

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**  
**Post Office Box 1029**  
**Mendocino, CA 95460**  
**Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837**

Minutes of April 25, 2011

Regular Meeting was called to order at 7:00 p.m. in the business office at the Wastewater Treatment Plant. Present were Directors Kraynek, Waldman, Schwartz and O'Brien. Also present were Attorney James Jackson, Mike Kelley, Steve Acker and Jodi Mitchell.

1. Public Comment

2. Old Business

a. 44825 Ukiah Street, APN 119-250-41

Café Beaujolais/Brezge/Gebrez Property - Expansion of Existing Use

Director Waldman recused himself from discussion pertaining to Café Beaujolais at 44835 Ukiah Street, and exited the meeting room. The issue had been ongoing since December of 2010, when the Board reviewed and discussed the issue of the expanded sewer use, and that no sewer revenue fees were being generated from a bakery use. The matter had been continued three times and cancelled once. Mr. LaMonica hired legal counsel to contest the Bakery Sewer Use Connection Fee. Ruby Steinbrecher, Mr. LaMonica's legal counsel requested that this issue be continued again, due to a conflict in scheduling and also, because they had not received a response to her April 7th request for information until April 23<sup>rd</sup>. She was under the impression there would be no discussion at the meeting, and also assumed that all future correspondence regarding the substance of this matter would be directed to Attorney Jackson.

The Board agreed that they wanted the issue of the proposed expansion of existing use to be finalized. Attorney Jackson stated that the property owner's due process rights were being met, and the District had an obligation to the ratepayers to enforce their own Ordinances. The District had a basis for charging a connection fee and monthly sewer fees for a commercial bakery use. As an enforcement matter, and not an application request, there was no legal reason not to continue the matter. The Board agreed this would be the last continuance, and that any decision would be made at a Special Meeting to be scheduled in less than one month. They also would make the decision of whether future correspondence would be directed to Attorney Jackson.

MOTION Kraynek/Schwartz: At the property owner's request, the matter was continued to a Special Meeting scheduled for Tuesday, May 3, 2011 at 8:00 a.m.. No further continuances would be made at the property owner's request.

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien  
NOES: None  
ABSENT: Director Waldman

Director Waldman resumed his seat on the Board of Directors.

The Board briefly discussed with the Attorney the Existing Legal Case; Dertner vs. MCCSD.

3. Approval of Minutes – March 28, 2011

Corrections:

1) Page 1, Section 5 a, Paragraph 2, Sentence 2: The effect of reduced wages and benefit changes for staff were reflected.....

2) Page 4, Section 9, Line 1; the secretary was asked to report two street light outages...

MOTION Schwartz/Kraynek: To approve the minutes of March 28, 2011, as amended:

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Schwartz and O'Brien

NOES: None

ABSENT: None

4. Communications

Correspondence was presented to the Board from Kenneth Black, owner of property at 10890 Palette Drive. Mr. Black requested that his property use category be changed from a single family residence (1.0 ESD) and a Guest Cottage (.5 ESD) to a single family residence (1 ESD).

Mr. Black stated they had a bedroom and bath attached to their garage. He claimed it was not a rental and it was used for short occasional family or musician visits. There was no kitchen, and they had always averaged less than 200 gpd of water per day, according to their subdivision water meter readings. He offered an invitation to MCCSD to inspect the property.

In accordance with the District's definition, Mr. Black established a "guest cottage", which was defined as "a living space without provisions for cooking, with provisions for sleeping, and sanitation, and where the person or persons are guest(s) of the regular occupants of the primary residence. Living space was restricted to 640 sq. ft." A detached bedroom, according to definition, would not allow for sanitation or kitchen facilities.

Mr. Black's option would be to abandon the use of the guest cottage by removing the sleeping facilities from the garage. He would be required to sign a change of use form to abandon the use to eliminate the monthly sewer fee.

If there were provisions for sleeping and sanitation, by definition, the use must be considered a Guest Cottage, and billed accordingly.

5. New Business

a. Adoption of Ordinance No. 11-1 – Ordinance of MCCSD for Special Event Permits

Ordinance No. 11-1 was introduced at the regular meeting on March 28, 2011.

