

BAYSHORE SANITARY DISTRICT  
MINUTES  
Meeting of March 28, 2019

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**Roll Call:**

The meeting was called to order at 7:08 P.M.

Present: Constantino, Gallagher, Rizzi, Swanbeck, Tonna  
Absent: None  
Also: Maintenance Director Landi, Engineer Yeager, District Counsel Bakker and Clerk Landi

**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  
The Engineer distributed a memo from the City of Brisbane regarding the improvement project on Tunnel Road. The project will go out to bid April 18 and then on to the City Council on May 2. They will keep us informed with regard to adjusting our manholes.

**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 February 28, 2019
- (5) Payment authorization for bills and compensation
- (6) Accept February 28, 2019 report on District's current financial status
- (7) Accept February, 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.

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

- (8) President Gallagher
  - (a) LAFCo: No report.
  - (b) CSDA – Local Chapter: The Maintenance Director attended the special meeting on March 19 for discussion of the LAFCo proposed budget which has now risen to \$574,000. A management analyst has been added at a cost of \$145,000 per year. The group reviewed the budget but there didn't seem to be much concern among the districts attending the meeting. They maintain that their budget is in line with other LAFCo's in the State.
- (9) Daly City: There is concern in some parts of Daly City with regard to the proposed legislation related to the Cow Palace.

(10) Brisbane: No report.

**Staff Reports:**

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

(a) Monthly report on District operations and maintenance: •The pump hours were way up due to numerous rain events in February. •The generator installed in summer, 2017 is starting to rust. A solution will be brought back to the Board at the next meeting. •North San Mateo County Sanitation District's (NSMCSD) contract began March 1. The monthly fee for O&M service by CSMS has been reduced by \$1,500 per month. •A final inspection, after 3 additional attempts, was done at 179 Accacia Street. •Met with ProPipe, the PG&E video contractor, for a pre-construction discussion. ProPipe will return for post-construction inspections. •Met with the NSMCSD field manager and will meet again tomorrow to iron out some minor details. •The USA notices now contain a map link which is helpful. Marking for various projects was done today.

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

(a) February meter reading data: We experienced several rain events totaling 9½ inches. The average daily flow was 569,587 gallons. The total flow as of the end of February is 13.3 million gallons more than this time last year.

(b) Smoke Testing; I/I Analysis: No report.

(c) PG&E Industrial Discharge Permit: This is for ground water discharge. The permit has been issued but they have not started discharging at the Martin Service Center.

(d) PG&E Gas Line Construction Permit: The Board was provided a map showing the PG&E project area. It is the line servicing the San Francisco Impound Yard which will be tied into the line on MacDonald Avenue. It will run down MacDonald Avenue to Bayshore Boulevard and then up Bayshore Boulevard to the impound yard. Engineer Yeager also provided a timeline indicating the lack of coordination by PG&E. We learned of this project via Daly City where PG&E is also televising storm sewers. PG&E was advised by Daly City that the sewers in the project area were assets of the District. After discussion the Engineer and District Counsel decided to allow a permit for the video inspection work but the construction permit will need Board approval. ProPipe, the video contractor, has submitted their fees and permit application. When advised by the Engineer that they would need to secure a permit for construction, PG&E questioned why. They were provided the District Ordinance. There was a lot of back and forth regarding the accuracy of their map. We have now received revised plans and a permit application and payment has been promised. The Engineer also reported that PG&E asked for a W-9 from the District. Engineer Yeager recommended that the Board approve the plans with the permit being issued when payment is received. He would also like to send a letter to the new group of people he has been working with explaining the proper procedure for these projects and also provide them with District maps. A motion was made by Director Swanbeck accepting the plans, issuance of a permit pending receipt of the fees and the letter as explained by the Engineer. The motion was seconded by Director Rizzi and passed unanimously by voice vote.

(e) Maintenance Contract with North San Mateo County Sanitation District: The Board was provided with a summary of the preventive cleaning done in March. NSMCSD provided some notations of trouble spots they ran into as well as a root mass at 124 MacDonald Avenue. There are roots in the lateral but there is no cleanout. The Maintenance Director reported that there was a call at 120 MacDonald Avenue today. The lateral for that property is connected to 124. The property owner will attempt to clear the roots. The Maintenance Director is meeting with Kevin McCarthy tomorrow. NSMCSD also found rags in the sewer at Geneva & Schwerin and Schwerin & Partridge.

