



# TOWN OF DISCOVERY BAY CSD

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## Board Members

President-Kevin Graves  
Vice President-Mark Simon  
Treasurer-Brian Dawson  
Director-David Piepho  
Director-Ray Tetreault

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

March 3, 2010

1800 Willow Lake Road, Discovery Bay, California

### REGULAR MEETING 7:00 P.M.

#### A. ROLL CALL

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

General Manager Koehne called roll which reflected that Director Piepho was absent. All other Directors were present.

President Graves reported on the closed session meeting of February 22, 2010 that no action was taken.

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

Resident Don Flint would like to make a plea to the Board that when the website is up that they stream live video of the Board Meetings and also the full Agenda packet.

#### C. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT – Lieutenant Burton provided a Sheriffs Patrol Report and discussed some incidents that have occurred since last month. He stated that there has been an increase in certain domestic instances that he believes are related to the economy and that they will most likely not decrease until the employment and economic conditions improve.

2. CHP REPORT – No report

3. FIRE DISTRICT REPORT - No report

4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT – No report

#### D. DISTRICT FINANCIAL REPORT

General Manager Koehne reported that the District has a balance of \$3.7 million, after \$3 million for reserves and encumbrances of just under \$1 million for the water and sewer. He reported that the Lighting and Landscape District #8 had \$1.6 million. He reported that the Lighting and Landscape District #9 had \$236,000.00.

**E. CONSENT CALENDAR**

1. Minute(s) previous meeting(s) Regular Meeting- February 17, 2010, Special Meetings of February 9, 2010 and February 22, 2010
2. Various District Invoices
3. Approve Final Landscape Maintenance Standards – Copies Available at District Office upon request
4. Amendment of Minutes relating to “Consent Calendar” of February 3, 2010 Board Meeting. Minutes reviewed, amended, and corrected per Audio Tape. No Actionable items were affected.
5. Adoption of the Updated District Representative Listing

Director Tetreault made a motion to approve the consent calendar. Vice-President Simon 2<sup>nd</sup> the motion. No discussion by the Board. No discussion from the public. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. Discuss and Comment on a Request from Contra Costa County on a Home Occupation Use Permit Application to Allow Administrative for a Travel Agency (Koehne) – General Manager Koehne stated that the County has requested comments regarding a home-based business. General Manager Koehne called and invited the applicant to this meeting and staff does not have any concerns regarding the home-based business. The business owner was not present. Vice-President Simon wanted to know if this was a commercial business where people would be coming to the property. General Manager stated that it is internet based. Vice-President questioned whether the permit states “internet only.” General Manager does not know what the permit says, however, we should send all comments of concern from the Board and the public to the county for consideration. Resident Don Flint stated that he would be concerned about signs on the home. President Graves indicated that there are already ordinances against signs. Another resident is concerned about parking if the business had employees coming to the site. General Counsel Stovall asked President Graves if the Board has a 1<sup>st</sup> and 2<sup>nd</sup> to authorize General Manager Koehne to forward the comments to Contra Costa County. Vice-President Simon made a motion to approve the letter to be sent, highlighting the Board and public comments. Director Tetreault 2<sup>nd</sup> the motion. The motion was approved with a vote of 4 ayes, 0 nos, 0 abstain.

