

# CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

## BOARD MEETING

WEDNESDAY NOVEMBER 18, 2009

(revised)

The Sanitary Board of the Cupertino Sanitary District convened this date at 8:02 p.m. in the Stevens Creek Office Center, 20833 Stevens Creek Boulevard, Suite 104, Cupertino, California.

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

Directors: Wendell H. Kerr, Jr., Curtis B. Harrison, John M. Gatto, and Christopher C. Lee. William A. Bosworth was absent.

Staff present: Manager Richard K. Tanaka, Staff Member Steven J. Machida, Staff Member Nichol Bowersox and Counsel Harold S. Toppel.

Guest: Patrick Kwok from the Santa Clara Valley Water District

Mr. Kwok presented a Resolution from the Santa Clara Valley Water District to Director Harrison recognizing his outstanding service and leadership on the Board of the Cupertino Sanitary District and to the Santa Clara Valley Water District.

Manager Tanaka summarized the process that Staff used to negotiate with the City of San Jose to reduce the outstanding Transfer Area Capital Improvement costs that the City was going to charge the District. After eliminating the costs of the trunk mains that the District does not use, an invoice in the amount of \$66,580.07, which covers the last four years, was presented to District Staff. Manager Tanaka stated to the City that he would recommend that the Board pay this invoice. If the City wants the entire amount, City Staff would need to attend the Board Meeting to present their case. It was also recommended that the letter from Counsel Toppel be included with the payment. The letter would state that the payment of \$66,580.07 is considered the full and final payment. After further Board discussion on motion by Director Gatto, seconded by Director Harrison, by a vote of 3-1 with Director Lee voting No since he did not feel the District was provided the complete back-up to document how the invoice amount was calculated. Staff was ordered pay the \$66,580.07 and include the cover letter prepared by Counsel Toppel.

On a motion by Director Gatto, seconded by Director Harrison, it was unanimously ordered that the Minutes of the meeting of Wednesday, November 4, 2009 be approved.

After discussion by the Board, on a motion by President Gatto, seconded by Director Harrison, it was unanimously ordered that the Financial Statement for the month of October 2009 be approved as written and the following bills be paid:

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
N/A	M&O	\$2,395.10	ADP PAYROLL	OCTOBER P/R EXP.-ACTUAL	\$2,395.10
16360	M&O	\$132,915.59	MARK THOMAS & CO, INC.	OFFICE EXPENSES	\$449.65
				MANAGEMENT SERVICES	\$21,379.18
				ENGINEERING SERVICES	\$34,404.93

