

**PEBBLE BEACH COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Regular Meeting of October 26, 2007
MINUTES**

CALL TO ORDER

A regular meeting of the Board of Directors of the Pebble Beach Community Services District ("PBCSD") was held in the District Boardroom on October 26, 2007. Board President Richard D. Verbanec called the meeting to order at 9:35 a.m.

ROLL CALL

Present: Directors Jeffrey B. Froke, Gary D. Hornbuckle, Leo M. Laska, Richard D. Verbanec, and Gerald F. Verhasselt

Absent: None

Others Present

Craig Anthony, General Manager
Laura Dadiw, Board Clerk, Dadiw Associates
Robert Wellington, Legal Counsel
Suha Kilic, Chief Financial Officer
Michael Niccum, District Engineer
George Haines, Fire Chief, CAL FIRE, San Benito-Monterey Unit
Dennis Carreiro, Fire Prevention Battalion Chief, CAL FIRE
Jackie Scoggin, Fire Operations Chief, CAL FIRE
Captain Branson K. "Skip" Ratsep – CAL FIRE
Jay Smith, Firefighter/Paramedic – CAL FIRE
Minh Nyugen, Firefighter/Paramedic – CAL FIRE
Daniel Ciesak, Firefighter/Paramedic – CAL FIRE
Aaron Gray, Firefighter/Paramedic – CAL FIRE
Valerie Watts, Firefighter/Paramedic – CAL FIRE
Vinod Badani, Vice President, E2 Consulting Engineers
John Tormey, Pebble Beach resident
John Ryan, Pebble Beach resident
Bob Taylor, Pebble Beach resident
Mark Verbonich, Vice President, Community Affairs, Pebble Beach Company ("PBCo")
Mark Stilwell, Executive Vice President, PBCo
Bob Siegfried, Director, Carmel Area Wastewater District ("CAWD")
George Wortham, Pebble Beach resident
David Dilworth, Executive Director, Helping Our Peninsula's Environment ("HOPE")

APPEARANCES AND ORDER OF BUSINESS

Chief Haines introduced paramedic Captain Skip Ratsep of CAL FIRE

who coordinates the District's new firefighter/paramedic program. Captain Ratsep introduced the new firefighter / paramedics: Jay Smith, Minh Nyugen, Daniel Ciesak, Aaron Gray, and Valerie Watts. Captain Ratsep indicated another group is in training at the academy and is scheduled to graduate October 16th as well as move on through accreditation. He said there are a total of 12 firefighter paramedic assignments at four fire stations in the battalion.

General Manager Craig Anthony recommended deferring agenda item 14 – updated District counsel contract – to the next meeting.

MINUTES

MOTION 10-07-01

Moved by Director Verhasselt, seconded by Director Froke, and carried, to approve the minutes of the regular Board meeting held September 28, 2007 with the addition of CAWD President Ken White listed as present at that meeting. Directors Hornbuckle and Laska had not attended that meeting and abstained from voting.

FINANCIAL MATTERS

Statement of Receipts and Disbursements

The Board received and reviewed the *Statement of Receipts and Disbursements* and the *Cash Basis Budget Report* for September 2007. Mr. Kilic commented on the report and responded to a question from Director Laska on the basis of distribution of Proposition 172 funds by the County. Mr. Kilic stated that Monterey County is the only county in the State which allocates portion of the Proposition 172 Public Safety funds to the fire districts. He said the amount distributed to each fire district was in proportion to the property tax revenue permanently lost to the State beginning in 1994. The districts successfully appealed to the County for recovery of some of the loss by receipt of a portion of Proposition 172 revenues. Mr. Kilic responded to additional questions.

Check Register

The Board received the *Check Register* for September 2007. Check number 62550 Carmel Area Wastewater District payment is not the final payment as noted; a recent adjustment based on the 2006/07 CAWD audit process requires an additional payment of approximately \$14,000 to CAWD for treatment plant operations and maintenance and administrative services. Hayashi and Wayland received the first progress payment for audit services, check 62562, and will present the audit results and the District's annual financial statements at the next board meeting. In response to Director Laska's question, Mr. Kilic stated that the Monterey Regional Waste Management District's ("MRWMD") scheduled January 1, 2008 tipping fee increase will reflect on the user fees which will be effective on July 1, 2008 and will be presented in the next year's PBCSD budget. The Board

has the option to recover the cost for the January – June 2008 period by either adding it to the next year's user fees or, as has been the selection of the Board historically, a payment of approximately \$10,000 will be made to MRWMD from the District's franchise fee revenues.

MOTION 10-07-02

Moved by Director Laska, seconded by Director Verhasselt, and unanimously carried, to approve the *Check Register* for September 2007.