2. Discuss and Approve Resolution No. 2010-02 – Apply for Grant Funds from East Bay Regional Park (Perez) – Landscape Manager Perez stated that Measure WW provides funds to the East Bay Regional Park District to help preserve open spaces such as parks. A portion of that Fund was set aside for cities and the amount allotted for Discovery Bay is \$580,452. In order to receive funds, the district first has to agree to a resolution to enter in to a master contract; they can then apply for Grant Funds. Also, the district can be reimbursed by the Grant for funds used prior to the master contract being approved. The closing date to submit this year is March 31, 2010. The funds are only guaranteed if the East Bay Regional Park District receives them from the Measure WW. General Counsel Stovall stated that before a motion is made on this item that there are some typographical errors on the resolution that should be corrected. First, in the title, to add “General Manager” in TO AUTHORIZE *its General Manager* TO APPLY . . .” Secondly, at the clause beginning “NOW, THEREFORE, BE IT RESOLVED . . .”, it should be “*The Board of Directors of Discovery Bay do hereby:*” Finally, on the numbered items, they are all plural and should be singular. He requests that if a motion is made that those items be included. Director Tetreault made a motion to approve Resolution 2010-2 with the changes that legal recommended. Treasurer Dawson 2<sup>nd</sup> the motion. President Graves thinks it is great to find funds like these, however, from a cautionary standpoint he wants to make sure Grant funds are available before spending monies, and not expect reimbursement, in case those funds become unavailable. Resident Walter MacVittie agrees with President Graves, and suggested a program or report of how the district can utilize the full amount as the funds become available. Landscape Manager Perez stated that she spoke with the Grant Administrator and was told that the funds are available now and once they approve a project, the district is guaranteed those funds. She added that if we are looking for reimbursement for Grant funds at a future date, then there is no guarantee that the funds will be available at that time. President Graves asked Landscape Manager Perez to bring the board some ideas of how the district can utilize the grant money. Landscape Manager Perez will bring the plans and bids for board approval. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

3. Discuss and Possible Action To Purchase Two (2) Parkson - Thermo System Moles for Bio-Solids, to Replace Two (2) Existing Moles (Koehne) – General Manager Koehne showed a picture of one of the units that the district uses with the bio-solids. The district has two (2) of them and they are both six (6) years old. Both

units are in need of repairs in the amount of approximately \$24,000. The regular replacement cost for a new unit is close to \$60,000 each, and the manufacturer is offering a price reduction to the district of \$39,000 each. The district can choose to spend \$24,000 for repairs or \$39,000 each for new units. President Graves asked if both units need repairs. General Manager Koehne answered that yes, they both need repairs. Director Tetreault is concerned about only getting a six (6) year lifespan out of these units and they are not budgeted. He recommends that the district consider purchasing one with current budget funds, use one for spare parts for the other older unit, and possibly buy an additional unit later. Treasurer Dawson asked if the district will still be able to get the same discount if they buy one now and one later. General Manager Koehne does not know if the manufacturer will extend the current offer. The units would not be delivered until late July, so the cost would be from the 2010-2011 budget. President Graves stated that one reason the manufacturer is offering this district this substantial discount is due to the fact that with foresight from General Manager Koehne the district was a pioneer in bringing this technology to the United States. This district has been a model to many other districts and several other cities have purchased these after visiting our facility. General Counsel Stovall stated that due to the cost of each unit, that the district would theoretically need to go out for bid, but if this is a unique and proprietary product that he would like a motion to include a finding to confirm that this a sole source product proprietary to this company. Treasurer Dawson made a motion to direct staff to inquire if the district can get the same price on two (2), but have them purchased in separate budget years. Vice-President Simon 2<sup>nd</sup> the motion. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

**4. Discuss and Possible Action on Survey Results for Ravenswood Park Improvements (Perez)** - Landscape Manager Perez presented her findings for a survey sent to the homeowners living in the vicinity of Ravenswood Park District, Zone #9. The items under consideration for the park are (1) restrooms, (2) disc golf course, (3) water play feature, and (4) pathway or overhead lighting. The water play feature had the most votes with the lighting coming in second. The landscape district would like to add both of these items. She provided some example pictures for both options and would like to move forward with getting some design bids. Director Tetreault made a motion to approve getting bids on designs for the water play feature and the lighting feature. Vice-President Simon 2<sup>nd</sup> the motion. Resident Jeff Barber stated that he thinks the water play feature will be an attraction to people from other areas and suggested that she consult with the Town of Mountain House to see if they have any issues since they have one in their community. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

**G. COMMITTEE/LIAISON REPORTS**

**1. Trans-Plan Report** - Duane Steele reported on Transplan and the County Planning Commission. Since he has not been appointed yet, he has not attended their meetings. He did find out that there was a request from Contra Costa County for support of the Caltrans community based transportation planning grant application which has to do with the Byron-Knightesen Area Transportation Study. From this point, if he is appointed, he will be attending the meetings.

