



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Ray Tetreault	raytetreault@comcast.net
Vice President-Mark Simon	marsi1950@yahoo.com
Treasurer-Dave Dove	ddove@sbcglobal.net
Director-David Piepho	DApiepho@sbcglobal.net
Director-Shannon Murphy-Teixeira	smt@politician.com

(AMENDED)
**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD**

July 1, 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 at 7:00 pm, and then led in the Pledge of Allegiance. He asked General Manager Koehne to call roll. All Directors were present.

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

Bill Richardson commented about the Sheriff's electronic message board regarding fireworks, he thought the board should send a letter thanking the Sheriff for putting this board out for the Town. Bob Mankin commented about the Director's expense reports and gave a letter to the board and asked for a response to his requests in the letter. Mike Welch commented that he wanted to thank Liz Hardy for getting the foliage cut down by the exit of the Safeway Shopping Center; it had been dangerous for small cars to see on coming traffic.

C. AREA AGENCIES REPORTS / PRESENTATION

1. **DEPUTY SHERIFF /MARINE PATROL REPORT** Lieutenant Burton introduced the two new deputies assigned to Discovery Bay, Deputy Brian Rashad and Mark Spalding. He also welcomed Anthony Fontenot, crime specialist, back. He reported that he had received the keys for the office space next to Aladino's restaurant and that they would be having an opening soon. He then gave his report which is on file at the District Office.

2. **CHP REPORT** No one in attendance.

3. **FIRE DISTRICT REPORT** Battalion Chief Burris reported that Station 59 on Bixler Road responded to 7 vegetation fires, 1 citizen assist, 21 medical calls, 4 move-ups, 3 structure fires, 4 auto accidents, 1 hazardous condition and 1 fire alarm. He reported that Station 58 on Discovery Bay Boulevard responded to 5 vegetation fires, 20 medical calls, 1 hazardous odor, 3 public services calls, 3 hazardous conditions, 1 fire alarm and 1 structure fire.

4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** No one in attendance.

D. DISTRICT FINANCIAL REPORT

Treasurer Dove gave the financial report, which is on file at the District office. He commented that staff is collecting on delinquent accounts and in a week he and the president will speak to another large user about payments if necessary.

E. CONSENT CALENDAR

1. Director Piepho motioned to approve the Consent Calendar. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. Discuss and Possible Action on Request from T-Mobile to Construct a Cell Tower around the Slifer Park Area (Koehne) General Manager Koehne introduced John DaCruz of Mika Telecom Group who represents T-Mobile. Mr. DaCruz explained that they are trying to increase the coverage of T-Mobile in the area by installing another cell tower and that it would be a way for the Town to generate revenue. He asked if the board would be interested or opposed. Director Piepho asked what the look of the tower would be and asked legal about how the funds would be handled, would they be Town funds or if the tower is put in the park would they be park funds. Legal Counsel responded that these types of leases are very complicated and that when the board gets close to a decision he would want to go through the lease. General Manager Koehne asked the height of the proposed tower. Mr. DaCruz responded that they like about 70 to 75 feet high and that the coverage would be about 1 mile. General Manager Koehne commented about the height, since houses are a maximum of 35 feet and he also commented that it would be close to Point of Timber School and that he would want to be sure the tower would not affect the children. President Tetreault commented that the board seemed interested and that they would comment when it came back to the board after the County had gone through their approval process.

2. Discuss and Possible Action on Various Landscaping Maintenance Concerns (Piepho) Director Piepho commented that he was glad to see that Cal-trans had cleaned up Highway 4 along the sound wall. He also commented that he wanted to get the Landscapers in to talk about the area on Highway 4; he commented that it was not nearly as nice looking as the area on Highway 4 by the storage facility, their ground cover and their trees are trimmed and green. He would like to see our area mimic the storage facility look. He commented that he had two pages of notes of other issues; the Lollipop Trees on the North side of Point of Timber have not been trimmed since we started maintenance which seems to be causing the ground cover to die, on the north side of Point of Timber Road the ground cover is growing over the sidewalk and the small and medium shrubs have not been pruned for over a year, there are bare spots on the south side that keep getting bigger, Preston Drive needs some care and there is mud coming over the sidewalk from watering the dirt, the island in the street on Preston the plants are starting to die, in the turf from the entrance all the way over on Bixler and Point of Timber the grass is getting yellow, does not seem like it is doing well. He commented that he thinks there needs to be more care to the plants rather than just watering them and waiting until they are extremely overgrown to trim them. He suggested that the landscape committee pull the contract and go over it and that there are some provisions for \$400.00 per occurrence for non performance. Treasurer Dove commented that this has been something he has wanted to work on for two years. He stated that the contract is a good contract but that it is not being managed properly. He and Director Piepho stated they will meet and try to get on top of this. Vice-President Simon commented that this comes from not having a Landscape Manager. Director Piepho stated that the sub-committee would meet and bring their findings back to the board. Fairin Perez, of Valley Crest, commented that Highway 4 cannot be landscaped the same as the Hofmann Storage Facility because the Town's section is on a drip system and that they have left the trees long because there is no ground cover so it would show all the bare dirt. She commented that if the board wants a different look they will be happy to provide one. She commented that they have been working on their deficiencies and that they are willing to get together with the board to discuss other issues. *Mr. Richardson reminded the board of the comments made by Mr. Kier at the previous meeting regarding the landscaping. He spoke of a group of residents called the Concerned Citizens that were interested in the condition of the landscaping and their suggestions regarding the landscaping. He also commented about a newspaper article that quoted Director Piepho on March 24, 2009 regarding the condition of the landscaping at that time.*

