



## OJAI VALLEY SANITARY DISTRICT

A Public Agency

1072 Tico Road, Ojai, California 93023

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### MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS OJAI VALLEY SANITARY DISTRICT

The Special Meeting of the Ojai Valley Sanitary District Board of Directors was held at the District Office, 1072 Tico Road on March 30, 2009. The meeting was called to order by Chairman Kaiser at 7:00 p.m. roll call taken as follows:

**DIRECTORS PRESENT:** William E. Lotts  
J.R. (Jack) Curtis  
Russ Baggerly  
Randy Burg  
Peter M. Kaiser  
Stan Greene  
George Galgas

**DIRECTORS ABSENT:** None

**STAFF PRESENT:** John R. Correa, General Manager  
Ronald E. Sheets, Operations Superintendent  
Brenda Krout, Clerk of The Board

**OTHERS PRESENT:** Mark A. Zirbel, District Legal Counsel

3. **Pledge of Allegiance**

Chairman Kaiser led the pledge of allegiance.

4. **Additions or amendments to the Agenda (Special Meeting None Permitted)**

Special Meeting no additions or amendments are permitted.

5. **Public Concerns** (items not on the agenda - three minute limit).

This is an opportunity for members of the public to speak on items not on the agenda.

(The Ojai Valley Sanitary District Board of Directors encourages all interested parties to speak on any issue on this agenda in which they have an interest, or on any matter subject to the District's jurisdiction. It is the desire of the Board that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speaker's Card and submit it to the Clerk of the Board before the item is taken up for consideration. All speakers are requested to present their information to the Board as concisely as possible with a three (3) minute time limit. Allowing an individual to speak more than three minutes is at the discretion of the Chairman of the Board. Speakers are encouraged to refrain from restating previous testimony. No response will be given or action taken unless an emergency exists. Items requiring action will be referred to staff or placed on a subsequent agenda.)

None

6. **Board Concerns** (Items not on the agenda - three-minute limit)

None

**CONSENT ITEMS:** - All consent items are considered in a single motion and voted on without discussion. Any item removed from the consent list at the request of a Board member or the public will be considered immediately following approval of the remaining consent items.

**ACTION**

Upon motion of Director Lotts, seconded by Director Burg and passed by unanimous roll call vote Item Nos. 7-9 on the consent calendar were approved as submitted.

7. **Approval of Minutes** - Regular Meeting February 23, 2009 (a tape recording of each meeting is retained at the District Office for a minimum of 4 years)

8. **Acceptance of Mainline Extension – North Signal Street – Ojai Area - Contract No. 2009-01**

- a. Accept into the District's sewer system approximately 328 feet of mainline sewer constructed in the Ojai area on North Signal Street, to District specifications, valued at \$52,000; and
- b. Direct staff to add the value of this extension to the District's records for future accounting purposes.

9. **Approval of Checks**

Approve the checks for payment as submitted.

**ACTION ITEMS:**

10. **Krankl Annexation & Sphere of Influence Adjustment (OVSD-2009-02) - Resolution No. 2009-05 – Contract No. 2009-05 – Mainline Extension**

The proposed annexation of the Krankl property and the proposed contract to facilitate the Krankls constructing an extension of the District's mainline sewer to serve their property were reviewed. Representatives of the Krankls, Tim Droney and David Jensen, were present and responded to various questions from the Board.

**MOTION**

Director Curtis presented a motion, seconded by Director Greene to Find the Krankl Annexation to be Categoricaly Exempt in accordance with CEQA Guidelines Sections 15303 & 15303(d) (Class 3) and Section 15319(b) (Class 19); direct Staff to file a Notice of Exemption in accordance with CEQA Section 15062; and to authorize the Chairman to execute Contract No. 2009-05, Agreement For Wastewater Collection And Treatment Services Between The Ojai Valley Sanitary District and Mr. & Mrs. Krankl, to construct an approximately 360 feet extension of the mainline sewer in Santa Ana Road, Oak View; and to adopt Resolution No. 2009-05 initiating proceedings for the Krankl Annexation & Sphere of Influence Adjustment (OVSD 2009-05).

Pat Baggerly, Environmental Coalition, addressed the Board voicing her objection to using CEQA 15303 – Class 3 for this project stating her opinion that this classification does not apply to this project because of the size of the proposed building, only small structures are referenced under Class 3. Ms. Baggerly also questioned the amount of flow this project would contribute to the District's system.

Director Baggerly noted that this Board has no discretion over the size of the buildings in this project or any other aspects of the project that are being permitted through the County of Ventura; consequently, building size referenced in Class 3 does not apply to the Board's consideration of the annexation and mainline extension portion of this project.

**VOTE ON MOTION**

The vote on the preceding motion was taken at this point in the meeting. The motion presented by Director Curtis, seconded by Director Greene passed by unanimous roll call vote.

Tim Droney and David Jensen thanked the Board and left the meeting at this time.

