

1. CALL TO ORDER:

Director Carpenter called the meeting to order at 7:33 p.m.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA:

Directors Present: Directors Alex Amaya, Joe Carpenter, and Daniel Chavez

Directors Absent: President Lisa M. Post

Staff: Carl Beckham, (Mark Thomas & Company, Inc.), Sid Nash, (Mark
Thomas & Company, Inc.), and Bryan Otake (Meyers-Nave)

Visitor: Daniel Husi (Property Owner, 1916 Elliot Street)

Roll Call
Approval of
Agenda

Director Carpenter motioned to approve the agenda and there was no second. Director Chavez requested to amend the agenda by deleting Item 7, Closed Session.

Motion: To approve agenda as amended

Move: Chavez **Second:** Amaya

Board vote: Ayes, Amaya, Carpenter, and Chavez

Public
Commentary

3. PUBLIC COMMENTARY:

A. Visitor Commentary – None

B. Agency Representatives – None

C. Board Commentary – Director Chavez stated the District is behind in payments to Green Valley Waste Management. The District is not invoiced for service; payments are to be calculated by Staff based on the established rate times the number of addresses and payment to be sent monthly.

4. CONSENT CALENDAR:

A. Approval of Warrants

Director Carpenter motioned to approve Warrants #1-5 and there was no second. Directors Chavez and Amaya stated they had not seen a Warrant List which included Item #5. Director Carpenter stated that the omission of Item #5 was a procedural matter and to include Item #5 on the next agenda.

Motion: To approve Warrant List items #1-4

Move: Chavez **Second:** Amaya

Board vote: Ayes, Amaya and Chavez **Nays,** Carpenter

Consent
Calendar
Approval of
Warrants

B. Approval of May 5, 2005 Minutes

Motion: To approve the May 5, 2005 Minutes with edits

Move: Chavez **Second:** Amaya

Board vote: Ayes, Amaya and Chavez **Nays,** Carpenter

Approval of
Amended
Minutes

C. Approval of June 2, 2005 Minutes

Motion: To approve the June 2, 2005 Minutes as written

Move: Carpenter **Second:** Chavez

Board vote: Ayes, Amaya, Carpenter, and Chavez

Approval of
Minutes

<p>5. DISCUSSION/ACTION/REPORT: Director Chavez motioned to move item 5E.2 before item 5A because the owner of 1916 Elliott Street was in the audience.</p>	<p>Discussion/ Action/Report</p>
<p>Motion: To move item 5E.2 Ahead of item 5A Move: Chavez Second: Carpenter Board vote: Ayes, Amaya, Carpenter, and Chavez</p>	
<p>E.2. 1916 Elliott Street – Property owner to review title report for any sanitary sewer easements. Staff to tabulate sanitary sewer service charges paid by property owner. Staff to invite qualified contractors to bid on installation of sewer extension and lateral service to 1916 Elliott Street with a Not to Exceed \$25,000 cost. 3 year credit of service charges collected toward connection permit.</p>	<p>Return to Staff</p>
<p>A. Appointment of District Counsel – Director Carpenter briefly discussed the need to execute the Meyers-Nave engagement letter for appointment of District Counsel.</p> <p>Motion: To accept engagement letter appointing Meyers-Nave as District Counsel Move: Carpenter Second: Amaya Board vote: Ayes, Amaya and Carpenter Nays, Chavez</p>	<p>Appointed</p>
<p>B. Authorize Administrator to Post Director’s Hours – Letter of Authorization – Report by the District Administrator citing the need for the Board to authorize the Administrator to post Director’s hours/meetings attended to Intuit payroll services. The letter is to be countersigned by President Lisa Post.</p> <p>Motion: To approve letter of authorization to be sent to Intuit Payroll Services Move: Carpenter Second: Chavez Board vote: Ayes, Amaya, Carpenter, and Chavez</p>	<p>Authorized</p>
<p>C. Transition of Engineering Administration Services from ABR to Mark Thomas & Company, Inc. - Board directed Staff to obtain a detailed summary of activities from ABR to review & compare with billings.</p>	<p>Continued</p>
<p>D. ABR Invoices – No Report</p>	
<p>E.1 Permits to Issue – 1. 337 Irving Avenue-Administrator Nash reported on 337 Irving Avenue regarding paying sanitary sewer service charges since 1995, but not connected to sewer. Property is potential health hazard due to inadequate septic system. Staff recommendation for past service charge overpayment to be credited to connection permit fees and permit issued as soon as possible to alleviate condition. Staff also requested authorization to direct Able Construction to pursue investigation to verify that a side lateral exists to serve the property and extend to property line if necessary.</p> <p>Motion: To direct Able Construction to locate service lateral at planter strip area Move: Chavez Second: Amaya Board vote: Ayes, Chavez and Amaya Nays, Carpenter</p>	<p>Returned to Staff</p>

Director Carpenter stated more info was needed from Staff in order to determine action to be taken. After additional discussion regarding overpayment of service charges Director Chavez amended earlier motion to add determination of amount service charges paid in the past 10 years and apply as credit to connection permit.

