

BAYSHORE SANITARY DISTRICT  
MINUTES  
Meeting of November 21, 2019

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**Roll Call:**

The meeting was called to order at 7:02 P.M.

Present: Constantino, Rizzi, Swanbeck, Tonna  
Absent: Gallagher  
Also: Maintenance Director Landi, Engineer Yeager, District Counsel Quint, Clerk Landi and Cole Gaumnitz, BKF Project Manager for Midway Village

**Oral and Written Communications:** *(Concerning matters not on the Agenda; no action will be taken nor will extended discussion be permitted.)*

- (1) Communications from members of the public  
None
- (2) Communications from members of the District Board and Staff  
None
- (3) Acknowledgment of recent correspondence to the District  
None

**Consent Agenda:** *(Any member of the Board or the public can request that an item be removed from the Consent Agenda. If there are no objections all items are voted upon by one motion.)*

- (4) Minutes of the Regular Meeting of October 24, 2019
- (5) Payment authorization for bills and compensation
- (6) Accept October 31, 2019 report on District's current financial status
- (7) Accept October, 2019 checking account reconciliation

A motion was made by Director Swanbeck, seconded by Director Constantino and passed by voice vote approving consent items 4-7.

At this time an Agenda item was taken out of order.

- (12) District Engineer – consideration of matters relating to:
  - (a) Midway Village: Engineer Yeager said that this is an unusual project and more complicated than what we typically encounter. Usually plans are reviewed by the Engineer and Maintenance Director and don't require Board input. This project has some issues that may result in the request for variances. We have been provided the overall plan which consists of apartments, for rent townhouses and for sale townhouses. The townhomes that are for sale have sewers in the rear with an easement. The easement is proposed to be 8' wide vs. the District requirement for 15' wide easements. The Ordinance Code does permit a variance if it is determined that the access for maintenance is safeguarded and otherwise would be burdensome.

The sewers in this area will be shallow and manholes are located in strategic locations for routine cleaning and televising. The shallowness of the sewers is due to the topography.

The Clerk interjected that no decision could actually be approved at this meeting since the Agenda did not specifically call out the possibility of granting a variance or variances. Counsel said that the Board could thoroughly discuss the project and the matter of easements with a decision being deferred to the December meeting.

Mid Peninsula (MidPen) is proposing that some sewer mains be their responsibility—that is not a District practice. The concern is always – will they be maintained? Why shouldn't the mains be maintained by the District and the laterals by MidPen?

Cole Gaumnitz said that they are seeking a variance for two areas. One area is actually in the backyard of properties. Access for equipment would limit people's use of the yards. MidPen has a long track record of maintaining their onsite sewer systems. And they are requesting that MidPen maintain the lines outside the public right-of-way. He added that this is a phased project and what we are looking at now is at the schematic level. MidPen will go back to planning for each phase and seek input.

The District Engineer and Maintenance Director have discussed the project and agree that it may be appropriate to decrease the width of the easement from 15' to 10'. Language could be written stating that any improvement that is disturbed by required District activities will be restored at the expense of MidPen.

After further discussion and Q&A, staff was directed to prepare a Memorandum of Understanding (MOU) for consideration by the Board at the December meeting. Engineer Yeager will draft language covering the discussion and proposals made during the presentation. There was general consensus that the draft MOU should state that any variances granted would be subject to the following conditions:

- Manholes must be readily accessible for cleaning and CCTV purposes;
- Manholes must be less than 400 feet apart;
- The sewer lines in these easements should be shallow, less than 4 feet of cover;
- MidPen may place any surfacing or landscaping within the easement with the explicit understanding that MidPen will be completely responsible for the cost of the surface repair and the formal easement will include language to this effect; and
- The minimum easement width will be 10'.

**Board Reports** – consideration of matters relating to:

(8) President Gallagher

(a) LAFCo: No report.

(b) CSDA – Local Chapter: No report.

(9) Daly City: Director Swanbeck mentioned that there was a meeting with Daly City Manager Shawna Maltbie with regard to the City's response to the grand jury report on excessive retirement funding obligations.

(10) Brisbane: No report.

**Staff Reports:**

(11) Maintenance Director – consideration of matters relating to:

(a) Monthly report on District operations and maintenance: The Carlyle Station is operating satisfactorily. Approximately 600' of mainline in the Overlook project will have to be re-televised since the lines were full of rock. Most of the area is paved and the buildings are going up. The PG&E project on Schwerin, Rio Verde and Martin Streets was located over our mains. They were large excavations so it was prudent that the lines be televised to make sure no damage was done to District assets. No damage was observed.

