

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
SAUSALITO-MARIN CITY SANITARY DISTRICT**

September 2, 2009

The regular meeting of the Sausalito-Marin City Sanitary District was held on September 2, 2009 at 7:30 p.m., in the Council Chambers, 420 Litho Street, Sausalito, California.

**I. ROLL CALL**

Directors Present: Arnott, Beers, Berkman, Gergus, Wohlschlaeger

Staff Present: General Manager Bob Simmons, Lab Director Omar Arias-Montez, Board Secretary Krueger

Also Present: TCSD General Manager Jon Elam, TCSD Representative Jim Jacobs

**II. A. TCSD REPORT None.**

**B. CITY OF SAUSALITO REPORT. None.**

**III. CONSENT CALENDAR**

**A. APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 3, 2009 AS PRESENTED:**

M/S/C –Arnott/Gergus

VOTE: Arnott, Beers, Berkman, Gergus, Wohlschlaeger

**B. APPROVAL OF MINUTES OF INFLOW AND INFILTRATION COMMITTEE MEETING OF AUGUST 20, 2009 AS MODIFIED:**

M/S/C –Gergus/Arnott

VOTE: Arnott, Beers, Berkman, Gergus, Wohlschlaeger

**C. APPROVAL OF MINUTES PERSONNEL COMMITTEE MEETING OF JULY 14, 2009 AS PRESENTED:**

M/S/C –Arnott/Gergus

VOTE: Arnott, Beers, Berkman, Gergus, Wohlschlaeger

**IV. GENERAL PUBLIC. NONE.**

V. **UNFINISHED BUSINESS.** NONE.

- A. **RECEIVE A REPORT FROM TCSD REGARDING DELAY IN QUARTERLY PAYMENTS OF ANNUAL SEWER AND CAPACITY CHARGE.** Manager Simmons reported that TCSD is experiencing budget problems and will not be making the fiscal year 2009/2010 first and second quarter payment until revenue is received in December.
- B. **CONSIDER CLAIM FROM DAN YOAKUM FOR LOSS OF EARNINGS AND OTHER DAMAGES ARISING FROM FEBRUARY 17, 2009 SEWAGE SPILL.** Simmons presented a claim from Dan Yoakum, Roe-on-Kelp commercial fisherman, for alleged loss of earnings and other damages caused by the February 17, 2009 sewage spill. Lab Director Omar Arias-Montez noted that comprehensive water quality testing was undertaken both immediately surrounding the spill area as well as in numerous locations outside the spill area. The results of these tests indicate that the water where Mr. Yoakum harvested his roe did not show any signs of contamination from the spill.

Janice Yardley, CSRMA insurance adjuster, evaluated the claim and advised the District to reject the claim. The issuance of a Notice of Rejection serves the purpose of setting the six-month statute of limitations in motion to either settle the claim or file a lawsuit. The Notice is not an actual denial of the claim.

- **MOTION:** Reject Claim from Dan Yoakum for Loss of Earnings and Other Damages Arising from February 17, 2009 Sewage Spill.

M/S/C –Gergus/Beers

VOTE: Arnott, Beers, Berkman, Gergus  
Wohlschlaeger

VI. **NEW BUSINESS**

- A. **REGIONAL WATER QUALITY CONTROL BOARD CLEANUP AND ABATEMENT ORDER NO. R2-2009-0010, AMENDMENT OF PROFESSIONAL SERVICES AGREEMENTS FOR ASSISTANCE IN PREPARING TECHNICAL REPORTS.** Simmons reported that ESA Associates and John Carollo Engineers were contracted to assist the District in preparing assessment reports pursuant to the Regional Water Quality Control Board's (RWQCB) clean up and abatement order that was issued to the District as a result of the February 17, 2009 wastewater treatment plant spill.

ESA's authorized contract amount was exceeded by \$11,055. RWQCB data requests were more extensive than expected, which resulted in the exceedance of the original estimated number of labor hours provided in the contract.

John Carollo Engineers' contract amount was exceeded by \$3,260. Staff requested additional services to prepare cost estimates for projects recommended by the facilities condition assessment study. Cost estimating was not included in the original scope of work.

