

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

December 20, 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.

The district has received written assurance from the Bolinas Community Center that it is willing to continue its role as fiscal agent for this project. Staff will meet with Larry Kennings of LAK Associates to bring him up to speed on developments and put an agreement together for a scope of work consistent with the proposal previously approved by the Board.

-- Update on the East Tank Rehabilitation Project.

Allan Richard of Stetson Engineers submitted draft plans and specifications for the rehabilitation of the district's East Tank, as well as a project manual. Staff directed the Board's attention to the seismic upgrade component of the project, which includes a new anchoring system to stabilize the tank by welding on eighteen pre-fabricated steel anchor chairs to the sides of the tank and attaching anchor rods, drilled to depth, as an earthquake safety measure. The coating component of the project includes sand-blasting and re-coating the entire exterior roof, spot repairs of the exterior, and a full sand blast and recoating of the ceiling and rafters and upper shell plates. In addition, the faceplate and float system for the tank's level indicator will be replaced, as well as the welded steel cage for the upper portion of the exterior ladder, and new flex joints will be installed. Directors Comstock and Smith raised questions about the specific seismic upgrade recommended and staff agreed to follow-through and provide more information to the Board in response to the questions raised.

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

Staff is finalizing a contract with Allied Engineers for this project; in order for Allied to obtain sufficient insurance coverage as recommended by the district's insurer for this project, the contract price will increase by \$2,560.

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

Staff is in discussions with WRA Associates to provide an updated biological opinion for this project with the goal of putting the project out to bid early in 2018.

-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa: Staff Request for Direction re: Fenced-in Water Meters.

BCPUD staff soon 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. In the meantime, staff would like direction from the Board about how to handle fenced-in water meters. Sixty-three customers (11% of all customers) have fenced-in their water meters; in other words, these customers' fences are not on the property lines because the water meters are in the public rights-of-way. Staff is no longer willing to walk behind fences to read meters; they have walked in on embarrassing situations, faced hostile dogs and, more recently, encountered cameras on properties (a new situation apparently based on the changing demographic). Water usage at these properties therefore has been estimated, which is causing confusion because the staff has been reading many of these meters for years. After a brief discussion, the Board members concurred that any effort to address the issue of fenced-in meters must be in concert with the Board's actions with regard to *all* of the encroachments in the public rights-of-way, rather than in a piecemeal way.

Director Comstock said that considerable education and outreach will be needed to explain things to customers because people will object to moving their fences. Staff agreed, and said that staff's goal is to persuade customers to cooperate and explain why it is so important to their safety and for the district's ability to access its infrastructure. Director Amoroso queried what kind of leverage the district has, other than turning off someone's water, to help persuade customers to cooperate. Director Smith suggested that customers could pay for the installation of a remote reading meter system, as long as the fences aren't overly encroaching into the rights-of-way. Director Comstock said everyone on the Board agrees that the

district needs to deal with this problem, but he wants to know more about the scope of all encroachment issues and how they are prioritized before taking action on the fenced-in meters. He requested staff input on Director Smith's suggestion about a remote monitoring system.

As for water consumption, the most recent 2017 consumption data is now available for the back of the Mesa (Sept/Oct/November 2017) and water use was up considerably as compared to the same time last year. Staff is not quite sure why there has been a general trend upward in consumption during the latter half of 2017; perhaps there is a "false sense of security" due to last year's rain. If current trends continue, staff will be hard at work once again on efforts to publicize the on-going need for water conservation.

The State Water Resources Control Board ("SWRCB") issued a new order requiring lead and copper testing at K-12 Schools. The district has been in the process of arranging testing at the Bolinas campus of the Bolinas-Stinson Beach Union School district on a voluntary basis. This new order makes that mandatory and the testing must be completed prior to July 1, 2018.

Staff continues to attend the meetings of the "West Marin Working Group" and participate in the meetings of 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 in West Marin. The most recent Working Group meeting with Senator McGuire was November 29, 2017. ACMV met several times before this meeting and prepared "position papers" that were distributed a week ahead of time on Safely Sharing our Roads (bicycles and cars); Parking and Traffic Problems; Garbage and Waste Challenges; Signage and Long-Term Transportation Policies. The November 29th Working Group meeting was disappointing because the other agency representatives either did not attend or did not prepare, and Senator McGuire was distracted by fire-related issues in the Santa Rosa area of his district. ACMV sent a "gentle" email of complaint to Supervisor Rodoni about the process to-date and he has agreed to meet with the ACMV on January 12, 2018.

