



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Kevin Graves
Vice President-Mark Simon
Treasurer-Brian Dawson
Director-David Piepho
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AMENDED MINUTES (Agenda Item E – Consent Calendar Only)

OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

February 3, 2010

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00 P.M.

Website address: www.townofdiscoverybay.org

A. ROLL CALL

President Graves called the meeting to order at 7:00pm. He then led the Pledge of Allegiance. General Manager Koehne called roll which reflected that all directors were present. President Graves reported on the closed session from Saturday, January 30, 2010 that no action was taken.

B. PUBLIC COMMENTS (Public Comments will be limited to a 3-minute time limit)

Don Flint requested detailed information on the stipends and wanted to thank the Board for providing that to him. Also Virgil took Don for a tour of the facilities and he found it very interesting. He thinks it would be a great idea to get the schools involved in tours. President Graves echoed Don Flint's comments about the facilities. Director Piepho stated that the local school district is having a Budget Workshop meeting and would like to attend Thursday February 11, 2010 and would like permission to attend. Director Piepho made a motion to add this item to Agenda F10 due to this being a stipend eligible item and that the meeting came to his attention after the Agenda was posted. Director Tetreault 2nd the motion. No public comments. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

C. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT – Lieutenant Burton passed out an Incident Report for the month of January 2010 and highlighted a few items in the report. He commented that there was one (1) incident of possession of a concealed firearm by a resident. He also noted that there was a case of Arson, but that it was a minor incident involving two (2) juveniles “just being stupid” and they were released back to the custody of their parents. The residential burglaries were all entered through side garage doors. The items from vehicles were items that were in plain view. Lt. Burton mentioned to please keep items out of sight and that would be the most effective way to deter auto break-ins. The commercial burglary was theft of Alcohol from Safeway and the perpetrators that were caught were residents of Brentwood. Director Piepho asked about the Code Enforcement Grant that allowed the County to take over abandoned vehicles and asked Lt. Burton to pass that along to his Deputies to please

contact Code Enforcement so they can follow up on that.

2. **CHP REPORT** – No report
3. **FIRE DISTRICT REPORT** - No report. President Graves commented that there is a new East Contra Costa Fire Protection District Board that has been established and there are representatives from all the local areas and two (2) at large – one (1) is a gentleman from Bethel Island and Chris Finetti is from our community. Tonight is their first meeting and they are being sworn in by the California Fire Marshall. The Fire District is considering changing their meeting night so their representative can attend the Town of Discovery Bay CSD Board Meetings.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** – President Graves commented that Supervisor Piepho's office is attending the East Contra Costa Fire Protection District Board meeting tonight; however, her office provided a report that they wanted President Graves to share with us with regard to three (3) items. First, the Board of Supervisors approved the completion of the sidewalk on Willow Lake Road from the middle of the school where it ends near the gate down to the stop sign, and calling it the "Willow Lake Sidewalk Gap Closure." Second, there will be a Marsh Creek Road closure causing a detour on the west side of the Bypass for 60 days, at a period between January 27, 2010 and April 30, 2010. The third item is the Board of Supervisor's appointment of Chris Finetti to the East Contra Costa Fire Protection District Board.

D. DISTRICT FINANCIAL REPORT

General Manager Koehne stated that the reports from the County came in late, and he has not had the opportunity to go through them at this time to verify their numbers. He will have that information available for the next meeting.

E. CONSENT CALENDAR

1. Minute(s) previous meeting(s) Regular Meeting- January 20, 2010
2. Various District Invoices
3. Approve CRWQCB Admin. Civil Liability Complaint for \$24,000
4. Authorize to have President Forward Comments related to Newport Pointe Proposal
5. Accept Grant Deed from Hofmann Land Development for Parcel 008-550-047

