD adopt a policy regarding its expanded water use permit process applicable to property owners seeking to build second units on their property without expanding or replacing their septic systems. The County has indicated a willingness to allow a second unit on an existing septic system if the amount of water allowed at the property is set at a level that will not overload the existing system. Director Smith proposes that the property owner be required to grant permission for the Bolinas Community Land Trust ("BCLT") or its agent to obtain records of the property owner's water usage for purposes of assessing septic system loading AND accept a cap on water use that would be the lesser of the confirmed capacity of the septic system or the amount that otherwise would be granted pursuant to BCPUD resolutions 173 and 627. Discussion ensued with directors expressing cautious support for such a policy. Director Smith said it would start as a pilot project and the BCLT would monitor the water usage, work with tenants, report to the County, and so forth. Chief Tyrrell-Brown requested that the applicable fire roads be taken into account for the construction of second units (likely required to install sprinkler systems) in connection with the development of this policy.

9. Marin Local Agency Formation Commission: *Countywide Water Service Study (Municipal Service Review – Draft Report, August 2015).*

This item was deferred to the November regular meeting of the Board.

10. Water Supply Update.

Director Amoroso said that he has attended recent meetings of the Mesa Park Board and it appears that the irrigation well at the Resource Recovery site may need to be “developed” in order to reduce silt in the well water during pumping events. If the existing well cannot be effectively developed, a replacement well may need to be installed. Discussion ensued about the rate of pumping and possibility of seawater intrusion. The Board directed staff to confer with Mesa Park about the status of the well, water use and the need to be as efficient as possible when irrigating the ballfields.

11. Volunteer Committee Reports.

-- *Bolinas Lagoon Advisory Committee*: Director Amoroso reported that there is a controversy concerning the eucalyptus trees along Olema-Bolinas Road that have fallen (or may fall) into the lagoon. The Bolinas Lagoon Advisory Committee wants to remove the eucalyptus due to the polluting impact of the trees but the County does not want to do anything. Discussion is focused on eleven specific trees that are leaning and likely to fall.

-- *Downtown Parking & Traffic Committee*: Director Amoroso said that the parking situation downtown remains “terrible” even though the summer has long concluded. Chief Tyrrell-Brown said that although many people she has talked to support working on another parking plan, her personal view is that the town needs enforcement and towing, not another plan. She noted that the County is writing a lot of tickets for illegal parking, but the \$99 fine does not seem to deter visitors from parking illegally anyway.

-- *Resource Recovery: Notice of Violation from the Marin County Environmental Health Services Department*: Staff reported that the district received a letter on October 6th from the Marin County Environmental Health Services Division (“EHS”) detailing nine alleged violations at the Resource Recovery Center site. Although the Resource Recovery Center is a project of four districts (BCPUD, BFPD, Stinson Beach Fire Department and Stinson Beach County Water District), the BCPUD received this letter as the land owner. Of the nine violations, five were for alleged failure to submit required lab tests or other documents; BCPUD immediately re-submitted these documents (all of which had been timely submitted but for some reason were not in County files) and EHS acknowledged receipt. Two of the “violations” concern setbacks allegedly not observed at the site; staff will delineate the setbacks in the field and instruct RRC staff to observe them. Finally, the remaining two violations concern work done to repair the site berm (the County had instructed that the berm be repaired) and clear out the perimeter drainage ditch to prepare for the rainy season; the County said that permits were required for this work and instructed BCPUD to attend a “Marin Project Coordination” (“MPC”) meeting to discuss applicable permitting requirements with state regulators. Staff attended an MPC meeting with representatives from WRA Associates (an environmental consulting firm retained to assist with the permits) and Wildscape Engineers (retained to prepare a report about the repair of the berm); the district will now pursue “after the fact” permits with the Regional Water Quality Control Board and the Army Corps of Engineers. Staff also met with EHS staff and confirmed that EHS is satisfied that BCPUD has now addressed and cured (or is in the process of curing) all violations detailed in the October 6th letter. Staff noted that the estimated cost of the consultant work needed to obtain the after the fact permits is \$20,000 and staff will seek equal contributions from all four participating districts to cover this cost.

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

-- *Land Stewardship Committee*: Director Siedman said that the committee plans to finalize its report to the Board this month.

12. Other Business.

a. Board Committee Reports.

-- *Finance*: Staff reported that the district’s auditors are working on the audited financial statements for the 2014-15 fiscal year.

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

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

-- *Personnel: Hiring Update*. Staff reported that the candidate who was offered the Shift Operator position last month had to rescind his acceptance due to family medical and other issues. The district therefore offered the position to Ryan Fitzgerald (who has been on staff as a temporary utility worker), and he accepted it. The district also offered the temporary utility worker position to Stew Oakander, and he accepted it.

-- *Sewer: Statement of Qualifications – Allied Engineers, Inc.* After a brief discussion, the Board members expressed no objection to the statement of qualifications submitted by Allied Engineers and instructed staff to move forward.

b. Minutes of the September 16, 2015 regular meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the September 16, 2015 regular Board meeting.

c. Warrants.

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

d. Scheduling of Next Meeting(s):

November 18, 2015 at 7:30 p.m.

13. Adjournment.

11:05 p.m.