RWQCB was pleased with the District's response to the Order as reflected by the reduced fine amount.

- **MOTION:** 1) Authorize Amendment of Professional Services Agreements for ESA Associates in the amount of \$11,055. 2) Authorize Amendment of Professional Services Agreements for John Carollo Engineers in the amount of \$3,260.

M/S/C –Berkman/Gergus

VOTE: Arnott, Beers, Berkman, Gergus  
Wohlschlaeger

- B. RESOLUTION NO. 922 AUTHORIZING THE FUNDING OF EMPLOYEE CONTRIBUTIONS TO PUBLIC EMPLOYEES' RETIREMENT SYSTEM ON BEHALF OF EMPLOYEES.** Simmons noted that Resolution No. 922 was written based on a template provided by CalPERS. CalPERS is in the process of upgrading their reporting system and, as part of that process, audits are being conducted to ensure that all appropriate paperwork has been filed by member agencies. Resolution No. 922 contains language that CalPERS notes is required by the IRS. It does not affect the employee's past or current pension benefit.

- **MOTION:** Authorize Adoption of Resolution No. 922, Authorizing the Funding of Employee Contributions to Public Employees' Retirement System on Behalf of Employees.

M/S/C –Beers/Arnott

VOTE: Arnott, Beers, Berkman, Gergus  
Wohlschlaeger

- C. SECONDARY SEDIMENTATION BASIN NO. 1 SLUDGE COLLECTOR REPLACEMENT – AUTHORIZE AWARD OF CONSTRUCTION CONTRACT.** Simmons reported that bids were received on September 1, 2009 for the Secondary Sedimentation Basin No. 1 Sludge Collector Replacement Project. This project involves replacing existing collector chains, shafts and sprockets, modifying the skimming supports and making adjustments to the location of idler and tail shafts necessary to installing larger diameter sprockets.

MA Davies, Valentine Corporation, Michael Paul Company and Monterey Mechanical submitted bids for the project. The low bid was received from Michael Paul Company. Staff recommends awarding the bid to Michael Paul Company. The estimated construction cost for the work was \$25,000.

- **MOTION:** Award the Construction Contract for the Secondary Sedimentation Basin No. 1 Sludge Collector Replacement Project to Michael Paul Company in the Amount not to Exceed \$19,310.

M/S/C –Beers/Berkman

VOTE: Arnott, Beers, Berkman, Gergus  
Wohlschlaeger

**D. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION, 2009 BOARD ELECTIONS.**

- **MOTION:** Nominate Catherine Slater-Carter for the 2009 California Special Districts Association Region 3 Seat A Director.

M/S/C –Gergus/Berkman

VOTE: Arnott, Beers, Berkman, Gergus  
Wohlschlaeger

**VII. STAFF REPORT**

**A. GENERAL MANAGER**

1. Plant Operations: 1) Simmons indicated that the plant was in compliance with all of its discharge requirements during the month of August. 2) The Sludge Dewatering and Chemical Line project is nearing completion. 3) A series of planned plant outages will occur in mid-September to permit the upgrade of electrical switchgear. A generator will be brought in to power the plant during the outages. The plant's standby emergency generator will serve as a back up. to the rental unit. 4) Staff installed a new secondary contained ferric day tank and pumping system. The project is nearing completion. 5) City of Sausalito and District staff met to discuss the upgrade of the Anchor Street Pump Station. District will take on the installation of SCADA and controls. The City of Sausalito will upgrade the rest of the pump station as part of its sewer system upgrade program. Staff installed a new access hatch to the wet well. The existing hatch was not secured to frame and presented a safety hazard to staff. 6) Two phone calls were received regarding odors and potential spills. Staff investigated both reports. One of the reported spills was located behind the CalTrans right of way off Highway 1 and the other in Marin City in the marshy pond area. It was determined that that there were no spills. Behind Caltrans, high tides fill up low-lying areas and hot temperatures promoted algae growth and decay. The decay produced odors that were thought to have been caused by a sewage spill. In Marin City, staff noted that the gate on a culvert leading from the pond area to Richardson Bay was closed, thereby causing the pond to become stagnant. The County of Marin Public Works Department was alerted and County staff opened the gate, which permitted the pond to be refreshed during low and high tide cycles. 7) A complaint was received from a local business manager regarding the conduct of a District employee. It was reported that the District employee entered the business lobby and loudly expressed distress over the aggressive driving of a valet driver as he drove around District staff working at the Anchor Street Pump Station. The business's staff stated that the employee was inappropriate in his actions. The incident was investigated by the Plant Superintendent who determined that District staff was put in a hazardous situation as a result of the recklessness driving of the valet. Other individuals have made complaints with the Sausalito Police Department regarding similar incidents of recklessness. The District employee was counseled regarding the appropriate manner in which the incident should have been reported and handled. All District staff attended a meeting with the Plant Superintendent regarding the appropriate manner to handle communication with the general public. The business