**2. Code Enforcement Report** - No report.

**3. Special Districts Report\*\*** - No report.

**4. County Planning Commission Report** - Duane Steele reported that at the meeting of February 23, 2010, the Commission recommended a replacement for Jack Hanna to the Board of Supervisors as the County Planning Commissioner representative to Transplan. The recommendation, that has not been approved as of yet, is that Duane Steele be the replacement. This is replacing the East Contra County Regional Planning Commission. There were two (2) items on the consent calendar that were determinations of conformance with the Contra Costa County general plan. One was 1,644 acres of land that is part of the East Bay Regional Park District that is located west of Vasco Road and south of Byron. The other one was eleven (11) acres belonging to Reclamation District 800 that is adjacent to Kellogg Creek and both parcels were found to be in conformance. There was consideration to send a letter of support to the Supervisors for a 200 megawatt energy project located six (6) miles south of Byron near Bruns Road and Kelso Road. The only item of concern was the Byron Airport traffic pattern as the stacks from the gas generation plant do cause some turbulence, however, they are far enough away and lower than the surrounding towers, so the majority of the commission supported the project and directed the letter to be sent to the Board of Supervisors.

\*\*These meetings are held Quarterly

## H. DIRECTORS' COMMENTS

Treasurer Dawson stated that the school is asking the community to wear pink on Thursday, March 4, 2010, to support the schools and their upcoming budget. Director Tetreault stated that he attended the Veolia Water meeting and they covered UV Equipment and the Salinity Draft Report. The City of Stockton and The City of Tracy are protesting the state requirements so we may see a change to our requirements depending on the results for Tracy and Stockton. Director Tetreault stated that one issue that the district may have to address is the use of water softeners in our homes. ~~Vice-President Simon stated that he wants to apologize for using the Director's Comments for addressing an issue that he is upset over, but is going to use tonight to do so. In January, a Developer who wants to build sixty-five (65) homes gave a presentation at our Board Meeting. The Board was asked to submit comments from the Board and from residents to the County regarding the proposed development. At the end of the developer's presentation, President Graves instructed staff to write a letter listing all of the Board and public concerns in a timely manner so that it could be sent in to county. Vice-President Simon stated that he was told that it will be on the next agenda with a slight change and is concerned that it was not on this agenda because if the developer goes to the County and the County has not received our comments, then there will be nothing stopping them from issuing the permits. (Request for revision to the minutes written and submitted by Director Simon – See Attachment A).~~ Director Tetreault stated that this is the first time that a comment letter has been pulled once it was given to staff to be sent. President Graves stated that General Manager Koehne has prepared the comments. President Graves then stated that the Board is responsible for making recommendations with regard to water, wastewater, parks, recreation, and landscaping. The Board is also responsible as an advisory committee to the County as well as MAC (Municipal Advisory Council) responsibilities. At this point, President Graves states, the Board does not know what the sewer and water capacities are for any future projects. The issue was brought to the Board in a previous meeting to have a study done so that the district can answer that question and send an accurate statement to the County regarding the water and wastewater capacity. President Graves also spoke with John Osborne, the Project Manager with the County who is responsible for Newport Pointe and he told President Graves that he can provide his contact information to the public should they want to make comments directly to the County. His phone number is (925)335-1207 and his email address is [jobor@cd.cccounty.us](mailto:jobor@cd.cccounty.us). President Graves stated that this item has been on the Agenda twice and he does not feel that it is accurate for the Board of Directors to make comments regarding the water and wastewater capacity if we do not know. The public comments have been summarized and they will come back to the Board, and then be moved on to the County. President Graves stated that there is no application in place for that project as of yet, just interest by the developer indicating that they will be applying. Resident Walter MacVittie stated that as a Commissioner for ten (10) years, he always wanted to hear from the community early in the process, so he encourages the Board to send their input as early as possible. General Counsel Stovall stated that since Vice-President Simon requested that it be on the agenda, it will be on the next Agenda. Resident Don Flint commented on the Community Center, which he thought was going to be an item placed on an upcoming Agenda. Resident Bill Richardson stated that he believes this issue is about those community members who are for growth and those who are not and he thinks it would be a good idea to have a town meeting about what the people in the town feel about growth.

