

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, February 23, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on February 23, 2010 at 7:05 p.m. at the Brooktrails Community Center.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

Roll call showed the following directors present: Williams, Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

**REPORT ON CLOSED SESSION**

District Counsel Neary reported regarding the closed session held at the end of the January 26, 2010 meeting, that the Board met with real property negotiators regarding the purchase of Brooktrails Lodge, which purchase was rejected by a split Board vote, with Director Orth in favor and the other directors opposed. The Board also met with District Counsel on two matters of anticipated litigation, received information and gave direction.

**C. ADDITIONS/ADJUSTMENTS TO THE AGENDA**

None.

**D. MINUTES OF PREVIOUS MEETINGS**

1. February 9, 2010. Director Orth moved to approve the minutes; Director Horrick seconded. The minutes were approved unanimously.

**E. SPECIAL PRESENTATION**

None.

**F. PUBLIC HEARING**

None.

**G. PUBLIC COMMENTS**

Maria Bates of Spring Creek said regarding water and a matter of this importance it should have been scheduled for a Saturday meeting whereby more folks could attend. President Skezas reminded her that that matter was on the agenda for this evening and further discussion would take place.

**H. CONSENT CALENDAR**

2. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve payment of the outstanding invoices; Director Horrick seconded; the motion was unanimously approved.

**I. ACTION AGENDA**

3. Recreation, Greenbelt & Conservation Committee Annual Report. Chair Jerry Garvey reviewed accomplishments in 2009 of issues under this committee's purview. These included:

-- Completion of CALFIRE grant for fuel hazard reduction in Greenbelt Border zones and Neighborhood Greenbelt zones.

-- Donation of \$3,000.00 to Mendocino County Fire Safe Council (from Committee's annual budget).

-- Installation of fence around children's playground on the Par Course by District staff.

-- Rehabilitation of the Par Course Bridge by District staff.

-- Removal of Ohl Grove building that was a safety hazard, by District staff.

-- Secured the Ohl Grove boiler building (District staff).

-- Doug Pohlson memorial bench purchased and installed in Ohl Grove.

-- Placement of 12 rules/regulations signs at trailheads to discourage ATVs to prevent erosion and fire risk.

-- Erosion control project, Phase 1, to improve drainage and reduce sedimentation at the beginning of Thimbleberry Trail.

-- Willits News article detailing policy on ATV use and trail protection.

The Committee is also discussing goals and projects for 2010, which would be discussed in further detail at the Board's planning meeting in March. Director Ziady explained that the erosion control project would be done in three parts; she thanked District staff for their information and work. Director Orth said at the planning meeting we will talk about the potential Willits Creek Trail grant application. He said we were also expected to maintain facilities we have built with grant funds and this included the Par Course

and ball field. Director Ziady commented on the need to continue erosion control work and to begin forest restoration work. Director Orth said in looking at the Par Course with Scott Harris [DF&G], it seemed that a side stream that comes in at the end of the Par Course would be a good place for restoration work.

Directors thanked Mr. Garvey and the committee for their work.

4. Consideration of a support letter for a City of Willits Prop. 84 grant application for swimming pool project. Director Orth clarified that REMADE had nothing to do with this project. He said our Specific Plan required us to support a regional pool, since we lost ours, and that this proposed project would be very helpful for Brooktrails. There was a 3-2 vote at the City of Willits Council Meeting as to whether they would agree to be the lead agency for this grant.

Dave Madrigal then described the scope of the project in detail and said the initial application deadline was March 1. Responding to Director Ziady's question about the state freezing grant funds, Mr. Madrigal said that under the current climate he thought there was a bit more certainty, due to the advances allowed in this program, and that you would not be as exposed as agencies have been in the past. The project group had hoped to get both the pool and tennis courts renovated but the pool is coming in now at \$4.9 million and thereby the tennis courts were eliminated from the proposal. The existing facility would be demolished and replaced with a state of the art enclosed pool, with therapy pool and exercise pool and associated rooms for other programs, plus open space, which is critical in application scoring, along with accessibility and low income. However, statewide this program was extremely competitive as it does not require a local match.

Mr. Madrigal said he had been asked by Willits Council members about him starting a recreation district and running it and discussed the possibility of having a pool district outside the City limits. This proposal would bring a new employee to City of Willits, but they felt they had some good income generating figures. He said the City and the School District now share the cost, and it's not open much to the public. Director Orth said a lot of our residents were paying \$12.00 in Ukiah to use the therapy pool there.

Maria Bates mentioned a survey had been done in past years of Brooktrails and the residents' first priority for recreation was a place to swim. Rebel Johnston, another Brooktrails resident, said the Willits pool is packed with too many people.

President Skezas asked if formation of a recreation district was a potential; Mr. Madrigal said it was difficult to say but he had already contacted LAFCO and the California Association of Recreation & Park Districts for formation information. However, in talking with community members he felt it would be a stretch to get it on the ballot and be successful by this November. District boundary determination would also take time. Director Orth said Brooktrails was a recreational district so we could stand outside formation of a new one; we could participate in a JPA once one it was formed, but existing districts have the choice of joining or not. Also, mapping requirements are extensive; you have to both form a district and have a separate two-thirds vote regarding levying any parcel tax for an income stream. He could not imagine that prospect succeeding given the current economic climate. Mr. Madrigal said there was no reason not to move forward with so many needs.

