

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of November 3, 2014

The regular meeting was called to order at 6:10 p.m. in the business office of the Wastewater Treatment Plant. Present were Directors Kraynek, Waldman, Stubbs, Hauck and Schwartz. Also present: Mike Kelley, Attorney James Jackson and Jodi Mitchell.

1. Agenda

Item 6d, Memorandum of Understanding between the MCCSD and Hills Ranch Mutual Water Company was moved in its order on the agenda to the first item under Groundwater Management.

2. Minutes of September 22, 2014

Corrections: Page 1, Section 3, Paragraph 3. Strike last sentence....*and that there would be no management, financial or personnel requirements from MCCSD, other than holding the title to the property.*

Page 2 b, line 5. ...strike: *at this time.* Add sentence: *When asked individually, each one said they didn't have time.*

Page 3, Paragraph 2. Add sentence: *The Board agreed to write a letter to State Parks requesting that the boundary line adjustment be completed.*

Page 3, Section 6b: .....to *approve the waiver for the 180-day waiting period for Steve Acker to serve as a retired annuitant.*

MOTION Hauck/Waldman: To approve the minutes of September 22, 2014 as corrected.

ROLL CALL VOTE: AYES: Directors Waldman, Stubbs, Hauck and Schwartz

NOES: None

ABSTAIN: Director Kraynek

3. Communications

4. Public Comment

Kari Hutchens, Vice President of the BRVMWC, was under the impression from the last meeting that they would be on the agenda for discussion of the proposed Big River Vista MOU. Ms. Hutchens indicated that their attorney Mr. Rapport was communicating with Attorney Jackson regarding an easement agreement but Attorney Jackson confirmed that he had not received anything from Mr. Rapport to date.

5. Groundwater Management

a. Memorandum of Understanding between the MCCSD and Hills Ranch Mutual Water Company

President Schwartz asked Vice President Kraynek to act as chairman during the discussion, and Director Schwartz recused himself from the discussion. Director Stubbs, a Director of the Hills Ranch Mutual Water Company, also recused himself from the discussion of the Hills Ranch proposed Memorandum of Understanding.

Attorney Jackson indicated that he had been talking with representatives of Hills Ranch since May of 2014, and in early October, Attorney Neary proposed a Memorandum of Understanding, which showed some promise, however, lacked two important issues: 1) determination of an allotment, based on the District's Water Use Standard, and 2) execution of the Deed Restriction on properties where the supply wells were located.

Hills Ranch representative, Amanda Pekin, claimed that the allotment Mr. Jackson prepared did not adequately identify the current uses in the subdivision:

- 1) The allotment underestimated the number of bedrooms.
- 2) Hills Ranch provided water to the firehouse, which should be included in the allotment.
- 3) Hills Ranch apparently provided water to the Hill House and Mendocino Hotel.
- 4) Some water was used for flushing the lines owned by the Water Company.
- 5) Hills Ranch apparently made water available for emergency fire suppression use.

Attorney Jackson recommended that the Hills Ranch representative should provide accurate information to the MCCSD regarding the number of bedrooms for the developed parcels, an allotment to the firehouse and information concerning the amount of water used and frequency of the maintenance activities of flushing the lines, all of which could be considered and included in the allotment. In his opinion, the emergency use of water for emergency fire suppression should be exempt from the groundwater extraction allotment in the MOU.

The omission of Paragraphs 3 and 4 in Mr. Neary's proposed MOU creates significant differences; an established allotment based on the type of use in accordance with the District's Water Use Standard, and execution of Deed Restrictions where the production wells were located. Ms. Pekin said individual property owners did not have the authority to record a Deed Restriction, and further responded that the Deed Restriction was already in place and constructive notice was found in their CCR's and recorded by-law provisions. Ms. Pekin supported Mr. Neary's position regarding the proposed MOU.

Gary Garcia noted that the daily utilization in Hills Ranch was 59 gallons per day, although, it was noted by MCCSD that no documentation of the water extraction had been provided to date.

Maggie O'Rourke, Attorney who wrote the 1990 Groundwater Extraction Permit Ordinance was concerned that Hills Ranch was not being required to comply with MCCSD regulations of providing a hydrological study for any new development.

As acting Chairman, Director Kraynek suggested that representatives from both parties sit down and determine a fair allotment for the subdivision based on the issues raised by Ms. Pekin.

Director Waldman would meet with Mike Kelley, and a Firehouse Representative, and two representatives from Hills Ranch to review information provided from Hills Ranch to determine if the proposed MOU would meet MCCSD requirements. The MCCSD would also meet with Kari Hutchens, Big River Vista representative, regarding their proposed Memorandum of Understanding.

