

CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

SANITARY BOARD MEETING

WEDNESDAY, JUNE 1, 2011

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:30 p.m. in the Stevens Creek Office Center, 20833 Stevens Creek Boulevard, Suite 104, Cupertino, California.

Secretary Andrews called the meeting to order and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

Directors: William A. Bosworth, Wendell H. Kerr Jr., John M. Gatto and Steve C. Andrews were present. Christopher C. Lee was absent.

Staff present: Manager Richard K. Tanaka, Staff Member Steven J. Machida, Staff Member Nichol Bowersox and Counsel Mark Hynes.

Guest present: Timm Borden from the City of Cupertino.

On motion by Director Gatto, seconded by Director Kerr, by a vote of 4-0-0 the Minutes of the meeting of Wednesday, May 18, 2011 were approved.

By consensus, it was ordered that the Approved Minutes of May 4, 2011 be Noted in File.

Discussion with the Cupertino Public Works Director -- The Board welcomed Mr. Timm Borden. Mr. Borden stated that he has been with the City for six months and he has been enjoying the experience. He came to the meeting to discuss the City's encroachment permit process and street tree issues. In 2004 a fee study was prepared. Based on the Staff costs, projected volume of work and the service level, it was determined that the encroachment permit for fee utility companies was set at \$1300 and the fee for non-utility companies was set at \$800. The reason for the difference was that City Staff reviews plans and collects other fees from non-utility companies so the encroachment permit fee is a nominal charge. In 2006, the fee for utility companies would escalate on an annual basis while the fee for non-utility companies was reduced in half. The City's records do not explain why this action occurred. Mr. Borden plans to review all City fees to ensure that they are in line with what is processed. He is also looking at implementing a fee for major and minor work. Director Gatto asked if the inspection cost is based on timecards or forecast projections. For the type of work that the District performs, this cost is nominal. Director Andrews asked about the timeline for the fee study completion. Mr. Borden estimated that the study should be completed in an October/November 2011 time frame but he would share the information in the study as it is developed.

Mr. Borden explained that the City has a standard to plant street trees 10 feet away from laterals. The City is also reviewing the list of tree species that are allowed in the street right-of-way. Liquid Ambers are notorious to lift or damage sidewalks. A City Arborist is on staff and he is researching the types of trees and planting standards that should be used in the City. A copy of the article "Street Trees -- Root of the Problem" was provided to Mr. Borden. Director Andrews asked what does the District do with current problems with existing trees. Director Kerr suggested that Staff should match up areas where we have experienced roots in laterals and determine if there is correlation to the type of trees planted. Director Bosworth suggested that the City diversify the trees used in neighborhoods since some cities have found that street trees can be wiped out if one tree is affected by a disease.

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Mr. Borden also talked about raising the manholes after a street overlay. In San Jose, manholes would be raised as a part of the overlay work since the manholes were city property. He has researched other jurisdictions and has found it typical that cities which do not own the sanitary sewer system will require the sewer districts to pay to raise the manholes. Director Kerr stated that if the District pays the City to raise the manholes, we would expect the City to ensure that the contractor does not dump refuse into the manhole during their work. Mr. Borden concurred.

The Board discussed correspondence from City of San Jose regarding Notice of Preparation of Draft Environmental Impact Report for the San Jose/Santa Clara Water Pollution Control Plant Master Plan. Manager Tanaka indicated that this is a scoping meeting. Staff will attend the meetings and develop a letter to document the items that the District wants evaluated. Items to consider include if and should the buffer land be given up, how will the ocean rise be studied, did the master plan evaluate 100% recycling, should the buffer land be sold and financing the master plan projects.

Staff Member Machida stated that he will attend the Regular Meeting of the San Jose/Santa Clara Water Pollution Control Plant Technical Committee (TAC) to be held on June 6 or 13, 2011.

Director Gatto stated that he will attend the Regular Meeting of the San Jose/Santa Clara Water Pollution Control Plant Advisory Committee (TPAC) to be held on June 9 or 16, 2011.

Director Gatto reported on the Regular Meeting of the San Jose/Santa Clara Water Pollution Control Plant Advisory Committee (TPAC) held on May 19, 2011. It was the longest TPAC meeting ever held. The meeting lasted to 5:45pm. The bulk of meeting was spent on the odor issues. Odor remediation may take 10 years to implement. TPAC directed City Staff to work with TAC to improve the process to get the agendas out sooner. Director Gatto thought the meeting set the tone for future TPAC meetings going forward.

Director Kerr reported on the CASA Legislative Committee Meeting held May 27, 2011. It was a telephone conference. There were 12 new bills. Bills that do not come out of committees by certain time will usually die. Bills that do not come out of committee but have a money allocation may be put in a suspense file. These bills may get a second chance if a legislator "picks up the bill". The progress of the bills were tracked. Some bills that made it out of committee passed. Bills that passed include converting septic system to connect to sewers. Huffman has two bills for financing. The bill to reduce retention holding to 5% of the project cost was pulled at the last moment. The author may try again next year. Most other bills do not affect CuSD. Bills that were vetoed by governor may be picked up and reintroduced. Many of the larger agencies in CASA have helped Mike Dillon. May 27, 2011 was the key day for passage of bills. Director Gatto asked if the State Budget was discussed related to the Governors tax increase. Director Gatto also asked if the State is going after special districts.

The Proposal to Provide Audit Services to the Cupertino Sanitary District for a three year period with two year option was discussed. On motion by Director Gatto and seconded by Director Bosworth it was approved by a vote of 4-0-0.

Staff Member Bowersox discussed the Proposed CuSD Budget for FY 2011/2012. She explained the breakdown of the line item Repairs and Maintenance. Director Gatto also suggested that the funds not used in the 5-year CIP should be carried over each year. The Board also discussed the possibility of creating an incentive program to install property line cleanouts. Director Kerr asked the status of the work at the Prospect Pump Station. Staff Member Bowersox explained that a new control panel and generator connections were being installed. On a motion by Director Gatto, seconded by Director Bosworth, the CuSD budget for Fiscal Year 2011-2012 was approved 4-0-0.

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Staff member Bowersox presented to the Board the explanation of taxes on the Flygt equipment. The Board had no further questions.

Staff Member Machida reported on the City of Santa Clara Utility Rate. The Council adopted unanimously the three tiered sanitary sewer rate proposed by City Staff. The Board directed Staff to make the rate comparison table of all Tributary Dischargers available to the public.

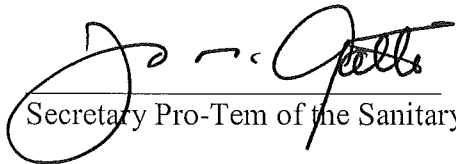
Staff member Bowersox reported on the status on Pruneridge Condo Reimbursement. The property manager acknowledged that manhole structure is their problem to fix so that future SSO's will be eliminated. Staff is holding the bill for reimbursement until the problem is fixed. Staff to report back to the Board at the next meeting.

On motion properly made and seconded, at 9:17 p.m. it was unanimously ordered that the meeting be adjourned for closed session.

Closed Session: Potential Litigation – One Case

Board Action: No action taken.


Secretary of the Sanitary Board


Secretary Pro-Tem of the Sanitary Board

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