manager acknowledged that the valet driver was equally at fault and was satisfied with the District's response to the incident.

2. Safety Program. New Operations staff undertook forklift and respiratory protection safety training. Vince Pasquini, Jeff Waters, and Kevin Beneda attended residential sewer backup response training. Duall Safety conducted an audit of the treatment plant and pump stations. A report and a revised procedure manual for confined space entry will be submitted.
3. EEO Report/Harassment Report. No incidents to report.
4. Odor Report Complaints were received regarding odors emanating at the treatment plant. Investigation revealed that the bioreactors were operating satisfactorily and the treatment of digester gas met all air permit requirements. The concentration of odor countervalent spray was increased. A problem was discovered with the dosing of bioxide at the Marin City Pump Station that may have had a bearing on odors emanating from the primary clarifier. Uemura reiterated to new staff that odor control is a high priority and that staff needs to be proactive when odors are detected.

An odor complaint was received from Kinko's. Staff determined that work had been performed in the manhole located adjacent to the Molly Stones Grocery store. The manhole cover was not resealed to the frame after the work was done. Staff sealed the manhole.

1. Settlement Agreement between Regional Water Board and SMCSO. The drafting of the proposed settlement agreement is experiencing some delay. The Regional Water Quality Control Board is expected to be submitting the proposed agreement to the District in September.

**B. OFFICE MANAGER/BOARD SECRETARY:** Board Secretary Krueger noted that the revenue from connection fees for fiscal year 2008/2009 was 212% above budget. The increase in income is due to the ability of the District to collect fees that in the past were uncollectible.

The City of Sausalito residents are now required to contact the District prior to receiving a building permit, thereby allowing the District to determine whether connection fees and prorated sewer service charges are due. This change in procedure by the City of Sausalito allows Krueger to notify individuals of fees at the same time when 'will serve' letters are sought.

Krueger worked with Jennifer Faught, legal counsel for Meyers Nave, to develop a procedure that would allow delinquent fees to be placed on the tax role after appropriate notification. Consequences can now be communicated to individuals who are delinquent paying their fees. To date, 95% of all delinquent fees have been paid.

Krueger reported that a new restaurant was not able to pay all of the connection fees and prorated sewer service charge. While it is always the goal of the office to collect all fees at the time of connection, Krueger stated that it is equally important to be flexible in finding solutions that benefited both parties. In this case, the solution was to collect 50% of the connection fee and 100% of the prorated sewer service charge at the time of connection. The remaining 50% of the connection fee was placed on the tax role as agreed upon with the business owner. The owner was very pleased and expressed gratitude for the District's flexibility.

**C. ACCOUNTANT:**

1. LAIF – Investment of Reserve Funds: The Board was informed about the LAIF report.
2. Monthly Financial Report: The Financial Report was reviewed.

**VIII. BOARD OF DIRECTORS** – Director Beers inquired about the SCADA signal antenna that was installed near Princess Street Pump Station and whether any feedback had been received from residents regarding the placement. At the previous Board meeting, concern was expressed that the height of the antenna may generate complaints. Simmons replied that no complaints were received.

**IX. ADJOURNMENT**

The meeting was adjourned at 8:45 p.m., to the next regular meeting to be held on the rescheduled date of October 5, 2009 at 7:30 p.m.

[SIGNED ORIGINAL ON FILE]

Secretary