3. Discuss and Comment on General Plan Amendment Request from Hofmann Land Development Co. (Koehne) General Manager Koehne presented this item to the board. He then introduced David Lennon of the Hofmann Land Development Company. David Lennon explained that the two pieces of property that they are discussing are a 10 acre site on Bixler Road next to the Water Treatment site between Newport and Bixler and the other is the property next to the Discovery Bay Boulevard Shopping Center. He explained a

General Plan Amendment. He commented that they are looking at the area next to the shopping center for high density. He commented that the 10 acre sight is in the middle of several other pieces of property that are in the process of asking for a General Plan Amendment and that they would like to do their 10-acre site while those are being done. He commented that the board could send a letter to the Board of Supervisors that the board has no objections to the amendment. The board chose to wait for the amendment to come back to them for comment after the county completes their process.

4. Discuss and Possible Action on Letter Writing Policy on Board Action Items (Piepho) Director Piepho presented this item to the board since a letter had been delayed because there had not been someone assigned to write the letter. He suggested that all letters from the board should be written by staff unless a board member wants to write the letter and the board agrees to have them write it and ultimately that letter goes to the President for his signature. He also asked that it be noted in the minutes and if no one is designated in the minutes that it be written by staff. Vice-President Simon asked if there should be a timeframe in the request. Legal Counsel suggested that there should be a resolution for this item. Director Piepho motioned to direct staff, General Manager Koehne and legal counsel, to come back to the board with the resolution for adoption with the components mentioned above. Treasurer Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

5. Discuss and Approve Attorney-Client Fee Contract with Somach Simmons & Dunn (Koehne) General Manager Koehne presented this item to the board. He explained that this firm would represent the district because of their expertise in the area needed for this one case. Director Piepho motioned to accept the contract and hire the firm of Somach, Simmons & Dunn. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

6 Discuss and Consider New CSD Management Structure (Koehne) General Manager Koehne presented an organizational chart to the board. The organizational chart is on file at the District office. Director Piepho motioned to adopt the organizational chart. Treasurer Dove 2nd the motion. The motion passed. (4 ayes, 1 no, 0 abstain)

7. Discuss and Possible Action to Direct President Ray Tetreault to Search for a Manager (Tetreault) President Tetreault presented this item to the board. He stated that he had found a couple of search firms that hire General Managers. He commented that he liked the firm CPS and their services. He stated that they need to set some criteria, such as salary and since there are no benefits perhaps a percentage of their salary. Legal counsel suggested that the board authorize President Tetreault to retain the firm and work with them on the details. Vice-President Simon commented that the firm would come in and tell them all the details of salary, education, benefits, etc. Director Piepho motioned to authorize the board president to contract with CPS and pursue the search of a General Manager. Vice-President Simon 2nd the motion. There was discussion about using a retained search versus a contingency search. Director Piepho suggested looking at the salary surveys that staff has done in the past. The motion passed. (5 ayes, 0 nos, 0 abstain)

G. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report Director Murphy-Teixeira reported at the last meeting.

2. Code Enforcement Report Director Piepho reported that the meeting last month was cancelled and the next meeting will be held on July 9, 2009.

3. Special Districts Report** There had not been a meeting. The next meeting will be held July 20, 2009.

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Treasurer Dove had no comment.

Vice-President Simon commented that the board is moving toward the future and that the attitude of the board is working well and he asks that the community give them the chance to move forward not to dwell on things of the past.

Director Murphy-Teixeira had no comment.

Director Piepho commented that he and President Tetreault had met with David Lennon regarding the Community Center. He stated that the next Community Center meeting would be on July 9, 2009 at the Supervisors office.

President Tetreault had no comment.

I. GENERAL MANAGER REPORT

General Manager Koehne reported that there had been a few water leaks since the last meeting, that there had been a valve broken when the water was being shut off for repairs and that a few residents and businesses had been shut off during that time. He reported that the media for filter A had been received and that he hoped to have it up and running by next week. He reported that there was a damaged brick wall on Clipper and Balboa Way and staff will get a masonry company out to do the repair. He reported that the outdoor light at the Lakes lift station has been damaged for the second time so staff is looking to put in something more vandal resistant. He reported that the district is experiencing a water color issue and they think it might be coming from Well #5. He reported that the Consumer Confidence Report has been mailed out. He reported that they might be relocating the July 15, 2009 meeting to another site because they will be starting drilling the new well on this site. He reported that there was a final walk of Ravenswood Park and that starting July 6, 2009 we will be taking over just the Ravenswood Park, not the common areas, at this time. He reported that because of the high temperatures there has been a high volume of water use which strapped the district so staff asked some of the landscape contractors to stop watering for the day and not do any testing to allow the district to catch up. He commented that it is good that they are redoing the filter media at filter A and that they are starting the test well drilling for future use.

J. LEGAL COUNSEL REPORT

No report.

K. CORRESPONDENCE – Discussion and Possible Action

I. R – Letter from Supervisor Piepho to Board President re: Emergency Management Plan with Byron School District – June 11th

No comments.

L. FUTURE AGENDA ITEMS

None

M. ADJOURNMENT

The meeting was adjourned at 8:50 pm to the next regular meeting of July 15, 2009.