



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

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

July 7, 2010

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00 P.M.

Website address: www.todb.ca.gov

A. ROLL CALL

The meeting was called to order at 7:00p.m. President Graves led the Pledge of Allegiance. Roll Call reflected that Director Piepho was absent. All other Directors were present.

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

No comments.

C. AREA AGENCIES REPORTS / PRESENTATION

1. **DEPUTY SHERIFF /MARINE PATROL REPORT** – Lieutenant Burton stated that there were twelve (12) calls for illegal fireworks on July 4th. A large volume of illegal fireworks were confiscated in Discovery Bay. He reported that there were twenty (20) arrests in the month of June. He provided a report of the incidents for the month. Lieutenant Burton also warned of scams that occur on Craig's List.

2. **CHP REPORT** – No Report

3. **FIRE DISTRICT REPORT** – Battalion Chief Burris reported that there was a total of forty-five (45) calls for the month of June, two (2) structure fires, and thirty-three (33) medical calls. He provided a report with the complete break down of the calls.

4. **CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT REPORT** - John Osborne provided an update of development projects in the Discovery Bay area. He stated that since his attendance at a CSD meeting several months ago, not much has changed. He stated that the Pantages Development is now working on an Environmental Impact Report (EIR) which should be done in the Fall and available for public review. The Newport Pointe Project is currently incomplete which means that the planning process has not been started because the applicant needs to submit additional information to the County before moving ahead. The Village project is also incomplete. The project is a General Plan Amendment to rezone for a development plan and subdivision at the shopping center in the middle of town. He explained that the application procedure is a three (3) part process. The first part is when the application is submitted to the County and the County determines if they have enough information to proceed and if they do not, they will request additional information from the Applicant. Once the County has the information they

requested, the application is complete and the next step is the Environmental Review. During that period, impacts such as traffic, biology, wildlife, drainage, etcetera, are analyzed. At the end of that stage, an Environmental Report is released for public review and the public can submit comments to the County to which the County responds. The third stage is the public hearing process. That is when the County takes the Environmental Documents and they prepare a Staff Report and take that to two (2) public hearings, one (1) before the Planning Commission and one (1) before the Board of Supervisors. The public can attend both of those hearings and have an opportunity to comment. The entire process takes approximately nine (9) months from the completed application and it sometimes takes longer. Resident Jeff Barber asked about a list of development fees and John Osborne responded by stating that those fees are not part of his office.

5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT – Karyn Cornell began her report by responding to the previous question from resident Jeff Barber. She stated that for clarification, the fees that were being questioned are Public Works Area Benefit Fees and those have not yet come back before the Board and that is why there has not been an update on those. President Graves asked if there is a document of fees for comparison purposes. Karyn said that there is one that outlines the different area fees throughout the County and she will provide that to the district staff. She commented that Supervisor Piepho is pleased that the Board of Supervisors was able to approve the use of the Park Dedication Funds for the Discovery Bay Community for the Basketball Court (at Regatta Park) and is pleased that these dollars are being spent in this community. On June 8th the Board of Supervisors approved moving forward with discussion and plans to purchase land in the Brentwood area to build an East County Government Center. Supervisor Piepho is still advocating for the preservation of the Delta and was recently appointed as the first Chair of the Delta Conservancy Board. She also spoke at a recent community event at the (Discovery Bay) Marina about Delta water issues and was supported by Assembly Member Joan Buchanan at that event. The Supervisor is very concerned regarding the East Contra Costa Fire Protection District (ECCFPD) direction. There are some upcoming eBART meetings and Karyn left a flyer on the district office table for those who might be interested in attending.

D. DISTRICT FINANCIAL REPORT

General Manager Howard reported that Lighting and Landscaping Zone #8 has \$1.71 Million including \$300,000 in reserves. Lighting & Landscaping Zone #9 has \$284,000 including \$218,000 in reserves. The CSD has \$6.171 Million including \$3 Million in reserves.

