

Minutes for 4 February 2010

The regular monthly meeting of the Gualala Municipal Advisory Council (GMAC) was held on Thursday, 4 February 2010 at the Gualala Community Center (GCC), downtown Gualala, California. Council Members present were Sean Gaynor-Rousseau, Scotty Howard, Charles Ivor, Robert Juengling, Bill McCarthy, and Jeff Watts. Council Member Ronald Eckert was absent. Administrator Mary Moberg and seven members of the public also attended (see sign-in sheet and speaker's cards). Council Chair McCarthy convened the meeting at 18:34.

1. **Announcements and Introductions:** Council Members introduced themselves.

Council Member Juengling visited the Mendocino County website and found the County is granting amnesties on unpermitted buildings of all types starting 1 January 2010 through 30 June 2010 (see attached). All penalty fees will be waived. It is hoped that many of the illegal structures countywide will be brought up to code.

Council Member Ivor suggested next month's speaker be someone knowledgeable about the Coastal Act; perhaps a commissioner from the California Coastal Commission (CCC). He agreed to do the research and invite a speaker.

2.a. Minutes 7 January 2010: It was moved by Council Member Watts, seconded by Council Member Ivor, and unanimously carried that the minutes be approved as presented.

b. Consent Agenda, Correspondence: None.

3. Approval of the Agenda: It was moved by Council Member Howard, seconded by Council Member Gaynor-Rousseau, and unanimously carried that the Agenda be approved as presented.

4. **Public Input on Non-agenda Items:**

a. John Bower thanked Council Chair Bill McCarthy for the fine job he has done through his years of service on the Council.

Mr. Bower stated that he was told that CCC Commissioner Merrill felt the CCC may not approve the Community Action Plan/Gualala Streetscaping (CAP). Mr. Bower hopes this will not be the case. The Gualala Town Plan has streetscaping embedded in it and was approved. CAP is an extension and implementation of that plan; why CCC would refuse to approve it is unknown. The City of Point Arena is going through the same process; whether that plan will be approved is unknown.

Council Member Juengling the County has to approve the rewrite of the General Plan before it looks at any local plans. The Ukiah Valley plan has been waiting approval for 19 years and may get it this June.

Council Chair McCarthy noted The Gualala Town Plan is supposed to be updated every five years. It was approved January 2002, so it is three years overdue for updates. He agreed that CAP should fall under the streetscaping already approved.

Mr. Bower said there were several 'Red Tags' around the community, which shows Mendocino County Building and Planning Services' (MCPBS) Code Enforcement is now out in force. There are 1,100 open cases on the Coast presently.

5. **Monthly Report: Mendocino County Law and Code Enforcement:** None

6. **Presentation: CALTRANS and the Highway One Slide between mile markers 2.45 and 2.5:** (Council Member Howard)

Sabastian Cohen, from the Eureka CALTRTANS Office, spoke about the Highway One slide north of Gualala. CALTRANS received an emergency permit to “move the highway so it was safe for the public.”

The engineers felt the bypass was now stable and would last until the rebuild was ready and opened. The permanent restoration project has been initiated with the County, Fish and Game, CALFIRE, etc. They also work very closely with the CCC to keep Highway One open and operational all along the California’s Coast.

On this project, here are two main issues being addressed:

- 1) construction of a retaining wall to keep the highway from crumbling into the ocean any further to maintain the “straight stretch” of the road. Geological test drilling will begin in the next two months. It is anticipated that only a cantilevered wall will be needed with no tie-backs necessary. The permit will have to be approved by the CCC. They are very concerned about esthetics, approving only certain designs for walls, bridges, etc. for Highway One.
- 2) vegetation impact and replacement where indicated with native species.

It is “within the scope” of CALTRANS’ restoration design to keep the eastern bypass as a pullout when the project is complete. This will have to be approved by State and County departments and organizations as well as the CCC, all of which want CALTRANS to “minimize the amount of impervious area” when constructing roads.

