

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT
Regular Board of Directors Meeting

MINUTES

Thursday, September 18, 2014

Directors:
Darrick Chase, President
Vince Lattanzio, Vice-President
Ernie Ganas
Ruth Simpson
Mark Montobbio

- I. Call to Order (PLEASE TURN OFF CELL PHONES): 7:35pm**
- II. Pledge to the Flag**
- III. Roll Call: Lattanzio, Ganas, Simpson** **Absent: Chase, Montobbio**
- IV. Approval of Minutes**
**** MOTION to approve minutes from the Regular Board meeting of July 17, 2014:**
Item tabled to next board meeting.

****MOTION to approve minutes from the Special Board meeting of August 11, 2014**
M/s: Lattanzio, Ganas
Vote: Ayes-Simpson, Ganas, Lattanzio **Absent: Montobbio, Chase**

****MOTION to approve minutes from the Special Board meeting of August 14, 2014**
M/S: Lattanzio, Ganas
Vote: Ayes- Ganas, Lattanzio, Simpson **Absent: Montobbio, Chase**

V. District Managers Report

- As of September 2, 2014 the Bank of New York paid the bond holders and deposited money to the four (4) new bank accounts that we opened at the Bank of Marin in the amount of \$800,084. Bill Euphrat will be sending the final documents which explain how much our loan is at the bank and what the payments will be twice a year.

-NBS emailed me as asked for Bank of New York's bank statements from 6/30/2009 to 6/30/14 plus July, August and September 2014, for every fifth bond year an analysis needs to be done to determine any arbitrage rebate liability. This will be the final analysis of these issues, since they were both refinanced in August 2014.

-Bartlett Tree Service will be cleaning up the palm trees at the entrance and taking down two beefwood pine trees (at two different locations), which have developed a crotch on the limb which could potentially make the tree prone to failure due to structural weakness at the crotches; and could cause damage to the resident's home, that is adjacent to the tree, should the limb fail.

-We have begun the State of California Controllars Report now that we have the figures from our auditor for fiscal year 2013-2014. The first week in September June came in and started the audit and she has enough information to finish up the work at her office.

-I have submitted the Expenditure Report for Measure "A" to the County and attached all the copies of statements and photos of the tree removal at Montego Park. On January 8, 2014, we received from the County \$28,169 and we spent \$15,859 for the removal of the trees. On July 14, 2014 we received another deposit from the County in the amount of \$25,142; as of September 10th, 2014 Measure A funds amount to \$37,452.

VI. District Engineering, CLE

A. Novato Creek Watershed Stewardship Program Update

Mr. Parent noted that he will be looking at a draft report and submitting comments for he is looking at all areas surveyed and get idea of what Pacheco Pond has for capacity and look at deposition *rate*. The County has been actively keeping the gates open to tidal influence. He believes a letter of support from the Board should be included in the draft report and have community support for their overall activity and improvement in water quality. The pond recently turned and the obnoxious odor was not as prevalent as it was in years past, and has noticed an increase of birds in the pond.

B. North Lagoon survey

Mr. Parent noted the survey is slated for October and will have a further analysis and write up the first of the years. He also noted that the nationwide permit has expired and will need to do re-sampling and survey of the DMMS.

C. South Lagoon Levee

1. Approval of multi-year contractor for levee repairs

Mr. Parent noted that the Board had looked at possibly doing a multi-year contract for the levee repairs and possibly reducing cost. He noted that 24 contractors pulled plans, eight (8) attended the site-walk, and two (2) submitted proposals. The two contractors were Siteworks Construction with a bid of \$900,265.50, and Ghilotti Bros. Inc., with a bid amount of \$1,070,550.00. The engineers estimate was \$555,000.00; the bids came in about 40 percent over that estimate.

His recommendation at this point is to reject both bids and put together a temporary fix erosion control and get us through the winter and reuse the material and re-advertise in February and have work done in the spring. He does not see any rational for moving forward with a bid that is over \$500,000 the engineers estimate, and go back to what we were doing what the District was doing before and putting forward a project for repairs every year.

Director Ganas asked whether any feedback was submitted by the contractors. Mr. Parent noted that some of the feedback was they did not like have to look at labor numbers/capacity and committing for that time frame and did not feel there

was enough prevision for price escalation.