Vice-President Simon made a motion to approve the Consent Calendar. *Director Piepho said he has something to pull, but the motion needed approval first.* Director Tetreault 2nd the motion. *Director Piepho stated that he would like the Board to consider pulling item 4 off there because although we do need to make comments regarding the Newport Pointe Proposal, he believes the comments should come back to the Board in draft form to be approved before being sent in the name of transparency.* *Director Piepho asked if Vice-President Simon would amend his motion to approve the Consent Calendar with the exception of item 4.* *Vice-President Simon stated that he would amend the motion.* *Director Tetreault 2nd the motion.* Director Tetreault stated that this item was before the Board at the last meeting so he does not understand why Director Piepho does not consider the comments to be transparent. Director Piepho responded by stating that the Board and the community have not seen the letter, so he believes that once the letter is drafted and ready to be forwarded, that it come back to the Board and the community for approval. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain. *General Counsel Stovall stated that the Board now needs to address item 4 and what the Board wants to do with it.* *Director Piepho made a motion to postpone indefinitely item 4 until it is ready to come back to the Board.* *Treasurer Dawson 2nd the motion.* Director Tetreault stated that he agrees for the letter to be approved by the Board and the community, but not be postponed indefinitely *and should be put on the next agenda.* Vice-President Simon suggested setting a time frame for the letter to be drafted and submitted back to the Board and community. Director Piepho commented that a time frame should not be needed as there is no hurry at the County level. Vice-President Simon responded by saying "we've already discussed it, let's just do it." No comment from the public. The motion passed with a vote of 3 ayes (Piepho, Dawson, Graves), 2 nos (Simon & Tetreault), 0 abstain.

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. **Discuss and Approve Extending Current Landscape Contract for Valley Crest on a "Month-to-Month" basis, not to Exceed 6-Months (Perez)** – General Manager Koehne stated that the CSD currently has a two (2) year contract that expires the end of February. He would like to maintain the contract, but on a month-to-month basis while staff works on the Landscape Standards so that those new standards can be implemented into future Landscape Maintenance Contracts. Vice-President Simon made a motion to extend the Valley Crest's contract on a month-to-month basis not to exceed six (6) months. The motion was 2nd by Director Piepho. This time is needed in order to amend the Landscape Standards, go out for bids under the new standards, and secure a new contract by May. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
2. **Discuss and Possible Action to Approve Revised Priority Listing for the DB Zone #8-Lighting & Landscaping District, Capital Improvement Projects (Perez)** – Fairin provided a presentation regarding the priorities of the improvement projects in the community. Director Piepho asked about clocks/timers – are they going to be updated? Fairin said they will get bids for some newer models, some that are internet based, and require a nominal monthly subscription fee, which is still less than the cost of the older type (i.e.; Evolution Model). The internet based will save time as they are controlled remotely rather than manually and easier to detect and problems. Resident Mike McCleery asked about the pine tree removal on Discovery Bay Boulevard and if they can replace those with other trees, or is there a FEMA limitation because of the levee? Fairin replied by saying that she verified with Jeff Conway with Reclamation District 800 that from Sand Point to Seal, trees are allowed by FEMA. However, she is uncertain about further south in the section between Seal and Clipper. General Manager Koehne stated that there are some Eucalyptus trees in that section near Clipper that will probably have to be removed and Reclamation District 800 is having discussions with FEMA and the Army Corp of Engineers. Fairin stated that they have not said that the trees have to be removed as of yet, but we cannot do any replanting right now. Therefore, that issue is not yet resolved. Resident Walter MacVittie wanted to add one suggestion and that is the appearance of the front entrance and he would like to see more color there. Fairin does have plans for that as well. Fairin is also starting a mulching program and has met with the Garden Club to start planning color spots. Director Piepho made a motion to approve the revised priority listing. Vice-President Simon 2nd the motion. The motion was approved with a vote of 5 ayes, 0 nos, 0 abstain.
3. **Discuss and Possible Action to Obtain Quotes for Landscape Design Work Based on Revised Priority Listing for DB Zone #8 Lighting & Landscape District (Perez)** – Based on the approval for items F1 and F2, Fairin is requesting for approval to get landscape design work bids. Vice-President Simon made a motion to approve the request. Director Piepho 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
4. **Discuss and Approve Cooperative Agreement between County and District on Various Landscape Zones (Koehne)** – General Manager Koehne asked that this item be tabled for now and will bring back when ready to present this item. Director Piepho made a motion to table this item. Vice-President Simon 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
5. **Discuss and Possible Action to Revise "District Representative Listing" for 2010 Year (Graves)** – President Graves stated that some committees that are no longer on the list that staff would like to add. One is the East County Water Management Association and the other is the Contra Costa Aviation Advisory Committee. General Manager Koehne wants to be discuss whether these meetings fit the guidelines that would allow stipends and if the Board can add them to the District Representative Listing. Director Piepho made a motion to add the two (2) districts to the District Representative Listing for 2010. Treasurer Dawson 2nd the motion. Director Piepho wished to amend the motion that in addition to adding the two (2) Districts, the East County Water Management Representative positions should be filled by the President and Vice-President and the Contra Costa Aviation Advisory Committee meeting be staffed by President Graves and Treasurer Dawson. The motion was 2nd by Treasurer Dawson. Motion was passed with a vote of 5 ayes, 0 nos, 0 abstain. Treasurer Dawson asked about changing Appointment and Alternate to just two (2) representatives. Legal Counsel Stovall stated that this may be considered by some as a standing committee, so by leaving it the way it is, one person can not be considered a standing committee. Both are not prohibited from going, but only one appointed. Resident Walter MacVittie asked for the Board of Directors to consider a representative from Discovery Bay to be appointed to

