

Catharine Benediktsson, President
Richard Snyder, Vice President
Roy Fedotoff, Secretary

Maureen Johnson, Director
Michael Lasky, Director

**Sanitary District No. 5 of Marin County
Minutes of a Regular Board Meeting
at Tiburon Fire Protection District Meeting Room
1679 Tiburon Blvd., Tiburon, California
Tuesday, July 16, 2013, 6:30 p.m.**

CALL TO ORDER by Pres. Benediktsson at 6:35 p.m.

ROLL CALL:	Directors present:	Catharine Benediktsson, President Richard Snyder, Vice President Roy Fedotoff, Secretary Michael Lasky
	Directors absent:	Maureen Johnson
	Staff present:	Robert Simmons, Temp Asst District Manager Tony Rubio, Wastewater Facilities Manager Lynn Henriksen, Executive Assistant Robin Dohrmann, Adm/Finance Specialist
	Consultants present:	Riley Hurd, District Legal Counsel
	Others present:	Deirdre McCrohan, <i>The Ark Newspaper</i> Fani Hansen, Architect Mark Grushayev, City of Mill Valley John Carapiet

PUBLIC OPEN TIME: Ms. Fani Hansen, AIA, in representing the property owner of 2088 Paradise Drive with a duplex development project, would like to have many questions answered by the District. Therefore, since she first contacted the District three months ago, she requests a meeting with the District to move her client's project along. Sec. Fedotoff says the District's first responsibility is to all rate payers, so he sees no reason to speed this project up at the request of one property owner. He noted that the Board needs to be better informed about the issues involving pump station #4, which is situated at or near 2088 Paradise Drive.

Attorney Hurd said, although this is open public time, Pres. Benediktsson can give direction to staff to set up a meeting without violating the Brown Act; therefore, she could appoint an ad hoc committee to meet regarding the matter. He noted a survey had been completed, and the sewer lines on those properties close to the matter had been confirmed as private laterals. Attorney Hurd suggested bringing this issue back as an agenda item. Pres. Benediktsson wants to leave it with the Capital Improvement Program (CIP) Committee members Sec. Fedotoff and Dir. Lasky. Attorney Hurd thanked Ms. Hansen for her comments, and said the CIP Committee will look into the issue and get

back to her. Dir. Lasky will take the lead on reaching out to the five neighboring property owners to 2088 Paradise Drive, and he will get back to Ms. Hansen.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

No comments or agenda requests were made by the Board.

DISTRICT COUNSEL REPORT

A. Paradise Cove code enforcement update

Attorney Riley Hurd reported that a retainer agreement has been signed for legal services with the firm he contacted last month, Burke, Williams & Sorensen LLP, for code enforcement regarding the connections on Paradise Drive to the sanitary sewer.

B. Progress report on easements

Mr. Randy Fry, Marin Land Title Consulting, will go through the District files, located at the main plant, regarding property owners and easements next Tuesday at 10 a.m. with Attorney Hurd.

In regards to the partially treated sewage spill of May 15, 2013, caused by Sprint/Nextel technicians, Attorney Hurd said a response from the insurance adjustor to his demand letter on the status of determining coverage has been received. It looks like they will make the District whole after they are in receipt of costs incurred by the District due to the spill.

CONSENT CALENDAR

1. Approval of May 21, 2013, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of June 18, 2013, Regular Board Meeting Minutes (Henriksen) (attached)
3. Approval of July 1, 2013, Special Meeting Minutes (Henriksen) (attached)
4. Approval of All Preliminary Warrants for June 2013, #6221 through #6318, in the amount of \$859,606.53, and Main Plant Rehabilitation Project Warrants for July 1-16, 2013, #6320-6323 in the amount of \$785,005.86 (Dohrmann) (attached)
5. Receipt of Preliminary Financial Reports for June 2013 and 5-Year comparison CalPERS Retirement & Health Payment Histories (Dohrmann) (attached)
6. Approval of Change Orders No. 25, 26, 27, and 28 for Main Plant Rehabilitation Project (Simmons) (attached)
7. Approval of Auburn Constructors Inc., application for Payment No. 13, period to June 26, 2013 (Simmons)

The Board discussed looking at options for keeping the minutes of Board meetings, including the pros and cons of video and audio recordings. V.P. Snyder said he would like to record the minutes and perhaps use "action" minutes as a written record of Board motions. Pres. Benediktsson said she would like more time to consider.