Council Member Ivor noted bike lanes have eroded away causing a dangerous situation for bikes and pedestrians. CALTRANS is aware of the situation but has to “walk a fine line” with emergency permits. Response can’t be too quick or other agencies won’t see a situation as an emergency or issue the necessary permits. The system has to fail or be on the verge of failing and a threat to safety, public or private property, etc.; yet they must maintain public safety in dangerous situations until a stretch of road does fail.

John Bower stated he was working with CALTRANS and Teresa Spade of MCPBS to replace North Gualala Water Company’s water line on the west side of the highway.

Council Member Watts asked the outcome of CDP #6-2008 dealing with culverts along Highway One giving a brief history of GMAC’s findings so Mr. Cohen was aware of the problems GMAC found. Mr. Cohen was unfamiliar with the project. Administrator Moberg will e-mail him the 6 March 2008 minutes for his records.

Paul Styskal asked when CALTRANS would elevate Highway One to be above the Garcia River when it floods in heavy winter rains. Many Point Arena students can not get to school at this time. Mr. Cohen said it wouldn’t be fixed, for there was no room to do the restoration and still have the road accessible to drivers. Administrator Moberg noted a transportation grant was given to the Manchester/Point Arena Band of Pomo Indians to build a bridge on Windy Hollow Road to connect both sides of the reservation and cross the Garcia River when Highway One was closed. She was not aware of their progress to date or when they would begin construction.

Mr. Cohen will keep Council Member Howard informed on the progress of the project and asked her to ring him at any time with any questions she may have.

7. CDP # 54-2009 (Nelsen): Location: 34080 Iversen Road, Gualala, APN 141-100-03 Construct ~2,584 sq. ft. single family residence, 900 sq. ft. workshop, and 900 sq. ft. detached garage. Convert existing single family residence to guest cottage. After-the-fact approval of driveway construction. Existing developments include a separate driveway, septic system, well, and storage shed (Council Members Juengling & Ivor).

Paul Styskel represented Mr. Nelsen who was not present. No guest cottage or additional septic system will be build (see attached). The existing cottage will be converted to a storage unit by removing the kitchen and bathroom. The new plans were finished and filed with the County.

Council Members Ivor and Juengling walked the property with Mr. Nelsen. Council Member Juengling had questions on the driveways, one at the north end of the property leading to the existing cottage and one in the south end that was made by Mr. Nelsen. The one to the south is the “after-the-fact driveway construction” mentioned in the CDP and will be broadened, and the apron, where the drive meets Iversen Road appears to have already been paved as Mendocino County Department of Transportation (MCDOT) requested.

Council Member Juengling said the diesel storage tank, undergrounding plans, location for utilities and utility poles, and water well were not indicated on the plans; nor were there any contour lines. There was a pond just above the driveway about which he was very concerned. The County said nothing about the pond in the CDP. He asked, 1) how was the pond’s dam constructed, and 2) what was to prevent Mr. Nelsen deciding not to convert the existing cottage into a storage unit but continue his plans to convert it to a guest house instead? Mr. Styskal said the dam was a fill construction; and he didn’t know what could prevent Mr. Nelsen from changing his mind about the cottage conversion once the permit was granted.

Council Member Ivor felt revegetation with native plants should be done, especially around the new house site where the ground was disturbed. He too was concerned about the pond, for water had been directed into rather than away from it and, during heavy rains, if the culvert were to become blocked, the excess water could washout the dam, the driveway, and any buildings downhill of the site.

Mr. Styskal noted Mr. Nelsen was already planting trees and would continue doing so. The pond was an exemption project and had been in place for 2-3 years. Several ponds built in the same manner exist on the property below and have remained very stable. Mr. Nelsen uses the water for his trees and garden.