attend the County Planning Commission Meetings. Director Piepho responded by indicating the Duane Steele has been appointed for Discovery Bay. He also suggested that the Board ask Mr. Steele to come and report at the Board Meetings.

6. **Discuss and Approve hiring Hornberger Engineering to Update District's Water and Wastewater Rate Study for 2010-2011 Year (Koehne)** – General Manager Koehne has been reviewing the budget and based on income and expenses and not having implemented a cost increase, staff would like to recommend hiring Hornberger Engineering for a Rate & Revenue Study. If we have to do a rate increase, we have to follow Prop 218 process which requires a long time line and we would need to notify the County by July if we need to do this. The cost will not exceed \$21,000. Director Tetreault made a motion to approve hiring Hornberger Engineering to update the District's Water and Wastewater Rate Study for the 2010-2011 year not to exceed \$21,000. Director Piepho 2nd the motion. Resident Gayland Zeigler asked if the cash flow problems are related to the billing. General Manager Koehne stated that has no bearing on the issue. Resident Walter MacVittie asked about costs. A Board Member indicated that is inclusive in the study. Resident Mike McCleery asked about the possibility of implementing a tiered rate for water consumption. A Board Member stated that Hornberger offers various options when doing the study. General Manager Koehne stated that some communities do have a tiered rate system and that might be a possibility at some time. Director Simon is against rate increases due to the budget. Resident Bob Mankin wants to encourage the Board to get back on Water Meter Installation Program. He has numerous reports that show that these have a positive impact on water consumption versus the "all you can eat" method. Motion was approved with a vote of 5 ayes, 0 nos, 0 abstain.
7. **Discuss and Direction on Extension of Veolia Water Contract (Koehne)** – General Manager Koehne commented on the length of the contract and the challenge in recruiting and retaining quality employees with the shorter contract commitment. Director Tetreault recommends five (5), or seven (7) year contracts as opposed to two (2) year contracts. Director Piepho suggested getting proposals with different time frames. Aaron Weiner, District Manager for Veolia Water commented on the turn over issue and stated that they are addressing the issue. Director Tetreault made a motion to direct staff to request proposals for five (5), seven (7), and ten (10) year contracts from Veolia Water. Vice-President Simon 2nd the motion. Director Tetreault added to the motion to drop looking at options at doing this work in-house. Vice-President Simon 2nd the motion. The motion was passed with a vote of ayes 5, nos 0, abstain 0.
8. **Discuss and Possible Action on Direction for Proposed Cell Tower by T-Mobile (Koehne)** – General Manager Koehne asked that this item be tabled for now and will bring back when ready to present this item. Vice-President Simon made a motion to table this item. Director Tetreault 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
9. **Discuss and Possible Action on Web Hosting & Content for District Website (Dawson)** – Treasurer Dawson has been told that the current provider has been somewhat unresponsive and he has found in his own experience that when you host with a company that builds your site, they have more ownership obligation and their response time is better. The other item is content and Treasurer Dawson provided a flow chart with 3 options. One is to pay someone outside, have staff do it, or have someone from the public volunteer to do it. Vice-President Simon made a motion to switch our Web Hosting to NIA Creative. Director Tetreault 2nd the motion. The motion was passed with a vote of 5 ayes, 0 nos, 0 abstain.