****MOTION to reject bids received for the Bel Marin multi-year contract for levee repairs.**

M/S: Lattanzio, Ganas

Vote: Ayes- Lattanzio, Ganas, Simpson

Absent: Montobbio, Chase

****MOTION to authorize CLE to go move forward with a temporary erosion control measures with a landscape contract as a maintenance project and the District procure materials.**

M/S: Lattanzio, Ganas

Vote: Ayes- Lattanzio, Ganas, Simpson

Absent: Montobbio, Chase

D. FEMA FIRM Map Update

The comment period ended on September 2nd and we have not heard when map will take effect for FEMA has yet to finish responding to comments received and will most likely will be the second quarter of the year.

E. Pacheco Pond Update-was covered under item A Novato Creek Watershed Program Update.

F. License Plate Cameras Update

Mr. Parent noted the he had been tasked with looking at whether technology had improved form the last go around with cameras. We had contractor come out and look at location, however, he was not able to provide adequate equipment given that the County will not allow the equipment to be put on their property and limited to District property. He will be inquiring with Belvedere who put in a robust system overall cost is over \$200,000; however, the District does not have that budget and is looking to get usable footage to be used by law enforcement in case of an incident.

VII. Waterways Manager Update

A. Lagoon Water Quality

Samples taken the week of September 8th. Mr. Cormier noted that the south lagoon has turned and low water clarity; however, looking good based on what is happening.

B. Aquatic vegetation

Mr. Cormier noted that he has additional material on hand and there is no evidence of blooms. He has applied Muck Away to the south lagoon twice and will monitor as re-apply as needed.

C. Update on Flushing

Flushing will be performed the week of the 22nd.

D. Buoy: Navigation markers replaced in both lagoon and have three (3) on standby.

E. Update on North Lock Maintenance

Have replaced six (6) new multi directional valves and hope to get same use life as the previous valve. The work was completed by Ken Butler.

F. Update on South Lock Maintenance

Mr. Cormier noted that it appears that one of the diffuser lines has been disconnected possibly by someone's anchor and hope that the head did not migrate too far and able to get diver to locate and re-install. He also noted that he is planning on getting new most efficient head on the other lagoons that will reduce utilities costs.

G. Sunset Lagoon Ski run updates

1. Ski report approval of final draft

****MOTION to approve ski report as final draft.**

M/S: Lattanzio, Ganas

Vote: Ayes-Lattanzio, Simpson, Ganas

Absent: Montobbio, Chase

2. Comments received by residents- CLE provided response to resident comments on the Ski report via email.

3. Ordinance review and enforcement

Mr. Cormier noted that this would be the next step to take. Vice-President Lattanzio clarified that there are already ordinance in place we just need enforcement. He noted that the District is in favor of recreation as long as it is safe and minimally impacting.

Mr. Parent noted that the District has a standing order with the Marin County Sherriff and have asked that the District reach out and they will come out and patrol and site violations.

Vice-President Lattanzio directed the District Manger to write a cover letter and attach ski report to the Sheriff's Department as to concerns raised and ask for assistance and possible patrolling twice a month if possible and copy Supervisor Arnold on that letter.

Director Ganas asked for clarification as the speed limit to boats larger than 22 feet, he noted that there is no speed outside the no wake zone, no actual speed limit outside the no wake zone. Vice President Lattanzio noted that larger boats should not be allowed to speed and that should be included in the ordinance review and task CLE s to update ordinance and accommodate resident concerns and allow for skiing. Vice-President Lattanzio further noted that larger boats should be allowed to sped up for they are not pulling a skier as there is a size limit for pulling a skier, as well as, pulling a surfboard and

not being able to add water ballast to the boats. The ordinance update will need to be reviewed by the Sheriff so it can be enforced and reference as well as by residents so they are clear as to what the updates are prior to being approved by the Board.

Resident asked for clarification as to Sheriff enforcement based on video and photographs for he was told there was no action for they need to see the infraction themselves. Mr. Parent noted that this has been an issue before in the north lagoon did have a response from the Sheriff who responded based on the photographs submitted. This issue will need to be brought up the Sheriff in the letter and copied to Supervisor Arnold.

President Chase attended the Board meeting at 8:20pm

VIII. Approval of Landscape Contract for services 2014-2015

Mr. Parent noted that the District was in contract with Eastbay Construction as was bought out by Marina Landscape. The contract put together include all open space, moats, median strip, parks locks, boat ramps, and all trash removal form garbage can and pet waste station. Received four (4) bids; Gardeners' Guild, Coast Landscape, Marina Landscape, and Le Jardinier. There was an interview process and each contractor was scored by the review panel, and it came down to two contractors Coast and Gardeners' Guild. The pricing over all was very close and Gardeners' Guild came in slightly higher in the scoring based on presentation and understanding and what they will be asked to do. The recommendation from the review panel was to not extend Marinas Contract and enter into agreement on October 1, 2014 with Gardeners' Guild as to their proposal.

