

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors' meeting held on
3 Wednesday, September 25, 2019
4

5 **OFFICIAL MINUTES ONLY UPON APPROVAL**
6

7 Prior to approval of these minutes by the Board of Directors in a public meeting, these
8 minutes are draft only and subject to change. Upon approval by the Board, these
9 minutes become the Official Minutes of the meeting.
10

11
12 **Item 1: Call to Order**
13

14 Leighton Hills called the meeting of the Muir Beach Community Services District Board
15 of Directors to order at approximately 7:10 pm.
16

17 Directors present: Gary Friedman, Victoria Hamilton-Rivers, Leighton Hills,
18 Peter Lambert, Steve Shaffer
19

20 Staff present: Mary Halley, District Manager
21 Chris Gove, Fire Chief
22
23

24 **Item 2: Approval of Agenda**
25

26 There were no changes to the agenda, and so no motion is needed to approve no
27 changes.

28 MOTION: To approve the consent calendar
29 Moved: Shaffer, seconded by Hamilton-Rivers
30 Vote: AYES: Unanimous
31
32

33 **Item 3: Consent Calendar**
34

35 Approval of Draft Minutes from Regular Board Meeting of 8/21/19.
36

37 MOTION: To approve the consent calendar
38 Moved: Hamilton-Rivers, seconded by Friedman
39 Vote: AYES: Unanimous
40
41

42 **Item 4: Items Removed from Consent Calendar**
43

44 No items removed.
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46

1 **Item 5: Marin County Fire Joint Powers Authority (JPA)**

2
3 Marin County Fire Battalion Chief Christie Neill with Chief Jason Weber, who spoke at
4 the last meeting, return to discuss updates to a proposed Joint Powers Authority (JPA)
5 that would be funded by a November 2020 tax initiative. A lot has happened in the last
6 month. They begin by showing a video which is currently at
7 <https://www.marinwildfire.org>.

8
9 Chief Weber and Chief Neill give a presentation which is available via slides
10 online at <https://www.marinwildfire.org/references>; click on "[Follow-Up MWPA JPA](#)
11 [Presentation](#)." They emphasize that transparency is an important part of this process,
12 and intend this website to be a valuable resource to that end.

13
14 Hamilton-Rivers asks if there are plans for controlled burns. Weber replies that there
15 certainly are. Hills says that at \$0.10/sq ft, the typical annual tax here would be in the
16 area of \$150-200 per year. Square footage would be determined by whatever is on the
17 assessor's role. Lambert asks how they got to the \$21 million target. Weber goes over
18 the sources of data that they reviewed and aggregated to get to that figure. Since last
19 month, they've done the tax study and determined that the proposed tax would result in
20 \$21 million annually. Mike Moore asks about how this is different from the bill from the
21 state for \$150 annually. Weber responds that that tax from the state has now been
22 eliminated. Hamilton-Rivers asks about the 19 members of the board; one of those
23 would be from Muir Beach. That could be a CSD manager, or the fire chief.

24
25 Discussion continues about various details; the full discussion is at 21:00-44:00 on the
26 recording.

27
28 MOTION: That the MBCSD is to participate in, adopt, and support the JPA
29 resolution as presented to us at this meeting.

30 Moved: Hamilton-Rivers, seconded by Shaffer

31 Vote: AYES: Unanimous

32
33 Weber and Neill will be coming back next month for a resolution with specific tax
34 language, which again will be on the website above, so that will be added to the consent
35 calendar for next month's meeting.

36
37
38 **Item 6: Fire Department Report**

39 Chief Gove has no report.

40
41
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43 **Item 7: District Manager Report**

44
45 Halley goes over the highlights from her District Manager Report, a written document
46 which (as always) is included with the monthly meeting packet available online at

1 <http://www.muirbeachcsd.com/meetings>. Note that the NPS biologist has discovered the
2 presence of the an invasive New Zealand Mud Snail in the creek, and anyone going in
3 the creek has to do a decontamination protocol, so try to stay out of the creek. On trails,
4 with the Sunset project there are more requests for maintenance on trails, particularly
5 Ahab-Sunset and Sunset-Pacific, and so she is requesting to extend the budget for
6 these items.