11. **Contract No. 2009-06 – Modification of District Facilities – Highway 33**

Mr. Correa explained that Ajaz Khan, owner of property along State Highway 33, is in the process of widening his driveway and must reinforce the District's mainline that runs underneath the public right-of-way in the area where his driveway crosses.

Director Baggerly requested staff consult with the District's pooled liability group (CSRMA) administrators to review this contract for liability provisions.

It was agreed that staff will CCTV this portion of the mainline prior to the work being performed and again after the work is completed so any damage to the line can be documented.

**ACTION**

Upon motion of Director Baggerly, seconded by Director Lotts and passed by unanimous roll call vote the Chairman was authorized to sign Contract No. 2009-08, Agreement For Modification of District Facilities Between the District and Ajaz Khan, to install a concrete encasement over 60 feet of the District's 6-inch mainline to facilitate the relocation of Mr. Khan's driveway.

12. **Ventura Avenue Pumping Station and Force Mains Project – Final Negative Declaration**

The proposed Ventura Avenue Pumping Station and Force Mains Project and the Final Negative Declaration (ND) on this project were reviewed. Staff distributed a revised response to the comment received from the Environmental Coalition about the ND. Staff explained that the construction contract for the first phase of this project is tentatively scheduled to be presented for award at the April 27, 2009 Board meeting.

Director Galgas inquired about the availability of Federal Stimulus Funds to assist with the cost of this project. Mr. Correa agreed to further investigate the availability of these funds, but noted that the money to fund this project has already been borrowed through the issuance of a bond in 2007. Mr. Correa noted that it is his understanding that the Stimulus Funds will go through the existing State Revolving Fund loan program; this program funds projects by established prioritized categories; the types of projects the District has planned tend to fall into the lower prioritized categories.

Director Baggerly emphasized that a strong look should be taken in regards to the energy saving opportunities during this project with the purchasing of pumps, motors, etc.

### **MOTION**

Director Greene made a motion, seconded by Director Galgas for the Board to certify that the Board has reviewed and considered the information contained in the "Ventura Avenue Sewer System Improvement Final Negative Declaration and Initial Study" (ND); has determined that the ND has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; has determined that the ND reflects the independent analysis and judgment of this Board; has found that the project will have no significant impact, and found that on the basis of the Initial Study and comments received, there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment. Negative Declaration and the Project were approved and adopted. The Board certifies that each finding and determination made here is based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the Project, which includes, but is not limited to: (a) the ND and all technical reports and references cited in the ND, (b) the taped minutes and written materials from the Board's meetings of March 24, 2008, January 13, 2009, and March 30, 2009 and all documents submitted therewith, (c) all completed Project reports, all completed Project correspondence, and all finished Project data and documents located in the District's official files, and (d) all documents referenced in or relied upon in any of the above listed records. These findings and determinations constitute the independent findings and determinations of the District Board in all respects and are fully completely supported by the substantial evidence in the record as a whole. Any finding made by the District Board shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the District Board, whether or not any particular sentence or clause includes a statement to that effect. The District Board intends that these findings be considered as an integrated whole, and whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings. The Administrative Record shall be maintained in the District's official files in the District's offices. Staff was directed to complete Notice of Determination on the Ventura Avenue Sewer System Improvement and to investigate any possibility of acquiring Federal Stimulus Funds to assist in the funding of this project.

### **AMENDED MOTION**

Directors Greene and Galgas agreed to amend their motion to include directing staff to contact the Energy Alliance to investigate how energy efficient the use of variable frequency drives (VFDs) would be in this project.

Prior to the vote on the preceding amended motion public comments were received by the Board.

Pat Baggerly, Environmental Coalition, addressed the Board requesting they obtain a legal opinion about the appropriate time for the Board to receive public comments on an agenda item, prior to a motion being made or before. Ms. Baggerly presented a letter to the Board expressing the Environmental Coali-

tion's concerns about the project; Ms. Baggerly read the letter to the Board. The stated concerns included the need to clean the existing sewer lines prior to them being abandoned in place, the growth inducing aspect created by the number of pumps in the new Orchard Pump Station and the potential liability the District is facing in doing work on the Petrochem site due to this site listed as a hazardous site.

Chairman Kaiser requested the District's legal counsel provide a legal opinion on the appropriate time for the Board to accept public comment on an action item.

### **VOTE ON MOTION**

The vote on the preceding motion was taken at this point in the meeting. The motion passed by unanimous roll call vote.

13. **Budget Adjustment No. 2009-07 – Funds Carryover From FY 2007/08**

#### **ACTION**

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Budget Adjustment No. 2009-27 continuing the outstanding expenditure for the replacement of the Collection System's Maintenance Management Software from the prior fiscal year into the Fiscal Year 2008/2009 Budget in the amount of \$16,459 was adopted.