Tony Graham, Attorney, informed the Board of Directors that he had made a public records request to the MCCSD. Attorney Jackson had referred Mr. Graham to the Secretary to provide the requested documents. Mr. Graham would confer with staff regarding his request for documents.

Directors Stubbs and Schwartz returned to their seats on the Board.

- b. Application for a Groundwater Extraction Permit  
Catherine and Allan Bleiwais, 44682 Forest Circle, APN 119-530-24

Director Stubbs recused himself from discussion and possible action on approval of the application.

Catherine and Allan Bleiwais submitted an application for a Groundwater Extraction Permit for new development of a three bedroom residence. The parcel had met MCCSD requirements for proof of water within the Hills Ranch subdivision.

Resolution No. 234 allowed for a property owner who had complied with the District's hydrological study requirements, but had not requested issuance of a Groundwater Extraction Permit to apply for an exemption from the temporary moratorium on the issuance of a Groundwater Extraction Permit.

District Superintendent recommended that the application be rejected for approval because the conditions on page four of the application form were altered.

MOTION Hauck/Waldman: To continue to the GWEP Application Approval to the next meeting pending clarification of the application.

ROLL CALL VOTE AYES: Directors Kraynek, Hauck, Waldman, and Schwartz

NOES: None

ABSTAIN: Director Stubbs

c. Groundwater Management

The District had received a total of 24.15 inches of rainfall during the 2013-2014 rain year began on October 1, 2013. The historical average rain fall total at the end of September was 40.33 inches. The District had approximately 60% of the yearly average rainfall during the 2013-2014 rain years. The rainfall totals for September were above normal. Normal rainfall was 0.57 inches, and the District measured 2.29 inches in September.

The MCCSD Board declared a Stage 4 water shortage on February 24, 2014 based on low rainfall and the Water Shortage Contingency Plan. The stage 4 remained in effect. The drought stage would be re-evaluated on November 30, 2014. Depth to water in the indicator wells and the rainfall since October 1, 2014 would be used to determine the current drought stage.

The 24 Monitoring Well Field was measured on September 30, 2014. The average depth to water was 20.26ft. On August 31, the 5 indicator wells were measured. The average depth to water of the five wells was 22.77 ft.

A September 10, 2014 follow-up letter from legal Counsel to property owners reminding them of the requirement to obtain a Groundwater Extraction Permit had resulted in a number of applications being submitted to the District.

Ann Kessler updated the meter reading database on the week of September 13<sup>th</sup>. Staff was in the process of entering the readings and compiling the use records. Next month, the database should be up to date.

d. Application for Hydrological Study Approval Extension

1. Hanneliesel Reeves, 45150 Albion Street, APN 119-235-03
2. Anita Hoffman, 10440 Clark Street, APN 119-140-39
3. Richmond Aguilar, 10401 Heeser Street, APN 119-217-08

District Superintendent recommended approval of the three requests for a two-year Hydrological Study Approval Extensions since there was no evidence that the District had exceeded the perennial yield of the aquifer, based on the 2007 groundwater model update.

MOTION Hauck/Waldman: To approve the Applications for Hydrological Study Approval Extensions for APN 119-235-03, 119-140-39, and 119-217-08 for a period of two years.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Stubbs, Hauck and  
Schwartz  
NOES: None  
ABSENT: None

e. Ad Hoc Water Conservation Committee

The Ad Hoc Committee prepared a document to be included in the next billing statement and it was provided to staff for review. The document listed comments and possible suggestions to those conservation measures as outlined in the memo from Barbara Reed regarding Water Conservation.

6. New Business

a. Flynn Creek Circus Proposal for Special Events Request located at 10705 Palette Drive, APN 119-140-31

On September 17, 2014, MCCSD received a request proposal to hold a special event on the 4<sup>th</sup> of July weekend of 2015 and 2016 on MCCSD parcel located at 10705 Palette Drive. A primary issue of concern that had not been addressed was public parking and traffic control.

Superintendent Kelly noted that the property was at the Coastal Commission level and in the process of being re-zoned to public facility in the Mendocino Town Plan. Although, the Film Festival was held on the property last year, consensus of the Board was that the property should not be used for special events and they did not want to jeopardize the zoning change to Public Facilities in the Mendocino Town Plan.

MOTION Hauck/Stubbs: To deny the application from the Flynn Creek Circus to erect a tent on MCCSD property for the weekend of July 5, 2015 and 2016.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Stubbs, Hauck and  
Schwartz  
NOES: None  
ABSENT: None

b. Rotary Park Presentation by Cornelia Reynolds-Rotary Foundation

Cornelia Reynolds, President of the Rotary Foundation, made an informal proposal to the MCCSD Board regarding property located at the corner of Main and Lansing Streets. Rotary had closed escrow and they were negotiating with the County of Mendocino for an MOU to take title to the property, The MOU would allow the Rotary Club to operate and maintain the property for the benefit of the community. She indicated that members of the Rotary Club and community members had requested that the property stay within local control, and it was suggested that MCCSD be asked to consider a request to hold title to the property. Mike Kelley noted there was a well on the parcel that would be beneficial to MCCSD for groundwater monitoring.

