

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
November 15, 2017 270 Elm Road, Bolinas

1. Call to Order.

7:32 p.m.

2. Roll.

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

3. Manager's Report.

-- Update on the Terrace Avenue Bluff Stabilization Project: Proposal by LAK Associates, LLC for Professional Planning Services and Consultation for a Full Bluff Protection System.

The Save Terrace Avenue Committee met on October 19th to discuss next steps on the full bluff stabilization project and also evaluate Director Smith's suggested actions to preserve the face of the bluff. The committee asked staff to send a note to Randi Arnold with the Bolinas Community Center ("BCC", the fiscal agent for this project) about the expected engagement of LAK Associates to manage the planning and permitting process and the need to timely pay invoices. The committee also discussed the observed drop in sand level and under-cutting near the beach-level wooden seawall, as well as concerns about stormwater from Hillside sheeting onto Terrace Avenue and potentially collecting behind the repair site. Staff met with County DPW earlier today to consider drainage improvement to ensure that stormwater from Hillside is properly diverted away from the repair site; an asphalt-lined ditch may be installed on the north side of the road. The committee would like input from SAGE Engineers as to whether pampas grass growing on the face of the bluff should be removed as the roots may expand and crack the sandstone, further contributing to erosion. Staff requested approval to engage LAK Associates for a not-to-exceed amount of \$50,500 per the submitted proposal detailing the scope of work. Director Comstock requested that the BCPUD receive written assurance from the BCC before the contract is signed that it will timely process the invoices submitted by LAK Associates.

L. Comstock/D. Smith all in favor to retain LAK Associates, LLC for professional planning services and consultation for the full bluff stabilization of Surfer's Overlook.

-- Update on the East Tank Rehabilitation Project – Agreement for Engineering Services with Stetson Engineers, Inc. and Revised Agreement for Quality Inspection Services with D.B. Gaya Consulting, LLC.

Staff met with Allan Richards from Stetson Engineers and Dennis Gaya of DB Gaya Consulting on October 30th to clarify their respective areas of responsibility for the project. Allan Richards will prepare all design and engineering plans and specifications (including coating specifications) and Dennis Gaya's work will be limited to quality assurance inspection during the installation of the project. Staff inquired whether it would be efficient to do both tanks under one scope of work, but the engineers advised against this as they would prefer to see how the East Tank project goes without being contractually obligated to use the same contractor to do the West Tank project. Staff will prepare the "front end" bid documents, so this is not included in Stetson's scope of work. Staff requested Board approval of both the agreement with Stetson Engineers for \$29,070, and the revised agreement with DB Gaya Consulting (which reflects the revised scope of work) for a not-to-exceed amount of \$15,000.

D. Smith/L. Comstock all in favor to approve the Agreement for Engineering Services with Stetson Engineers and to approve the revised agreement DB Gaya Consulting for inspection services.

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

Nothing to report at this time.

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

As reported at the October meeting, Marin County has confirmed that no coastal permit is required for this project as long as a biologist assessment confirms the project will have no impact on threatened or endangered species or plants, and it is exempt under the CEQA Guidelines. CalFire has advised the district to put the project out to bid as soon as it can given the limited timeframe for the project (August – October 2018) and given that there may be competition for resources. On a related note, a Community Wildfire meeting was held at the BCC on November 3rd and fire fighting professionals from CalFire, Marin County and elsewhere underscored the importance of household disaster preparation and fire fuel reduction efforts, including but not limited to the rights-of-way on the Mesa.

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

BCPUD staff will meet with staff from the Bolinas Fire Protection District (“BFPD”) to review the survey results and develop a prioritized set of recommendations for consideration by the BCPUD and BFPD Boards, ideally at their respective December meetings.

As for water consumption, the most recent 2017 consumption data is now available for the mid-Mesa (Aug/Sept/Oct) and water use was up considerably as compared to the same time last year; staff is not quite sure why, but this seems to be a general trend upward in consumption, which means that renewed conservation education and outreach to the community may soon be required. The Board books also contain the district’s most recent report to the State Water Resources Control Board (“SWRCB”) on the coagulation treatment process, which continues to run smoothly. Notably, the district did turn to Woodrat Reservoir water during October due to low levels in the Arroyo Hondo Creek, but is back on the Arroyo Hondo Creek source now.

Staff continues to attend meetings of the “West Marin Working Group” and the sub-group of local village representatives known as the Alliance of Coastal Marin Villages (“ACMV”) to evaluate and recommend strategies to cope with the impact of tourism. The next Working Group meeting with Senator McGuire is November 29th and a Town Hall in West Marin is planned for early 2018 (likely February). Topics under discussion include: Safely sharing our Roads (bicycles and cars); Parking and Traffic Problems; Garbage and Waste Challenges; Signage and Long-Term Transportation Policies.

