



1902 - Serving Our Community for over 110 Years - 2019

**WEST BAY SANITARY DISTRICT
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, SEPTEMBER 11, 2019 AT 7:00 P.M.**

1. Call to Order

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

Roll Call

BOARD MEMBERS PRESENT: Dehn, Otte, Walker, Moritz

BOARD MEMBERS ABSENT: Thiele-Sardiña

STAFF MEMBERS PRESENT: Scott, Condotti, Ramirez

Others Present: Colleen Costine – HF&H

2. Communications from the Public: None

3. Public Hearing - Annexing Certain Territory Within the West Bay Sanitary District's On-Site Wastewater Disposal Zone – Lands of Lee (30 Holden Court, Portola Valley)

Motion to Open Hearing by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None

Motion to Close Hearing by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

4. Consideration of Adopting Resolution Ordering Annexation of Certain Parcels in the Territory of West Bay Sanitary District to the West Bay Sanitary District's On-Site Wastewater Disposal Zone Including Certain Determinations, Findings and Declarations of the District Board – Lands of Lee (30 Holden Ct, Portola Valley)

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None

5. Discussion/Workshop on the Solid Waste/Recycling Collection Draft Rate Study for the Year 2020

Comments: Colleen Costine of HF&H presented the draft rate study which included alignment of rates to cost of service, rate scenarios and revenue projections and a rate comparison. Of the three rate scenarios presented, the Board consensus was to move forward with scenario #3 with a change to the 20 gallon cart to increase 10.25% from \$39.00 to \$43.00 and the 32 gallon cart to increase 4.09% from \$49.00 to \$51.00.

6. District Manager's Report

1) CIP Project:

- a. **Belle Haven III:** CIP construction began July 23. 98% complete.
- b. **FERRF Metal Storage Building Update:** Modified design to accommodate for soils report and flood vents. Submitted to City for the third time. Still working with the City to find out why the delay in issuing a permit. City of Menlo Park has decided this project now must go before the City Planning Commission. The new plan is to include a wet well within the building. DM Scott will bring the item for Board consideration at a future meeting.
- c. **Bid for Cleaning/TVing Large Diameter lines:** Issued a call for bids for cleaning and televising our large diameter sewer mains. Bid opening October 2.

2) Affiliate Agency/Association News:

- a. **Facebook ORTP:** A draft provisional Discharge permit has been written for Facebook for their Onsite Reuse Treatment Plant. Facebook is installing metering vaults etc., as required by the District before the testing of the facility.
- b. **EPA: [WOTUS exceeds federal authority under CWA, US district judge says](#)**
US District Judge Lisa Godbey Wood ruled in favor of 10 states that challenged the Obama-era Waters of the United States rule, saying in her decision that the rule overstepped the boundaries of the Clean Water Act. The ruling remands WOTUS to the Environmental Protection Agency and US Army Corps of Engineers to consider the scope of the 2015 rule and the definition of the waterways it seeks to protect.

3) Upcoming Events:

- a. **Board meetings:** Sept 25, and October 9.
- b. **Solid Waste Rate Study:** Looking to establish a Solid Waste 218 public hearing date on Oct 9 for Dec 11, 2019.
- c. **Golden Acorn Awards:** The District and SHGCC will receive a Golden Acorn Award on Sept. 19.

4) Misc./Action Items from Previous Meeting:

- a. **SSOs:** Zero SSO for August. 2019 Total = 4.
- b. **MOU:** District Staff and IEDA met with the Union to discuss Alternate Staffing program per the MOU.
- c. **Sewer Service Charges Rate Study:** HF&H will begin rate study and a rate workshop is planned for January.

7. Consent Calendar

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Comments: Consent Calendar approved with correction on the minutes on item 11.