It was moved by Council Member Watts, seconded by Council Member Ivor, and unanimously carried that the plans should show accurate:

- a. contour lines;**
- b. water runoff pattern;**
- c. drainage, slope, and any necessary rock protection;**
- d. undergrounding and all underground and surface utilities, and existing power poles, etc.;**
- e. location of diesel tank;**
- f. location of primary and secondary leach fields, and;**
- g. location of water well.**

It was also moved that the project be approved provided that:

- a. any graded cuts or non-vegetated areas should be replanted with native species to provide erosion control;**
- b. the roadway should be checked for fill compaction;**
- c. the dam should be checked to insure it is functional and stable, and;**
- d. the pond should be researched to insure it was constructed with the neces**

sary permits.

Council Member Juengling will write the letter to the County.

It was agreed the County should furnish good site maps and plans. **Council Member McCarthy** noted that GMAC had told the County time and time again about inadequate plans and maps but nothing been done about it. He urged the Council to continue telling the County what they want and eventually it might happen.

Council Member Gaynor-Rousseau noted the Council's suggestions on adding questions specific to GMAC's area to the County's Permit Application were rejected because the CDP form was for all areas and getting specific might confuse planners.

8. Chair's Report and Council Matters and Chair's Report:

Chair's Report:

Council Chair McCarthy stated members should ignore the e-mail regarding an unknown party requesting a password for the GMAC distribution list (see attached). There are two GMAC mailing lists, one distributes mail only to Council Members and the Administrator and one distributing to anyone wishing to subscribe. Council Member's individual accounts are on this list; the public can e-mail one Council Member and no other using their address on this list. The e-mail announces to everyone on the second list that someone has applied to become a member of the website.

Council Matters:

a. Undergrounding Project: **Council Member Juengling** received the project's quarterly update of 1 February 2010 and reported on its contents (see attached). On 12 January, MCDOT representatives met with Council Member Juengling and PG&E for a Gualala Field Meeting; representatives of AT&T were not present. The new supervisor of PG&E's undergrounding staff, David Phillips, who is replacing Larry McDowell, was introduced.

Easement acquisition continues to go forward. Bob Morgan and his MCDOT staff are receiving and reviewing AT&T's easement requests before sending them to property owners. Some are subject to revision with property-owner input. Charlene Testa and Cathy Perry with MCDOT Right-of-Way staff are working on appraisals and comparable sales research and processing any potential easement compensation claims. To date, all property owners are cooperating on easements and problems are being addressed. County easement acquisition and PG&E final design/engineering deadlines are 3 May; the deadline for the AT&T to acquire a CALTRANS Right-of-Way Encroachment Permit on is 30 March.

PG&E is design lead on Phases I and II, whereas, AT&T will be joint utility trench construction lead on these phases. Trenches will cross Highway One in several places, whereby the composite utility trench will be located on both the east and west sides of Highway One.

Council Chair McCarthy and Wendy Roberts both stated any property owner assigning an easement can be given compensation via a property-tax adjustment for loss of the square footage of that easement. The County Tax Assessor stated all they need to do is apply with the proper forms and maps.

Bob Perkins asked why the County wanted a 13.5 foot wide by 100 foot long easement through his property; 1,350 square feet seemed too much square footage in which to lay just a few wires. He has been trying to find someone who will answer this question but has been unsuccessful. Council Member

Juengling referred him to Bob Morgan of DOT. Council Chair McCarthy said his property may lie in an area where large switching boxes would be installed.

John Bower stated work on the Chevron Station has identified toxic soil which could stop undergrounding work. PG&E has an easement there but not AT&T and he didn't know how it will affect the project.

b. Gualala Downtown Community Action Plan (CAP): No report. Council Members Howard and Juengling will take over the project. Council Chair McCarthy offered to remain active in the CAP project and help when requested.

c. Rural Broadband Infrastructure through Mendocino Coast Broadband Alliance: Council Chair McCarthy said every grant proposal from the coast was denied by the Federal Government for their nationwide grant awards. He does not know where the Alliance will go from here.

d. Housing Taskforce Report: Council Member Gaynor-Rousseau had nothing to report. The project has come to a halt for lack of a grant writer but Dorothy Mac, who is interested in becoming a Council Member, is a grant writer and may help with the project.

e. Gualala School Bond Oversight Committee Report: Council Member Gaynor-Rousseau reported the last meeting's minute's dispute among the members had not been resolved so he can't report again this month.

f. Discussion/Action: Election of New Council Chair and Vice-chair: After some discussion, it was moved by Council Member Juengling, seconded by Council Member Ivor and unanimously carried that Council Member Jeff Watts be elected Council Chair.