Another meeting of interest has been scheduled with Supervisor Rodoni on January 4th at the Civic Center to discuss general parking enforcement issues in Bolinas. In addition to representatives from the BCPUD (i.e., staff and director Siedman) and BFPD, attendees include representatives from the Sheriff's Office, from DPW, from the County Counsel's office and from downtown Bolinas (Bruce Bowser). Topics include impediments to enforcement on non-County maintained roads and enforcement on County-maintained roads (both downtown and on the Mesa). Topics pertaining to parking (vehicle habitation and the Bolinas Downtown Parking & Traffic Plan) also will be discussed.

On the wastewater side of operations, property owners on Wharf Road with laterals in need of repair are moving forward with needed repairs. The district experienced a blockage in the manhole directly in front of the Lift Station this past Sunday morning. Staff (Dennis Dierks, Seth Kline and Andrew Spalding), were able to dislodge the blockage before any kind of spill occurred. The district will retain an outside contractor with a vactor truck to hydro-jet the collection system downtown next week.

The Board reviewed correspondence received since the last regular Board meeting, including a letter from Recology about the anticipated close of its purchase of The Ratto Group on December 22, 2017, a letter from ACWA/JPIA and the grant of a "President's Special Recognition Award" to the district for its low loss ratios, and correspondence from the County of Marin regarding land development projects in Bolinas.

-- Drainage Project Manager's Report.

The Board received a letter of appreciation from Kent Khtikian for the drainage work recently completed on Poplar Road.

4. Community Expression.

None.

5. Request For Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 10 Hillside (R. Kovach).

Rudi Ferris explained that Roger Kovach had two very significant leaks on the service line to his home. The service line is very long and made of old galvanized pipe. Due to Roger's age, he is not regularly walking around the property and did not see the leaks when they occurred. Rudi is in the process of replacing the entire service line; at this point, there is about 30-40 feet left to replace, which Alex Kovach and he will finish up asap. Director Smith said that the district typically excuses the amount of the excess due to the leak when, as in this case, the leak was not able to be detected with reasonable effort and was repaired as soon as it was detected.

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 – 385 Hawthorne Road (S. Bartlome).

Suzanne Bartlome submitted a letter of explanation and was present to answer questions from the Board about the blind leak she experienced on a section of underground pipe in her yard. Director Smith asked how such a leak continued so long in the dry season without surfacing or otherwise causing some sort of wet spot. Suzanne said the water did not come up to the surface and she was completely unaware of it until she received her bill; however, once she searched for the leak she encountered very wet soils just below the surface in the area of the leak. After a brief discussion, the Board concurred that this request should be handled in the same manner as the prior request, although the relief in this case should be for two quarters as the records show the leak carried over into two quarters.

D. Smith/V. Amoroso all in favor to forgive the amount of the bill attributable to the water loss for the most recent *two* quarters, as determined based on the average water use during the same two quarters over the prior three years.

7. Expanded Water Use Permit Application, APN# 190-221-20, 334 Jute Road (S. Rosenberg).

Steve Rosenberg (via telephone) explained that his project is a rebuild of a house that was blown down during last year's winter storms. Per applicable County code, he is allowed to rebuild the house in exactly the same size per the 1948 building plans; anything more requires a coastal permit. In response to questions from director Siedman, he affirmed that the house will be exactly the same footprint and will remain a two bedroom house with no additional plumbing fixtures. Director Siedman said it sounds like an unconditional permit would be appropriate in this case. Steve Rosenberg said, in the interest of full disclosure, that he plans to go back to the County in 2019 for a coastal permit to add another 300 feet to the house; director Siedman said the Board will consider that project at that time.

D. Smith/L. Comstock all in favor to grant an unconditional expanded water use permit because the footprint of the house is unchanged and no increase in water use is anticipated.

8. Request to Remove Hazardous Tree from Dogwood Road Right-of-Way at and for a Financial Contribution to the Project from the BCPUD (M. Cavette).

Director Siedman recused himself from any consideration of this item because his sister, Laura, owns the property in question.

Staff said Michael Cavette (Laura's son-in-law) requested that BCPUD come assess the trees because, after some PG&E work in the area, the trees seemed to be leaning and unsafe. Staff said the trees at issue either are leaning or inter-twined with others and vulnerable to prevailing winds. Staff also determined that the trees are in the Dogwood right-of-way and not on private property. Michael said that two trees are of high concern: one is leaning 25 degrees and the other is a twin spar tree and, as it grows, will become increasingly less stable. He noted that Laura already has spent approximately \$7,000 to remove pine trees from the right-of-way in the same area. PG&E has tagged both of these trees over the years but has not yet removed them and has expressed no intention to do so. He noted that the trees do not threaten the house, but definitely threaten the road and water service line (given the proximity of the trees to the water meter and water service line). Staff recommended that the district solicit bids to remove the two trees and present them to the Board at the next meeting. Staff noted that there are additional trees in the area which likely also will need to be removed at some point, so staff will ask for bids for the additional trees to be removed. Director Godino requested that the companies providing bids break down their bids between the two of high concern and the remaining trees.

9. Bolinas Downtown Parking & Traffic Plan: Update on December 14, 2017 Meeting With Coastal Commission and County of Marin Staff.

Director Siedman said that a reporter from the *Point Reyes Light* requested that the Board ask persons from the public commenting on this agenda item to please identify themselves for the record as the reporter could not be present.

Staff reported that she and Bruce Bowser attended a meeting at the San Francisco office of the California Coastal Commission ("CCC") on December 14, 2017 with CCC staff about the proposed Downtown Parking & Traffic Plan; County staff from the Planning Department and the Department of Public Works also participated by phone. The meeting was very cordial and it is clear that the CCC staff appreciate that some sort of reasonable regulation of parking in downtown Bolinas is needed. CCC staff specifically mentioned how impressed they are by the amount of local volunteer effort that has gone into this project. That said, everyone at the meeting agreed that enforcement of the parking laws currently on the books should be the top priority before enacting additional rules. The Department of Public Works representative, Bob Goralka, said the plan as conceived would require an enormous amount of time and effort by County staff to amend existing traffic resolutions, install signs, stripe streets, etc., so he recommended a "phased in" approach, such as starting with implementing a timed parking zone in front of the post office building, when the plan is brought forth for implementation.

Director Smith noted that at the most recent “office hours” held by Supervisor Rodoni in Bolinas, his aide Rhonda Kutter said that the data she has reviewed indicates that the fines to be generated from parking violations will not support a parking enforcement position in Bolinas. Director Godino questioned whether the fines need to pay for the position, isn’t that what the County taxes are for? Staff questioned the data: if enforcement is not occurring, or occurring only minimally, then the data about fines is not particularly germane. Director Comstock said Bolinas is having parking problems because it is located at the coast and out-of-town and out-of-state and international tourists are coming here; he said the County therefore needs to step up its responsibility given that tourism is overwhelming the community. Staff said the real “news” to report from the meeting with CCC and County staff is that the focus needs to turn right now to enforcement of existing laws. Once a commitment is in place from County Sheriff, or CHP, or a parking enforcement officer to enforce existing laws, an assessment can be done about how to implement the Downtown Parking & Traffic Plan, presumably in phases. Regular and consistent enforcement of existing laws will go a long way to alleviate existing frustrations and parking violations.

10. Recommendations for Action – BCPUD’s Vehicle Habitation Committee: *Opportunity for Public Comment.*

Michael Cavette, one of the members of the Vehicle Habitation Committee, provided a brief overview of the recommendations, noting that enforcement of existing laws is very important and needs strong emphasis, as discussed during the previous agenda item. As the manager of Mesa Park, he interacts frequently with the deputy sheriffs about unauthorized parking in the Mesa Park parking lot, illegal camping in the downtown park, and so forth. Michael said he recently learned that the West Marin substation has been without a watch commander for the past two years; since the deputies rotate through West Marin, there is no consistency to enforcement in town. Evie Wilhelm of the BCLT concurred and said that the attitude within the Sheriff’s Office seems to be that the community does not want any form of enforcement, notwithstanding repeated requests.