On the wastewater side of operations, staff sent letters and video clips to the property owners on Wharf Road with laterals in need of repair and the property owners have responded very diligently thus far to locate qualified contractors to install the repairs. The most promising option may be a trenchless technology whereby a “sock” is installed inside the lateral and then heated up to bond to the inside of the lateral so that it is not necessary to dig up the street. On a related note, spray season officially ended today and the spray fields are mowed and prepared for the winter.

The Board reviewed a proposed response from staff to the most recent DeCarli’s billing letter asserting that the claims are time-barred under the applicable statute of limitations and had no objection to sending out the letter.

Staff has requested a meeting with Coastal Commission staff member Nancy Cave to discuss the Bolinas Downtown Parking & Traffic Plan before she retires at the end of December. Staff will suggest including County staff in the meeting as the affected roads are all County roads. The Board reviewed a photo submitted by downtown residents of a new vehicle and trailer parked on a long-term basis downtown which is more than 40 feet long and taking up approximately 4 parking spaces.

The Board reviewed correspondence received since the last regular Board meeting, including letters from the Marin County Code Enforcement office pertaining to properties in Bolinas.

-- Drainage Project Manager’s Report.

Nothing to report.

4. Community Expression.

None.

5. Request For Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 185 Kale Road (D. Crane).

Heidi Gross was present on behalf of the property owner and explained that there was a large water loss at the property which appears to have been due to vandalism/water theft as detailed in a letter from the property owner. No leaks have been detected, but on one occasion Heidi found a spigot opened and running full blast when she arrived at the property on a Monday after having checked it on Friday afternoon. Heidi said that new locks have been installed on all of the doors/gates. In response to a question from director Amoroso, Heidi said the property has 6 or 7 outdoor faucets; he suggested that the faucet handles be locked, as well. After further discussion, director Smith said that the written report submitted and Heidi’s statements tonight indicate that the property owners have been very diligent in trying to figure out the cause(s) for the water loss, which appears to be vandalism, and take steps to correct it. Director Godino suggested that Heidi read the meter regularly so that the property owners know immediately if another problem occurs, rather than finding out at the end of the quarter when the bills go out; Heidi agreed to do so. Director Comstock asked if there is an automatic irrigation system on the property; Heidi said that there is, and it was thoroughly examined and tested and found not to be leaking.

D. Smith/G. Godino all in favor to forgive the amount of the bill attributable to the water loss, as determined based on the average water use during the same quarter over the prior three years.

6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 81 Crescente (W. Lazarus).

Craig Lazarus explained that a water pipe broke at his property and the water ran for hours before it was detected; he arrived at the house one night and could hear water running when he got out of his car. He immediately shut off the water at the shut-off valve and subsequently repaired the broken pipe. He said he has a grey water system and does not otherwise water his garden, so his water use typically is very low (his last bill was \$6). Director Smith noted a discrepancy on the leak relief paperwork about the amount of the water loss (7200 cubic feet vs. 4300 cubic feet) and discussion ensued as to whether the property owner is eligible for relief; director Smith suggested a conditional approval of relief depending on staff confirmation of the amount of water loss. Director Amoroso noted that a building next to the main house previously was owned by Serena Castaldi and the water meter was transferred; there should be no water connected to that building. Craig Lazarus said the properties have been merged and now are considered one parcel.

L. Comstock/D. Smith four in favor; V. Amoroso abstaining to forgive the amount of the bill attributable to the water loss (subject to staff confirmation of the water loss amount), as determined based on the average water use during the same quarter over the prior three years.

7. Request to Remove Hazardous Tree from the Larch Road Right-of-Way at Vine Road and for a Financial Contribution to the Project from the BCPUD (J. Mander).

Staff reported that Jerry Mander is out of town, but met with staff to explain that a local tree worker advised him that the large pine tree outside of his home and in the right-of-way poses a danger to his home as it is largely dead and diseased. Staff viewed the tree and concurs that it is clearly hazardous. Jerry received an estimate of \$2,875 to remove the tree and requests a contribution from the BCPUD given its location in the Larch right-of-way. Staff recommended \$1,000 contribution from the BCPUD given the location of the tree in the public right-of-way.

L. Comstock/G. Godino all in favor approving the removal of the tree from the Larch right-of-way and a contribution of \$1,000 from the BCPUD.

8. Notice of Conditional Approval (LAFCO File No. 1337) - Concurrent Sphere of Influence Amendment and Annexation of 276 Mesa Road to Bolinas Community Public Utility District; Applications for Water Meter Transfer and for Expanded Water Use Permit. (B. Drury)

Brad Drury explained that Marin LAFCO is requiring as a condition of annexation that he formally apply to the BCPUD to approve the transfer of his water meter at 135 Rosewood to his property at 276 Mesa Road and to approve the issuance of an expanded water use permit in order for him to be able to develop the property. Staff stated that the applicable ordinance (BCPUD Ordinance 38) requires that the property owner requesting a water meter transfer enter into an agreement with the BCPUD which includes specific requirements outlined in the ordinance, including but not limited to a requirement that the property owner record a covenant memorializing the maximum quarterly water use allowed at the property. Staff noted that the water use at 135 Rosewood for the last year is not representative as there was no water use at all during 2017, so per the district's regulations, the maximum quarterly water use limit should be based on the community average use, plus 50%.

Director Amoroso requested that the Board make two findings about the annexation of Mr. Drury's property into the district, namely: (1) the property at 276 Mesa Road is contiguous to the existing district boundary, and (2) the district's existing water main runs under Mesa Road, directly adjacent to this property. Director Amoroso said these findings are important as future property owners with non-contiguous parcels, or parcels far from any existing district infrastructure, may seek annexation into the district boundary, but the district likely would oppose any such annexation as inappropriate and outside the ability of the district to serve such a parcel. Staff recommended that the water meter transfer should not vest until *all* requirements of Ordinance 38 are met by the property owner.

L. Comstock/D. Smith all in favor to approve the transfer of the water meter from 135 Rosewood to 276 Mesa Road, subject to the execution by the property owner of an agreement with the BCPUD that satisfies all requirements of BCPUD Ordinance 38, which agreement shall contain recitals setting for the Board's findings as stated above, which transfer shall fully vest when the property owner has fulfilled all requirements of Ordinance 38, as determined by the BCPUD.

L. Comstock/D. Smith all in favor to approve a conditional expanded water use permit based on the community average of 1,800 cubic feet per quarter, plus 50%, which is 2,700 cubic feet per quarter.

9. Recommendations for Action – BCPUD’s Vehicle Habitation Committee.

Staff presented the set of recommendations prepared by the Vehicle Habitation Committee for the Board’s consideration. The committee developed the recommendations in order to jumpstart a dialog with the Board and community to address the increasing number of persons living in their vehicles downtown and the impact thereof on downtown residents and the greater community. The committee members believe it is important to move forward with this dialog and engage the County of Marin with regard to its responsibilities, particularly with regard to enforcement of existing laws. The committee also encourages a compassionate approach toward persons working in town and displaced from their homes (and therefore living in their vehicles). The recommendations are to: (1) enforce existing parking laws, (2) prohibit the “parking” of long-term storage containers on public streets; (3) implement the Downtown Parking & Traffic Plan, (4) amend the 72-hour no-parking rule to specify the distance a vehicle must be moved, (5) amend local traffic ordinances to include “tow away” zones in downtown Bolinas, and, (6) consider the creation of a “tiny home” or similar park/community at an appropriate location in Bolinas.

Director Smith said he appreciates the recommendations and the committee’s thoughtful work. He said that there may be a “glitch” in the recommendations concerning enforcement of the 72-hour no parking rule as applied to displaced local residents and inquired whether those persons could receive resident parking stickers so that they don’t get shuffled about every three days. Staff said that is the intent of the recommendations; director Smith said that intent is not clear from the text of the recommendations.

Director Comstock asked how the Vehicle Habitation Committee interrelates with the Downtown Parking & Traffic Committee as they seem to be dealing with similar issues. Staff said the committees deliberately were distinctly constituted: the Downtown Parking & Traffic Plan is focused specifically on crafting a set of regulations to reasonably regulate parking in the downtown area (i.e., in the Coastal Zone) so that residents and visitors can better access the coast/downtown. The Vehicle Habitation Committee is dealing with the distinct problem of persons living in their vehicles on a long-term basis on downtown streets and alternatives for displaced local residents. Director Smith suggested that if we can get the County of Marin to enforce existing laws and remove the perceived junk permanently stored on the streets, that might be enough to persuade the downtown residents to compassionately accept the persons living in their vehicles downtown.

Discussion ensued about some of the specifics of the recommendations. Director Comstock suggested that the district take steps to further publicize the recommendations to the community, as submitted by the committee, before the December Board meeting and invite the community to submit written comments and/or attend the meeting. Director Amoroso asked staff if the committee unanimously approved the recommendations and staff said that it did. Director Siedman instructed staff to post the recommendations on the district website, alert the community to them via [The Hearsay News](#) and NextDoor, and include an item on the December Board meeting agenda to further consider the recommendations.

