

**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, November 19, 2013**

REGULAR BOARD MEETING

CALL TO ORDER: by Pres. Benediktsson at 6:31 p.m.

ROLL CALL:

Directors present:	Catharine Benediktsson, President Roy Fedotoff, Secretary Michael Lasky, Director Maureen Johnson, Director
Directors absent:	Richard Snyder, Vice President
Staff present:	Samantha Miller, District Manager Robert Simmons, Engineering Manager Tony Rubio, Wastewater Facilities Manager Robin Dohrmann, Administrative & Finance Specialist
Consultants present:	David Kahn, Renne, Sloan, Holtzman, Sakai, LLP Doug Wing, Carollo Engineers
Others present:	Russell Shaw Deirdre McCrohan, The Ark Newspaper Ann Barton, 14 Teaberry Lane, Tiburon Yu Jie Ma, 2088 Paradise Drive, Tiburon Kristin & Mark Vogt, 3193 Paradise Drive, Tiburon Fani Hansen, AIA for 2088 Paradise Drive, Tiburon Carol Requadt, 4094 Paradise Drive, Tiburon Russell Shaw, 27 Terrace Avenue, Kentfield Scott & Claudia Murray, 1181 Broadway, Sonoma Derek & Tymber Cavasian, 2078 Paradise Drive, Tiburon

1. Administering of Oaths of Office to New Board Members (Lasky)

Director Lasky administered Oaths of Office to New Board Members, President Catharine Benediktsson, Secretary Roy Fedotoff, and Director John Carapiet.

PUBLIC COMMENTS: Mark Vogt, of 3193 Paradise Drive, introduced himself and said he was in attendance to discuss Agenda Item #13, Extension of Shaw Sewer Line.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

- Status Report for Shaw 2 Line (Secretary Fedotoff)
- Suggestion to Work With Low Bidder for Entryway and ADA Access Improvement Project (Secretary Fedotoff)

CONSENT CALENDAR

2. Approval of October 16, 2013, Special and Regular Board Meeting Minutes (Dohrmann)
3. Approval of November 1, 2013, Special Board Meeting Minutes (Dohrmann)
4. Approval of all Warrants for October, 2013, Check #6516 through Check #6605, in the amount of \$739,710.22, and Main Plant Rehabilitation Project Warrants for November, 1-15, 2013, Check # through Check #6606, #6612 through #6615, and #6659, in the amount of \$417, 030.99 (Dohrmann)
5. Receipt of Financial Reports for October, 2013 (Dohrmann)
6. Approval of Change Order No. 34 (PCO #111 – Screw Press Integration), in the amount of \$ 30,555.00, for Main Plant Rehabilitation Project (Simmons)

Motion (Lasky/Carapiet) to approve Consent Calendar Items 2 through 6. Passed unanimously, 1 absent (Snyder).

DISTRICT COUNSEL REPORT

7. District Counsel Report (Kahn)

District Counsel, David Kahn, presented a verbal report and responded to questions from the Board. Discussion by the Board.

MANAGEMENT REPORTS

8. Main Plant Rehabilitation Project Progress Report (Carollo)

Doug Wing, Carollo Engineers, provided a written, verbal and visual presentation on the MPR progress and responded to questions from the Board. Discussion by the Board.

Pres. Benediktsson moved Items No. 12 through 18, as described on the agenda, to this time.

NEW BUSINESS

12. Presentation and Discussion on Solar Panels for the Main Plant (Benediktsson)

Presenter absent. Item deferred.

13. Discussion and Possible Action on Extension of Shaw Sewer Line (Rubio) – Possible Action

Russell Shaw provided a short oral history on the original Shaw Line installed in 2002-2003, and presented a verbal report on the similar protocol to be followed with the possible extension of the Shaw Sewer Line No. 2. Consensus by the Board to direct staff to work with Russell Shaw and Mark Vogt and present status report at December Board Meeting. No objections.

14. Discussion on Options for Pump Station No. 4 Property (Kahn)

District Counsel, David Kahn, presented a verbal report on legal issues regarding Pump Station No. 4 options. Discussion by the Board.

Public Open Time:

- Derek & Tymber Cabasian, of 2078 Paradise Drive, stated concerns for the present OpenSpace land and survival of several live Oak trees in the area.
- Fani Hansen, AIA and representing 2088 Paradise Drive, discussed benefits of updating Pump Station #4, and stated that all costs – to SD5, as well as concerned neighbors – would be paid by the Owners of 2088 Paradise Drive.

Discussion by the Board.

15. Consideration of Establishing an Ad Hoc Committee of the Board to Assist and provide Direction to Staff and District Counsel in the Formulation of a Recommendation in Connection with the Cooperative Resolution of Existing Encroachment Issues Associated with Paradise Drive Pump Station #4 (Simmons) – Action

Discussion by the Board. Consensus by the Board to create an Ad Hoc Committee comprised of Pres. Benediktsson and Dir. Carapiet to assess financial benefits to the District of access improvements and infrastructure rehabilitation of Tiburon Pump Station #4 and the surrounding area, with consideration of input from appropriate home owners from surrounding area. No objections.