Director Piepho asked about clarification of what content includes; initial content in set up and then in some sections periodic updates? Jennifer Finetti of NIA Creative responded. They are currently building all the pages of the new site. Some of the content can be moved from the old site to the new, but some is outdated and some pages in the new site are not on the old site, so would require new content. There are about 60 pages to the website. Director Tetreault made a motion to contract NIA Creative for \$2,500 to do the website content. Treasurer Dawson 2nd the motion. Resident Don Flint asked about the timeline for the project. Jennifer Finetti stated that the site will be programmed within a month or so, and with the content, the website will be ready and live within a couple of months. Director Piepho asked how long before they can assign email addresses. Jennifer Finetti replied by stating all they need is the domain name, login, and passwords. The Board is interested in researching a shorter domain name. Resident Don Flint asked about streaming video of the Board Meetings on the website. Treasurer Dawson indicated that the site will have that capability; however, the CSD does not have the video camera or a digital

recorder, so that will be a consideration at a future date. Resident Walter MacVittie asked if they have the funds to do this. The Board states funds are available. The motion passed by a vote of 5 ayes, 0 nos, 0 abstain. The Board would like to direct staff to look at the possibility of using a .GOV URL, possibly www.todb.gov. Treasurer Dawson made a motion to direct staff to research the possibility of obtaining new urls. Vice-President Simon 2nd the motion. The motion was passed by a vote of 5 ayes, 0 nos, 0 abstain.

10. **Request for Board Representatives Director Piepho and Treasurer Dawson to be assigned to attend the School Budget meeting on Thursday February, 11, 2010 at 5pm (Workshop) and 7pm meeting –** Director Piepho motions that the Board direct Director Piepho and Treasurer Dawson to attend this meeting. Legal Counsel directed Director Piepho that he already has appointment to attend, but Treasurer Dawson is not unless he goes in your absence. If the alternate wants to attend, they can do so, but they will not be paid a stipend. There is no 2nd. Motion died.

G. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report –** no report
2. **Code Enforcement Report -** Director Piepho attended the meeting and submitted his report to the board.
3. **Special Districts Report** -** Treasurer Dawson attended the Water Board meeting, but unable to produce report as it was damaged with spilled milk. The major highlight is that the Constitutional Convention that is trying to get on the ballot and they want to get rid of Special Districts, which is us.

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Director Tetreault had no comments

Director Piepho attended the State of the Town Event. Written report provided and there was an article in the local newspaper. It was a very good event and many community people were recognized for their service to the community.

Director Piepho and Vice-President Simon met with Fairin Perez regarding the landscaping plans and have scheduled a Special Meeting of The Board for Thursday, February 4, 2010 at 6:00pm.

Director Piepho attended the East County Joint MAC Meeting. They discussed the Byron Hot Springs, foreclosures and lower revenues due to property values dropping. The Sr. Traffic planner is working on HWY 239 and they are in the study phase. This road will connect Discovery Bay to Hwy 580. Each community provided their reports.

Director Piepho stated that he has a strong smell of Chlorine in his water at his home in the last 2 months. General Manager stated they can test the water before and after the hydrant to see if it is within the required standards by the Department of Health.

Director Piepho states that the Cell Tower at the church looks like it just went through a hurricane. President Graves stated that he will ask the church if they are aware of that issue.