MOTION Schwartz/Kraynek: To waive the reading of Ordinance No. 11-1.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Schwartz and O'Brien

NOES: None

ABSENT: None

MOTION Schwartz/Kraynek: To adopt Ordinance No. 11-1, Ordinance of Mendocino City Community Services District for Special Event Permits

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Schwartz and O'Brien

NOES: None

ABSENT: None

The Ordinance will be published and effective after 30 days.

6. Groundwater Management

a. Monthly Groundwater Management Report

On April 20, 2011 Eleven 1<sup>st</sup> violation notices were sent for failure to provide a meter reading. One property owner provided a reading since the letters were mailed.

7. Attorney's Report

a. Request for Amendment to Fee Agreement with MCCSD

Attorney Jackson informed the MCCSD that, commencing June 1, 2011, his rates would increase for private clients, and he offered the District the discounted rate of \$180 per hour, which represented a 20% discount against the rate charged to private clients. Mr. Jackson had enjoyed representing the District over the many years and looked forward to continuing to provide the District with high quality legal services at the reasonable rate.

MOTION Schwartz/Kraynek: To approve the amended fees proposed by Attorney Jackson, effective June 1, 2011.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Schwartz and O'Brien

NOES: None

ABSENT: None

8. District Superintendent's Report

During the month of April, the treatment plant operated normally. Plant personnel performed routine plant maintenance and equipment repair.

Steve installed the new sodium hypochlorite chlorinator in April.

No recycled water was transferred to the Mendocino High School during March 2011. Staff was working on the enclosure around the bar screen. The split rail pickets have been removed from the old fence, and the posts for the enclosure were installed.

The District contacted three contractors for estimates to move the berm from around the overflow pond. Unfortunately, placing the dirt from around the pond did not appear to be an option because the District did not have an easement beyond the fenceline. Mike was asking for new bids to remove the dirt from the property. The Board inquired if Mike had asked for permission for an easement from the State Parks' or if an option may be to pile the dirt on the existing berm on the western side of the property. Mike will ask for a survey of the Western boundary, and investigate what options the district would have regarding re-location of the berm to accommodate the liner installation.

Staff took their regular monthly safety meeting. The safety meeting was on confined space entry procedures. The Safety Officer also conducted the monthly safety inspection of the plant.

The Board agreed with the Superintendent to place a classified ad in the Mendocino Beacon looking for undeveloped land to construct a storage building.

9. Committee Updates

Tom Honer responded to the district's request for input regarding the proposed street light installation on the southwest corner of Little Lake Road and School Street. Mr. Honer suggested that perhaps the light should be located on the north side of Little Lake Road, since the other streetlights are located on that side of the street. This information was provided to the Street Lighting Committee.

10. Secretary's Report

The Office of the Mendocino Office of Assessor, Clerk-Recorder and Elections provided the corrected filing dates for the November Election. Potential candidates may obtain their filing forms directly from the Mendocino County office at 501 Low Gap Road, Room 1020 in Ukiah. Forms were available and the filing period would begin on July 18, 2011 and end at 5:00 p.m. on August 12, 2011.

The Board suggested that the MCCSD submit a notice to the Mendocino Beacon for announcement of the three upcoming vacancies on the MCCSD Board.

Cash Disbursements

MOTION Schwartz/Kraynek: To accept cash disbursements for checks #10102-10147.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Schwartz and O'Brien

NOES: None

ABSENT: None

The Board reviewed the quarterly report of income and expenses. Operating Revenue, year to date was \$457,354. Operating Expenses were \$430,475. The addition of non-operating income, which included County Tax Revenue and Savings Interest, less cash items, left a negative cash margin for the 9-month year to date amount of (\$42,912.) Superintendent Kelley noted the costs of overages were related to the purchase of the new camera and Heeser Drive Lift Station shed.

Bruce Fournier with Edward Jones would be invited to attend next month's meeting to discuss laddering the District's Certificates of Deposits.

The meeting adjourned.

Respectfully submitted,

Jodi Mitchell  
Secretary