## I. GENERAL MANAGER'S REPORT

1. **Monthly Landscape Report** – Landscape Manager Perez attended a Playground Certification Program and as soon as she receives confirmation of her certification from the program, she will be making some safety inspections to the playgrounds. There was an auto accident in November where a car hit a sound wall and the insurance company policy limits did not cover the cost of fixing the wall, so the insurance company is going to present an offer to the district. Bids are being received for the landscape areas on Discovery Bay Boulevard and Sand Point Road where the trees were cut down. A new irrigation clock was purchased for Cornell Park and once it is installed, should provide a twenty-five percent savings in the first year. Landscape Manager Perez also provided a report on new plantings at the entrance of Discovery Bay Boulevard and discussed the Palm Tree replacement at the median on Discovery Bay Boulevard.

General Manager Koehne discussed the Salinity Study, which he stated is still in the early stages. When he gets more of a plan in place, he will bring it to the Board and provide an update on the plan for the study. He also

stated that the State of California took \$23,000 out of the district landscape funds. This is something that was done by the State Legislature and funds are taken from all the special districts when the state needs money. The district does keep a record of this so that in the future, when the economy is better, they can ask the state to return those funds. The district's three (3) diesel trucks were inspected today in accordance with the CHP BIT Program. There were three (3) water leaks in the past two weeks caused by copper pipe corrosion.

**J. CORRESPONDENCE – Discussion and Possible Action**

**1. R–Aviation Advisory Committee Meeting Minutes of November 17, 2009**  
No comments

**K. PUBLIC RECORD REQUESTS RECEIVED**

**1. Request from Fechter & Company – Latest Fiscal Audit - February 4, 2010**  
No comments

**L. FUTURE AGENDA ITEMS**

Treasurer Dawson stated that some months ago, there were some discussion regarding some park dedication money that was supposed to be spent on a Bocce Ball Court and he wants to talk about what happened. General Manager Koehne stated that was just a plan, but the money was not spent. That would have to be brought back to the Board to go out on bid in order to execute the plan. General Manager Koehne stated that since Director Piepho is in charge of the Community Center, and he will not be here next meeting, it will be placed on the Agenda for the first meeting in April.

**M. ADJOURNMENT**

The meeting was adjourned at 9:03pm to next regular meeting on March 17, 2010 starting at 7:00pm at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

jd – 03.05.10

ATTACHMENT A

Before making his statement, Vice President Simon apologized to the attending audience, for using directors comments as a means to address this particular issue. He began by stating, that in January, staff was asked by county, to include in its earliest upcoming agenda, a proposal by a developer who is seeking to build approximately 65 homes in Discovery Bay. County requested of staff, that comments and concerns by both the CSD directors and members of the community, be forwarded back to county, so that all community and board concerns could be considered before building permits were approved for the development. At the conclusion of the presentation and after several questions and concerns were directed to the developer by both the CSD board members and community members, board president Graves directed staff to construct a letter to county, outlining the comments and concerns voiced after the presentation. Approximately one to two days after the meeting, General Manager Koehne was approached by Director David Piepho, who asked that the sending of the letter "be slowed down". Vice President Simon contacted President Graves and voiced his concern that Director Piepho had abused his power, because in fact, he (Director Piepho) had no authority to change a board ordered direction from board president Graves to staff. After discussing his concerns with President Graves, Vice President Simon was advised that the letter in question would be placed on the next meeting agenda. Vice President Simon was further advised by President Graves, that there would be a slight change in the comment letter. The new version of the letter would be reviewed by both the board members and members of the community and then the letter would be sent to county. Vice President Simon advised President Graves that he was concerned, that if the developer applied for his permits before the board forwarded their comments and concerns, county would find no record of any community concern and therefore, have no reason to not issue the permits. Vice President Simon's concern was, that as of March 3rd, the letter in question had not been placed back on the agenda. Vice President Simon felt that this gave the public the appearance, that a developer who resides in the district of the county supervisor who's husband is the director who stopped the letter from being sent in the first place, gives the impression, that the CSD board is showing favoritism to the developer.