The Board reviewed the 5-Year comparison for CalPERS Retirement & Health Payment Histories. Pres. Benediktsson said Adm/Fin Spec. Dohrmann's comparison was a good beginning.

Pres. Benediktsson asked Board members to email her with areas about which they would like to see today compared with prior years.

Motion (Fedotoff/Snyder) to approve the Consent Calendar. Passed, all present.

MANAGEMENT REPORTS

8. Main Plant Rehabilitation Project Progress Report (Carollo) (attached)

Mr. Doug Wing, Carollo Engineers, was not asked to attend tonight's meeting. The Board reviewed the June 2013 Main Plant Rehabilitation Progress Report included in their board packets prior to the meeting.

9. District Management Summary Report and Operations/Maintenance Report (Simmons/Rubio) (attached)

Mgr. Rubio asked the Board if they had questions about any items in this month's report. He said no comments were received on the NPDES permit, so it should be approved on the consent calendar. Mgr. Rubio generated and issued RFPs (requests for proposals) for the collection system Hydro Jet Cleaning that happens every two years. The District received a local CWEA Redwood Empire award and a state CWEA award for Public Education for 2012. Senior Operator Tim O'Day worked a booth at the Marin County Fair.

Mgr. Rubio reported on operations and maintenance; operations are at normal standards. The District successfully passed this month's 96-hour flow through bioassay. No sanitary sewer overflows (SSOs) occurred in either the Belvedere or the Tiburon Zones.

Mgr. Simmons reported that he issued the Notice to Proceed regarding the Construction Management and Inspection Services agreement with Carollo Engineering. This agreement was set up in six month increments, with this one being the last, which will take them through to the end of the Main Plant Rehabilitation Project.

NEW BUSINESS

10. Consideration of adoption of Resolution 2013-14: A Resolution Regarding the Use of Private Water Meters and Notice to Commercial/Institutional Customers Regarding the same (Hurd) – Action

Attorney Hurd provided background on the District's commercial user private water meter issue in regards to the San Francisco Yacht Club and St. Stephen's Church. Sec. Fedotoff wants the resolution to include language that states the private water meters must be calibrated every five years. V. P. Snyder pointed out that during the Board meeting agendizing this issue a couple months ago, he said he wanted private water meter users to forever lose rights to flow deductions if they failed to provide the District with accurate meter readings at any time. Attorney Hurd said he read the minutes of that meeting and wrote Resolution No. 2013-14 accordingly. He went on to say the wording in this resolution can simply be changed by the Board this evening in any way they so desire. Sec. Fedotoff wants the resolution to state that the private meter users be required to have their meters calibrated themselves every five years at their own expense.

Motion (Snyder/Johnson) to adopt Resolution 2013-14: A Resolution Regarding the Use of Private Water Meters and Notice to Commercial/Institutional Customers Regarding the same with the following changes: 1) private water meters must be calibrated by a third party at the owner's expense every five years; 2) if any facility fails to timely submit a complete list of monthly readings under the terms of the resolution, they shall no longer be entitled to credits for private water meters. Passed, all present.

11. Mar East Power Feed Improvement Project: Consideration to Take Action to Award Construction Contract to W.R. Forde Associates or Reject all Bids and Authorize Alternative Design for Pump Stations 1-4 and Correspondence to Affected Property Owners (Simmons/Lasky) – Action

Mgr. Simmons reviewed the background of the Mar West Power Feed Improvement Project and alternative approaches to pump station improvements. He recommends the original concept for which the District received bids May 9, 2013. The Board had a lively discussion on what has become a complicated issue, concentrated on several points: 1) Sec. Fedotoff said he believes it is in the best interest of rate payers and it is the District's obligation to put in the most cost effective system to get sewage to the treatment plant regardless of the issues at Pump Station (PS) 4; V. P. Snyder asked if there were any legal consequences because of the location of Pump Station 4; Dir. Lasky thinks the decision is an operational one regarding PS 1 & 2, since it will cost the District about the same amount of money for either alternative. The decision for PS 3 & 4 is the same concept, but the opportunity for the District to go to five property owners to see if they are willing to hook up directly to the gravity sanitary sewer line on Paradise Drive is an alternative so the District could get rid of PS 4. Attorney Hurd said if the District decommissions PS 4 it is a big problem for the five property owners served by PS4 to get their sewage up the steep embankment to the street. Dir. Lasky said the private laterals these five property owners currently use are in the water in the Bay which is a big liability for them. The District could take the money we plan to spend on power feed improvements for