Motion: To determine the amount of service charges paid in the past 10 years and apply as credit to connection permit.

Move: Chavez **Second:** Amaya

Board vote: Ayes, Amaya and Chavez Nays, Carpenter

F. District Administrator Report –

1. LAFCO - Report on LAFCO meeting regarding annexation of unincorporated pockets smaller than 150 acres without the vote of constituents. Director Carpenter had attended meeting and stated several Special Districts, including Burbank Sanitary District, were requested to supply specified data to LAFCO's consultant by a specified date.
2. Sewer Connections - No Report
3. 368 S. Buena Vista – Administrator Nash reported that Able Construction had been authorized to do repairs necessary to correct a continuing problem of backups and inconvenience to 3 apartment complexes in the neighborhood.
4. Trash Pickups – Administrator Nash reported that letters have been prepared and are ready to send to tenants, property owner, and Green Valley Waste Co. regarding 342 Laswell Avenue, as directed by the Board.
5. Office Move – Administrator Nash reported that all District equipment and furnishings had been moved to the Mark Thomas & Company, Inc. office and/or a secure storage facility at Central-U-Storage on Junction Avenue in San Jose. An Inventory listing all District equipment and property was provided. Administrator also reported that a pending expansion of Mark Thomas & Company, Inc. operations at the Cupertino Sanitary District facility could accommodate Burbank Sanitary District and County Sanitation District #2-3 as well as preclude the need to dispose of District Property which could be utilized in the expanded space for Burbank Sanitary District. Director Chavez moved that in the interest of time, Discussion items 5F6, 5F8, 5G, 5H, 6 and 7 be continued to the next regular meeting.

Motion: Discussion Items 5F6, 5F8, 5G, 5H, 6 and 7 continued to the next regular meeting.

Move: Chavez **Second:** Carpenter

Board vote: Ayes, Amaya, Carpenter, and Chavez

6. Dunham & Watkins Update – Item moved to next regular meeting.
7. November Election 2005 – Administrator Beckham reported that the Resolution regarding the Request for and Consent to Consolidation of Elections required action in order to be submitted to the Registrar of Voters prior to deadline of June 17, 2005. Counsel Otake pointed out a typo that required correction on the resolution. Director Chavez noted that the District's seal should be located and to affix the seal on the resolution. Director Chavez made motion to adopt Resolution 217 with attachments as modified.

Motion: To adopt Resolution 217 with attachments as modified

Move: Chavez **Second:** Carpenter

Board vote: Ayes, Amaya, Carpenter, and Chavez

District
Administrator
Report

Continued

Resolution 217
Adopted as
modified

<p>8. Investment Portfolio – Item moved to next Regular Meeting.</p>	<p>Report Continued</p>
<p>G. Able Underground Construction, Inc. Report – Item moved to next Regular Meeting.</p>	
<p>H. Disposal of Surplus District Property – Item moved to next Regular Meeting.</p>	
<p>I. Board Meeting Location – Administrator Nash asked if the Board wished to continue meeting at the Mark Thomas office through summer months until Burbank School is available in September or to pursue meeting locations within the District region. Director Chavez stated that his preference is to hold meetings in the District. Director Carpenter directed Staff to provide list of possible meeting locations and costs at the next meeting.</p>	
<p>Director Carpenter noted that the next regular meeting of Thursday, July 7, 2005, is cancelled and has been rescheduled for Thursday, July 14, 2005.</p>	
<p>6. DISTRICT MAIL AND CORRESPONDENCE: Item moved to next Regular Meeting under Item 5 of Amended Agenda.</p>	<p>District Mail Correspondence</p>
<p>7. CLOSED SESSION: Item moved to next Regular Meeting.</p>	<p>Closed Session</p>
<p>8. ADJOURNMENT:</p>	<p>Adjournment</p>
<p>Motion: To Adjourn meeting Move: Carpenter Second: Amaya Board vote: Ayes, Carpenter, Chavez, and Amaya</p>	
<p>Respectfully Submitted, Mark Thomas & Company, Inc. District Manager – Engineer</p>	
<p>Sid Nash Administrator</p>	
<p>Approved: June 24, 2005</p>	
<p>_____ Lisa M. Post, President</p>	