

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CASTRO VALLEY SANITARY DISTRICT**

HELD ON JUNE 7, 2005

[1. Call to Order, Roll Call and Pledge of Allegiance.]

The regular meeting of the Board of Directors of the Castro Valley Sanitary District was called to order by President Pro Tem Francis* at 6:30 p.m., Tuesday, June 7, 2005, at the District Office. The Pledge of Allegiance was led by Elizabeth Gill. (*President Akagi asked Member Francis to conduct the meeting as President Akagi had throat and speaking problems.)

ROLL CALL:

PRESENT: DIRECTORS Daniel Akagi, Harry Francis, Ralph Johnson, Timothy McGowan and Dennis Waespi

ABSENT: None

LATE: None

Staff in attendance:

Roland Williams, Jr., General Manager

Anthony Varni, District Counsel

Elizabeth Gill, Recording Secretary

Others in attendance are listed on the attached attendance sheet.

[2. President's Comments.]

President Pro Tem Francis announced there were several awards to be presented this evening. Manager Williams deferred the presentation of awards to Administrative Technician, Naomi Yee, Coordinator of Project Earth 2005.

A-1. Ms. Yee presented an award and certificate to Mr. Andrew Chan, overall fastest male winner at the District's 5k fun run/walk held on April 30th. Ms. Yee remarked the awards were made from recycled glass. Ms. Sue Smith was not present at this time to receive her award. It was agreed to make other presentations at this time.

B. Ms. Yee presented three members of the Castro Valley High School Cross Country Runners Club with a certificate award and a check in the amount of \$5,300 for proceeds from the 5K fun run/walk held on April 30th. The Board congratulated the runners club on their excellent job on this event.

- C. President Pro Tem Francis recognized Office Assistant, Elizabeth Gill, who received a 2005 Award of Merit for Administration/Finance/Support from the American Public Works Association Northern California Chapter. Director Johnson and Manager Williams reported the award was presented on May 20th at the annual awards presentation at His Lordships restaurant in Berkeley. Ms. Gill thanked Manager Williams for this nomination as well as Director Johnson for his kind words.
- A-2. Ms. Sue Smith arrived and Ms. Yee presented her with an award and certificate for the overall fastest female winner at the District's 5k fun run/walk held on April 30th.

Manager Williams thanked Ms. Sue Smith, Mr. Andrew Chan and members of the CVHS Cross Country Runners Club for their excellent participation in the District's Project Earth Day 2005 run/walk.

[3. *Open Public Hearing.*]

President Pro Tem Francis opened the public hearing for comments, protests, or objections to Ordinance No. 138 - Amending Sections 4004, 4011, 4012, 4013, 4014, 4018, 4021, 4029, 4030, 4031, 4032, 4034, 4040, 4043, 4058, 4059, 4065, 4066, 4067, 4068, 4069, 4072, 4074, 4076 and 4094 of Article III, General Provisions and Specifications for the Construction of Sanitary Sewers; and Sections 4106, 4113, 4122, 4123, 4129, 4130, 4403, 4504 and 4506 of Article IV, Regulations of Sewer Services of the Castro Valley Sanitary District Code.

Manager Williams reported there were no comments received and he had nothing further to report at this time.

[4. *Close Public Hearing.*]

There being no further comments, protests, or objections, Member Johnson made a motion to close the public hearing. Member Waespi seconded and the motion passed on a 5 - 0 vote.

[5. *GENERAL ORDER - FINDING AND DETERMINING THAT PUBLICATION AND POSTING OF NOTICE OF PUBLIC HEARING (for District Ordinance No. 138) HAS BEEN PROPERLY MADE.*]

Manager Williams stated the General Order has been posted in three (3) public places in Castro Valley on the 5th of May, 2005. Member McGowan made a motion to adopt the General Order, Member Waespi seconded and passed on a roll call vote 5 - 0.

