



TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376
Telephone: (925) 634-1131 Fax: (925) 513-2705

Board Members

President-Ray Tetreault	raytetreault@comcast.net
Vice President-Mark Simon	marsil1950@yahoo.com
Director-David Piepho	dp1800todb@sbcglobal.net

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

September 16, 2009

1800 Willow Lake Road, Discovery Bay, California

Website address: www.townofdiscoverybay.org

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

President Tetreault called the meeting to order 7:00p.m. He then led in the Pledge of Allegiance.

General Manager Koehne called roll, Director Shannon Murphy-Teixeira and Vice-President Simon were absent.

President Tetreault moved item H up for Legal report.

H. LEGAL COUNSEL REPORT

Legal counsel reported that the board had held a Special Meeting at 6:00 pm and that part of the meeting was a closed session on potential litigation. He stated that the directors present at the meeting were President Tetreault, Treasurer Dove and Director Piepho. He reported that the specific reason for the meeting was that the board had received a letter from Mr. Don Flint giving notice of demand to cure under Section 54960.1 of the Brown Act. He stated that the board is required to respond within 30 days. He reported that the board voted 3 ayes, 0 nos to not cure and to direct legal counsel to draft a letter to Mr. Flint to be executed by the board President.

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

No public comments.

C. CONSENT CALENDAR

Director Piepho motioned to approve the Consent Calendar. Treasurer Dove 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

D. CHAIR REPORT

No comment.

E. DIRECTORS' COMMENTS

Treasure Dove commented about the litigation. He also commented that he would like to have the Wetlands report to see how the money is being invested. He commented about the need for another meeting with the landscape vendor and getting their monthly reports.

Director Piepho commented about the litigation and the expense. He reported that the Delta Canal Project has been halted and so has the Two Gates Project until next year. He commented that he received the Code Enforcement Report and turned it in. He commented that he had met with Treasurer Dove and they had gone over the landscape contract versus the service that is being received. He stated they had also talked about the fact that they had discussed the Basketball Court for Regatta Park and an email that Treasurer Dove had received about Park Horses. He turned in the written report for this meeting.

F REQUEST FOR BOARD CONSIDERATION

1. **Approve Notice of Exemption (CEQA) for Vac-Truck Dump Station Project and Approve Lowest Responsive Bid for Project (Koehne)** General Manager Koehne presented this item to the board. Treasurer Dove made a motion to approve the "Notice of Exemption" for the Vac Truck Dump Station and approve the lowest responsive bid for the project not-to-exceed \$34,500.00. Director Piepho 2nd the motion. Treasurer Dove asked if there was some way to incorporate into the dump station a way for the residents to use this for an RV dump. Director Piepho commented that this had been discussed before and that the RV dumping was not able to be monitored and that the dumping was killing the bacteria used to clean the sewage at the plants. He stated that if there was some way that it could be done and not have this happen; he would be open to looking at that. General Manager Koehne commented that there would have to be staff to supervise to make sure what was being dumped. President Tetreault commented that the dump station is also located on the back side of the sewer plant and that would create traffic on the site and might be a security issue. Staff stated that they could study this question and come back later regarding the resident RV dumping issue. The motion passed. (3 ayes, 0 nos, 0 abstain)
2. **Discuss and Approve Purchase of UV System to replace Existing System at Plant #2 (Koehne)** Legal counsel asked that this item be pulled since the amounts of this project are kicking this over into the level of the formal bidding procedure.
3. **Discuss and Possible Action on Request for a Basketball Court at Regatta Park (Koehne)** General Manager Koehne presented this item to the board. There was discussion about notifying the residents in the area. There was discussion about requirements of a basketball court. Legal Counsel suggested that staff get an Engineer's Report. Director Piepho commented that the Zone 57 people had already talked with the residents and that there had been plans from Gates and Associates. Director Piepho made a motion to talk to an engineer and get cost on half and full courts to bring back to the board. Treasurer Dove 2nd the motion. He also commented that this had been listed on the Park Dedication List and asked how that figure had been arrived at. Brian Dawson relayed from the young men that had attended the previous meeting that they would prefer a full court. Jeff Barber asked who owns the park. It was responded that the County still owns it and that it would be turned over to the Town in the near future. There was discussion about paying for the basketball court through the Park Dedication Funds possibly, and if necessary loaning the money from the District until the Park Dedication Funds are paid out.
4. **Discuss and Approve Joint Exercise of Powers Agreement with Contra Costa County re: Landscape District's (Zone 35, 57 & 61) (Koehne)** Legal counsel stated he had reviewed this agreement and had made some changes, which he related to the board. Director Piepho motioned to approve the agreement with the changes noted. Treasurer Dove 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on Possible Placement/Location of Full Agenda Packets (Simon)** President Tetreault pulled this item from the agenda since Vice-President Simon was not in attendance.
6. **Discuss and Possible Action on Landscaping of Discovery Bay Blvd (Piepho)** Director Piepho commented that there are dry spots, dead trees, etc., that need to be addressed. He commented about the need to go over all this with staff and the landscape contractor and also to talk to Reclamation District 800 to see where the issue is regarding levee planting. President Tetreault stated that it is possible that the decision from Reclamation District 800 is still 90 days out. Director Piepho commented that he would like to get together and discuss what is under warranty and what is not so the board can decide whether to spend more money or press the contractor to follow through with their obligations. General Manager Koehne asked if staff should set up this meeting. It was responded that he should.