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				PRINTING/PUBLICATION	\$6,362.11
				REPAIRS & MAINTENANCE	\$56,318.99
				UTILITIES (WIRELESS COMM.)	\$343.09
				CAPITAL OUTLAY-SEWER CONS	\$10,765.30
				EMERGENCY	\$2,892.34
16361	M&O	\$797.96	DOOLEY INS. & FINANCIAL SVCS	INSURANCE	
16362	M&O	\$563.01	DELUXE FOR BUSINESS	OPERATING EXPENSES	
16363	M&O	\$251.35	VERIO	PRINTING/PUBLICATION	
16364	M&O	\$2,422.50	WIN WIN IT SOLUTIONS	PRINTING/PUBLICATION	
16365	M&O	\$1,312.50	ATKINSON-FARASYN, LLP	LEGAL	
16366	M&O	\$8,182.86	ABLE UNDERGROUND CONST.	REPAIRS & MAINTENANCE	\$5,642.50
				EMERGENCY	\$2,540.36
16367	M&O	\$170.00	CUNHA LANDSCAPE SVCS, INC.	REPAIRS & MAINTENANCE	
16368	M&O	\$12,508.00	ROTO-ROOTER SEWER SERVICE	REPAIRS & MAINTENANCE	\$9,905.450
				EMERGENCY	\$2,602.50
16369	M&O	\$6,620.00	MELLO PIPELINES	REPAIRS & MAINTENANCE	\$4,375.00
				CAPITAL OUTLAY-SEWER CONS	\$2,245.00
16370	M&O	\$73.13	HOME DEPOT CREDIT SERVICES	REPAIRS & MAINTENANCE	
16371	M&O	\$484.04	MUNICIPAL MAIN. EQUIPMENT	REPAIRS & MAINTENANCE	
16372	M&O	\$1,258.52	FLUID IQs	REPAIRS & MAINTENANCE	
16373	M&O	\$117.00	HAROLD S. TOPPEL	TRAVEL & MEETING	
16374	M&O	\$383.77	AT&T FLOW MONITORING	UTILITIES	
16375	M&O	\$532.34	AT&T	UTILITIES	
16376	M&O	\$581.70	AT&T T-1 ACCESS	UTILITIES	
16377	M&O	\$4,231.23	PG&E	UTILITIES	
16378	M&O	\$38.41	SAN JOSE WATER CO.	UTILITIES-WATER	
16379	M&O	\$89.00	STEPHEN HILL	REFUND/REIMBURSE-MISC.	
16380	M&O	\$29,700.00	PACIFIC UNDERGROUND CONST.	CAPITAL OUTLAY-EQUIPMENT	
16381	M&O	\$1,617.75	ITT WATER & WASTEWATER	CAPITAL OUTLAY-EQUIPMENT	
16382	M&O	\$24,272.96	PFEIFFER ELECTRIC CO.	CAPITAL OUTLAY-EQUIPMENT	\$23,320.00
				REPAIRS & MAINTENANCE	\$952.96
16383	M&O	\$66,580.07	CITY OF SAN JOSE	OUTFALL MAINTENANCE	
<b>Total</b>		<b>\$298,098.79</b>			

Staff member Machida reported on the Regular Meeting of the San Jose/Santa Clara Pollution Control Plant Technical Committee (TAC) held on November 9, 2009. Items discussed included adding \$3.0M to fund approved projects in the City of Santa Clara and with the South Bay Water Recycling Program, increase the appropriation to the Revised South Bay Action Plan by \$3.4 M and approve the purchase of office furniture at the plant. CuSD and West Valley Sanitation District opposed the increase to the South Bay Water Recycling budget. City Staff suggested that a separate meeting be conducted to discuss the South Bay Water Recycling, the history of the program and where we are going from here.

Director Gatto reported on the Regular Meeting of the San Jose/Santa Clara Water Pollution Control Plant Advisory Committee (TPAC) held on November 12, 2009. Director Gatto also had concerns

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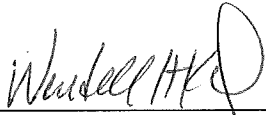
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regarding why CuSD is paying for water recycling when we do not receive the benefits. He stated that the Board needs a clear understanding of what was agreed and what is fair to pay. Director Harrison stated that we need to look at what is the value that water recycling brings to the District, what is the rate at which the Santa Clara Valley Water District sells the recycled water, and who are the customers. Director Gatto directed Staff to obtain all of the contracts and history of payments for water recycling so that Board will have a better understanding of what was agreed. By consensus, the Board directed Staff to gather the information discussed and re-agendize this item for further discussions.

Staff member Machida made a presentation on the Pierce Road Pump Station forcemain SSO that was caused by a broken pipe. The SSO was reported on Monday, November 16, 2009. The repair of the forcemain was completed on Tuesday, November 17, 2009. The SSO flowed in a drainage swale and across Pierce Road. From there the water may have flowed into Calabasas Creek so Staff reported the SSO as a Category 1 spill. All of the necessary reporting was completed to the Regional Board, Office of Emergency Services, Environmental Health and the Santa Clara Valley Water District. Water samples were taken in the creek to determine if the SSO reached the creek. The lab results from the water samples indicate that the SSO did not reach the creek. A follow-up report will be submitted to the Regional Board with the results.

On a motion properly made and seconded, at 9:45 p.m. it was unanimously ordered that the meeting be adjourned.

*Acting*

  
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President of the Sanitary Board

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Secretary of the Said Board

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