

1. CALL TO ORDER

President Spies called the meeting to order at 7:05 pm.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Soren Spies, Keri Russo, Michael Yoder, Michelle Kaelker-Boor,
Bruce Smith

Directors Absent: None

Counsel Present: None

Staff: Steven Machida, Mark Thomas & Company, Inc.

Roll Call and
Approval of
Agenda

Manager Machida requested addition of the LAFCO Service Review as urgency Item 6E to the agenda.

Motion: To add an Urgency Item on the Agenda under Item 6 New Business

Move: Russo **Second:** Smith

Board vote: **Ayes,** Spies, Kaelker-Boor, Russo, Yoder, Smith

Noes, None

Absent, None

3. PUBLIC COMMENTARY

Public
Commentary

- A. Visitor Commentary – None
- B. Agency Representatives – Manager Machida informed the board of his resignation from Mark Thomas & Company. Richard Tanaka will resume as District Manager-Engineer, Nichol Bowersox will assist as District Administrator, Frank Quach will assist as Operations Manager
- C. Board Commentary – President Spies informed the board that he will be stepping down effective November 2013. His last meeting as Board Director will be in October 2013.

4. CONSENT CALENDAR

Consent
Calendar

- 4. A. Approval of Minutes from the Regular Meeting of August 20, 2013

Motion: To Approve Minutes from the Regular Meeting of August 20, 2013.

Move: Russo **Second:** Smith

Board vote: **Ayes,** Spies, Kaelker-Boor, Russo, Smith, Yoder

Noes, None

Absent, None

Abstain, None

5. WARRANTS

Warrants

- A. Approval of Warrants

1. Enviro-Commercial Sweeping, District Street Sweeping Services.
Staff was directed to verify the terms and consider potential negotiation of the expired contract.
2. Mark Thomas & Company, Inc., District Management Services.
3. First Tech Federal Credit Union, Board of Directors Payroll.
4. Meyers Nave, District Legal Service.
5. Able Septic Tank Service, 64 Cleveland Avenue.
6. Michael Yoder, Web Hosting Fee

Motion: To approve six (6) warrants as listed.

Move: Kaelker-Boor

Second: Russo

Board vote:

Ayes, Spies, Kaelker-Boor, Yoder, Russo, Smith

Noes, None

Absent, None

6. NEW BUSINESS

New Business

A. Business Cards for the Board of Directors.

After board discussion on printing costs, staff was directed to produce Director's individual business cards in-house after the new board is seated in January.

B. LAFCO suggestions for service sustainability

Manager Machida reported on his meeting with the Santa Clara County LAFCO Director Neelima Palacherla. She complimented President Spies on his knowledge of the District, expressed her concerns regarding spending down District reserves in anticipation of annexation, and concluded that annexation with West Valley Sanitation District (WVSD) at this time may not be the best option given the eventual annexation to the City of San Jose (CSJ). LAFCO will be removing the recommendation for annexation to WVSD from the final document. Two options were given for consideration:

1. BSD continues to operate as is and work with developing a schedule for annexation to the CSJ.
2. Negotiate an agreement for the CSJ to provide sanitary sewer service while allowing the District to determine the schedule for dissolution.

The Board discussed the advantages and disadvantages of the two options. Staff was directed to gather additional information from the CSJ Environmental Services and Planning Departments for board discussion. Staff was also directed to arrange for a meeting with CSJ staff to discuss the potential annexation and develop a work plan that will be reported back to the board.

C. Mark Thomas and Company Contract Renewal

Director Yoder asked for clarification on the CPI factor applied in the contract amount. He also pointed out that the contract amount shown is higher than simple CPI increases from the original starting amount in the original contract. After board discussion, Staff was directed to revise the amount shown on the contract from \$192,000 to \$184, 374.

Motion: To Approve Mark Thomas and Company's Contract.

Move: Yoder **Second:** Kaelker-Boor
Board vote: **Ayes,** Spies, Kaelker-Boor, Russo, Smith, Yoder
 Noes, None
 Absent, None
 Abstain, None

D. Election of Board President to complete the 2013 term.

Motion: Nominate and Elect Director Bruce Smith as Board President to complete the 2013 term.

Move: Kaelker-Boor **Second:** Russo
Board vote: **Ayes,** Spies, Kaelker-Boor, Russo, Smith, Yoder
 Noes, None
 Absent, None
 Abstain, None

E. LAFCO Service Review

Motion: Appoint a new sub-committee, Directors Spies and Russo, to review and submit to LAFCO comments regarding the service review.

Move: Kaelker-Boor **Second:** Yoder
Board vote: **Ayes,** Spies, Kaelker-Boor, Russo, Smith, Yoder
 Noes, None
 Absent, None
 Abstain, None

7. OLD BUSINESS

Old Business

A. Olive Avenue Sewer Project
Staff Member Frank Quach provided an update on the Olive Avenue Sewer Project. He indicated that the contractor's bid price for the upper lateral connection to the District lower lateral is \$11,000 per parcel. Staff was directed to verify the locations of the future connections and solicit bids from other contractors

B. Appointment of a Fifth Director to Fill the Vacant Seat.
The board discussed potential outreach efforts to fill the future vacant seat.

8. SUBCOMMITTEE REPORTS

Subcommittee Report

President Spies reported that a new, easy to update web site was under development using Word Press. The new site can be previewed at <http://burbanksanitary.org/wp>.

9. ADJOURNMENT:

Adjournment

Motion: To adjourn meeting at 8.47 pm.

Move: Yoder **Second:** Russo

Board vote: **Ayes,** Spies, Kaelker-Boor, Yoder, Russo, Smith
Noes, None
Absent, None

Approved: October 15, 2013

Respectfully Submitted,
Mark Thomas & Company, Inc.

Soren Spies, President

District Administrator
Nichol Bowersox