PS 4 and help these property owners put in their own laterals and get out of their liability. V. P. Snyder said doing so would slow down the work that needs to be done. Sec. Fedotoff likes Nute Engineering's conservative route, and the 60 day bid period extended by W. R. Forde Associates needs to be respected. Pres. Benediktsson said restrictions must be placed on the contractor so that emergency vehicles can get through while the trench is being dug to bury the electrical wires on Mar East, as well as making sure they use trench cover plates.

Motion (Fedotoff/Snyder) to move to go along with Mgr. Simmons' recommendation to award construction contract for Mar East Power Feed Improvement Project Pump Stations 1-4 to W. R. Forde Associates, with a contractual stipulation that contractor must agree to see that emergency vehicles can get through while the trench is being dug to bury the electrical wires on Mar East Street, as well to make sure contractor uses plates to cover the trench. Motion passed with Roy Fedotoff, Richard Snyder, Catharine Benediktsson voting aye, Michael Lasky voting no. Maureen Johnson was absent.

12. Consideration to Authorize the Board President to Enter into an Agreement with SASM to Jointly Fund a Study of the Shared Outfall at a 50-50 Cost Split, Ranking and Selection of Consultant to Perform Shared Outfall Study, and Authorize the Board President to Sign a Professional Services Agreement for the Shared Outfall Joint Study (Simmons) – Action

Pres. Benediktsson expressed concern that the SASM (Sewerage Agency of Southern Marin) agreement expired February 2013, although both the District and SASM are already doing what they have done all along for mutual benefit. Dir. Lasky agreed saying the District wants to continue working with SASM. However, he proposes a 25%-75% cost split, rather than 50-50, since Sanitary District No. 5's flow is only 25% of the total flow through the outfall pipe. Sec. Fedotoff thinks it is very important to get this done now.

Mgr. Simmons summarized the background of the agreement between the District and SASM, as well as his recommendations to the Board concerning the three engineering proposals for professional services agreement for a shared outfall study. He said the District and SASM came together for the RFPs (requests for proposals). The proposals range in cost from \$70,000 to \$100,000 from three qualified firms. Attorney Hurd said SASM has not been interested in doing the agreement, so another round of discussion is needed. There was a general discussion that SASM does not want the new agreement signed without the study of the emergency use of the old outfall pipe. An important part of the agreement will be that SASM and the District will pay their defined portion of costs without paying for the other party's cost should the other party not pay its share. A discussion ensued regarding the cost split amount each party should pay. Mr. Mark Grushayev, City of Mill Valley, also expressed his views on the matter of a joint study of the shared outfall pipe. Sec. Fedotoff said he thought the cost of \$80,000-\$100,000 for the study is reasonable. Pres. Benediktsson asked Sec. Fedotoff to confer with her to decide which one of the three firms the District should enter into a contract with for the Shared Outfall Study.

Motion (Fedotoff/Snyder) to authorize the Board President to enter into an agreement with SASM to jointly fund a study of the Shared Outfall at a 50-50 cost split, ranking and selection of consultant to perform Shared Outfall Study, and authorize the Board President to sign a

professional services agreement for the Shared Outfall Joint Study. Motion passed with Roy Fedotoff, Richard Snyder, Catharine Benediktsson voting aye, Michael Lasky voting no. Maureen Johnson was absent.

13. Receive Report on Sprint/Nextel Intention to Terminate Lease Agreement and Decommission Cellular Substation at 2001 Paradise Drive and Accept Substation Building with Air Conditioners Upon District's Receipt of \$2000 Payment from Sprint/Nextel per Sprint/Nextel Letter Proposal dated July 9, 2013 (Simmons)

Mgr. Simmons reviewed the letter the District received from Md7, LLC. Mgr. Rubio would like to take possession of the Sprint/Nextel substation building, complete with air-conditioners, as offered to the District in the letter of July 9, 2013, by Md7. V. P. Snyder says that might not be a good thing to do, since the batteries could have leaked or leached, and PCBs could be present that are thirty years old. Mgr. Rubio said there are just racks there now. V. P. Snyder says the agreement with the District must have language stating that it is subject to hazardous waste and CEQA. Attorney Hurd will write it up.