Director Piepho stated that he went to a LAFCO meeting and that many fire districts are on their way to Bankruptcy. The workshops talked about districts consolidating if possible. The County is not required to provide fire service – cities do, but not counties, and that is where we fall.

Vice-President Simon wanted to mention that we have some park dedication money of over \$100,000 that is about to expire and wanted to talk about a Basketball court and playground equipment some of which may be covered by a Grant. We may be able to do all the work without having to spend CSD money.

Director Tetreault stated that he attended a Veolia Water meeting, which is not a stipend, and no reports.

President Graves mentioned that he believes there is a Delta Gates Meeting scheduled for March 1, 2010 at Discovery Bay Elementary School and please encourage the public to attend.

President Graves stated we have some real challenges ahead of us with regards to providing service short term, such as, State requirements for a master plan, and studies and research in regards to the aquifer levels. We intend to address these issues and they are not going to be easy, but they need to be done.

I. GENERAL MANAGER'S REPORT

General Manager Koehne talked with Landscape Manager, Fairin Perez, about the gopher issue and in the old days, you would trap or flush them out. The fertigation system that they now have is a 2 ½ gallon tank that is below ground and they put chemicals in there to drive away the gophers. That's a process that they are looking at implementing. The Old River Elementary School is scheduled to be shut down. At the last meeting, General Manager Koehne stated that he commented that we have no capacity for additional homes for the Newport Pointe Project. General Manager Koehne wanted to clarify by stating that it is not that we have absolutely no capacity, but the high efficient toilets, and low flow shower heads cause the waste to water ratio to increase making it harder to process the waste. The decision for how many more connections could we handle is based on the increased Biochemical Oxygen Demand (BOD). There are about 20 to 24 lots open in Discovery Bay proper. If they came in to him all tomorrow, he could issue them permits to connect to service. In regards to Newport Pointe, they are currently outside of our service boundary; therefore we would have to move the service boundary to connect them. Before that could be done, LAFCO would ask if we can provide the services. At this time, the he stated that he would have to say no, but with reservations because we would have to do some more studies due to the increased BOD. He reported that there were a couple of water leaks and he also report that a couple of motors went out on pumps for Wastewater and have been sent out for repairs. Veolia Water's 4th Quarter Report was submitted for review and presentation by Gerald Smart, Project Manager, Veolia Water.

J. CORRESPONDENCE – Discussion and Possible Action

1. R–Invite from ECC Bank on their 21st Annual Economic Forecast – January 26, 2010
 2. R–Letter from CCC-Conservation & Development on Review of Second Unit Ordinance–January 19, 2010
 3. S–Letter to CCC- Conservation & Development re: Knightsen-Byron Area Transportation Study– January 22, 2010
 4. R–Letter from Supervisor Piepho re: Cooperative Agreement re: Vasco Road Safety Improvements – January 20, 2010
 5. R–Letter from Supervisor Piepho re: Update on Proposed State Route 239 -- January 19, 2010
- No comments on the correspondence.

K. PUBLIC RECORD REQUESTS RECEIVED

- (3) Request(s) from William Richardson received on January 15th, January 20th & January 21, 2010
- (1) Request from Thomas Peele received on January 21, 2010
- (1) Request from Betty Norris received on January 25, 2010

Director Piepho would like to see which public record(s) that were requested listed on the Agenda, not the specifics, but an abbreviation of what they were about. Resident Don Flint would like to see that as well. General Manager Koehne stated that he could put a copy of the Public Records Request in the Agenda packet. Director Piepho is not asking to see exactly what the filed request was, but just a summary of the type of request included above.

L. FUTURE AGENDA ITEMS

1. Director Piepho – Set some policy for the Stipends issue.
2. Treasurer Dawson – would like to revisit the installation of water meters to the homes that do not have them.
3. President Graves – Master Plan for Water and Wastewater for discussion.

M. ADJOURNMENT

1. The meeting was adjourned at 9:42 p.m. to next regular meeting on February 17, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.