Michael said that Recommendation #7 has generated the most interest and public discussion. The committee has revised this recommendation based on public input, but the essence is that the committee would like the County to consider zoning changes to allow for some kind of vehicle park. The “problem” of vehicle habitation is not going to go away; more and more people are living in their cars and are coming to West Marin. Other cities in Marin have enacted prohibitions on long-term or overnight parking, which has funneled the vehicle habitation community to West Marin where it can be more challenging to enact prohibitions due to the Coastal Act. Michael noted that the committee talked extensively about the 72-hour parking rule; the members know enforcement of this rule will cause problems for some downtown residents who park their vehicles on the street, but the rule is an important tool to reasonably regulate parking. In addition, the committee is recommending the removal of storage containers, trailers and other items that have been parked for months on the downtown streets, taking up valuable parking spaces.

Evie Wilhelm said that it seems like the community wants to clean things up downtown, but also does not want to displace people living in their vehicles any more than they have been, especially local people who have lost their housing. Rudi Ferris said that he lived next to David Franklin for many years and lots of people lived in their vehicles on his property; Rudi said he has no problem with that and is very sympathetic to their circumstances, but does not like the long-term vehicle habitation downtown, which undeniably is exacerbating the existing parking crisis. He urged the community to find a humane, compassionate solution to this problem.

After further discussion, Michael Cavette clarified that two different permit systems are under discussion: (1) the “resident parking” permits proposed in the Downtown Parking & Traffic Plan and (2) a “vehicle habitation” permit suggested by the Bolinas Community Land Trust (“BCLT”) and included in the Vehicle Habitation Committee recommendations as a possible way to create a transition status (overseen by the BCLT) for people living in their cars and waiting for some form of affordable housing. Director Godino said that there are a lot of very thoughtful, creative ideas in the committee’s recommendations and she appreciates the fact that the committee is pushing the boundaries and encouraging new solutions, such as the suggested vehicle habitation park. Joe Stratton asked if the committee has proposed a location for folks living in their cars to park/receive permits from the BCLT. Michael said the committee is aware the recommendation is controversial and has prompted public concern (i.e., NIMBY comments), so the committee deliberately has not proposed a location but rather generally wants to raise ideas for public consideration/debate.

Director Siedman noted that he and staff will be meeting soon with Supervisor Rodoni about parking issues in Bolinas and will report back at the next Board meeting.

11. 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 are proposing modifications to the procedures the Board follows to determine the maximum quarterly water use limits imposed in connection with expanded water use permits pursuant to BCPUD Resolution 173. The goals are to render the process more fair and consistent, and to eliminate any disincentives inherent in the existing process not to conserve water. Director Amoroso said his primary concern is that any change to BCPUD Resolution 173 should not allow *more* water use. Director Comstock said that the modifications do not seek to allow more water use, they seek to address fairness and consistency: it is not fair or consistent to punish water conservation and reward water use, which arguably occurs under the existing process since that process directs the Board to establish water use limits based on a property owner's existing water use. He noted that the Board passed BCPUD Resolution 627 to codify an existing Board practice of establishing water use limits based on community average water use, rather than existing water use, where a property owner's existing water use is not representative for some reason. Director Comstock said that was done out of fairness and consistency, and the current proposed modifications follow the same logic.