Motion (Fedotoff/Snyder) to terminate lease agreement and decommission the cellular substation at 2001 Paradise Drive and accept substation building with air conditioners upon District's receipt of \$2000 payment from Sprint/Nextel per Sprint/Nextel letter proposal dated July 9, 2013, with a letter from Riley Hurd, District Legal Counsel, having to do with hazardous waste issues.

14. Consideration to Authorize the Board President to Purchase Herman Miller Office Furnishings Upon Recommendation of Directors Richard Snyder and Maureen Johnson in the Amount of \$34, 283.98 (Snyder) – Action

V. P. Snyder noted that he worked extensively with Dir. Johnson on the office furnishings, and Mr. John MacAllister got the District a 60% discount off the Herman Miller furniture for the Board room and the administration office. He explained photographs (attached) of each piece, and he noted the desks are adjustable to the inch; they can also be wired. Pres. Benediktsson said the architectural drawings need to be to the inch, and directed Mgr. Simmons to relay that information to Mr. Doug Wing, Carollo Engineers. A discussion ensued among the Board about what to do if staff would like to keep the office furniture they currently have. V.P. Snyder said he will buy it himself, since this is such a discount. Adm/Fin Spec. Dohrmann stated \$34,000 is very high, and it doesn't make a lot of sense to replace what's basically new, since it was bought last year.

Mgr. Simmons said, with the architectural now done, he will work with the Tiburon Fire District next week.

Motion (Snyder/Lasky) to authorize the Board President to purchase Herman Miller office furnishings upon recommendation of Directors Richard Snyder and Maureen Johnson in the amount of \$34, 283.98. Passed, all present.

Pres. Benediktsson moved Agenda Items 15, 16, and 17 to a Special Board Meeting on July 25, 2013, at 2 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon, Blvd., Tiburon, California.

V.P. Snyder asked who put Item #16 on the agenda. Mgr. Simmons said he did so. V.P. Snyder said the President sets agendas period, and there will be closed and open sessions regarding the Executive Assistant Employment contract at the July 25, 2013, special meeting.

15. Review and Discussion to Evaluate and Update the District Organization Chart and Pay Scale (Simmons)
16. Consider Adopting Resolution No. 2013-15: A Resolution Amending Resolution 2013-12 Regarding the Expiration Date Extension of the Executive Assistant Employment Contract (Simmons) – Action
17. Discussion of Comprehensive Evaluation of District Insurance and Insurance Needs (Benediktsson)

COMMITTEE REPORTS

18. Capital Improvement Program Committee (Fedotoff/Lasky)
19. Governance Committee (Benediktsson/Snyder)
20. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) (attached)
21. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) (attached)
22. Communication Committee (Lasky/Snyder)
23. Personnel Committee (Snyder/Lasky)
24. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)

The Capital Improvement Program (CIP) and the Governance committees did not meet.

The reports of the Main Plant Rehabilitation (MPR) Committee meeting of July 9, 2013, are attached.

The Finance & Fiscal Oversight Committee meeting minutes of July 9, 2013, were reviewed.

The Communications Committee did not meet.

The Personnel Committee met on June 26, 2013, with no reportable action.

The Ad Hoc Point Tiburon Committee did not meet.

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS

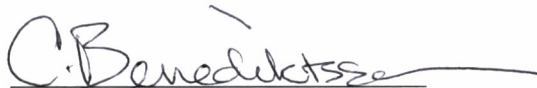
25. County of Marin Elections: Nomination period information and link to website for some of the forms required for Board of Director candidate application. (Henriksen) (see attached Notes of Explanation)
26. Final Environmental Impact Report (FEIR) for 2008 Easton Point Residential Development Project memorandum from Community Development Agency Planning Division. Project location is relevant to the Town of Tiburon. A CD of the FEIR is available at the Administration office.

ADJOURNMENT

The Board adjourned at 8:55 p.m. to a Regular Board Meeting at 6:30 p.m. on August 20, 2013, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon, Blvd., Tiburon, California.

Approved:

Attest:


Catharine Benediktsson
President, Board of Directors


Roy Fedotoff
Secretary, Board of Directors