

CARPINTERIA SANITARY DISTRICT
IN THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

MINUTES

These are the **minutes** of the **regular** meeting of the Governing Board of the Carpinteria Sanitary District in the City of Carpinteria, County of Santa Barbara, and State of California.

The Governing Board of the Carpinteria Sanitary District held a regular meeting on **August 15, 2006**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Jeff Moorhouse – President
 Lin Graf – President Pro-Tem
 Michael Damron – Secretary
 Doug Treloar – Secretary Pro-Tem
 Patricia Horwitz – Treasurer

Staff Present: Craig Murray – General Manager
 Hamid Hosseini – Finance Director
 Judy Kirkman – Board Secretary

Legal Counsel
Present: Anthony H. Trembley

Public Present: Nick Narang, Rose Figueroa

President Moorhouse called the meeting to order at 5:30 p.m. and then asked Director Damron to lead the pledge of allegiance. Director Damron then did so.

President Moorhouse asked if there were any modifications and/or changes to the agenda. General Manager modified Item #2. Under the first line, Cash Contract No. 335 – Kennedy/Jenks Consultants, the next line should have read Lift Station No. 4 Rehabilitation/Replacement – Preliminary Design Study. Item #1 was moved on the agenda, because the petitioner requesting Board consideration had not arrived. President Moorhouse said this item would be heard when the speaker arrived. President Moorhouse said the agenda stood as modified.

Minutes of the July 18, 2006 Board Meeting. Director Treloar made a motion that the August 1, 2006 minutes be approved as submitted; the motion was seconded by Director Horwitz and passed by a 4-0 vote. Director Graf abstained, since he was absent from the August 1, 2006 Board meeting.

Public Forum. None

Cash Contract No. 335 – Kennedy/Jenks Consultants Lift Station No. 4 Preliminary Design Study. General Manager said that Lift Station 4 was adjacent to the Sandpiper Mobile Home Park on Via Real, and was built in the early 1970's. General Manager said over time modifications were made to upgrade the station. Recently, the force main was replaced and the pump station is running better than before, but it remains somewhat undersized and mechanically unreliable. General Manager said rehabilitation of Lift Station No. 4 was an approved Capital Improvement Program project and it has been mandated by US EPA. \$270,000 was allocated in fiscal year 2004/05 for design and construction of the rehabilitation effort. General Manager said this project had been deferred until after the force main upgrade to see how the operation of the system might have changed.

General Manager said originally the project involved replacement and reconfiguration of existing pumps, valves and discharge piping, replacement of controls and associated electrical equipment, but the station's basic configuration would be retained. Based on further review, staff believes it is appropriate and necessary to take a fresh look at Lift Station No. 4 to make sure that just changing out the hardware was the best approach for the long term.

General Manager said to ensure the best result, staff was recommending a preliminary engineering evaluation to assess the structural condition of the existing tanks, valves and system piping, and to develop, evaluate and look at different options for pump station upgrades. One option would be to structurally rehabilitate the existing underground structures. Another option would be to look at a modification of the wetwell and turn it into a submersible-type pump station, or construct an entirely new pump station on the property adjacent to the existing structure. Staff recommends obtaining an engineering study to look at the costs, feasibility, and the pros and cons of each alternative.

General Manager said Cash Contract No. 335 – Kennedy/Jenks Consultants is being submitted to the Board for approval. Kennedy/Jenks is one of the three firms interviewed in the recently undertaken qualifications-based selection process. General Manager said Kennedy/Jenks was a local firm with professional engineers in Ventura that had the experience and capabilities to do the work. General Manager said staff recommended that the Board review and approve Cash Contract No. 335 between the Carpinteria Sanitary District and Kennedy/Jenks Consultants for professional services with a not to exceed contract amount of \$19,500.

Director Treloar made a motion that the Board approve Cash Contract No. 335 between the Carpinteria Sanitary District and Kennedy/Jenks Consultants; Director Graf seconded the motion, and the motion passed by a 5-0 vote.

Director Treloar said the funds for this project had already been approved in the budget.