In response to questions from director Amoroso, director Comstock explained that the proposed modifications would establish a "floor" on water use allowed under BCPUD Resolution 173 as the community average plus 50% or 500 cubic feet per month, whichever is less. In this way, no one would be punished for conserving water by receiving a water use limit that is less than this amount; it would render the decision-making fair and consistent. The modifications also include language to allow the Board to make decisions to avoid hardship to a customer or a reduction in services provided to the public under limited circumstances; director Smith said he thinks it is important to specifically identify the Board's discretion in this regard. A lengthy discussion ensued wherein director Amoroso expressed a concern that the proposed modification could allow *more* water use, which is antithetical to BCPUD Resolution 173. Director Smith said the modifications are intended to *reduce* potential water use by stating that a customer will not receive any more water than he currently is using if that use is more than the community average, plus 50%. Director Godino expressed concern that the recent increase in tourist activity in town (including but not limited to short-term rentals) may negatively impact community average use by raising it artificially. Director Smith agreed this is a potential issue and perhaps the Board should discuss how to set an appropriate baseline. He also suggested that the district should consider whether to eliminate the concept of an "unconditional" expanded water use permit as that is, essentially, a non-permit in that it does not impose any limitation on water use if the Board finds that the underlying building project under consideration will not increase water use. Director Siedman suggested that the modification allowing the Board to exercise discretion in the case of hardship or a reduction of services "to the public" should instead be in the event of a reduction of services "to the Bolinas community". After further discussion, the Board requested staff to obtain legal review of the proposed modifications for the Board's consideration at a subsequent meeting.

12. 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 and BCPUD Ordinance 38 which would eliminate the requirement to pay a \$2,000 reactivation fee for suspended water meters and the requirement to pay water meter transfer costs, respectively, for affordable housing projects. Director Smith noted these changes are in response to the Marin County Civil Grand Jury Report about affordable housing. After a brief discussion, the Board directed staff to include language from the district's letter to the Grand Jury to clarify that the waiver of costs would not apply if an extension of a water main is involved – only to the costs from the main to the meter – and to include a specific item on the January 2018 meeting agenda to consider the amendments to BCPUD Resolution 609 and Ordinance 38.

13. 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 presented an overview of the data collected during 2017. He noted that the water level at the monitoring well on Olema-Bolinas Road consistently is about nine feet above the water level at the irrigation well at the Resource Recovery Project; he said he suspects fresh water infiltrating down from Spring Road could be the explanation. Director Smith said that the conductivity levels have been constant at the Olema-Bolinas Road monitoring well but crept up at the irrigation well until just recently, when pumping to water the ballfields at Mesa Park slowed as the rains increased. It is not clear why the conductivity levels declined or whether the heightened conductivity levels in the late summer and fall indicate seawater intrusion, but if seawater intrusion is indicated, then the sea water must have "snuck under" the monitoring well, which is only 30 feet deep. He recommended the district continue to monitor and assess results over the rainy season and into the Spring

14. Volunteer Committee Reports.

-- *Bolinas Lagoon Advisory Committee*: Director Amoroso said he did not attend the most recent meeting of the committee and therefore has nothing to report.

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

-- *Resource Recovery*: The Board received a letter from Jeff Creque (certifying the organic status of the compost) and an inspection report

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

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

-- *Internet Access Committee*: Director Comstock reported that Inyo filed a CASF application with the California Public Utilities Commission to construct a fiber optic internet distribution system in Bolinas. The estimated cost of the project is \$3.1 million and Inyo requested an amount of funding equal to 60% of that cost; Inyo would raise the other 40% via private investment. Director Comstock said he has no idea what the likelihood of funding is from the CASF program given the recent passage of AB 1665. Letters of support for the application were submitted by the BCPUD and Smiley's Saloon, among others.

--*Vehicle Habitation: Minutes of the November 7, 2017 and December 5, 2017 committee meetings.* The Board received copies of the approved minutes of the November 7th and December 5th meetings of the Vehicle Habitation Committee.

15. Other Business.

a. Board Committee Reports.

-- *Finance*: Staff reported that the draft financial statements most likely will be provided to the Board at the January 2018 meeting.

-- *Legal*: Nothing to report.

-- *Mesa Septic, Flood Control and Roads*: Director Siedman noted that this committee will review the staff's prioritization of issues with regard to obstructions and encroachments in the public rights-of-way when it is completed.

-- *Operations*: Nothing to report.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the November 15, 2017 regular Board meeting.

Directors Smith offered clarifying corrections to the draft minutes of the November 15, 2017 Board meeting.

L. Comstock/V. Amoroso all in favor to approve the minutes of the November 15, 2017 Board meeting, as clarified.

c. Warrants.

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

d. Scheduling of Next Meeting(s):

January 17, 2018 at 7:30 p.m.

15. Adjournment.

10:41p.m.