NSMCSD reported that the manhole at MacDonald and Talbert Street has a broken rim and the cover is cracked. Mr. Landi contacted SF Underground to secure a bid for the work. They are having difficulty finding a source for manhole covers. They estimate is that the work should not exceed \$3,000.

(f) SF Impound Yard – property ownership: The Engineer provided a diagram plotting the sewer line going through the impound yard. From Bayshore Boulevard, the line goes across a parcel owned by Chevron, then it goes across the impound yard until it gets to Talbert Street. There is a recorded easement for the Talbert Street extension. The entire parcel is owned by Prologis and is leased to San Francisco. The manholes are located behind a locked/gated fenced area. The line then traverses to a complex of office buildings. The question was what kind of an easement does the District have for this line. We found a file marked “easements” in the District archives.

This issue was brought to a prior Board in 1982. The engineer at that time wrote a letter about his research and indicated he found no easement for the sewer line. He concluded that the District does not own the line and the District could consider this as a private line. Or the District could offer to maintain the line if it was brought up to District standards and an easement was provided. The Maintenance Director advised that in the mid to late 60’s the line caved in and was repaired by the District’s contractor NSMCSD. The bottom line is it appears that the District does not have an easement but it has been providing maintenance. This matter came to light when we could not gain access to the SF Impound Yard to inspect the manhole on that property. The Maintenance Director said the manhole covers have San Francisco markings. The dilemma is, do we contact the owners and ask for an easement. Counsel said if the District did not construct the line and does not own it, we don’t have to provide maintenance. This line goes over 3 properties. The options are – we secure an easement or we enter into a contract to provide maintenance. Engineer Yeager expressed his opinion that the District may have a prescriptive right. Kreiland Property has a prescriptive easement which they could perfect and grant to the District. Counsel and the Engineer will come up with a plan for discussion at the April meeting.

(g) 3001 Geneva 6-plex - Habitat for Humanity: At the last meeting the plans that had been submitted showed a 2” water meter serving 6 units. Mr. Yeager preferred that each unit have its own meter. Daly City requires 6 service lines and that has been reflected on the plans. They have not submitted their permit or fees. They were notified and said both will be forthcoming.

(h) SCADA Master Plan: It turns out that it is really not a SCADA system. It is a system with a human machine interface. The human machine interface requires that you are using a computer to stop and start pumps but you aren’t gathering lots of data. There will be multiple screens for the various components. Information can be gathered remotely. The estimate from Telstar Instruments is \$39,762. The hardware is only about \$2,000 with the remainder being for programming installation. We do not have to put this out to bid because the programming costs are not considered a public works project. The Engineer plans to contact a couple more vendors for pricing information.

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

(a) 324 Accacia Street code violation: The owner was first notified that the roof gutters of their property were connected to the District’s sewer in September, 2018. They were notified in early January, 2019 that they had not disconnected the gutters and were given a February 28 deadline to do so. One possibility is for the District to abate the problem and charge the property owner. After discussion it was the consensus of the Board that Counsel send a cease and desist letter citing the code violation. The Clerk said that in the future we may want to consider penalties for these types of violations.

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

(a) Addition to website - CASA “wipes” alert: After discussion, it was decided that the document will not be posted.

(b) At large vs. district based elections webinar: The Clerk participated in a webinar hosted by Meyers-Nave. It is a very low bar for a complainant to prevail in a California Voting Rights Act suit. In

response to a question, the Clerk was advised that there is no exemption for small entities such as the District.

**Old Business:**

(15) Maintenance and emergency access to District easement line/manhole at 2650 Bayshore Boulevard: Discussed above 12(f).

**New Business:**

(17) SB 281 re Cow Palace

It was the consensus of the Board that we remain neutral on this matter.

(18) CSDA Legislative Days, May 21-22

It was agreed that the Maintenance Director and a Director may attend Legislative Days.

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

President Gallagher told the Board that Director Constantino will be attending the CSDA Leadership Academy in San Diego in April and that he had applied for and secured a scholarship.

**Adjournment:**

The meeting was adjourned at 9:16 P.M. The next regular meeting is April 25, 2019 at 7:00 P.M.

Submitted by Joann Landi, District Clerk

/s/ Iris Gallagher  
President

/s/ Norman Rizzi  
Secretary