10. Proposed Modifications to Procedures for Determining Expanded Water Use Permit Maximum Quarterly Water Use Allotments: *Amends BCPUD Resolution 173.*

Director Smith said that he and director Comstock worked together on these modifications in an effort to improve the process whereby the Board decides the amount of water allowed under the expanded water use permit process to ensure that it is equitable, consistent, and does not punish persons who are conserving water or reward persons who are using far more water than the community average. The proposed modifications would eliminate the additional 500 cubic feet per month water use allowed if the applicant already uses more than the community average plus 50% ; instead, the amount of water use would be the historical average use in such cases. Also, in order to make it more difficult to “game” the system by using an excessive amount of water during the year prior to the permit application, the modifications would require the Board to look at the three-year historical average use. Finally, the modifications would allow the Board some latitude in the cases of hardship or if the applicant performs a public service to the community. Director Comstock emphasized that the modifications are designed to make the process more fair, and to eliminate counter-productive incentives in the current rules. Director Amoroso expressed concern about the proposed modifications in so far as they allow the Board to potentially favor certain applicants over others as this could open the Board up to accusations of decision-making on a subjective basis. Director Comstock said he is willing to consider such concerns, especially if the modifications as drafted could undermine the moratorium; he said his primary concern is not rewarding excessive water use. Director Godino said she agreed that the Board should not have discretion to “cherry pick” projects and should not award more or less water on a subjective basis.

An extended discussion ensued and director Comstock suggested that the Board consult legal counsel to ensure that any modifications to the expanded water use permit process do not undermine the integrity of the water moratorium. Director Amoroso said he is concerned that allowing Board discretion for certain projects has the potential to increase overall water use in the district. Director Comstock said the modifications would reduce the overall “ceiling” on water use and increase the “floor”, thereby not rewarding excessive use and not punishing conservative water use. Director Smith said the modifications also include a provision whereby if an applicant has historically very high water use, staff will survey the

property and meet with the applicant to discuss recommendations for water conservation and another provision to allow customers with existing permits with a very low water allowance to petition the Board for a variance to increase their water use, if desired. Overall, he said, the modifications are designed to achieve a balance of incentives with regard to water use and *not* to allow an overall increase in water use.

After further discussion, director Siedman instructed staff to include an item on the agenda for the Board's December meeting for the Board to continue this discussion of the proposed modifications to the district's procedure of establishing water use limits under the expanded water use permit process.

11. Revision to BCPUD Policies re: Water Meter Transfers and Installation Costs As Applicable to Affordable Housing Projects.

Staff presented proposed revisions to BCPUD Resolution 609 which would eliminate the requirement to pay a \$2,000 reactivation fee for suspended water meters for affordable housing projects and asked the Board to schedule a discussion of the proposed revisions for the December meeting.

12. Water Supply Update.

Director Smith said he and staff have developed a protocol for monthly monitoring of water tables and conductivity at the downtown monitoring well and the irrigation well at Resource Recovery and he anticipates he will have finalized a chart for the staff to use to record the monthly data.

13. Volunteer Committee Reports.

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

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

-- *Resource Recovery*: The Board received copies of the quarterly inspection report of the site prepared by the County of Marin's Environmental Health Services office.

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

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

-- *Internet Access Committee*: Director Comstock said that Inyo has not yet filed a CASF application with the California Public Utilities Commission, but he expects to have more to report at the December meeting.

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

14. Other Business.

a. Board Committee Reports.

-- *Finance*: Staff reported that the field audit was conducted on October 31st and staff hopes to have draft financial statements for Board review at the December meeting.

-- *Legal: Review and Update of BCPUD's Form of Bid and Contract Documents*. Staff requested Board approval to expend up to \$5,600 for outside counsel to review the district's form of bid and contract documents to ensure they are up-to-date; this amount represents 20 hours of work.

L. Comstock/D. Smith all in favor to approve an expenditure of up to \$5,600 for legal review and updating of the district's form of bid and contract documents.

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

-- *Operations*: Nothing to report.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the October 18, 2017 regular Board meeting.

Directors Amoroso, Comstock and Smith offered clarifying corrections to the draft minutes of the October 18, 2017 Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the October 18, 2017 Board meeting, as clarified.

c. Warrants.

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

d. Scheduling of Next Meeting(s):

December 20, 2017 at 7:30 p.m.

15. Adjournment.

10:14 p.m.