14. **Sanitary Sewer Management Plan (SSMP) – Contract Nos. 2009-07 & 2009-08**

Staff reviewed the need for the two proposed contracts in order to complete the SSMP as required by the State Water Board.

A calculation error in the total for Contract No. 2009-08 and an incorrect date on Contract No. 2009-07 was noted. The correct contract total is \$15,080 and the correct date is March 30, 2009.

#### **ACTION**

Upon motion of Director Lotts, seconded by Director Curtis and passed by unanimous roll call vote the Chairman was authorized to sign Contract No. 2009-07 (with the corrected date of March 30, 2009), Agreement For Consulting Services To Assist in the Completion of a Sewer System Management Plan Between Ojai Valley Sanitary District and Dudek and Associates, on a time and materials basis not to exceed \$14,000; and the Chairman was authorized to sign Contract No. 2009-08, Agreement For Technical Services For the Development of a Hydra Hydraulic Model of the Sewer System Between Ojai Valley Sanitary District and 3-Waters Technical Services for the corrected lump sum price of \$15,080 and \$5,000 for as needed training; and Budget Adjustment No. 2009-29 transferring \$20,060 from the Rate Stabilization Reserve to cover the cost of Contract No. 2009-08 including the cost of training was adopted.

15. **Surplus Vehicle – 1994 Chevrolet ¾ Ton Truck**

**ACTION**

Upon motion of Director Curtis, seconded by Director Baggerly and passed by unanimous roll call vote the 1994 ¾ Ton Chevrolet Truck was declared surplus to the needs of the District; and staff was directed to dispose of the surplus vehicle through a public bidding process, and to return all funds received from the disposal to the Vehicle Replacement Reserve.

16. **Treatment Plant Replacement Equipment – Air Conditioning Unit - Influent Pump Station Motor Control Center**

**ACTION**

Upon motion of Director Galgas, seconded by Director Baggerly and passed by unanimous roll call vote Budget Adjustment No. 2009-26, transferring \$6,233.00 from Treatment Plant Replacement Reserve into Equipment Maintenance – Treatment Plant to replace the funds spent on replacement of the influent pump station motor control center air conditioning unit was adopted.

17. **2007 Bond Funds Transfer – Ventura Avenue Pump Station and Force Mains Project**

**ACTION**

Upon motion of Director Curtis, seconded by Director Greene and passed by unanimous roll call vote Budget Adjustment No. 2009-25 transferring 2007 COP funds into appropriate accounts to reimburse costs for the Ventura Avenue Pump Station and Force Mains project was adopted.

18. **Resolution No. 2009-04 – Expressing Appreciation To Randall W. Karr For Service to The District**

**ACTION**

Upon motion of Director Lotts, seconded by Director Curtis and passed by unanimous roll call vote Resolution No. 2009-04, Expressing Appreciation to Randall W. Karr was adopted; and staff was directed to forward the adopted Resolution to Mr. Karr's family.

19. **January 2005 Storms – Distribution of FEMA Funds – Budget Adjustment No. 2009-28**

**ACTION**

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Budget Adjustment No. 2009-28 authorizing the transfer

of \$727,015 of the FEMA funds received for the January 2005 storm related projects into the Rate Stabilization Reserve was adopted.

**INFORMATION ITEMS**

20. **Algae TMDL Efforts Update**

Received and filed.

21. **Habitat Conservation Plan Update**

Received and filed.

22. **Security of District Income**

Received and filed.

23. **Monthly Financial Reports**

Received and filed.

24. **Monthly Investment Report**

Received and filed.

25. **Staff Reports - Operations, Administration and Management of the District**

Received and filed.

Mr. Correa announced that he will be on vacation from April 10 through April 21, 2009.

26. **Committee Reports**

Received and filed.

27. **Oral Reports On Meetings, Seminars, or Conferences Attended**

Director Curtis reported on the progress being made by the Ventura County Special Districts Association (VCSDA) Committee he was appointed to serve on as a representative of the OVSD Board. The purpose of this Committee is to draft a procedure to be used by the participating Ventura County Special Districts to appoint a representative to serve on the Ventura Regional Sanitation District's Board of Directors. The next meeting of this Committee is March 31, 2009; Director Curtis reported that he hopes an acceptable draft will be presented at this meeting.

Director Baggerly reported that he recently attended CSRMA's annual long range planning program.

28. **Items of Interest/Correspondence/Articles**

Received and filed.

29. **Discussion** (items not on the agenda - three-minute limit)

- a. Public - (Public is requested to present completed speaker's card to Clerk of the Board)

None

- b. Board Members

Chairman Kaiser requested staff include a report on the progress of identifying illegal connections to the sewer system in a future News of Note.

- c. General Manager

None

30. **Adjournment**

Chairman Kaiser adjourned the meeting at 9:03 p.m.

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John R. (Randy) Burg, Secretary

**APPROVED:**

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Peter M. Kaiser, Chairman

OVSD – Special Meeting Minutes  
March 30, 2009  
Page 10

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