

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of May 3, 2011

Special Meeting was called to order at 8:00 a.m. in the business office at the Wastewater Treatment Plant. Present were Directors Kraynek, Schwartz and O'Brien. Also present were Attorney James Jackson, Mike Kelley, and Jodi Mitchell. Director Waldman was not present since he had a conflict of interest with the matter at hand.

1. Public Comment

2. Old Business

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

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

Mike Kelley reported that through a series of communications with the property owner and his attorney, Mr. LaMonica proposed the following: 1) he would pay \$2,250.27 of back sewer fees for three months use of the unpermitted outside dining area, remove the outside dining area, and pay thirty months of sewer use for the residence, 2) to start paying monthly sewer fees for the residence and to continue to pay monthly sewer fees for the restaurant, and 3) to abandon the office use on the parcel, so no connection or monthly sewer fees were applicable.

David LaMonica and his Attorney, Ruby Steinbrecher, believed there was no water use associated with the brickery. There was one sink in the brickery used to make the dough, and for cleanup, and suggested to remove the sink no connection fee would be applicable. They proposed that the Board consider the brickery to be equal to 1 ESD because, in their opinion, it was a unique use in the District. The District initially classified the brickery off-site sales of prepared food business as a Food and Beverage Establishment with no on-site consumption, which according to the water use standard would require 2.1 gallons per day for sewer loading for that type of use. Mike noted that the Mendocino County Policy 1910.6 estimated the water use for a bakery at 1 gallon per day per square foot.

Attorney Jackson noted that the Board had the discretion to determine if the intended use was a unique type of use, and if it was a use other than defined within the District's water use standard, the Board could determine that 1 ESD is closer to the actual impact on the Wastewater Treatment Plant for this type of use. If the Board determined that the District's Water Use Standard was not appropriate to the type of use proposed, they could consider using the Mendocino County's policy which estimated the water use for a bakery at 1 gallon per day, and determine a connection fee and monthly fee based on 1 gallon per day. Attorney Jackson clarified that sewer loading for monthly charges was charged by the number of sinks or toilets; therefore, he rejected the notion that removing the sink would eliminate the impact on the wastewater treatment facilities. He clarified that the sewer charges were based on the water demand in accordance with the user category index and their estimated impact on the District's wastewater treatment facility.

Director O'Brien noted that in the past the Board had accepted that Right of Use could be paid over a reasonable amount of time. Mr. LaMonica asked that he be given one-year. The District's Ordinance requires a 10% simple interest on the deferral.

MOTION Kraynek/Schwartz: To accept Mr. LaMonica's agreement to pay back sewer fees in the amount of \$2,250.27, start paying monthly sewer fees for the residence, abandon the office use, and establish the bakery use at 1.06 ESD's. \$9,253 would be paid for Right of Use over a one year period, plus interest, and the outside deck would be used only for special events.

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

The meeting adjourned.

Respectfully submitted,

Jodi Mitchell, Secretary