- A. Approval of Minutes for Regular meeting August 14, 2019
- B. Approval of the Withdrawal Order Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters for September 11, 2019
- C. WBSD Operations and Maintenance Report – August 2019
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – August 2019
- E. Consider to Ratify and Approve Report on District’s Investment Portfolio Including the Transactions of Assets Described Therein as of 8/30/19
- F. Consideration of Accepting Sewer Facilities Constructed Pursuant to Class 3 Sewer Permit No. 085 for Sewer Extension Required for the Development Project at 105,125,135&155 Constitution Dr, Menlo Park, CA (Project known as Menlo Gateway Phase II)
- G. Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 30 Holden Ct, Portola Valley (079-092-150), Lands of Lee
- H. Consider Resolution Authorizing the President and Secretary to Enter into Agreement Creating Covenants Running With the Land for 30 Holden Ct, Portola Valley
- I. Consideration of Authorizing the District Manager to Issue Class 3 Sewer Permit No. 1102 for the Construction of Wastewater Facilities for 40 Sioux Way, Portola Valley, California

8. Consider Approving Performance Merit Pay Program for FY2019-20

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0:

Comments: DM Scott presented the proposed program to the Board with one change from the previous year to lower the line cleaning goal from 190 miles to 170 miles to exclude pipes that have been replaced and are now new. The maximum payout is \$145,000 or maximum per each full-time employee of \$5000 based on % of goals achieved.

9. Consideration to Approve the Resolution Establishing the Personnel Policies – to Reflect Results of Labor Negotiations

Motion to Approve by: Walker 2nd by: Moritz Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: DM Scott stated these changes are needed due to the concluded Labor Negotiations with the Local 350, and that changes needed are in the PERS contribution levels, the IRC Section 125 Cafeteria Plan, and the Matching Deferred Compensation levels.

10. Consider Reimbursement for the remainder of deposit to David D. Bohannon Organization - Menlo Gateway Phase 2, Groundwater Discharge

Motion to Approve by: Otte 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: DM Scott reported that this item is a return of deposit fees paid for the Menlo Gateway Phase 2 project to discharge groundwater during construction.

11. Consider Approval to Donate to the Bay Area Deputy Sheriff's Charitable Foundation for Disadvantaged Children of Bay Area Cities

Motion to Approve by: _____ 2nd by: _____ Vote: AYE: _____ NAY: _____ Abstain

Comments: DM Scott reported that DC Condotti has advised that donations by the District of this nature are not permissible.

12. Discussion and Direction on Recycled Water Projects - Sharon Heights & Bayfront, Including Project Status

Comments: DM Scott presented time lapse video and drone aerial video of construction of the project to the Board. The District is currently working with Caltrans on conditions of encroachment permit. Construction of influent pump station and forcemain continue. A reimburse of \$1.6M has been received from the State.

13. Report & Discussion on South Bayside Waste Management Authority (SBWMA)

Comments: President Dehn presented a list of 3 recycling buy back locations within San Mateo County.

14. Report, Discussion & Direction on Silicon Valley Clean Water (SVCW) and Discussion on SVCW CIP Program and Financing and Discussion on Distribution of Proceeds of Sale of Residence

Comments: None.

15. Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Cal. Govt. Code §54957.6) Agency designated representatives: District Manager, Legal Counsel, IEDA;
Employee Organization: Exempt Employees, Unrepresented Employees, & Teamsters Local 350

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Cal. Govt. Code §54956.9(d)) Name of Case: *1740 Oak Avenue, LP v. West Bay Sanitary District, et al.* – SMCSC Case No. 18CIV02183

Entered closed session at 8:40 p.m. Left closed session at 9:21 p.m.

Reportable action: No Reportable Action.

16. Consideration of Resolution Authorizing the President and Secretary of the District Board to Enter into Employment Agreement Between the West Bay Sanitary District And Phil Scott (District Manager)

Motion to Approve by: _____ 2nd by: _____ Vote: AYE: _____ NAY: _____ Abstain

Comments: This item was tabled to the next Board meeting.

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

Comments: DM Scott will present item on new metal storage building project at future meeting.

18. Adjournment Time: The meeting was adjourned at 9:23 PM

Secretary

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