E. CONSENT CALENDAR

1. Minute(s) previous meeting(s) Regular Meeting of June 16, 2010, and Special Meeting of June 27, 2010
2. Various District Invoices
3. California Special Districts Association 2010 Board of Directors Elections and Proposed Bylaw Amendments (Howard)

Vice-President Graves made a motion to approve the consent calendar. Director Tetreault 2nd the motion. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. Regatta Park Basketball Court Site Determination (Perez) – Landscape Manager Perez provided three (3) options for the location of the Basketball Court. The Board discussed the impact and benefit of each location. Option #1 would have an additional cost of approximately \$22,000 due to the drainage lines in that location. The original plan was to have the court in the area of Option #1, but since that time, the location of the playground was changed. The directors did not like having the tot lot and the Basketball Court next to each other, mainly due to the language that the younger children might hear from the basketball players and due to the additional cost associated with that location. They felt that Option #2 was in an awkward location that encroached on the baseball field too much. Director Tetreault made a motion to accept Option #3. Vice-President Simon 2nd the motion. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

2. Draft Vegetation Agreement between the Town of Discovery Bay CSD and Reclamation District 800 regarding landscaping levee areas (Perez) – Landscape Manager Perez explained the agreement and the guidelines within it. She explained that this would be a universal agreement for the entire district landscaping

areas and she is requesting comments or revisions from the Board. The Board made no revisions.

3. Request for comment for a modification to an existing home to accommodate a home office at 4425 Clipper Drive (Howard) – The County is requesting comments regarding a partial garage conversion to a home office for an auto wholesale business. The applicant, Raymond Lillard, was present to answer questions. Vice-President Simon asked where the applicant would store his vehicles. Mr. Lillard responded that no vehicles would be stored at the home. He stated that he is not licensed to curb cars, show cars, or store cars. He only deals at the auctions. He is only licensed to sell twenty-four (24) cars a year. The car stays at the auction until it sells. No more questions were asked from the Board or the Public. President Graves stated that the Board's main concern is that there is no foot traffic or storage and this will not impact their neighbors. President Graves also asked about signage and Mr. Lillard responded that there will be none at all. President Graves told Mr. Lillard that the comments will be conveyed back to the County.

4. Discuss and comment on an application submitted by the Hofmann Land Development Co. for rezoning an approximate 11.96 acre site west of Discovery Bay Blvd, north of Sand Point Road, and south of Riverlake Road, to be known as the Village at Discovery Bay. (Howard) – General Manager Howard stated that the board of directors were asked by the County to review the application for the zone change and development plans for the project and comment as appropriate. The developer has submitted a request to build an eighty (80) unit subdivision in two (2) major phases. The first phase would build new homes on the south side of the parcel and the second phase would be additional homes and remove an existing commercial building. David Lennon from the Hofmann Land Development Company reported that they have submitted a combined development proposal with a General Plan Amendment request, a rezoning request, a development plan request, and a tentative map request. He presented plans on two (2) poster boards showing the residential lots and the overall plan. He explained that the developer submits the application to the Conservation Development Department and they manage the approval process. They send out the requests for comments to different area agencies. David Lennon stated that what he would like from the meeting is to get comments that the district can send to the Conservation Development Department so they could incorporate them in to their "Conditions for Approval" and recommendations regarding the project. Treasurer Dawson is concerned about Water and Wastewater capacity and also about losing some of the very limited commercial space that there is in Discovery Bay. He thinks that this development would add a lot of traffic to an already congested roadway and he does not see how this development would be adding to the community in a positive way. Vice-President Simon said that he heard there was going to be commercial on the bottom and residential on top and with this change he is very concerned about bringing business to the community. David Lennon responded that the current commercial space is being underutilized, has not been full for years, and it has been a problem keeping the vacancies at a reasonable level. He also said that they looked at residential over commercial, but did not think that was a good idea for this area, so went with residential next to commercial. The project is zoned multi-family, but he stated that they are single lots and the homes are duplex homes with backyards. Vice-President Simon asked that if the Board was against this project, was there anything in the project that is tied to the Community Center. David Lennon responded that it is. President Graves stated that the Board has no control on whether or not the development goes through. They have the ability to make comments or recommendations, but they can not vote for or against the project. Vice-President Simon agreed with President Graves and added that the response that David Lennon provided concerns him. He further stated that the district has been looking at the Community Center as a stand alone entity that was promised to this town and thinks that they are now being led another way. David Lennon replied by saying that yes, the Community Center was promised to the town, but the Community Center promised to the town at this location has not happened. This is something they have been working on together to try and accomplish with the Community Center on this property, and the Hofmann Company is hoping to get there. He said that it takes a Land Division to make that happen, and this is the tentative map that would do that. Something needs to be approved in the way of changing the zoning and changing the General Plan for all these things to happen. Treasurer Dawson thinks this plan should have been held off until after negotiations for the Community Center were finalized. David Lennon asked that the Board look at the project on its own merits. Director Tetreault asked if the Hofmann Company is planning on doing anything with the existing commercial property. David Lennon said that is not part of this development application. Director Tetreault asked about sufficient parking and David Lennon replied that the parking meets the County requirements. Resident Lou Erickson asked if there are requirements for some units to be Section 8 and David Lennon responded by saying he is not aware