North San Mateo County Sanitation District (NSMCSD) received a service request for a problem at 6 Nancy Lane. There was water and feces flowing down the street. NSMCSD responded but found two vehicles parked in the driveway over the cleanout. The Maintenance Director responded later in the day and told the occupant that they needed to call a plumber. A recheck this morning found that the problem hadn't been corrected. Contact was made with the property owner and she was advised that the problem needed to be remedied ASAP. District Counsel will check the District Code to determine if we have the authority to take care of such a problem and bill the owner or place the cost on the tax rolls.

(12) District Engineer – consideration of matters relating to:

(a) Midway Village: Discussed earlier in the meeting.

(b) October meter reading data: The average daily flow was 276,567 gallons.

(c) SFPUC annual sewer service charge: We received a bill for \$1,016,980 and we have budgeted \$1,000,000. The Engineer has reviewed the calculations and found no discrepancies; the fees can be paid. Engineer Yeager reviewed historical data tables and graphs provided in his monthly report. He said that the District's rates have been held constant for 14 years. At some point we will have to raise our rates. We have been able to maintain some reserves due to an increase in property taxes and interest rates. He has a good understanding of the District's costs but wants to get a better understanding of the revenues to be able to make better projections.

(d) Capacity Entitlement: UPC has paid the late penalty. Abbey Rental had a significant billing - \$10,000 including a penalty. They have until December 31 to pay and have made two installments with two more to follow.

(e) 2019-2020 Capital Improvement Projects: Two laterals will be replaced by US Underground on MacDonald Avenue in December. The SCADA system is up in the air. We have a proposal from Tesco for \$121,000, one from Telstar for \$40,000 excluding electric and another from Wonderware for \$10,000 for software only.

(f) Point Martin 1 and 2: At the last meeting it was reported that substantial grading was being done. The Engineer checked with Daly City and learned that the grading was being done to allow access for PG&E. RGA is still the project engineer and the developer is Malacor. We can now combine the deposits for 1 and 2. Updated plans were received and the Engineer responded positively. They are ready to go and have ground breaking scheduled for Spring of 2020.

Items of business have come up since posting of the Agenda. Plans for 453 Rio Verde Street were delivered tonight. This is the proposal for a single family residence consisting of 1½ shipping containers. Another is a final plan submittal by Habitat for Humanity. We will request a construction schedule. They could start this winter or next spring. Kinder Morgan is making a submission for renewal of their discharge permit. Once they receive a renewal from the SFPUC we can finalize our renewal.

(g) Proposed Ordinance Revisions: Discussed under (13) (a) below.

(13) District Counsel – consideration of matters relating to:

(a) Proposed Ordinance revisions addressing District Engineer’s recommendations:

This item was continued from the October meeting so that the Board could hear from Counsel. She stated that most of the changes are administrative and bring the code up to actual practice and to be in compliance with the new ADU California laws. There is nothing particularly novel – just a cleanup and to reflect what’s happening on the ground. A motion as made by Director Swanbeck to approve Ordinance 106, An Ordinance Amending Sections 301.10, 600.3.2, 601.4 to the Bayshore Sanitary District Code Regarding Substantial Remodels and Accessory Dwelling Units. The motion was seconded by Director Constantino and passed by the following roll call vote:

Ayes: Constantino, Rizzi, Swanbeck, Tonna

Noes: None

Absent: Gallagher

As required, the Ordinance will be published in the San Mateo County Times and will take effect one week after publication.

(14) District Clerk – consideration of matters relating to:

(a) CSDA and CASA 2020 dues: The Clerk explained that she received inquiries from both organizations with regard to the District’s operating budget. For quite a number of years we have deducted the SFPUC treatment fees as a pass-through expense. CASA appears to accept this calculation. CSDA rebilled the District based on that pass-through for 2020 but that may not be the case in subsequent years.

**Old Business:**

None

**New Business:**

(15) Reports on other matters: no action will be taken

None

**Adjournment:**

A motion was made by Director Swanbeck seconded by Director Rizzi and passed to adjourn the meeting at 8:42 P.M. The next regular meeting is December 19 at 6:00 P.M.

Submitted by Joann Landi, District Clerk

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President

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Secretary