

**BURBANK SANITARY DISTRICT
BOARD OF TRUSTEES**

**MINUTES OF SPECIAL MEETING
November 9, 2005**

1. CALL TO ORDER:

President Post called the meeting to order at 7:30 p.m.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA:

Directors Present: Directors Lisa M. Post, Joe Carpenter, Alex Amaya, and John Marke.

Directors Absent: None

Counsel Present: Bryan Otake (Meyers Nave)

Staff: Donald Toy (Mark Thomas & Company, Inc.)

Roll Call
Approval of
Agenda

Motion: To approve agenda

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke **Noes,** None

3. PUBLIC COMMENTARY:

A. Visitor Commentary – None.

B. Agency Representatives – None.

C. Board Commentary – Director Carpenter stated that a property on Laswell Avenue had a large amount of broken concrete pile up in front of the house. Staff was directed to send out a notice to the homeowner to remove the concrete. Director Marke would verify the address and notify staff. Director Carpenter reported that a storm drain catch basin at the intersection of Basile and Irving was filled with dirt. Staff as directed to contact the County of Santa Clara Public Works Department to have it cleared out.

Public
Commentary

4. CONSENT CALENDAR:

A. Approval of Warrants – Four warrants. Mr. Otake stated that the consent calendar should only have items in it that were ready for approval. Any items that required discussion should be moved from this section and agendized for formal discussion. Director Carpenter suggested that any routine warrants be listed in the Consent Calendar and any items that needed discussion be added to the Reports. Warrant Item Nos. 1 and 4 were moved to Reports.

Consent
Calendar

1.	Able Underground Construction	Invoice dated	10/12/05
2.	Meyers-Nave	Invoice dated	09/30/05
3.	Enviro-Commercial Sweeping, Inc.	Invoice dated	10/27/05
4.	Mark Thomas & Company, Inc.	Invoice dated	10/11/05

Motion: To move Items 4.A.1 and 4.A.4 to Reports and renumber them as Items 6.A.1 and 6.A.2.

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke **Noes,** None

Motion: To approve Consent Calendar Items 4.A and 4.B.

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke **Noes,** None

5. CORRESPONDENCE:

Correspondence

A. City of San Jose (Revised FY 2004-05 Operating & Maintenance Cost Sharing). Staff reported that the enclosed report detailed each District's share of the O&M costs for the San Jose Santa Clara Water Pollution Control Plant. Invoices for the Burbank Sanitary District's share of the costs were included in the report and were dated at the beginning of October, with a delinquency period of 45 days after the invoice date.

- B. Intuit Payroll Services (Payroll Base Processing Fee Increases). Staff reported that this letter outlines the new fee structure that Intuit is charging for their services. Director Carpenter expressed concern regarding about the level of service that Intuit was providing and suggested that staff look into alternative methods of processing payroll.

6. REPORTS:

- A. 1. Able Underground Construction. Staff reported that the attached invoice was for the sewer extension project at 1916 Elliott Street. The project included the sewer main extension and a lateral for the property. Additionally, the property owner contracted Able to abandon their on-site septic system and connect them to the newly installed sewer lateral. Director Carpenter suggested that the staff should attempt to contact the owner again to inform them of the connection fees due for the property and to notify the Santa Clara County Building Department that a permit had not been issued from the District.

Motion: To approve Item 6.A.1 (Warrant No. 2644)

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke **Noes,** None

2. Mark Thomas & Company, Inc. (MTCO). Staff reported that the attached invoices from MTCO represented billing for services to the District since MTCO assumed the responsibilities of District Manager and Engineer. This set of invoices was the first to be submitted to the Board and each invoice represented the hours worked by staff for each month. Director Carpenter expressed his appreciation for the work that MTCO had done in the past six months for the District.

Motion: To approve Item 6.A.2 (Warrant No. 2647)

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter, and Marke **Abstain,** Amaya **Noes,** None

7. UNFINISHED BUSINESS:

- A. Raymond Avenue- Insituform Pipe Liner Repair. Staff reported that the original contract with Insituform had not yet been located, but many supporting documents had been found, including a video tape of the pipe inspection when the project was originally completed. Director Carpenter inquired about different options regarding locating a copy of the contract. Mr. Otake asked what the approximate cost per lateral repair could be. Staff reported that each repair would be approximately \$5000-\$8000.

8. NEW BUSINESS :

- A. Resolution. Consideration and Possible Adoption of Resolution Delegating Authority to District Engineer to Take Emergency Action. Mr. Otake presented a report to the Board regarding the background and some history of why the proposed resolution was important to the District. In the event of an emergency, this resolution would allow the District Engineer to authorize any necessary repairs to the public sewer system without having to first contact all of the Board members for approval. Current policy requires the Engineer to contact all Board members and take a vote for the approval of emergency repairs at any time. The resolution would allow the Engineer to award a repair contract for any amount under \$20,000 so that the problem could be immediately resolved. A follow-up report would then be presented to the Board at the next regularly scheduled Board Meeting. The resolution must be approved by a four-fifths majority of the Board. Since the Burbank Sanitary District currently has only four board members, it would have to be a unanimous vote to adopt the resolution. The

Reports

Unfinished
Business

New
Business

Board and staff discussed the background of why this resolution was needed and how it would benefit the District in an emergency situation. A vote was taken and all Board members, with the exception of Director Amaya, voted in favor of adopting the resolution. Director Amaya abstained, citing the need for more time to review the resolution and associated reference materials before he could make a decision. Directors Carpenter and Post asked Director Amaya if he had any specific reasons for abstaining and he replied that he'd have an answer by the next Board Meeting. Director Carpenter called for a Roll Call vote for the record. The resolution failed with three votes for approval and one vote abstained.

Motion: To Approve the Resolution Allowing the District Engineer to Award Emergency Repair Contracts Not to Exceed \$20,000.

Move: Carpenter

Second: Post

Board vote: Ayes, Post, Carpenter, and Marke **Abstain,** Amaya **Noes,** None

- B. Discussion of Transition to New Board: Review of Requirements for Oath of Office, Board President Election and Other Board Transition-Related Procedures. Mr. Otake discussed the installation of the incoming Board members at the first meeting in December. At that time, Oaths of Office will be administered and Board members will be holding nominations to elect a Board President. On the meeting of the 17th, the Board will recognize the outgoing Board members for their service.

9. ADJOURNMENT: Next Regular Meeting: *Thursday, November 17, 2005*

Adjournment

Motion: To Adjourn meeting

Move: Carpenter

Second: Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke **Noes,** None

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Donald Toy
Administrator

Approved: November 17, 2005

Lisa M. Post, President