TIMED BUSINESS

District Counsel Wellington indicated that the agendaized public hearing relates to the Pebble Beach Community Services District Ordinance No. 25 that will adopt the County California Fire Code 2007 Edition. The District, with the fire authority for the Del Monte Forest area, adopts a fire code approximately every two-three years. At this time, all of the fire jurisdictions in the county are moving to adopt the California Fire Code 2007 Edition, a move from the former Uniform Fire Code to the International Fire Code. Additionally, the hearing relates to a proposed adoption of a Negative Declaration for Ordinance No. 25.

President Verbanec opened the Public Hearing at 9:53 a.m. to consider comments, allowing three minutes per speaker.

Mr. George Wortham, Pebble Beach resident, addressed the board with comments regarding the proposed ordinance and submitted to the board a written copy of his comments and a document on a mechanical method of residential fire detection and suppression for individual homes.

Mr. John Tormey, Pebble Beach resident, addressed the board, directing members to page 5 of 24, item 109.3 – violations and penalties, of the proposed ordinance. He inquired as to when the \$500 per day fine begins after a resident is cited and whether there is time allowed for a resident to coordinate remediation. Mr. Tormey asked where the ordinance addressed the status of sprinkler requirements for existing houses not undergoing any current structural modifications.

Mr. David Dilworth, HOPE Representative, submitted three letters to the Board regarding an apparent error in Section M109 wording increasing defensible space around structures from 30' all the way to the property line, and requesting the District obtain an environmental impact report on the conditions of the proposed code. For clarity in what changes are being proposed, Mr. Dilworth requested a copy of the proposed fire code in a format showing editing changes made to the current fire code during the update. He requested the District obtain a clear definition of the word "combustible" under section M109, and feels that defensible

space requirements beyond 30' would not be necessary if non-combustible roofs were mandatory on residences within the District.

President Verbanec closed the public hearing at 10:06 A.M.

END OF TIMED BUSINESS

Counsel Wellington suggested staff address Mr. Tormey's questions now, then allow time to consider Mr. Dilworth's and Mr. Wortham's comments and correspondence by continuing the matter over to the next regularly scheduled meeting on December 7, 2007 where action on the negative declaration and ordinance could be taken up at that time.

Mr. Anthony stated that a document indicating the changes from the current code to the proposed code was provided to the Board at the August 2007 Board meeting as an agenda item, and would be provided to the Board again in preparation for the next meeting. Fire Chief Haines was directed to look into the wording in Section M109 that appears to indicate that defensible space requirements are to the property line and report back to the Board at the next meeting.

Battalion Chief Carreiro addressed Mr. Tormey's inquiry regarding the citation fine timeline for remediation of violations, stating the process is a standard 52-day cycle. He said that a 30-day notice is given, with a follow-up in 15-days, with a final in 7-days, then to court if necessary. In response to the sprinkler system requirements in existing homes, Section 102.1, item 5, lists the percentage of lineal wall footage movement, and Section 102 addresses the remodeling of structures. Movement of 50% of wall space plus one foot triggers the requirement of sprinkler system installation.

FIRE PROTECTION

Fire Chief's Monthly Report

The Board received and reviewed the monthly *Fire Department Operations Report* for September 2007. Chief Scoggin provided an update of District staffing levels while CAL FIRE assists with firefighting efforts in Southern California. Chief Haines announced today's meeting as Chief Scoggin's last; she is retiring and moving away from the Peninsula.

Chief Haines summarized the CAL FIRE employee fatality that occurred during a fire in Palo Colorado Canyon. He also updated the Board on the status of fires in Southern California.

Chief Carreiro reported a letter to Crest Road residents has been mailed regarding issues relating to fire dangers as they relate to State Highway 68 behind some Crest Road homes. He also reported on Public Education Fire Prevention stating that Community Emergency Response Team ("CERT") training is in progress and

is going well. Details are on the District website at www.pbcسد.org. The Fire-safe garden is on hold until staff returns from Southern California efforts.

D

Fifth Priority Fire Protection Water System Improvement Project

District Engineer Niccum reviewed his submitted memorandum regarding Board consideration of an increase in scope and budget of the project. He complimented General Manager Anthony for identifying deficient spacing of hydrants not indicated by the technical model used to locate deficient flow rates. Mr. Anthony stated that hydrants every 500' is the District standard however in some areas where the District standard is not logistically feasible, the ISO standard flow of 1,000 gallons per minute to each driveway was used allowing spacing up to 700 feet. Mr. Anthony invited those interested to view the map of the system that is posted in his office.