16. Consideration of Authorizing and Approving the District Manager to Submit a FY 2013-14 Sewer Service Charge Adjustment (Reduction) to the County of Marin for the Christian Science Church, APN 060-091-13, Based on MMWD Credit due to Water Leak (Miller) – Action

Discussion by the Board. Motion (Lasky/Fedotoff) to authorize the District Manager to Submit a FY 2013-14 Sewer Service Charge Adjustment (credit of \$6, 922.00) to the County of Marin for the Christian Science Church, APN 060-091-13, based on MMWD Credit due to water leak. Passed unanimously, 1 absent (Snyder).

17. Discussion and Action on Nextel Lease Termination Agreement and General Release (Kahn) – Action.

Discussion by the Board. Motion (Lasky/Carapiet) to Approve Nextel Lease Termination Agreement and General Release. Passed unanimously, 1 absent (Snyder).

18. Consideration of Authorizing and Approving Payment to W.R. Forde for Progress Billing No. 2 for Mar East Pump Stations 1, 2, 3 and 4 Power Feed Improvement Project, in the Amount of \$56,516.20, Contingent upon Resolution of Active Dispute of Several Changed Condition Claims for the Above Referenced Project, based on the Recommendation of Nute Engineering (Simmons) – Action

Discussion by the Board. Motion (Lasky/Fedotoff) to Not Authorize payment to W.R. Forde for Progress Billing No. 2, for Mar East Pump Stations 1, 2, 3 and 4, Power Feed Improvement Project, in the Amount of \$56,516.20, based on the District's contractual right to withhold up to 150% of the disputed amount, per the recommendation of Nute Engineering and District Counsel Kahn. Passed unanimously, 1 absent (Snyder).

Pres. Benediktsson moved Item No. 11, as described on the agenda, to this time.

11. Consideration of Awarding Construction Contract to Murray Building, Inc., or Rejecting all Bids for Entryway and ADA Access Improvement Project (Simmons) – Action

Discussion by the Board, with Scott & Claudia Murray, of 1181 Broadway, Sonoma, present to answer questions from the Board. Motion (Carapiet/Fedotoff) to Award construction contract to Murray Building, Inc., for Entryway and ADA Access Improvement Project. Passed unanimously, 1 absent (Snyder)

Pres. Benediktsson moved Item No. 10, as described on the agenda, to this time.

10. Consideration of Authorizing and Approving an Increase to the Total Aggregate Limit for the District Manager's Authority to Approve Main Plant Rehabilitation Change Orders that are at or under \$15,000.00 (Simmons) – Action

Discussion by the Board. Motion (Lasky/Carapiet) to authorize and approve an increase to the total aggregate limit of \$200,000.00, for the District Manager's authority to approve Main Plant Rehabilitation Change Orders that are at or under \$15,000.00. Passed unanimously, 1 absent (Snyder)

Pres. Benediktsson moved Item No. 9, as described on the agenda, to this time.

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

Mgr. Miller presented a written and verbal report, responding to questions from the Board. The Board directed Mgr. Miller to delegate the MPR fixed asset and depreciation schedule to Doug Wing, of Carollo Engineers, and Mgr. Miller to provide FY 2012-13 SCO Financial Transactions Reports for SD5 and Tiburon/Belvedere Wastewater Financing Authority, as submitted by the District's auditor (based on unaudited financial data) to all Board Members via email. The Board also directed Mgr. Miller to hold off on doing any work for the proposed CalPERS Audit, originally scheduled for 12.3.13, until the District has a firm date for its extension. Mgr. Rubio presented a written report and answered questions from the Board.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

- 19. Capital Improvement Program Committee (Fedotoff/Lasky) – Action Log provided
- 20. Governance Committee (Benediktsson/Snyder) - None
- 21. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) – Action Log and Carollo reports provided
- 22. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) – Action Log provided
- 23. Communication Committee (Lasky/Snyder) - None
- 24. Personnel Committee (Snyder/Lasky) - None
- 25. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder) – None

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS

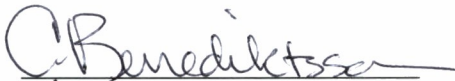
26. Letter Dated October 31, 2013, to Paradise Cove Residents Regarding Connection to the Paradise Drive Sewer Line Extension

ADJOURNMENT

The Board adjourned at 9:15 p.m., to a Special Board Meeting on December 4, 2013, at 5:00 p.m. 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

The Board of Directors may at its discretion consider agenda items out of the order in which they appear above.

Accessible public meetings: Upon request, the District will provide written agenda materials in appropriate alternate formats, or disability-related modification or accommodation, including auxiliary aids or services to enable individual with disabilities to participate in public meetings. Requests are to be submitted in writing to the District at P.O. Box 227, Tiburon, CA 94920 or rdohrmann@sani5.org at least two days prior to the meeting.