[6. *ORDINANCE NO. 138 - AMENDING SECTIONS 4004, 4011, 4012, 4013, 4014, 4018, 4021, 4029, 4030, 4031, 4032, 4038, 4040, 4043, 4058, 4059, 4065, 4066, 4067, 4068, 4069, 4072, 4074, 4076 AND 4094 OF ARTICLE III, GENERAL PROVISIONS AND*]

SPECIFICATIONS FOR THE CONSTRUCTION OF SANITARY SEWERS; AND SECTIONS 4106, 4113, 4122, 4123, 4129, 4130, 4403, 4504 AND 4506 OF ARTICLE IV, REGULATION OF SEWER SERVICES OF THE CASTRO VALLEY SANITARY DISTRICT CODE.]

Manager Williams presented Ordinance No. 138 for discussion, stating minor modifications have been made to this Ordinance including several housekeeping issues. He reported President Akagi's comments had been included in this document and there were no comments received from the public. Member Johnson made a motion to adopt Ordinance No. 138, Member Waespi seconded the motion and Ordinance No. 138 was passed on a roll call vote 5 - 0.

ROLL CALL:

AYES: DIRECTORS Akagi, Francis, Johnson, McGowan and Waespi

NOES: None

ABSENT: None

MOTION CARRIED.

[7. Consent Calendar.]

The Consent Calendar contained: A. Minutes of Regular Meeting on May 3, 2005; B. Minutes of Special Meeting on May 10, 2005; C. Minutes of Board Tour of OLSD Treatment Plant on May 20, 2005; D. Accounts Payable List for the Regular Meeting of June 7, 2005; E. Monthly Statements of Operations for March 2005; F. Monthly Reports on District Investments and Deposits for March 2005; G. Collection System/Field Maintenance Reports for April 2005; H. Report of ACSDA Meeting on May 4, 2005; I. Report of OLSD Construction Committee Meeting on May 11, 2005; J. Report of Budget & Long Range Planning Committee Meeting on May 17, 2005; K. Report of EBDA Commission Meeting on May 19, 2005 and L. Report of ACWMA Meeting on May 25, 2005.

President Pro Tem Francis asked if there was any discussion pertaining to the Consent Calendar. Manager Williams asked to hold items G.) Collection System/Field Maintenance Reports for April 2005 and item J.) Report of Budget & Long Range Planning Committee Meeting on May 17, 2005. He reported on page two of the collection system report, under lines serviced the footage had dropped in April compared to other months. He explained this was due to an extraordinary amount of time spent at lift station No. 4 tending to repairs. Manager Williams reported the crew completed CCTVing this station and will present a graphical report at next month's Board meeting. He reported this is a large expenditure which has been addressed in the 2005-2006 budget.

Manager Williams made comments to his report to the Board regarding the B&LRP Committee meeting minutes of May 17th. He reported under item four, the District reserve funds might dip down to \$3,000,000 for thirty days in December 2006. This is due to the District funding 100% of the project from reserves. The District is examining the possibility of obtaining state revolving funds for future projects.

Manager Williams attended a workshop in Sacramento where the State Board approved the project priority list and stated that the program should be funded by September 2005.

Member Waespi made a verbal report of the ACWMA meeting held on May 25, 2005. He reported the regular calendar included: notification of election of officers, adoption of the fiscal year 2005/2006 budget and a closed session to evaluate the performance of the Authority Counsel. Member Waespi reported ACWMA counsel's contract was extended for three years.

There being no further discussion, a motion was made by Member Waespi to accept the Consent Calendar. The motion was seconded by Member McGowan and passed on a 5 - 0 vote.

[8. Board Expenditures and Event Attendance Approval.]

President Pro Tem Francis presented the Board Expenditures List for discussion.

There were no meetings to be considered for Board attendance for the month of June. The following meeting is to be considered for Board attendance for the month of July:

July 6, 2005 - Waste Management Driver Appreciation Luncheon.