7
8 MOTION: That we make an additional \$5,000 available for Halley to use in
9 case she needs it for the trails.

10 Moved: Shaffer, seconded by Lambert

11 Vote: AYES: Unanimous
12
13

14 **Item 8: Greene Lane Water Main Project Update**

15
16 At the March 28, 2018 Board meeting, a motion was passed to allocate \$10,000 to
17 upgrade the water main and install a fire hydrant at the end of Greene Lane. This
18 followed a discussion where the CSD agreed it would pay for materials up to \$10,000,
19 and the Greene Lane residents would provide for the installation. David Taylor, a
20 resident on Greene Lane, has been working on proposals to complete the project and
21 discusses. Taylor explains that there are 16 people there, the road is 300 feet long,
22 there's a hydrant at the end of it, so some of the houses are more than 400 feet from
23 the fire hydrant. In 2013 there had been a bid to put in a new water main and fire
24 hydrant, related to a proposed new fire station nearby that didn't pan out, but the bid
25 was too expensive at \$54,000. As they considered now how to complete the project with
26 the allocated \$10,000, it was clear they didn't have the expertise. The residents have
27 approached JML, the crew currently doing the Sunset Way project, and received a bid
28 of \$18,500, with materials list for \$8,600, with a total of about \$27,000, so still short
29 about \$17,000. They could do the job in 2-3 days, and it seems like a good opportunity
30 since they're here and materials are already here. The residents are looking for ways to
31 lower the costs. They'd like to see the CSD fund this project.
32

33 Hills adds that he's since talked to JML and they've reduced the estimate from \$18,500
34 to \$16,750, or by about 10%. Richard Kohn says that it was clear from the agenda that
35 the board had agreed to cover materials and that the residents would pay for labor. He
36 suggests that what's being proposed is a radical departure from what was being
37 proposed a year ago. That should be the end of it, but there's a financing question
38 regarding a proposed loan to the CSD by the residents which would have to be repaid
39 with interest, and whether that is even legal. He raises further questions around
40 discrepancies in the materials provided. Hills replies that interest is off the table, so that
41 they would put up the money and the CSD would pay them back within the next 10
42 years. Shaffer adds that this would simply be a way to do the project expediently. He
43 and Hills and Hamilton-Rivers suggest that given the Sunset Way project, it would be
44 fair for the CSD also to fund this project. Kohn is satisfied with the interest being taken
45 off the table.
46

1 Hamilton-Rivers asks why we have one set of rules for Greene Lane and another set for
2 everyone else. Hills replies that we're trying to manage a scarce resource and trying to
3 get the biggest bang for the buck, so that the people on the most populated street are
4 prioritized, for fire protection and so on. Lambert agrees with the idea of expedience.
5

6 MOTION: That the CSD approve paying \$10,000, to be combined with a loan
7 from the residents of Greene Lane for the balance of the work, and
8 that we authorize the current contractors to do the work, and that
9 the loan will be repaid within ten years without interest. It is further
10 stipulated that this is simply a water main issue, and does not imply
11 that the CSD assumes any responsibility for maintaining the road.

12 Moved: Shaffer, seconded by Lambert

13 Vote: AYES: Unanimous
14
15

16 **Item 9: Sunset to Pacific Way Pathway (below Community Center)**

17
18 Hills provides background that the CSD is trying to work on a comprehensive set of
19 policies for the roads and easements which is not ready yet, but a lot of that would get
20 covered here. So the CSD may not be ready to decide anything on this specific issue
21 yet but is glad to hear the proposal.
22