Development Impact Fee Assessment – Request for Relief 1280, 1272 and 1234 Cramer Circle/Narang Acquisition Group. General Manager introduced Nick Narang and Rose Figueroa from the Narang Acquisition Group. General Manager said copies of the District's approved ordinances pertaining to the assessment of Development Impact Fees for new connections to the District's sanitary sewer system were included with the Staff Report. General Manager said Mr. Narang was at the Board meeting related to a project he was developing at 1200 Cramer Circle that included three

distinct parcels. General Manager said this project first came to the District for review in 2004, before Mr. Narang acquired the project. Based on staff's plan check, a comment letter was issued to the City of Carpinteria saying the District required payment of Development Impact Fees for five residential units that are proposed in the project. General Manager said the project consisted of three individual parcels, and on two of the parcels there was a single family residential unit and an attached second residential unit. General Manager said the third parcel was one single family residential unit. General Manager said this was consistent with the District's ordinances and prior practice. Historically, the District has looked at second units, mobile homes and condominiums, whether they are detached or attached, whether they are on separate parcels or not, as individual dwelling units for assessing Development Impact Fees. General Manager said Section 8.5.2 of Ordinance 1989-4 basically states that Development Impact Fees will be charged for each individual equivalent dwelling unit. General Manager said a description of equivalent dwelling units was in Section 8.5.3 of the same ordinance. General Manager said Ordinance No. 8 also provided the opportunity for applicants to petition the Board and request relief from the assessment of Development Impact Fees. General Manager said a letter and attachments from Mr. Narang were attached to the Staff Report.

Legal Counsel reviewed the provisions of Section 8.5.5 of Ordinance No. 8. Legal Counsel quoted from the Ordinance, "Upon receipt of such application, the Board shall hold a hearing in which the burden shall be on the applicant to produce competent evidence of the special circumstances and alleged inequitable allocation of the fee, justifying the relief sought. The Board may consider other evidence, including all information supplied by District staff. Upon completion of the hearing, the Board shall weigh all of the evidence presented and make a determination, including a finding that substantial evidence exists for the granting or denial of the application for relief. The Board shall have sole discretion in weighing the evidence and in making such determination, and the decision of the Board shall be final." Legal Counsel said General Manager had given the Board a suggested motion, which said that I move that the Board either grant or deny relief to the petitioner as proposed. Legal Counsel said he would amend that suggested motion, either grant or deny saying: I move on the basis of the information presented this evening by the applicant and by District staff that the Board grant or deny relief to the petitioner. Legal Counsel said he'd like the Board to refer to him to make the suggested form of motion at the appropriate time.

President Moorhouse said the Board would hear the appeal from Mr. Nick Narang and Rose Figueroa. Mr. Narang said Steve Johnson was the prior owner. Mr. Narang said he had plans for three sewers, which the City had approved. Mr. Narang said sewer and water always go together. Mr. Narang said he didn't know why he needed five sewers, when there were only three meters. Conditions of approval by the City said it was an additional room, not an additional unit. Mr. Narang said the post office, the fire department and the water department all agree that there are three homes, not five. There are only three addresses, not five with three APN numbers. The plans were designed by a Civil Engineer. Mr. Narang said the previous owner, Steve Johnson applied for five applications. Mr. Narang said he could start the application process over for the three units. Mr. Narang said "granny unit" is a new concept with the state of California. Mr. Narang said the state of California is requesting all the districts to please help to reduce the costs. Mr. Narang said the Carpinteria Sanitary District was charging him \$2,400 per house. House #1234 is 1524 sq. ft. They're charging us \$2,400. The granny unit is only 450 sq. ft, and they're charging us the same price. Unit #1272 has 1733 sq. ft., and the granny unit has 467 sq. ft. Mr. Narang asked the Board to "please help." Mr. Narang said he received

one more piece of information from the City today.

General Manager said the Development Impact Fee is basically the District's way of covering the costs of capacity provided on a per unit basis. General Manager said you can go back to the original ordinance to review the basis for determining the amount of the DIF and the application. General Manager reiterated that it has been the District's practice, and was consistent with the Board-approved ordinance, that the District charge a DIF for mobile homes, for second units, and for projects such as this. General Manager said staff's interpretation remained the same today, as it did in 2004 on this project. General Manager said although it's three structures on three parcels, it represents five equitable units.