Manager Williams asked Board members to let Ms. Barbara Nagy know if they would be attending the CASA meeting in San Diego, August 17 - 20, 2005.

There being no further discussion, Member Waespi made a motion to approve Board Expenditures and authorize event attendance including the CASA Conference in San Diego. Member Johnson seconded the motion and passed on a 5 - 0 vote.

[9. Items from the Public.]

There were no items from the public.

[10. Presentations of Petitions.]

Manager Williams reported there were two petitions to be presented this evening.

A. Manager Williams reported a letter was received from Ms. Miriam Crew of 18514 Mountain Lane requesting a variance to CVSD Code Section 4072. He reported Ms. Crew was not in attendance this evening and this item will be tabled to next month's Board meeting.

B. Manager Williams reported a letter was received from Mr. Greg Corvi of 18848 Cameo Court, Castro Valley requesting a variance to District Code Section 4114. He reviewed his memorandum to the Board regarding Mr. Corvi's petition. Mr. Corvi explained the situation of his

stoppages at 18848 Cameo Court. He reported the first blockage occurred on November 16, 2004 and he called Savior Plumbing to respond. He explained them having to use a 60' snake and a 100' snake to hit the blockage and was told the blockage was in the main sewer. Manager Williams reported our crew shortly thereafter checked the main and found no blockages. He reported the District does not pay for work in private laterals. Mr. Corvi reported he experienced another back-up on February 12, 2005 and called Bell Plumbing, Inc. to respond. He explained in detail the situation as it happened, handed out additional information to the Board and answered questions from the Board. Discussion included the location of the resident's and his neighbor's sewer laterals and the location of the manholes in this area. Mr. Corvi asked the Board to consider reimbursing him for expenses paid to the two plumbers to unblock his sewer in the amount of \$933.50. He stated he was unaware to contact the District immediately when a blockage occurred. Member McGowan stated at EBMUD petitions are heard in closed session. Manager Williams inquired at this point does the Board wish to grant a variance to the District code. Board discussion included location of the public line; did the resident have a back flow preventor and would it have assisted in this situation; were any other neighbors affected by this back-up. Manager Williams stated if the main is blocked most likely other homes would have been affected. Mr. Corvi reported there was water in his shower pan and the toilet would not flush. Manager Williams reported in such an incident, water would usually flow out of the toilet. Mr. Corvi reported his line was CCTV, however he did not purchase the video. Manager Williams reported the crew performed maintenance on this line in August and the line was clear. He reported after receiving Mr. Corvi's call in November, the crew cleaned and CCTV this line. Manager Williams reiterated the District has publicized to call the District when a resident experiences a back-up through press releases, the District newsletters, etc., as well as the importance of an overflow device. Mr. Corvi further explained the situation in more detail of his blockages. Manager Williams reported there was no evidence of this line surcharging. After further Board discussion Member McGowan stated to reimburse Mr. Corvi for the February event, but not the November event. The Board agreed they did not wish to set a precedent paying residents for service on private laterals and were very sympathetic to Mr. Corvi. Therefore, the Board did not act on Mr. Corvi's reimbursement request. Mr. Corvi asked Attorney Varni several questions regarding the statute in which to file a claim, and whom to serve. Manager Williams reported Mr. Corvi's petition would move to claim status and be placed on next month's Board agenda which will take place on July 12th.

[11. Regular Calendar.]

A. Engineering Projects Report.

Manager Williams reported on the Engineering Projects Report. He updated the Board reporting small annual projects would be completed by the end of this fiscal year. He reported the Lateral Replacement Grant Program would start on July 1, 2005 with a budget of \$50,000. Manager Williams reiterated receiving applications and the scheduling of inspections would commence July 1st with no exceptions made. He reported LAVWMA is finishing up on repairs between Nunes and San Miguel Avenue. Manager Williams reported the sag turned out to be a hump in this line. President Pro Tem Francis reported EBMUD had been working in the area. Manager Williams reported the sewers were on the opposite side of the street from the water lines and District Inspector Elliott Johnson had been on site

recently. He reported a punchlist has been prepared for work on Vegas Avenue. Manager Williams updated the Board on District tracts. He stated he sent out draft Agreements regarding three parcels on Jensen Road pertaining to the Benefit District.

Manager Williams reported he recently attended a Waste Water summit meeting in Sacramento, stating discussion included the State Water Quality Control Board establishing a state-wide sanitary sewer overflow (SSO) permit.

Manager Williams reported on the District's Driver Alliant proposed insurance program on sewer lateral insurance. This possibly could replace the District's current LRGP. Discussion included if this program would be mandatory or voluntary and if it would be part of the fee structure. He reported he will track this information and report any findings.

Manager Williams reported he met with Cal Trans today regarding a District dump-site. He was informed this site would be the future site of an off-ramp. Manager Williams will continue to work on a suitable dump site for the East Bay Regional Park District.

B. Solid Waste Projects Report.

Manager Williams reported on the Solid Waste Department memorandum to the Board. A Solid Waste Committee meeting was scheduled for Monday, June 20th at 7:30 a.m. Manager Williams reported Ms. Naomi Yee and Ms. Michelle Jeffery are organizing the Solid Waste Department, tending to tasks and deadlines and are meeting to discuss a two year approach to programs and events. He added Ms. Jeffery is working forty hours a week as an Intern. He reported Ms. Yee is working on WM contract compliance and Ms. Jeffery is heading up the District's e-waste event plus education and outreach programs. Manager Williams reported Ms. Yee has prepared a final report for Earth Project 2005 which will be presented at next month's Board meeting. He stated the Solid Waste Committee meeting agenda will include Earth Day 2006 planning and whether to partner again with Palomares School. Manager Williams reported the District is partnering with the schools to spend recycled product purchase preference funds. He reviewed briefly the District's participation in the Rowell Ranch Rodeo parade. Manager Williams reported the District has a \$5,000 grant to implement Bay-Friendly landscaping at District offices which will include design work. He stated he will be meeting with the Castro Valley Adult School for their students to undertake the maintenance work. Discussion took place as to using volunteers for contract work. They will be volunteers, however will receive pay, maintenance work being a training program for the students, entering into an Agreement (Memorandum of Understanding) between CVSD and CVUSD/CVAS for the work, worker's compensation and an insurance rider to cover the workers. Attorney Varni emphasized the District needs to have written documents pertaining to insurance, worker's compensation and the MOU. Manager Williams reported he will see how this program works out and see if it will be expanded to include janitorial services also. Manager Williams reported the District is now a certified e-waste collector which means we will be receiving money for "covered" items received on e-waste day. He highlighted the educational programs report in the memorandum. Manager Williams reported the District has purchased recycling containers from Department of Conservation with grant monies for sports events.

Member Waespi was pleased as he reported after an event there are lots of water bottles left behind that should be recycled. Manager Williams stated plans may include for the District to sponsor uniforms for a sports team. Ms. Gill reported to the Board 63 new WM resident packets were mailed out with no feedback responses. She reported this month's packet letters will include wording that a \$100 cash quarterly drawing will be held for residents that respond with feedback. President Pro Tem Francis inquired about the District's C&D Ordinance, where items can be taken and is the program working. Manager Williams reported staff will be doing random inspections of project sites; drop-ins at the Building Department to determine if informational brochures are being given out, and the setting of measurable goals. He reported this subject will also be discussed at the upcoming Solid Waste Committee meeting. Other items for discussion at the meeting will be an Earth Day debriefing of staff, Palomares School site, the runner's club, tweaking minor problems such as road closure at SpeeDee Lube and the musicians dropping off their equipment during the festival.

Member Waespi reported at the meeting recently with the Castro Valley Adult School they were informed they would be eligible for free recycling, free compost and free foodwaste services. Manager Williams asked Member Waespi to discuss this issue with Ms. Jeffery.

Member Waespi reported he would like to include soccer uniforms for South America in the District's Second Chance Week collection of sports equipment for the Special Olympics. Discussion took place if the uniforms would be an immediate on-going project or included in the Second Chance Week event. Manager Williams asked Member Waespi to have his contact discuss this project with the District.

(A 10 minute break was taken at 8:25 p.m.)

C. Report of Community Advisory Committee (CAC) Meeting on May 11, 2005.

Manager Williams reported he had nothing to add to the minutes of the CAC meeting. Member Francis had nothing to add. Manager Williams stated there would be a CAC meeting tomorrow and one of the agenda topics was the Castro Valley Community incentive grant allocation action plan. He asked the Board members for their input on this item. He reported President Akagi made a suggestion to purchase dock construction materials to be utilized by the rowing teams at Lake Chabot. Manager Williams reported also on the agenda will be discussion on the food waste program, C&D program, Boulevard street cans, field trip to the Davis Street Transfer Station and the treatment plant upgrade project PR plan. Member McGowan inquired as to another Public Relations Committee meeting with the Community Advisory Committee. Manager Williams reported there would be a PR and CAC meeting in July. President Pro Tem Francis asked if there were any additional comments on this agenda item. There were no additional comments brought forth.

D. Oro Loma/Castro Valley Sanitary District Treatment Plant Capacity Restoration Project.

Manager Williams updated the Board on the treatment plant capacity restoration project and

reported there would not be a power point presentation this evening. He reported there have been 23 change orders costing less than \$200,000 and the project is approximately 50% complete. He reported for more information please see Member Johnson's OLSD/CVSD Construction Committee meeting minutes of May 11th.

E. Date Change for July Regular Board Meeting.

Manager Williams reported in order to maximize attendance at the regular July 2005 Board meeting, the Board previously recommended to change the meeting from July 5th to July 12th as listed on the Castro Valley Sanitary District calendar. Member McGowan reported he is not in favor of changing the Board meeting dates from the first Tuesday of the month. Member Waespi stated the July Board was changed months ago for the convenience of the public to be in attendance. There being no further discussion, a motion was made by Member Waespi to change the July Board meeting from July 5, 2005 to July 12, 2005. The motion was seconded by Member Johnson and passed on a 4-1 vote with Member McGowan voting no.

[12. Communications.]

Manager Williams reported there were no communications.

[13. Miscellaneous Comments from Board Members and Staff.]

Member Waespi asked for comments regarding the Board's recent tour of the treatment plant. Comments were all positive about the plant capacity restoration project and the tour was very good.

President Pro Tem Francis reported he was pleased with the District's assistance on additional garbage cans at the new Castro Valley Farmer's Market and Mr. Bob Swanson from Supervisor Miley's office was pleased also.

President Pro Tem Francis reported a ribbon cutting ceremony will be held on June 9th on Mission Boulevard by the Cal Trans property by the Ashland Community and invited Board members to attend.

President Pro Tem Francis reported he recently saw A-1 Septic Tank discharge on Norbridge Avenue. Manager Williams said this was fine and yes, he is paying special discharge fees.

President Pro Tem Francis reported a resident, Mr. Bud Meyers, asked him in regards to the paperwork on the Grove Way annexation. Manager Williams reported letters have been sent to every participant and the fees were paid in advance.

Member Waespi reported he was pleased the Castro Valley High School Cross Country Runners Club received \$5,300 in proceeds from the Project Earth 2005 5k fu run/walk. He asked if staff would be preparing a press release. Manager Williams replied yes. Member Waespi recommended nominating

Minutes of Regular Meeting of
June 7, 2005
Page 9

Ms. Sue Smith for Athlete of the Week in the Castro Valley Forum.

[14. Adjournment of Meeting.]

There being no further business to come before the Board President Pro Tem Francis adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Dennis M. Waespi,
Secretary of the Sanitary Board