7. **Discuss and Possible Action on Landscaping of Clipper Drive (Dove)** Treasurer Dove commented that there had been a suggestion to hydro-seed the landscaping between the sidewalk and the street on Clipper Drive. He stated that he thinks the sprinkler system would be adequate, with maybe a few modifications. He also stated that the landscape contractor had told him that it would be easier to maintain. He asked that the board give staff direction to go out to bid for the cost of the hydro-seeding along Clipper Drive. General Manager Koehne commented that the landscape drawing that had been done for Clipper Drive have some areas of sod and that the board may want to look at those and put the sod in where it would be if the landscaping were to proceed so that it does not have to be torn out in the future. Treasurer Dove motioned to direct staff to generate an RFQ for possible hydro-seeding of the portions of Clipper Drive and that he will review those portions with staff to make sure, if there are any gross deviations he will bring it back to the board. Director Piepho 2nd the motion. Jeff Barber commented that Mountain House has landscaping that works better with this climate and so does Henderson, Nevada and that the board should look at those. He also commented that the board should push the contractor with a possible notice of default. There was discussion about the Master Plan of landscaping and that sections are being taken from that to make each section that is redone with updates. Director Piepho commented that the landscape contractor also maintains the Mountain House landscaping and so they can discuss it with him. The motion passed. (3 ayes, 0 nos, 0 abstain)
8. **Discuss and Approve District Ordinance NO. 20 re: Water Meters and Recovery of Costs (Koehne)** General Manager Koehne presented this item to the board. He stated that this was the second reading of the ordinance. Treasurer Dove motioned to approve the Town of Discovery Bay Community Service District Ordinance NO. 20. Director Piepho 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
9. **Discuss and Possible Action on Proposed T-Mobile Proposed Cell-Site Location and Design (Koehne)** General Manager Koehne presented this item to the board. He stated that this had been brought to the board at a previous meeting and that he had met with the representative from T-Mobile to find an appropriate site. He stated that the site they had decided would be best is at Slifer Park per the drawings in the packet. President Tetreault suggested that a letter to the local residents would be appropriate. There was discussion about the location of the site and the income for the board. It was discussed that the vendor could send the letters to the residents to avoid any cost to the district. Director Piepho asked legal counsel about the possibility of spending the income on Slifer Park to benefit the residents in the area. Legal counsel responded that he had not seen the contract yet, which he had requested at the original meeting. He also stated that he had looked at this issue and that he would have to go back and look at his memo. Director Piepho motioned to direct staff to work with the vendor to produce a contract, ask legal staff to review that contract, ask legal staff to send out the memo, that has already been put together, to the board members and not to take any further action at this time. It was decided not to send out any notices at this time, but to ask the vendor if they can send out those letters when needed and then report back to the board with the findings. Treasurer Dove 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
10. **Discuss and Authorize General Manager to Purchase One Used Forklift at Local Equipment Auction Not to Exceed \$8,000.** General Manager Koehne presented this item to the board. He stated that since he would be looking at auctions he would need board approval for this item before going out to look and purchase. Director Piepho made a motion to authorize the General Manager to purchase one used forklift at local equipment auctions not-to-exceed \$8,000.00. Treasurer Dove 2nd the motion. Treasurer Dove asked the cost of renting a forklift. General Manager Koehne responded that it was not only the cost but it is a safety issue to have the correct equipment to off load materials. Treasurer Dove commented that he would like to see a propane forklift purchased. The motion passed. (3 ayes, 0 nos, 0 abstain)

11. **Discuss and Possible Action to Replace Doors Locks At Various District Locations (Koehne)**
General Manager Koehne presented this item to the board. He stated that he would like to put the locks on a couple of sites and see how they work before putting them on everything. Director Piepho made a motion to approve purchase of Caba Electronic Lock not-to-exceed \$6,000.00. Treasurer Dove 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

G. GENERAL MANAGER REPORT

1. Large User Update
2. Veolia Monthly Report (August)

General Manager Koehne reported that since the last meeting there had been 4 minor water leaks. He reported that that an owl had touched two (2) phases of electrical wires and that had created a rotor motor to short out which had to be removed and rewired. He reported that they are sealing the parking lot at Regatta Park; next week they would be sealing the basketball courts for Cornell Park and Slifer Park. He reported that they would be striping the parking lot at Regatta Park. He reported that staff had been training on the electronic document system. He reported that a district truck had been side swiped by a resident and the door mirror had been hit and that the claim had been filed with their insurance. Director Piepho asked if there were standards for resealing the park parking lot from the county and that staff may want to check with them about the basketball courts. General Manager Koehne responded that the large users are pretty much done with the exception of the Yacht Club, and that he wants to give them one more try and then staff will have it done. He stated that there were a couple more irrigation meters to put in.

H. CORRESPONDENCE – (Possible Action or Discussion)

1. Transplan Meeting Minutes of August 13, 2009
2. Letter from Supervisor Piepho on Authorization for General Plan Amendment Studies–August 24, 2009

Jeff Barber commented about the Hofmann proposed amendment and that there has been activity about the Community Center that has not been brought before the public. He commented that the board had voted on a site for the Community Center and that this looks like there are decisions other than the vote being made that are not brought out in public. He also commented about the issue of this amendment creating high density housing in Discovery Bay. Walter MacVittie also commented that he thought the Community Center issues should be brought before the public, unless it is a closed session issue.

J. FUTURE AGENDA ITEMS

Director Piepho asked to have a letter to the county agendized to have a second phase on Willow Lake to make the sidewalk contiguous.

Treasurer Dove asked to have the report on the Wetlands on the agenda and also a report from the Bio-Solids project done with the City of Brentwood.

K. ADJOURNMENT

The meeting was adjourned at 8:09 pm to next Regular meeting of October 7, 2009.