R

MOTION 10-07-03

Moved by Director Hornbuckle, seconded by Director Verhasselt, and unanimously carried, to increase the scope and budget of the Fifth Priority Fire Protection Water Pipeline Replacement Project to \$5,000,000 and postpone the Spruance Water Tank Project to next year.

A

MAINTENANCE, ENGINEERING, AND CONSTRUCTION

Wastewater Collection, Treatment and Disposal System

The Board received and reviewed the *District Engineer's Report of Utilities Operations and Maintenance for 9/21/07–10/18/07*. Mr. Niccum responded to questions from the Board.

F

PBCSD Capital Improvement Projects

Mr. Niccum reviewed the monthly status report and Capital Projects Summary Schedule on capital improvement projects and gave a visual overhead presentation of the Spanish Bay Pump Station P-8 Rehabilitation Project. Mr. Anthony explained the safety feature of the new design that lifts the submersible pump out of the wet well for maintenance as opposed to crews entering a confined space as in the past.

T

Statewide General Waste Discharge Requirements / Sewer System Management Plan

The Board received and reviewed the *District Engineer's Report of Statewide General Waste Discharge Requirements*. Mr. Niccum gave a PowerPoint presentation to the Board on new regulations issued by the State Water Resources Control Board ("SWRCB") and updated the Board on staff efforts to comply with the new requirements. The most significant change is that reporting of overflows is now done electronically via the California Integrated Water Quality System web site maintained by SWRCB.

CAWD Board Meeting

Director Hornbuckle gave an oral report of the CAWD Board meeting held on Thursday, October 25, 2007. He reported CAWD has had a recent problem of hiring treatment plant maintenance workers and faces retirement of some of the current workers. The District percentage of the inflow into the plant has been estimated at 33%; the final report of last year indicates a 31% actual, which results in CAWD's revenues to be approximately \$70,000 less than its budget. General Manager Anthony refresh the schedule of director attendance at CAWD board meetings and will email to all directors.

CAWD Meeting Assignment

Director Verhasselt accepted the assignment to attend the next CAWD Board meeting, the date yet to be determined (anticipated December 11th), in the CAWD Boardroom at 3945 Rio Road, Carmel.

SOLID WASTE MANAGEMENT

Director Laska summarized the submitted written report on the highlights of the meeting of the Monterey Regional Waste Management District ("MRWMD") held on October 19, 2007. There were no questions or comments.

GENERAL GOVERNMENT

District Legal Counsel Services

This item was deferred to the December 7, 2007 meeting.

Safety Committee Meeting Minutes

The Board received and reviewed the submitted September 27, 2007 Safety Committee Meeting Minutes. There were no questions or comments.

MISCELLANEOUS INFORMATION AND COMMUNICATIONS

Oral reports from General Manager

Mr. Anthony commended sewer maintenance staff's proactive attentiveness that led to the discovery of 200 gallons of sewage on an easement between Sloat Road and Sherman Road. Mr. Anthony was impressed with District staff discovery and swift temporary repair to the leaking clay pipe fitting.

Mr. Anthony stated he spoke with Tom Perkins, LAFCO representative and former Board of Supervisors member, regarding the District supplemental law enforcement program. Mr. Perkins supported and encouraged a portion of the citation revenues be earmarked to support an additional Monterey County deputy for patrol of the greater Peninsula area and that an office be provided at the District for such a position.

Mr. Anthony investigated Mr. Spencer Thompson's complaint regarding continued excessive vehicle speeds on El Bosque and determined that the complaint was

valid. He said the California Highway Patrol has been requested to maintain a higher profile on secondary residential roads such as El Bosque.

Mr. Anthony reported that he attended DMFPO and Pebble Beach Riding and Trails Association ("PBRTA") meetings to discuss the District's role and function and to offer assistance with any District or non-District matters.

Questions from Directors or staff seeking clarification of matters within the purview of the District

There were no questions from directors or staff.

Oral reports or announcements from Board President, directors or staff

Mr. Tormey congratulated District Engineer Niccum on the submitted WEFTEC Conference paper titled *Designing for Algae Proliferation in a New Reclaimed Water Reservoir* prepared by Paul Tjogas, Alex Horne, and Michael Niccum.

CLOSED SESSION

At 11:30 a.m. President Verbanec announced the Board would meet in closed session.

At 11:45 a.m. the Board reconvened to open session and President Verbanec reported that the Board took up the personnel matter on the agenda and appointed a sub-committee to meet with the General Manager. No other action was taken.

ADJOURNMENT

There being no further business at 11:47 a.m. a motion was made to adjourn.

MOTION 10-07-04

M/S/C (unanimous) to adjourn to the next regular Board meeting to be held on Friday, December 7, 2007 at 9:30 a.m. in the District Board Room at Forest Lake and Lopez Roads.