Mr. Madrigal recommended that, if a state contract ensues, Willits should undertake a design-build process and feasibility analysis, which would take 7-8 months, and then put it out to bid; it probably would be a two-year process. President Skezas said he was concerned about the recreation district issue coming in halfway through the project. Mr. Madrigal said he thought that would only add to the momentum.

Bob Terry asked if there was any financial urgency to the project. Mr. Madrigal said not for the entire amount, but for a portion of it, with repairs to be done in the first stage at about \$250,000.00. He felt rehabilitation could not wait more than 4-5 years anyway.

Director Orth moved to approve the draft support letter for signature by the General Manager; Director Ziady seconded and the motion carried unanimously.

President Skezas asked if the pool would be open only one more summer if they got the grant. Mr. Madrigal said the system could blow out any time so it was hard to say. The City has been getting some notices from Environmental Health.

5. Consideration of Wagner & Bonsignore, Inc. estimate for modification to water yield study regarding "uncertainty analysis" and "history match"; depending on outcome of that question, request for approval to file a request for 24 additional water service connections ("waiting list") to CA Dept. of Public Health. Director Williams said his impression was that the history match was a waste of time and money but the uncertainty analysis was probably worth doing. Mr. Chapman responded to Director Ziady's question that the consultant retained the ownership rights of their database. Director Orth said it looked like they would bill \$2,400.00 for their work in the past two weeks, and said it really comes down to the dollars [up to \$25,000.00].

Director Ziady suggested adding in Mr. Estabrook's critique of the study along with Wagner & Bonsignore's study. Mr. Chapman said Mr. Burton would be looking for the professional engineering stamp behind the report. Director Williams asked if the moratorium was invited by the Board and was

told no, it was imposed. He said now he now had the impression that there was support for keeping the moratorium on. Director Ziady said she was sure there were people who felt that, but further added folks didn't want to run out of water. Mr. Chapman said that was a District decision regarding the possibility of running out of water. He further felt the Board had multiple responsibilities besides just engineering. He referred to Mr. Chang, a vacant lot owner wishing to build here, who had appeared before this Board several times and who was currently on the waiting list.

Director Horrick said he felt we need to remain consistent with the Specific Plan but we certainly didn't have a no-growth policy. Director Ziady reiterated that Bruce Burton had been concerned there was not enough water for the houses here; she felt that someone questioning the study had a right to have a voice to the decision-maker. Director Williams said we were the decision-maker; Burton had his side, but it comes back to us [the Board]. If the moratorium got removed it was up to the Board to decide if any more houses were to get built. He moved that the Wagner & Bonsignore study be accepted as is. Director Horrick seconded.

Director Orth pointed out that the Board did a connection fee study and connection fees now are \$11,000.00 plus, generally, for water or sewer connections. Under current economic conditions, he thought that cured speculation. He supported the motion. Director Williams said he intended to follow up with a motion that we ask Wagner & Bonsignore to do the uncertainty analysis; he felt if Mr. Burton decided the moratorium could be lifted, there are still difficult decisions to be made by the Board and he didn't want to ignore what Mr. Estabrook was saying a couple of weeks ago. Director Ziady said if the motion includes having that additional study, she would support it. President Skezas asked what they proposed to pay for it; Director Orth said connection fees. President Skezas said we have to pay for the study now. Director Williams said he wouldn't accept Director Ziady's amendment, the motion needed to be in two parts.

Mr. Estabrook came to the podium and was highly critical of the study. He said Mr. Burton would go with the P.E. stamp; that department didn't have the kind of staff to do their own analysis. He reiterated his finding of 47 acre feet compared to the Bonsignore figure of 84 acre-feet. He reiterated, in his opinion, that Brooktrails kind of had a comfort level of 50 acre-feet. He felt that a future Board or lawyer or property owner could come back with that 84 number forever. He mentioned an example in 1993 when a consultant wrote a report about our water supply and the ceiling was lifted from 1,300 service connections to 2,000, and that number was carried forward into the Specific Plan. He thought it was a bogus report because the consultant didn't include release water for fish. He thought 84 was the wrong number and he'd done a little more research. Mr. Estabrook continued with great detail regarding leakage from the both dams and concluded Ada Rose had never been measured, and he thought it was a significant as Lake Emily, or about 37 gallons a minute. He said this factor was not in the model. He presented a graph to the Board, his history match for 2009. Referring to his graph, he said he plugged in actual measured creek flow, bypass data, water production day by day, and the blue line was what his model said our storage should have been over 2009, and the red dots are his observations, and the two were pretty darn close. Then he took assumptions of no leakage at either Ada Rose or Emily and using the water well as a source and plugged those into his model and on the back is what he got. The blue line calculated his new reservoir volumes over time using what he thinks Bonsignore used; the red dots are his observed data, and now these vary about 35-40 acre-feet, which is what his model is off from his projection. Mr. Estabrook concluded that even if his model was right, and he thought it was, plus or minus whatever it is, he said he is really not opposed to 24 houses, but he was opposed to throwing out some bogus number like 84 and having some lawyer come in and say, if you have that much, you can build 132 houses. He said he was paying \$10 a month on his water bill for the dam project, just like everyone else in the room, because of a very wise investment for that spillway and he expected some kind of return from that.