of any legal requirement that would make the builder do anything with regard to Section 8 housing. He also asked David Lennon if Hofmann had done any traffic studies and David Lennon replied by saying yes, the study is currently ongoing. Resident Jeff Barber stated that he thinks Hofmann needs to enhance the town in some way for this development. Resident Howard Patton said that he sees the project that is very congested and does not see much open area associated with this development. He also mentioned that in addition, he is concerned because the Fire District is closing the Fire Station that is closest to this development. Resident Rich Kier asked if any of the units will have to be sold below market. David Lennon replied by saying that he is not aware of that. Rich Kier also pointed out an area on the plans where there will be a new entrance to the shopping center and between that entrance and the old entrance is an area that is approximately one hundred and twenty feet (120') wide by two hundred feet (200') long that is going to be left empty and he suggested that there is room for a number of items that would be beneficial to a Community Center: swimming pool, basketball courts, bocce ball courts, or a mini amphitheater. He recommends that this lot is part of the redevelopment of the entire shopping center proposal so he suggests that the Board ask for some amenities from Hofmann that would work with the function of the Community Center in that area. Resident William Richardson asked what actions tonight makes any decision relative to the building on the Plan being the Community Center. President Graves stated the way they are intertwined is because land can not be deeded unless it is subdivided and the decision to making this property the Community Center is not being made tonight. President Graves also stated that they will be making comments with regards to the development, but not with regards to the Community Center. Resident Jennifer Finetti asked about the park in the development and David Lennon said it would be a private facility for the residents. Resident Bob Mankin stated that just because an application is submitted, it does not mean that it will be approved. He suggested that the Board try and close the deal on the Community Center if that is the path they want to take by separating it from the other development and talk about amenities as Rich Kier suggested. He also said the Community Center is tied to Discovery Bay West and not this project. Another resident is worried about traffic congested and accidents. Resident Mike McCleery does not like the idea of a private park at the focal point of Discovery Bay and the idea of homes with two (2) car garages on nineteen hundred (1,900) square foot lots. He does not feel the character of this development fits the character of Discovery Bay, especially at the focal point of the community. Another resident asked if the community would be gated and David Lennon said that the community is not gated, but the intersection would be fenced around the park. David Lennon also stated that Catherine Kutsuris has been markedly consistent in her approach in separating the issue of the Community Center and the residential and office/commercial portion of the project. He further stated that their original application for the whole site was done in the spirit of cooperation with the Town of Discovery Bay to try and get a Community Center moving and they showed this by including it in all of the site plans. It is there because it is what they had talked about and did not want to hide from it and it is in the conversation of what the parties would like to see happen there. He said that Catherine Kutsuris has been consistent that she wants to take these in separate applications. He asked the Board to guide their comments with the focus on the residential/commercial/office portions of the plan, to include the Community Center comments, but to list them separately as they are part of the overall dialogue. Director Tetreault stated that he thinks the plan has too many homes. President Graves directed staff to draft a letter to the County with the comments that have been said by the Board and the Public, indicating what comments came from the Public and bring back to the Board for review.

5. Discuss and take possible action addressing the Delta Weed situation Egeria Densa (Brazilian Elodea) (Graves) – General Manager Howard provided a PowerPoint Presentation regarding the history of this Weed. The weed takes up approximately twelve (12%) of the entire Delta region. It is primarily used in fish tanks and was introduced to the Delta about forty (40) years ago. He spoke with the Department of Boating and Waterways and they told him that they will never be able to eradicate, they are only able to control. It is difficult to remove as the stems that break off propagate in to new plants. The Department of Boating and Waterways added Egeria Densa in 1997 and have spent about \$7 million a year on control efforts. The Town of Discovery Bay CSD does not have jurisdiction over the issue, but can send letters to the Department of Boating and Waterways and engage the local representatives, Delta Advocacy Groups, The Yacht Club, and other interested parties. We do encourage residents to write letters to the Department of Boating and Waterways, 2000 Evergreen Street, Sacramento, CA 95815. One resident stated that this is a water quality, safety and economic problem affecting property values. Other residents were concerned about

health issues due to mosquitoes from stagnated water flow on the surface. After discussion regarding possible action, Vice-President Simon made a motion to have staff send a letter voicing the Board's concern and the concerns of the residents and bring the letter back to the Board in a timely manner for review before sending it. Director Tetreault 2nd the motion. President Graves wants to copy the letter to the County, Reclamation District #800, the State, and local Politicians. He would also like the Department of Boating and Waterways to come and address the community with this issue. Resident William Richardson suggested that the Board enclose some photos with the letter showing the weed problem in the bays. Another resident asked if Vector Control would have an interest in this situation if this is a breeding ground for mosquitoes. President Graves stated that the Board will try and do their due diligence as this is something new and actually out of the district's jurisdiction. The motion passed with a vote of 4 ayes, 0 nos, 0 abstain.