President Moorhouse said Mr. Narang made the comment, it was one house, one parcel and one unit. President Moorhouse said it was his understanding that the granny unit was a separate unit from the house, and that you can have a separate person living there. It has its own kitchen and plumbing. It's a separate unit. President Moorhouse said as a separate unit, in this town you can't differentiate between a 2,500 sq. ft. house and a 425 sq. ft. house. President Moorhouse said the state of California does not allow the City of Carpinteria to say you can only have so many people living in that unit, so you can actually have more people living in the 425 sq. ft. unit than the 2,500 sq. ft. unit. President Moorhouse said someone can buy that unit, and it's a place they can live and rent out the separate unit to another family. As far as the Water Department coming in and only hooking up three lines, you are charged by the actual flow charged from meters. President Moorhouse said there was a different impact on the Sanitary District than the Water District.

Director Horwitz asked Mr. Narang how many units the City was charging him. Mr. Narang said all agencies were charging fees for three units. General Manager said he received a fax from the City Community Development Department, which states the City would remain firm with three single residential impact fees and two multifamily impact fees, for a total of five.

Director Horwitz said the District has had this ordinance for some time, and the reality is that they are second units to be rented out and the District has always charged a separate DIF.

Director Damron said developers and others have come before the Board in the past and asked for relief. Director Damron said the Board wants to remain consistent on individual units being charged a fee. Director Damron said if the Board should grant relief in this instance, and for anyone that came after, the Board would be obligated to waive the fees. In the spirit of consistency, Director Damron said he would be inclined to deny any kind of relief on this project.

Director Treloar said when the District developed the Development Impact Fee, the District looked long and hard and actually reduced the amount from what the District use to charge. It is a fee based on edu (equitable dwelling units). Director Treloar said the Carpinteria Sanitary District is not a department of the City.

Legal Counsel said for the record, President Moorhouse brought up the difference between a 450 sq. ft. house vs. a 2,500 sq. ft. house. Legal Counsel said that was relevant in the terms of wastewater impact, i.e., wastewater flow that has to be treated by the District. There are separate kitchen and plumbing fixtures associated with the two different dwellings that coexist on the same parcel number.

Legal Counsel said the proposed form of motion for the Board would be: *Based on the evidence presented this evening, including oral and written information supplied by District staff, and information provided by the applicant, I move that there exists substantial evidence to deny the application for relief and the Board denies the application.*

Director Horwitz made the motion, and Director Damron seconded the motion presented by Legal Counsel.

Director Treloar said several people had stated the state requirement and the state definition, and wanted to know if granny units were considered low cost housing. President Moorhouse said it was irrelevant for the Sanitary District. There may be a limit to the size of granny units, but not to the number of people living in them.

Director Graf said the District does not care about the size of the unit, so putting forth the argument that this unit is 450 sq. ft vs. 1200 sq. ft. is not relevant in the District's ordinance. Director Graf said that Edison and the Water District are all metered, so they are charging on a consumption basis, whereas the Sanitary District is charging on a straight "hook to the system" fee. Director Graf said there was no reason to deviate from what has been done.

Director Damron said the District's ordinance gives applicants the right to appeal a decision made by District staff. Director Damron said for the record he'd like to say that staff made the correct determination at the time, and he was glad to vote in favor of staff's determination.

President Moorhouse called for a vote. The motion passed by a 5-0 vote.

Cash Contract No. 336 – Duke's Root Control, Inc. 2006 Chemical Root Control Program.

General Manager said over the past five years, the District has identified root intrusion as a serious problem. In 2004, the District developed a priority list of pipelines that had root intrusion. The District entered into a contract with Duke's Root Control, Inc. in January 2004 for chemical root control treatment to certain pipelines within the District's systems. General Manager said the pipelines were inspected using CCTV inspection six months after the application and verified that the applications were working. General Manager said chemical root control is not a permanent fix, and the reapplication period was recommended two years after the initial treatment. Over the past month staff has TV inspected all the lines that received the root control chemical in 2004, plus some additional lines. Cash Contract No. 336 with Duke's Root Control, Inc. is for reapplication of root control to those lines and some identified additional lines. General Manager said Duke's extended their warranty period another year after the second application, so the District would get a three-year warranty. If during that three-year period, staff found significant regrowth, Duke's would come out and reapply. General Manager said the Cash Contract had an amount not to exceed \$21,000, giving the District a little flexibility to add pipes if there was a need for adding chemical to additional lines.

General Manager said it was staff's recommendation that the Board review and approve Cash Contract No. 336 between the Carpinteria Sanitary District and Duke's Root Control, Inc.

Director Treloar asked if the District was within the two-year warranty timeframe. General Manager said the work that was proposed would not be warranty work under the District's original contract. The original application was inspected after six months, and again at the end of two years. Regrowth was beginning to occur but it was not considered a warrantable condition. General Manager

said the warranty covered root intrusion that was so significant that it would cause a stoppage in the District's lines. If that happened, Duke's would come back and reapply. General Manager said Duke's was a reputable company in this field. General Manager said if there were any problems going forward, he felt Duke's would reapply the chemicals for root control. General Manager said a more structured review over the three-year warranty period would be scheduled. Director Treloar asked if the funds were budgeted for this application; General Manager said \$21,000 was budgeted.

Director Treloar made a motion that the Board approve Cash Contract No. 336 between the District and Duke's Root Control, Inc.; Director Damron seconded the motion, and the motion passed by a 5-0 vote.

CSDA Annual Conference. General Manager said this item was on the agenda for the Board to consider approving attendance by any interested Board members. Director Damron said he was interested in attending.

Legal Counsel asked if, under the District's AB 1234 policy, was the Board required to approve attendance by Director Damron for the purpose of expense reimbursement and days of service. Legal Counsel said he did not have a copy of the policy. General Manager said there were special provisions that said CASA and CSDA were authorized. General Manager said he would review the policy, and bring it back to the Board at the next meeting for approval, if needed.

General Manager's Status Report. General Manager reported on the following: **Influent Pump Replacement/Primary Clarifier Rehabilitation Project** – Work in the primary is wrapping up. One problem came up with a drive-axel bearing. A machine shop in Ventura repaired it, and it will be back in service on Wednesday. The clarifier should go back into service on Thursday. Cushman will install the first influent pump on Friday; **Engineering Technician** – The District's employment offer was accepted by the first ranked candidate. Vickie Margadonna will start on Monday, August 21; **Annual Independent Audit** – Teaman, Ramirez and Smith were here the first part of last week finishing up their portion of the field audit for FY 2005/06. Director Horwitz, Finance Committee Chair, sat in on the Exit Interview with District staff. General Manager reported everything went well, and when the District receives the audited financials, they would come back to the committee and Board; **SAMA Meeting** – This month it was at the Summerland Sanitary District. General Manager said discussion was held regarding APCD requirements, particularly some state requirements for portable diesel engines; **Operations** – Treatment plant is operating in full compliance with the District's NPDES permit. The primary clarifier being offline has caused some operation problems, but the District is still in compliance. Collection system is operating fine, with no overflows to report. Friday of last week there was an overflow that came from a private collection system at a mobile home park in Carpinteria. It was not the District's responsibility, but our staff did go out to respond in a containment mode to prevent that spill from impacting the Carpinteria Salt Marsh. General Manager said lift stations are operating fine. The District's SSC database was updated to incorporate the updated parcel information received from the County, and our GIS link was updated. General Manager said Finance Director did a great job getting all the information updated.

Director Treloar asked regarding the APCD requirements, if the District runs its generators, is that a penalty. General Manager said the issues discussed at SAMA pertained to a state-wide registration program. The District's diesel generators, over 50 hp that are portable, are registered

with state and the District gets out of local permitting requirements. General Manager said the state, at the request of APCD officers, is considering changes that would require the District to report and get permits and inspections from the local agencies. General Manager said the District has limitations on the use of the District's emergency generator. The District can only use it 20 hours per year for non-emergency use.

Board Committee Reports

Finance Committee. Did not meet.

Personnel Committee. Did not meet.

Public Relations Committee. Did not meet.

Board General Items

Future Agenda Items: Legal Counsel said he would like to bring back the subject from the last meeting and the resolution regarding Policies and Procedures for Providing Priority Service to Affordable Housing Projects Pursuant to Government Code Section 65589.7 on a future agenda.

Adjournment. There being no further items to discuss, President Moorhouse adjourned the meeting at 6:21 p.m.

Michael Damron
Secretary

Lin Graf
President Pro-Tem

Patricia Horwitz
Treasurer

Jeff Moorhouse
President

Douglas Treloar
Secretary Pro-Tem