The uncertainty analysis to him was less important, because Bonsignore had built a bit of conservativeness in his numbers. Mr. Estabrook said Mr. Bonsignore's arguments for not doing a history match really fall apart and the \$24,000 quote was appalling. He was very concerned about what he thought was a bogus 84 number that is going to come back to us. Director Williams said the question is, how do we stop at 24 if we've got this P.E. report saying we could do more.

Mr. Chapman said because, as he had pointed out before, we have to concentrate on distribution infrastructure matters within the water system, and they were perfectly valid arguments. All water systems have bottlenecks, whether capacity or distribution. Bruce Burton's probably going to come back and ask us to look at our distribution challenges as to how you deliver water from Point A to Point B. He mentioned Robert Melluish, our utility supervisor, will tell us at our annual budget meeting that we are close to plant capacity production in August when we start to pump out 460,000 gallons a day. We have to turn our attention to a second clarifier, and also need at least a 500,000 gallon tank on the airport side. He thought we had some pretty substantial distribution brakes in front of us.

Director Williams asked Counsel Neary what he thought of the Board's ability and responsibility to control construction, given that this information become part of public record. Mr. Neary said if you have data which says that you have water, there could be an argument that you need to supply that demand for hook-up. But, likewise, if there's reasonable limiting information to the data, which is what the general manager was talking about, he thought that would be a strong argument in rebuttal.

Director Williams said he was also hearing that because of the financial benefits of adding these connections, we are in the business of selling water, and we need this money and if we can justify getting these 24 houses and getting these people off the waiting list, there were other reasons why we ought to do that and then sit back and take a look.

Rebel Johnston said she spends \$100 a month for water; she thought there were enough houses here now. She felt there's just not enough room for more people here. Maria Bates complained about the notice she received last summer for accidentally using too much water. Now she heard the manager wanted to build more houses. What bothered her was that last summer her usage was considered a problem, and now all of a sudden we had so much water. Because we conserve, that means you could have more houses built? That was not okay, she said. Mr. Chapman responded that there are 6,000 taxpayers in this district and they were paying us \$400,000 a year in assessments beyond property taxes. The reality was this Board had an obligation to the vacant lot owners besides the people who live here. Mrs. Bates said she understood you'd make a lot more money by adding new hookups than by people like her going over one month, but this was not okay, and having a meeting on a Tuesday night did not give people an opportunity to be heard; she thought the process was somewhat sleazy.

President Skezas called for a vote on the motion on the floor. The vote was three in favor, with Directors Williams and Ziady against. Director Williams said yes, he was voting against his own motion. He said maybe there should be a directive to Mike. Based on what has said, he would like to see the history match done, but personally would rather see someone else do it than Wagner & Bonsignore. He further reminded the audience that the Board had a responsibility to 4,500 people who bought lots up here who could not build. He said the District had no right to lock this door unless there were a safety issue such as roads and a water supply issue. The General Manager concluded we may never know exactly how much water we have, but nevertheless he thought we for sure had enough to get that waiting list done.

Mr. Chapman interjected to say he wanted to go on the record that he did not appreciate anybody characterizing this document as bogus. He did not know how long or how much money Director Williams was referencing in polishing off the study, or whether any answer would be perfect. Director Williams said whoever did it could use the Wagner & Bonsignore study as a starting point. Mr. Chapman said it could take twelve months if the Board wanted to fund the conclusion.

Maria Bates said we need a second access before we have more housing. Director Orth we were tying in any future dam improvements to a second access. President Skezas also voiced his concern about future traffic loads on Sherwood Road and that other roads were a key element to the future of Brooktrails besides water.

Mr. Chapman said he would probably have Bruce Burton here the second meeting in March. Rebel Johnston asked if this could be tabled and was told it was already voted. Mr. Terry voiced it was incumbent on every resident and landowner to check the minutes on the website, going to the library computers if needed. He didn't understand why there was so much ignorance from the public at the meetings; it was of public record.

#### **J. ADDITIONS TO FUTURE AGENDAS**

None.

#### **K. SPECIAL REPORTS**

**From Directors:** Director Orth said he was trying to promote the Willits Creek Trail; it is a County/City responsibility to do the grant application and it is a multi-jurisdictional project.

**From District Counsel:** None.

**From General Manager:** Mr. Chapman sent a thank-you to Paul Cayler, City Manager, for recently re-striping the road near town. Director Williams said he was impressed with 21 new CERT members. Mr. Terry said there were 21 attendees at the current training and most want to be active.

#### **L. PUBLIC COMMENTS**

Rich Estabrook said, for the record, if he generalized that this was a bogus report, he didn't mean to say that, he felt it was the number 84 that was, and agreed it could be characterized instead as "wrong."

#### **M. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas adjourned the public meeting at 8:39 p.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN