



*1902 - Serving Our Community for over 110 Years - 2017*

**WEST BAY SANITARY DISTRICT  
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD  
WEDNESDAY, JULY 26, 2017 AT 7:00 P.M.**

**1. Call to Order**

President Moritz called the meeting to order at 7:00 PM

**2. Roll Call**

BOARD MEMBERS PRESENT: Moritz, Thiele-Sardiña, Walker, Dehn, Otte,

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Scott, Condotti

Others Present: Jim Lewis, Marguerite Brown, Tom Kenny

**3. Communications from the Public: None**

**4. Discussion and Hearing regarding Claim for 816 Laurel Avenue**

Comments: Ms. Brown addressed the board to discuss her claim request to reimburse her for \$300.00 in plumbing costs at her residence at 816 Laurel Ave. She stated that she believes her pipe blockage was due to District mainline cleaning. Ms. Brown submitted a written statement to be included in the minutes. The Board took no action on this item.

**5. Consider Discussion and Direction on Video Recording and/or Broadcasting of District Board Meetings**

Comments: Mr. Lewis presented to the Board his reasons that he believes broadcasting Board meetings would be a benefit to the public. Mr. Lewis stated a public need and the need for transparency as reasons. Mr. Lewis submitted his written statement to be included in the minutes. President Moritz outlined specific items in which the District makes efforts to be transparent which include the website, the Almanac News annual newsletter and rate change mailers. He also expressed concern with the costs of broadcasting meetings and the need for additional staff time. Board consensus was not to broadcast meetings.

**6. District Manager's Report**

**1) CIP Project:**

- a) Belle Haven II is approximately 85% complete.
- b) Sharon Road change order project currently underway.

**2) Affiliate Agency/Association News:**

- a) **County:** Discussions are progressing with the County regarding transfer of Solid Waste Franchise. Next meeting scheduled for Aug 3 on RFP for study.

**3) Upcoming Events:**

- a) August 16 Block Party. District Staff will be participating.
- b) The District is sponsoring Menlo Movie Series this summer.

**4) Misc./Action Items from Previous Meeting:**

- a) **SSOs:** 3 SSO's in 2017. 0 in June.
- b) Next Board meeting on August 23 and September 13
- c) DM Scott outlined a recent court ruling that states employees in lieu of pay must be calculated in over-time pay. A report being prepared by District Counsel will outline specifics on ruling and how it will affect the District.

**5) Resource Sharing:**

- a) **Town of Los Altos Hills:** 1 SSO in 2016. 3 SSO in 2017. 1 caused by City of Palo Alto and 1 caused by Contractor.
- b) **Town of Woodside:** 0 SSO's in 2016. 1 pump station SSO in 2017 (Pump station maintenance performed by others). They have agreed to renew the maintenance agreement.

**7. Consent Calendar**

- A. Approval of Minutes for Regular meeting June 28, 2017
- B. Approval of the Withdrawal Order Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters for July 26, 2017
- C. WBSD Operations and Maintenance Report – June 2017
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – June 2017
- E. Consider to Ratify and Approve Report on District's Investment Portfolio Including the Transactions of Assets Described Therein as of 6-30-17
- F. Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 109 Santa Maria Avenue, Portola Valley (076-236-010)
- G. Consideration of the District Manager's Issuance of the Class 3 Permit for the Offsite Improvements on Oak Grove and Garwood Way Required for the Development Project at 1300 El Camino Real, Menlo Park, CA
- H. Consideration of Authorizing the District Manager to Issue Class 3 Sewer Permit No. 1070 for the Construction of Gravity Sewer Connection and Main Line Extension for 777 Sharon Park Drive, Menlo Park, California Pg.
- I. Consideration of Approving Contract Change Order No. 2 to Ranger Pipelines, Inc. for the Belle Haven II Sewer Rehabilitation Capital Improvement Project in Menlo Park, CA

Motion by: Walker 2<sup>nd</sup> by: Thiele-Sardiña Vote: AYE: NAY: Abstain:

**CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

Comments: None

8. **Consider Adoption Of Resolution Approving Amendment No.3 To The Maintenance Services Agreement Between West Bay Sanitary District And The Town Of Woodside For Sanitary Sewer Maintenance Services for The Town of Woodside And Authorize The District Manager To Execute the Amended Agreement On Behalf Of The District**

Motion by: Otte 2<sup>nd</sup> by: Dehn Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: DM Scott outlined the continuation of the agreement which includes an optional task of pump station maintenance which could be included as an additional amendment. The agreement would not exceed \$42,492.00.

9. **Consideration to Approve Authorizing the District Manager to Execute Amendment #6 to the Professional Services Agreement Dated February 6, 2015, with RMC Water and Environment for USBR Grant Application for the Recycled Water Project – Sharon Heights in the Amount of \$21,536**

Motion by: Thiele-Sardiña 2<sup>nd</sup> by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: DM Scott discussed Amendment #6 and the reason for the USBR grant application to possibly receive Federal grant money for the Recycled Water Project – Sharon Heights. District Counsel Condotti stated that the \$21,536.00 cost will be reimbursed by Sharon Heights Golf and Country Club.

10. **Consideration to Approve Authorizing WaterSmart Title XVI Water Recycling Projects Under the WIIN Act and Authorizing the District Manager to Execute a Grant Agreement with the U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region for WIIN Act Grant Funding**

Motion by: Dehn 2<sup>nd</sup> by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: DM Scott reported that the District is eligible to receive part of Federal grant money for the Recycled Water Project – Sharon Heights but there is no guarantee of receiving funds.

**11. Discussion and Direction on Recycled Water Project and on Negotiations with Sharon Heights Golf Course on Long-Term Agreement**

Comments: DM Scott reported that the State of California has approved the issuance of the project's RFP and the District will issue the RFP on July 31. DM Scott discussed the pros and cons of a 5% vs. 10% retention for the project. 10% retention may be used for complex projects such as this project. Treasurer Walker stated he is in favor of 10% retention. DM Scott reported that discussion on the retention issue has been completed with project manager RMC Water and Environment and they believe 5% retention is sufficient as stated in the RFP. DC Condotti stated that since changing the project's retention to 10% would take a Board action at a future meeting it would not be appropriate to do it after the RFP since 5% is outlined in the RFP. Board consensus was to keep the 5% retention as listed in the RFP.

**12. Report & Discussion on South Bayside Waste Management Authority (SBWMA) and Negotiations for Franchise Agreement Extension**

Comments: Director Dehn reported there will be no meeting in July.

**13. Report & Discussion on Silicon Valley Clean Water (SVCW) and Discussion on SVCW CIP Program**

Comments: None

**14. Closed Session**

- A. LIABILITY CLAIMS  
(Cal. Govt. Code §54956.9(d)(2))  
Claim of M. Brown (816 Laurel Ave., Menlo Park)
- B. CONFERENCE WITH LABOR NEGOTIATORS  
(Cal. Govt. Code §54957.6)  
District's designated representative: District Manager  
Employee Organization: Teamsters, Local 350  
Position being discussed: Field Supervisor *Step Increase*
- C. CONFERENCE WITH LABOR NEGOTIATORS  
(Cal. Govt. Code §54957.6)  
Agency Designated Representative: District Manager  
Unrepresented Employees: Exempt Employees

Entered closed session at 8:19 p.m. Left closed session at 8:46 p.m.

Reportable action: The Board approved Field Supervisor Ruperto Sandoval step increase to Step E.

**15. Discussion and Direction on Metal Storage Building at Flow Equalization Facility**

Comments: DM Scott reported on an ongoing weed abatement issue at the facility. He reported a vendor has proposed weed abatement services, lease of property for storage of equipment and building a metal storage building at cost. DC Condotti believes the project is possible but explained that further research on the issue needs to be done by his office. Director Dehn asked whether the SVCW lease agreement will not be affected prior to finalizing another lease agreement. DM Scott assured her that it would not. SVCW only leases pond 1 and pond 2 in emergencies. The other ½ of FEF is completely under the District's control including ingress/egress to the FEF. DC Condotti requested bullet points of the key deal terms for his analysis of the project. The Board provided direction to proceed and do further research on the item.

**16. Comments or Reports from Members of the District Board and Consider Items to be Placed on Future Agenda**

Comments: Director Otte inquired about the status of District consolidation with San Mateo County sanitary districts. DM Scott reported a meeting has been scheduled to continue discussions with the County on the issue and an RFP proposal has been received for a consolidation study and a proposal for a cost assessment for solid waste.

Director Dehn requested information on a service call on Forest Lane approximately 30 days ago. DM Scott stated he will follow up with Director Dehn with the information.

**17. Adjournment Time:** The meeting was adjourned at 9:04\_ PM

/s/ Roy Thiele-Sardiña  
Secretary

- sorry disabled  
- No cleanout  
-

## West Bay Sanitary District Claim

**File No. 062-235-030**

**c) Circumstances of the occurrence which precipitates your claim:**

**On Monday May 1<sup>st</sup>, 2017** at 8:30AM two workers from West Bay Sanitary District arrived at my home to perform "annual maintenance" to the sewer line located beneath the manhole cover in my backyard. Throughout the time they were at my property I remained outside in order to ensure no damage occurred to my fence from the hose that is run from the truck to the sewer. On a previous occasion damage had occurred to the base of my fence as the hosing was up against it while being pulled taut through this procedure. I was not home at the time.

After approximately an hour of work the senior service worker indicated that roots/debris had been found and removed. He appeared to be training his co-worker who had been at the manhole cover during the time they were on-site while the senior worker was handling the equipment on the truck used for this procedure. They left the property when they finished.

Throughout the remainder of the day and night I used the toilet minimally and did not use the shower or the washer.

**On Tuesday May 2<sup>nd</sup>** at approximately 1PM I took a shower and noticed that the water was not going down the drain and the tub was filling with water. After finishing the shower I tried to flush the toilet and plunged it and could see water bubbling back in the tub. I called the West Bay office and reported the problem and a service man was sent out. Upon arrival I showed him the debris in the tub (the water had slowly gone out) and showed him the toilet now was flushing with water coming up to the top of the rim. He called his supervisor and reported the problem and then told me he could do nothing to help me as there was no clean-out on the property and that I would need to call a plumber. I said I wanted to speak with his supervisor and called the main office back and was referred to Sergio Ramirez who also indicated that they could not do anything to help me and that this problem was "coincidental and highly unlikely to be as a result of the work done the day before". I asked if I would be reimbursed for the cost of a plumber and was told no. He indicated he would send another crew back and I said I needed to leave having a previous commitment that would keep me away from the home until the following day. I thought I would be home the following afternoon to enable the service call.

**On Wednesday May 3<sup>rd</sup>** I was unable to return to my home to be there in time for the service call so I contacted the office early in the morning to cancel that appointment. I said I would reschedule it the following day. When I did return home that evening, again I did not use the shower. The toilet at that point was flushing slowly.

**On Thursday May 4<sup>th</sup>** I did not use the shower, but in the late morning I ran my washing machine and saw that the waste water was all coming back up into the bathtub and now the toilet was also backing up into the tub. At about that time Mr. Ramirez called me to ask about rescheduling the appointment and I told him about what was happening. He said he was not available to come out that day but he would send Bob Scheidt. When Mr. Scheidt came I showed him the debris in the tub and the toilet not flushing normally. He said he would send a crew out to look down the manhole to determine if they could find anything, but indicated that they would not be able to clear my line and that ultimately I would need to call a plumber. When I asked about compensation I was told again that there was likely no connection between what had happened and the maintenance performed.

I called Guy Plumbing in Menlo Park and described the problems and they indicated the work that would be required to fix it was not a service they did and referred me to Buri Plumbing. I contacted them and the owner, Rich Campos came and assessed the problem. He said he would need to go through a vent in the roof to run a cable to try and clear the problem. He asked that I watch the water in the tub and let him know when it went down. After he ran the cable out a considerable distance (the blockage was not proximal to the house) he cleared the blockage and the tub water drained out very quickly. His charge for this procedure and his time was \$300.00 (receipt attached).

**Additional Note:** On Sunday April 30<sup>st</sup>, the day before this work done by West Bay my plumbing was without any problem. I had no slow draining of water in the tub, no problem flushing the toilet and certainly no water backing up from my washer into the tub. I find it impossible to understand how anyone could conclude that it was just "coincidental" that my problems occurred the day after this work was done. Had the draining problems occurred in a couple of weeks or even the next week, I can understand how it might be a coincidence, but these problems occurred the day after the maintenance procedure was performed. Had I taken a shower that same day, the problem would have been evident just after the procedure was done. I believe it is only fair that West Bay reimburse me for the service that was required to restore the proper functioning of my plumbing following their actions.

Thank you for placing this item on the agenda. I've read the Staff Report and must admit how impressed I was with the remarks and the amount of supporting documentation.

In thinking about this topic since this issue was last discussed in May, my sense is that even if videotaping was FREE, the Sanitary District would likely not be interested in pursuing it. Thus, it may not be a matter of the cost of equipment, but the amount of will and interest in providing this service.

As with most expenditures, the cost can be minimal or it can be excessive. For instance, you can buy a low-end car or a high-end car. The same may apply to a low-end watch or a high-end watch. Both purchases may do the job, but the choice of the quality of the job becomes the issue.

During a recent meeting with the General Manager, the statement was made of how few members of the public ever show up to a meeting. Quite frankly, speaking as a member of the public, sitting through a meeting until an agenda item of interest comes up can be challenging. Instead, being able to fast forward a video to a topic of interest may not be a matter of participation, but one of listening and learning.

It was also mentioned that most people have never heard of the Sanitary District or if they have, find the topic of little interest, that is, compared to City Council meetings, School District meetings and perhaps other Special Districts, such as the Fire District. However, this may be the very reason to make your meetings more accessible, convenient and transparent. Otherwise, you may be the best kept secret in town.

To get a sense of how many people watch local, government meetings, I looked at the You Tube statistics for individual meetings on their website. For the Fire District, approx. 200 viewers/meeting are shown. For the Town of Atherton, 50 is shown. Now that might not seem like a lot of viewers in relation to the entire population, but can you imagine 50 people being in this room? Instead, they may be watching.... from their living room.

This topic would not be complete without touching upon the issue of transparency. As you know, the SMC Grand Jury referenced the West Bay Sanitary District in their recent report. Thus, you may have a duty to consider providing this service. In that way, you've done your job. It's the public's job to decide whether they want to watch the meeting or not.

Bottom line, if you can provide this service at a reasonable cost, you may find that it was money well spent, with a growing audience, over time, that may stimulate greater awareness and participation in the governance of the District.

Thank you.