****MOTION to accept bid from Gardeners' Guild.**

M/S: Ganas, Lattanzio

Vote: Ayes-Lattanzio, Ganas, Simpson, Chase

Absent: Montobbio

IX. Montego Park Tennis Court alternatives

A. Bocce Ball Court presented by Ray Landi

Mr. Landi addressed the Board and noted that the tennis courts are in disrepair and addressed the idea of bocce ball which can be played by young and old. Ideally for the court would be parallel to the street the cost range from \$8,000 to \$45,000 per court and they can range from sizes of 10 x 60 to 12 x 90. He noted that funding for maintenance could include selling bricks that can be engraved. If the board is interested they could take a look at the courts in San Rafael down by Albert park, and there are ten courts out there, and players could bring own balls or have them available in lockers.

B. Pickle-ball Court presented by Sandy Skolnick

Mr. Skolnick addressed the Board with his idea and attraction of pickle-ball, which can be combined with the tennis courts. Mr. Kaplan noted that the dimensions are the same of the tennis court and the lines would be differentiated to show the pickle-ball ball outline. He addressed the post tension and mat slabs, and considers not removing the concrete but lying on the top. Mr. Parent noted that whatever is build will be

subject to subsiding and the ultimate fix would be supported piles and lesser slap on top, and would need to do a geo-tech survey. The problem is not construction, but the support that is floating and stays in place and gets a price for that. Can come back with engineers estimate and rough design and take into account the bocce ball court and probably will not have anything until the first of the year once irrigation and planting is addressed.

X. AB 1995 Covenant Codes and Restrictions (CC&R's) approved by Governor Brown.

President Chase noted that the District worked with Assemblyman Levine's office to move this bill forward and it was ultimately was passed by the Governor and effective in January. The bill will allow for the ACC review for projects and make sure they are in compliance with the CC&R's.

Residents raised questions as to reviewing and updating the CC&R's and simplify them. Vice-President Lattanzio noted that the District will need to check with counsel to see if the laws have changed *and what majority approval of homeowners is needed for any changes to CC&R's and then can we enforce the current CC&R's.*

XI. Financials

A. Bond refinancing update

The Bonds have been sold and Bill Euphrat will be giving an update.

B. Audit for Fiscal year 2013-2014 update- no update, this is ongoing.

C. Open Space Measure A funding

1. Gann limits inquiry

The District Manager noted she received an email from the County as to researching whether the District was exempt from the Gann Limit, at this point we have no answer from our counsel. The Board agreed to notifying Supervisor Arnold of the discontent that we have been burdened to find out whether we are exempt from said limit, when it should have been done by the County for they are calling the tax revenue under the tax measure.

XII. Bay Trail

A. Unauthorized trail

Director Ganas noted that twice now coming around the hill, he has witness a person crossing the Boulevard and concerned someone will get killed, not if but when. That unauthorized trail is a nuisance and is creating an unsafe condition.

Vice-President Lattanzio noted that the County needs to re look at the traffic safety and parking signs the Coastal Conservancy has this trail advertized n their website and they should be held responsible. This trail is also in violation with mandate from Pacheco Pond and habitat restoration and there is no Environmental Impact Report (EIR).

****MOTION to send a letter to the State Coastal Conservancy and Supervisor Arnold over the Board grave concerns with safety over the illegal trail and lack of**

EIR.

M/S: Ganas, Simpson

Vote: Ayes- Lattanzio, Ganas, Simpson, Chase

Absent: Montobbio

XIII. Updates on Projects of Interest

A. State Coastal Conservancy (SCC), Hamilton and BMK V Wetlands Project

1. New contact: Jeff Melby will be taking over for Tom Gandesbery.

B. 8 Acre Parcel: Marin County Parks

1. Notice of draft tiered program environmental impact report road and trail management plan. This report does not include the eight acre parcel.

XIV. Open Forum- no comments

XV. Adjournment

****MOTION: To adjourn the Board meeting of September 18, 2014**

M/S: Chase, Ganas

Vote: Ayes- Chase, Ganas, Lattanzio, Simpson

Absent: Montobbio