6. Discuss Water fee policy as it pertains to the Harbor Bay Homeowners Association – President Graves excused himself from the table due to a conflict of interest as he is a resident of the Harbor Bay Association. Vice-President Simon conducted this Agenda Item. Resident Lou Erickson and Vice-President of the Harbor Bay Condominium Homeowners Association, spoke on behalf of their Association Board. He stated that condominium units are paying water rates associated with a five thousand (5,000) square foot parcel and in addition are paying a large user rate for the landscaping portion of the community. He also stated that the large user landscape rate should not be charged for sewer as all their runoff goes into the bay through their own storm drains that they maintain. They want to meet with the General Manager to discuss this issue. Vice-President Simon proposed that General Manager Howard and Water & Wastewater Manager Koehne meet with the Harbor Bay Representative(s) to discuss this issue with them, and to research other condominiums as well. Director Tetreault stated that the Board would not be able to just look at one community, but would have to look at the Ordinance that was determined by the Board several years ago.

7. Discuss and take possible action in response to the ECCFPD Board action to close fire stations in Discovery Bay and Byron. (Graves) – President Graves stated that the Fire District Board voted to reduce the district by two (2) fire stations, the Byron and the Discovery Bay Station on Discovery Bay Boulevard. The savings to the district is \$35,000 per station and the district will be bankrupt in the same period of time if they left the stations open. President Graves would like to send a letter of protest to the ECCFPD decision expressing concern for the endangerment that they are creating to Discovery Bay for the lack of response times, the impact on insurance rates for homeowners, and also send a letter of concern to LAFCo addressing that the fire district will not meet their MSRs and the recommended response time requirements. President Graves stated that he can work on the letters. Resident Lou Erickson asked about forming a separate fire district and President Graves responded by stating that based on models currently working within the county, it would cost about \$5.5 Million to run two (2) stations. The community now contributes about \$1.5 Million to the fund, so that is about a \$4 Million difference to running our own stations. Resident Jennifer Finetti stated that she thinks there is some question as to who actually owns the Discovery Bay Station that is scheduled for closure. She also stated that the ECCFPD is not an Independent District, but is a Dependent District. She does not know exactly what that means, or who the ultimate responsible party is, but wanted to share that with this Board in case they want to look at that. Director Tetreault asked Legal Counsel McGrew if he could find out if closing stations is a CEQA violation. Legal Counsel McGrew said he will check on it and let the board know.

G. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report** – No Report
2. **County Planning Commission Report** – No Report
3. **Code Enforcement Report** – No Report
4. **Special Districts Report**** -- No Report

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Director Tetreault reported that he and other Board Members attended the Fire Meeting and they handed in a report. Treasurer Dawson thanked those who did attend the fire district meeting.

I. GENERAL MANAGER'S REPORT

1. **New District Website (www.toddb.ca.gov)** – General Manager Howard reported that the new website is online.
2. **Audio & Video Streaming for Board Meetings** – General Manager Howard will be bringing more detail on the status in thirty (30) to sixty (60) days.

J. LEGAL COUNSEL REPORT

No Report

K. CORRESPONDENCE – Discussion and Possible Action

1. **R – Minutes of the Byron Sanitary District Meeting on May 18, 2010**
No Comments

L. PUBLIC RECORD REQUESTS RECEIVED

- (1) **Request from William Richardson – Community Center Business Plan**
- (1) **Request from William Richardson – New General Manager's Curriculum Vitae – 2nd Request**
- (1) **Request from William Richardson – Community Center 10/14/09 Meeting**
No Comments

M. FUTURE AGENDA ITEMS

Treasurer Dawson would like to discuss Connection Fees and to discuss revamping the Community Center Committee.

N. ADJOURNMENT

The meeting was adjourned at 10:05p.m. to the next regular meeting on July 21, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

jd – 07.16.10