After some discussion, it was moved by Council Member Watts, seconded by Council Member Gaynor-Rousseau, and unanimously carried that Council Member Howard be elected Council Vice-chair.

9. Treasurer Eckert's Report: Treasurer Eckert was absent. Administrator Mobert noted the County sends her a report each month which states the GMAC account was overdrawn by \$773.53 at the time the County deposited their annual financial aid of \$3,333. She has asked Treasurer Eckert to research the figures but has not heard the reasons the County reports this deficit amount.

Council Chair McCarthy announced Treasurer Eckert will take over the duties of webmaster for the GMAC website.

10. Secretary Gaynor-Rousseau had nothing further to report.

11. Administrator Mobert reported she worked 19.5 hours and materials for this month were \$6.70.

She received an announcement of a class on PRMD Interactive GIS Web Application — Active Map on Tuesday, 9 February in Santa Rosa (see attached). By using the Active Map system, one may locate information on any parcel in Sonoma County.

She asked the status of the GMAC Policies. County Counsel Nadel OKed them but the Council has yet to vote them into affect. They needed to be in place before Secretary Gaynor-Rousseau resigned in June. Secretary Gaynor-Rousseau will try to find these and send them to everyone for the 03/04 meeting.

She was contacted by the County Counsel's office asking to be sent a current copy

of GMAC's Bylaws. The Bylaws Committee needs to present a final copy of the new descriptions for the Secretary's and the Administrator's Duties to Council Members and for acceptance by the Board of Supervisors and the County Counsel. Secretary Gaynor-Rousseau said the County Counsel needed the Bylaws because they had never been recorded properly and the Counsel wanted to do that. Secretary Gaynor-Rousseau will try to find them to send to everyone before the 03/04 meeting.

Council Member Ivor asked why the County chooses to ignore GMAC's advice. Council Chair McCarthy stated sometimes they don't ignore it but the A in GMAC is for "advisory" and the County can ignore what advice it wishes, even if it's better than that which they follow. There is very little feedback from them on any topic GMAC has addressed and sent forward and/or advice given. The situation is much better now than it was when he came onto the Council and GMAC has better rapport now than they have ever had with MCPBS.

Administrator Mobert would like to see MCPBS come to Gualala quarterly, just as the Sheriff does, to report on what they are doing, new laws regarding their department, and answer questions from, and hear problems of the community. Council Chair McCarthy noted that when MCPBS Head Planner Gonzales from the Ukiah Office visited last fall, he said his office would start coming down but, so far, he has not approved any of the requests to do so from his Fort Bragg planners.

12. Agenda for the next meeting on 4 March 2010:

- i. CDPs received before the 20th of the month
- ii. Mendocino County Law Enforcement Report (Council Member Gaynor-Rousseau)
- iii. Undergrounding Project (Council Members Juengling)
- iv. CALTRANS & Highway One Slide Report (Council Member Howard)
- v. Downtown Community Action Plan (CAP) Update (Council Member Howard)
- vi. Gualala Elementary School Report (Council Members Gaynor-Rousseau & Watts)
- vii. Housing Taskforce Report (Council Members Gaynor-Rousseau & Juengling)
- viii. 2010 Budget Request to the County (Council Member Eckert)
- ix. Policies Committee Report (Council Member Gaynor-Rousseau)
- x. Bylaws Committee Report (Council Member Gaynor-Rousseau)

13. Adjournment: It was moved by Council Member Howard and unanimously carried that the meeting be adjourned at 20:40.

Respectfully Submitted,



Mary Mobert,
Council Administrator & Recording Secretary