23 Steven Moss, newly a property owners of 75 Sunset Way after purchasing from
24 Margaret Keys, feels that the house is quite exposed and easy to see into. He presents
25 his proposal which includes landscaping the area between the two roads (Sunset Way
26 and Pacific Way), predominately by planting "privacy" hedges, as well as other
27 vegetation. They have conducted a survey that finds that the existing fence alongside
28 85 Sunset Way (Ming's and Shere's) there encroaches onto CSD land, and suggest
29 moving that fence in order to allow for sufficient space for further landscaping. They
30 would like to plant native, drought-resistant plants, and are concerred about
31 maintenance, noting that there are currently piles of debris on the CSD side. Action
32 items include discussion of privately financed vegetation on the right-of-way, potential
33 shared maintenance costs of new plantings, and enforcement/oversight of right-of-way
34 boundaries.
35

36 Hamilton-Rivers notes that we do need the policy in place in order to address this. Hills
37 notes that he had a similar issue where his (now grown) daughter's window was along
38 the path, and ended up putting up a fence along the property line. Generally the CSD
39 has allowed people to plant hedges between their homes and the street, but for paths
40 along the side, that's more like parkland, and we've gotten into this with Seacape Park,
41 where it's a 60-foot wide park, and without control, people were eventually landscaping
42 35 feet into it. There was a period where the CSD would approve landscaping, but
43 finally decided that it was not good for landowners to landscape into CSD property at all,
44 since it often ended up more to the landowner's advantage than the community's. So
45 stuff on the side is going to be more heavily regulated but we'd still like to have things
46 planted there. Shaffer adds that the CSD does not generally use surveys that property

1 owners provide in order to make another take down their fence, and wonders about that
2 part of it. Moss replies that because Ming's fence encroaches on CSD property, it has
3 implications for what he can do. The community does have a stake in encroachments.
4 Shaffer notes that the fence has been there for 25 years, and that it wouldn't be
5 approved today. Moss replies that the fact that things have been informally
6 grandfathered in should have no bearing on what happens now. If they were to simply
7 put up a fence, it would create a wooden tunnel. The discussion continues about what
8 should be done concerning past encroachments on CSD property. The discussion will
9 be continued at the next meeting.

10
11
12 **Item 10: Sunset Way Project Update**

13
14 Hills has been providing daily updates by email. The time has come that the contractor
15 would like to have a list of which residents would like to have additional areas paved.
16 The pricing isn't finalized but will likely be \$6/square foot (inclusive). Hamilton-Rivers
17 asks what our policy is on parking turnouts. Hills replies that anything not on the plan is
18 up to the residents to pay for, but that this does not give them rights to parking there. If
19 a parking space is within their property, which many are, there can be restrictions; but in
20 other places, it's conventional that nearby residents park there, but cannot be enforced
21 because it's actually public property. So just because you pay it, you don't own it, but
22 you will often benefit from it. Shaffer notes that putting up a sign saying 'private road, for
23 the use of residents and guests only' is to run a bluff, in that it's not true and it's not
24 legal to do, although it does work in terms of keeping people away. Discussion
25 continues about how to be creative with labels in order to prevent parking in the
26 turnaround area, such as labeling it as a turnaround or a fire lane.

27
28
29 **Item 11: Cove Lane Culvert**

30
31 The culvert at the bottom of Cove Lane incurred storm damage several years back and
32 resident Pete Defremery has since been trying to keep it somewhat patched together
33 these past rainy seasons to prevent further damage to the culvert and surrounding
34 property. It has now been pointed out that there is a potential for significantly increased
35 road storm drainage from the newly resurfaced Sunset Way and from the newly
36 installed plastic storm drains for which the damaged culvert may not be able to
37 accommodate the increased flow in its current condition.

38
39 Hills reports that Halley in a prior meeting had investigated repairing and lining the
40 culvert, and the cost for that was \$26,000 to put in the liner, and \$21,000 in addition to
41 repair the culvert first, for a total of \$47,000 for an 18" culvert. Our civil engineer says
42 that's undersized. In new discussions with JML, JML is willing to put in a new culvert of
43 the recommended 24" size for a total \$29,750, which would solve everything well into
44 the future. Discussion continues about the various details about exactly where the
45 culvert would lie.

1 Hills underscores the huge amount of water which can come down that way in rainy
2 conditions – tens of thousands of gallons per minute – which will only increase following
3 the new drainage work on Sunset.

4
5 Hamilton-Rivers asks how we can do this and also need to borrow money for Greene
6 Lane; the answer as above is that this is a higher priority for serving the greater number
7 of users. Furthermore, perhaps the CSD can pay back the Greene Lane residents
8 sooner. Further discussion continues about details concerning the path of the culvert,
9 water flow, and preserving trees. There is some urgency in doing this before the rains.

10
11 Halley notes that with the Sunset Way project, we would need additional funding for
12 this. Hills responds that we would use the line of credit for this.

13
14 MOTION: That the CSD engage JML to put in the 24” line on the right side of
15 the path for \$29,750. Furthermore, the CSD will consult arborist
16 Jess Devoss to ensure that work will support existing trees.

17 Moved: Shaffer, seconded by Lambert

18 Vote: AYES: Unanimous
19
20

21 **Item 11: Public Open Time**

22
23 Kathy Sward was quoted in a letter from Kasey Corbit which attached to the 8/21/2019
24 meeting agenda for item 11. Kathy Sward was quoted several times in that letter and
25 would like to state her corrections. She went over them in the meeting and subsequently
26 provided this in writing for the minutes:
27

28 In the fourth paragraph of the letter, second sentence “She admitted to having
29 hearing loss...” I said that she most likely misunderstood me as I said when the
30 people are all talking and music is loud, it’s hard to hear. This was in reference to
31 the previous meeting when I said I checked my phone from time to time to see if I
32 have any texts, and had missed Corbett’s text that the music was unbearable
33 (my word).
34

35 Same paragraph, last sentence, “She also commented on the number of people
36 walking through our yard.” I probably commented that I understood about the
37 number of people walking through their yard being a problem, but I had never
38 seen people from an event I was facilitating, going over the wall and up through
39 the yard.
40

41 6th paragraph, “...so long as the music is off by 10p.m., it can be at any
42 volume...” it’s not my understanding that the Board gave us that message, as
43 I’m told to go next door and knock to ask if the sound is o.k. from their place.
44

45 9th paragraph, it says “You all should have a plan for how to ameliorate it.” and
46 we do, which as stated above, is to check with them, and Amy (and the

1 Board?)also changed the rule that music ends at 10:00pm instead of 11:00pm
2 (stated in the codes they copied in the letter.) We also attempt to keep the sliding
3 doors closed and the kitchen door closed, which makes a big difference in the
4 sound escaping.

5
6 11th paragraph, #1. Last sentence, "Kathy told us one night that she reopened
7 them (windows) because the attendees kept running into the glass doors (that
8 does happen occasionally), but I was clearly misunderstood because I close the
9 doors and stand by them and open and close them as people come in and out.

10
11 The letter continues with more of their concerns, but I didn't go there as the ones
12 above directly related to me, but I said to the Board that the Facilities Committee
13 was having a meeting in October and I would make sure that we discussed those
14 further concerns in the balance of her letter.

15
16 Ming makes a statement in favor of the community sticking together and supporting
17 each other, rather than being motivated by greed. (2:14:00 – 2:17:50 on the recording.)

18
19 Hamilton-Rivers received an email from someone about donating an oil painting to the
20 CSD by Bay Area artist Tricia George of a scene from Little Beach, which measures 9.5
21 feet x 7 feet. A discussion ensues, leaving her uncertain about how she will proceed.

22
23 Mike Moore says that workers will come next week to start working on taking down
24 trees at the Terwilliger Grove.

25
26
27 **Item 12: Recognitions & Board Member Items**

28
29 Shaffer would like to acknowledge Hills for excellent work supervising the Sunset Way
30 project.

31
32
33 **Item 13: Adjournment**

34
35 There being no further business to come before the board, the meeting is adjourned.

36
37 Meeting adjourned at 9:35 pm.