

1. CALL TO ORDER

President Spies called the meeting to order at 7:02 pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Soren Spies, Keri Russo, Bruce Smith, Michael Yoder.
Directors Absent: Michelle Kaelker-Boor
Counsel Present:
Staff: Steven Machida, Mark Thomas & Company, Inc.

Motion: To Approve the Agenda.
Move: Smith **Second:** Russo
Board vote: **Ayes,** Spies, Russo, Smith, Yoder.
 Noes, None
 Absent, Kaelker-Boor

3. PUBLIC COMMENTARY

- A. Visitor Commentary – None.
- B. Agency Representatives – Staff Member Machida requested the addition of agenda item 6H. After the agenda was posted, a health and safety issue at 124 Brooklyn came to the District’s attention.
- C. Board Commentary – President Spies commented that the Green Waste Newsletter was excellent. It discussed how to recycle different materials. Director Yoder thanked President Spies for updating the District web site.

4. CONSENT CALENDAR

- A. Approval Minutes from the Regular Meeting of 2/19/2013.

Motion: To Approve Minutes from the Regular Meeting of 2/19/2013.
Move: Smith **Second:** Russo
Board vote: **Ayes,** Spies, Russo, Smith
 Noes, None
 Absent: Kaelker-Boor
 Abstain: Yoder

5. WARRANTS

- A. Approval of Warrants.
 - 1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
 - 2. Mark Thomas & Company, Inc. District Management Services.
 - 3. First Tech Federal Credit Union. Board of Directors Payroll.
 - 4. Meyer Nave

Motion: To approve four (4) warrants as listed.
Move: Yoder **Second:** Russo
Board vote: **Ayes,** Spies, Yoder, Smith, Russo

Call to Order

Roll Call and
Approval of
Agenda

Public
Commentary

Consent
Calendar

Warrants

Noes, None
Absent, Kaelker-Boor

New Business

6. NEW BUSINESS

- A. Meyers Nave submitted a letter requesting an amendment to their rates for Legal Services starting in Fiscal Year 2013-2014. The rates for Principals and Associates will be \$230/hour and \$210/hour, respectively. The rates are close but less than what would have been charged if a CPI inflator would have been used. Staff Member Machida also stated that the proposed rates are consistent with the rates that the Santa Clara County Counsel is charging for their services to represent County Sanitation District No. 2-3. The Board agreed with the rate amendment.
- B. The Board of Directors of Mark Thomas & Company, Inc. is requesting that the Burbank Sanitary District Board appoint Steven Machida as the District Manager-Engineer replacing Richard K. Tanaka effective immediately. The Board acknowledged the change.
- C. Staff Member Machida requested direction from the Board on the Capitalizations of Street Improvements for Inclusion in the Audit District Audit for FY 2010-2011 and FY 2011-2012. In 2002 the District received a grant that paid for street improvements in the District service area. Although the work was administered by the District and paid by the grant, Santa Clara County Roads and Airports would ultimately own and maintain the final improvements. In January 2013, it was brought to the attention of the District Manager that these improvements, valued at \$835,060.00, were viewed as District assets. After reviewing the improvements plans, the Board concurred with Staff that the improvements were street improvements and should not be considered District assets. The Board adopted Resolution No. 238 which authorized that the street improvement valued at \$835,060.00 in FY 2002-2003 should be written-off and authorized the Auditor to reflect this change in the FY 2010-2011 and FY 2011-2012 audit.

Motion: To adopt Resolution No. 238 to authorize the write-off of the Street Improvement Costs that is capitalized in the District Audit for FY 2010-2011 and FY 2011-2012.

Move: Yoder

Second: Russo

Board vote:

Ayes, Spies, Yoder, Smith, Russo

Noes, None

Absent, Kaelker-Boor

- D. The Cupertino Sanitary District sent a letter to the Burbank Sanitary District in response to the Draft Environmental Impact Report on the Treatment Plant. Staff Member Machida reported that the Cupertino Sanitary District submitted the response letter all of the Chairs/Presidents of the Tributary Agencies. The Board discussed letter and no action was taken.
- E. Green Waste Recovery, Inc. submitted a letter to the Burbank Sanitary District that discusses the calculation of the Refuse Rate Index. No action was taken.

- F. Staff Member Machida reported that the Special District Risk Management Authority (SDRMA) was notified that the District intended to withdraw our membership in SDMRA. Insurance coverage through for the District will continue until June 30, 2013.
- G. Staff Member Machida reported that California Association of Sanitation Agencies (CASA) 2013 Spring Conference will be held in Newport Beach on April 24-26, 2013. If the Board wishes to attend, Staff will make the conference and hotel registrations. The Board discussed attendance at the conference but due to other commitments the Board will not send a member to this conference.
- H. Staff Member Machida requested direction from the Board as it relates to a health and safety matter at 124 Brooklyn Avenue. After the agenda was posted, a potential urgent health and safety issue came to the attention of the District. Mr. Nanez has problems with his lower lateral but he refuses to repair his unpermitted property line cleanout and/or pay for a cleanout permit. Staff has knowledge that his lateral is failing and will possibly overflow. Although the District does not have responsibility if an overflow were to occur since the cleanout was not constructed to District standards, the Regional Board may not be supportive of our position since the District is aware of the failing lateral. Mr. Nanez says he does not have the money to pay for a permit, Staff is suggesting to collect the permit fee on the tax roll. After discussion, the Board agrees that Mr. Nanez can pay his permit fee in 11 months or on his tax bill. Staff is to work with Mr. Nanez to prevent future overflows and put into place a fee repayment schedule.

7. OLD BUSINESS

Old Business

- A. Olive Avenue Sewer Project. Staff reported that the Olive Avenue Project will be advertised in March 2013. The project will include the Olive Avenue extension and the cross-connection projects in Scott and Basile. The project will be bid as one project. The bid opening is scheduled for May 2, 2013 and Staff will bring the results and a recommendation to the Board at the May 21, 2013 meeting.
- B. Annual Spring Clean- Up Day – Green Waste Recovery confirmed that May 11, 2013 would be the Annual Spring Clean-Up Day in the District. Director Russo will in charge on the day of the event.
- C. District-wide Video/Maintenance – Staff reported that the Video/Maintenance project will go out to re-bid in March 2013. Staff will seek new bids to do the work. So far, Able Construction is the only Contractor that has submitted a bid.

8. SUBCOMMITTEE REPORTS –

President Spies indicated that he will assume the responsibility to maintain the District's Web Site.

Subcommittee
Reports

9. ADJOURNMENT:

Motion: To adjourn meeting at 8:34 pm

Move: Yoder **Second:** Russo

Board vote: **Ayes,** Spies, Yoder, Smith, Russo

Noes, None

Absent, Kaelker-Boor

Adjournment

Approved: March 19, 2013

Respectfully Submitted,
Mark Thomas & Company, Inc.

Soren Spies, President

District Manager – Engineer
Steven Machida