MOTION Hauck/Waldman To designate a committee to enter into discussion with Rotary Representatives and come to some agreement regarding title of the property.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Stubbs, Hauck and  
Schwartz  
NOES: None  
ABSENT: None

7. Old Business

8. Attorney's Report

9. District Superintendent's Report

During the month of October, the treatment plant operated normally. Plant personnel performed routine plant maintenance. The MCCSD sewerage system was 40 years old, and the equipment issues discussed in the report were a consequence of the continuous operation of the system for that period.

The dryer thermal fluid heater malfunctioned, and a service person from RF MacDonald Co. was scheduled to service the Fulton Heater on October 29, 2014. If the Fulton thermal Fluid Heater cannot be repaired within one week, digester sludge would be diverted to the drying beds. The dryer was now nine years old, and system components were starting to fail. The drying beds act as the backup system for dewatering the sludge.

MCCSD must rely on the old drying beds for redundant dewatering if the dryer is not operation. Manually cleaning them was impractical, since MCCSD did not have the personnel time available to hand clean drying beds. The good thing about the beds is the District could store up to 3 months of digester sludge, which was adequate time to repair the dryer if there was a major malfunction.

It was critical for the operation of the sewerage system to have a redundant dewatering system. Activated sludge age was maintained at about 30 days. Once the sludge age exceeds 30 days old sludge was wasted to the digester. At least  $\frac{1}{4}$  of the digester volume must be emptied on a weekly basis to make room for more activated sludge that must be wasted from the aerator to maintain the 30 day sludge age. Following digestion, the sludge was partially dewatered by the filter belt press and then dried. It was next shipped to a landfill by truck for final disposal. This was a never ending process that cannot be slowed down or stopped for much more than a week.

SHN Engineering was asked on October 22<sup>nd</sup> to prepare an engineering proposal to prepare a set of plans and bid documents to update the drying beds so they can be mechanically cleaned with the bobcat tractor. The proposal will include an estimate of the cost of the upgrade.

On October 22, 2014 SHN made a site visit to the plant to collect additional information on the design to the replacement generator and blower.

Mike Veach from SHN also asked Bruce Borders from Control Systems West, Inc. to look at the tertiary filters backwash control system. The current backwash controls are 1960s or earlier technology, and it was questionable if replacement parts could be obtained if a critical component malfunctions. The automatic backwash feature failed to operate twice in October. Fort Bragg Electric was asked to trouble shoot the problem, and they found a bad relay, which they have not yet been able to find a replacement. Operators now get the system to work by tapping on the relay to start the backwash sequence. It was unlikely this would work indefinitely. It was time to replace the old control system with a PLC (Programmable Logic Controller).

The September self-monitoring online report was sent in to the Water Quality control Board. There was no sanitary sewer overflow in September 2014.

Staff took their regular monthly safety meeting. The Safety Officer also conducted the monthly safety inspection of the plant. Several on line safety courses from Target Solutions have been taken by staff.

There were no transfers of recycled water to the High School in September. Transfers were stopped while the clarifier was being repaired.

During October, the operators' high pressure washed and videotaped 14,817 of mainline sewer. No structural problems were found in the sewer mains that were cleaned, but several areas were heavily impacted with grease. The grease deposits in the mains were found in the street downstream for at least 6 restaurants.

Mike had been working on the 5-year NPDES renewal which was due by December 19, 2014. The application required expensive analytical testing which was not included in the current budget.

10. District Secretary's Report

a. Monthly Register of Demands and Disbursements

MOTION Waldman/Stubbs: To accept the disbursements for checks 11987 through 12040 for \$73,332.92.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Stubbs, Hauck and Schwartz

NOES: None

ABSENT: None

b. Quarterly Report of Income and Expenses ending September 30, 2014

The quarterly report of income and expenses ending September 30, 2014 was reviewed by the Board of Directors. Total YTD revenue was \$173,025.00 and operating expenses were \$173,413, leaving a net income of <\$387>. Non operating revenue was \$6,714.00 and cash items were \$61,558, leaving a YTD cash Margin of <\$55,231>.

c. Update on Delinquent Sewer Accounts and Certificate of Liens

The Board reviewed the update on delinquent sewer accounts and certificate of Liens.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

  
Jodi Mitchell, Secretary