BURBANK SANITARY DISTRICT **MINUTES OF REGULAR MEETING**
BOARD OF DIRECTORS **September 18, 2012**

---

1. CALL TO ORDER

Call to Order

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

2. ROLL CALL AND APPROVAL OF AGENDA

Roll Call and Approval of Agenda

Directors Present: Bruce Smith, Michael Yoder, Keri Russo and Michelle Kaelker-Boor (via conference call), Soren Spies (arrived 7:15pm)
Directors Absent: None
Counsel Present: None
Staff: Donald Toy, Mark Thomas & Company, Inc.

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

3. PUBLIC COMMENTARY

Public Commentary

A. Visitor Commentary – None.
B. Agency Representatives – Staff noted that a revised Conflict of Interest Code resolution would be submitted for adoption at the October meeting.
C. Board Commentary – Director Smith reported that building demolition debris had not been completely removed from the property at 2161 Scott St. Staff noted that former director, Joe Carpenter, had reported this the previous week and staff had contacted the owner and received confirmation that the debris was scheduled for removal.

4. CONSENT CALENDAR

Consent Calendar

Motion: To Approve Minutes from the Regular Meeting of 08/23 /12.
Move: Yoder **Second:** Russo
Board vote: **Ayes,** Smith, Yoder, Russo, Kaelker-Boor **Noes,** None
Absent, Spies

5. WARRANTS

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. Meyers Nave. District Legal Services.

Motion: To approve four (4) warrants as listed.
Move: Russo **Second:** Kaelker-Boor
Board vote: **Ayes,** Smith, Yoder, Russo, Kaelker-Boor **Noes,** None
Absent, Spies

6. NEW BUSINESS

New Business

A. Illegal Connection- 2312 Olive Ave. Staff reported that all seven of the affect property owners associated with the Olive Avenue Sewer Extension project had returned consent agreements to the District indicating their willingness to participate in the project. Staff recapped the history of the property at 2312 Olive Avenue and the District's conditional requirement to abandon their illegal sewer connection to the adjoining property at 2310 Olive Ave. and the requirement to build a sewer extension to serve the property. The owner of 2312 Olive Ave, Mr. Hamid Tabrizi, purchased the bank-owned property in April 2011 and immediately began remodeling the house. According to the selling agents (Alain Pinel Realtors), Mr. Tabrizi acknowledged and signed a disclosure statement pertaining to the District's sewer requirement. Additionally, the bank dropped the sale price of the home by $35,000 to account for the required sewer work. District staff contacted Mr. Tabrizi on several occasions in 2011 and 2012 to reiterate the need to abandon the illegal sewer connection. Thus far, no action has been taken on Mr. Tabrizi's part to move forward on the sewer abandonment and there are now tenants living in the house.

In order to proceed with the bid and construction of the Olive Avenue Sewer Extension and Bypass Cross Connection project, staff has recommended that an additional 4-inch diameter sewer lateral be added to the plans to serve Mr. Tabrizi's property. The lateral will terminate at the property line and be capped at the end. The District is under no obligation to construct a property line cleanout because we do not have consent from the owner to enter onto the property to do construction. The District's basic obligation to provide a sewer service connection point will be fulfilled once the project is completed. At that time, the District can pursue Mr. Tabrizi to meet his obligation of abandoning his illegal connection and tie the property into the newly installed sewer lateral.

Staff discussed the liability issues related to the illegal connection and recommended that action be taken to get Mr. Tabrizi to comply with District requirements. Director Kaelker Boor asked if the District's obligations to provide sewer service would be completed if we built a sewer lateral and terminated it at the property line. Staff responded that the District's jurisdiction ends at the public right of way, in this case, the property line. Mr. Tabrizi would be responsible for abandoning his illegal connection, re-routing the pipes from the house, build a property line cleanout (with District permits and inspection) and tie into the District's sewer lateral. The District Board agreed that this course was the appropriate action and would both fulfill the District's obligations and not impede the progress of the Olive Avenue Sewer Project.

6. NEW BUSINESS (continued)

New Business (continued)

Motion: To Direct Staff to Modify the Olive Avenue Sewer Project Plans to Include a Sewer Lateral for 2312 Olive Ave., Terminating at the Property Line.

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

7. OLD BUSINESS

Old Business

A. Santa Clara County Special Districts Association (SCCSDA). The Board discussed the District's position on whether to vote in favor of or against the SCCSDA joining LAFCO. Director Spies noted that previous meeting minutes showed that the Board has made a motion to vote in favor of joining, with the knowledge that an annual fee of approximately $300 would be incurred. The Board discussed the matter and is not sure that the benefits of joining LAFCO would justify the perpetual costs. Staff noted that the motion from the previous meeting approving the vote to join LAFCO was not binding and that a final decision could be made at a later date. The issue will be continued to the next meeting.

B. Olive Avenue Sewer Project. Staff reported that the owner agreements for all seven of the Olive Avenue property owners were received. Staff intends to put the project out to bid in the next month.

8. SUBCOMMITTEE REPORTS – Director Spies stated that the District website is up to date.

Subcommittee Reports

9. ADJOURNMENT:

Adjournment

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

Approved: October 16, 2012

Respectfully Submitted,
Mark Thomas & Company, Inc.

District Manager – Engineer
Donald Toy, Administrator

_____
Bruce Smith, President