



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

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

March 4, 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. Roll call reflected that all directors were present. President Tetreault led in the Pledge of Allegiance.

B. Report on Closed Session held at Special Meeting at 6:15 pm, March 4, 2009

President Tetreault reported that there was no reportable action from the Special Meeting.

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

Bill Joplin, a previous SouthWest Water employee commented that he had been an independent contractor with Veolia Water and that he was no longer employed by them. Bob Mankin commented about 3 public record requests that he had made on or about January 20, 2009 to the board and that he had not received any response. He also asked if the board would clarify the policy of directors attending outside meetings; with reference to the SMAC (Sheriff's Municipal Advisory Committee) meetings. He also asked about possible incompatibility of office, again in reference to the SMAC.

D. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT

Lieutenant Burton gave his report for February 2009 which is on file at the district office. He also reported that Hofmann Company who owns the storage facility on Newport Drive has since their break-in put up signage and lights in an effort to make their facility more secure.

Lieutenant Duke was not in attendance.

2. CHP REPORT Not in attendance.

3. FIRE DISTRICT REPORT Battalion Chief Burris reported for the month of February Station 58 (Discovery Bay Common) had 14 medicals, 8 structure fires, 3 alarms, 1 hazardous condition and 1 auto accident. Station 59 (Discovery Bay West) had 7 medical, 6 cover assignments, 1 helicopter call, 5 structure fires, 1 boat fire, 3 illegal burns, 6 auto accidents, 1 hazardous condition and 2 alarm calls. He commented that the areas have overlapping areas that they assist so all these calls are not necessarily in Discovery Bay itself.

4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT Not in attendance.

E. DISTRICT FINANCIAL REPORT

Treasurer Dove reported that the Town of Discovery Bay had approximately \$8.9 million dollars, with \$3 million in reserves and approximately \$1 million in encumbrances coming to a balance of approximately \$4.6 million. He also reported that the district of DB L&L #8 has approximately \$1 million that is unencumbered. He stated that the board needs to bring up for discussion the way the directors are paid regarding MAC issues.

F. CONSENT CALENDAR

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

G. NEW BUSINESS FOR BOARD CONSIDERATION

1. **Discuss and Approve Continuance of Emergency Sewer Pipeline Replacement of 450-feet for a portion of Beaver Lane plus an additional \$60,000 to original contract not to exceed \$180,000. (Koehne)** General Manager Koehne presented pictures and explanation of the progress of this project. He explained that due to the fact that when the road was opened, they found more damage than expected so the project was larger than originally thought. Director Piepho motioned to consider adding \$60,000.00 to the original contract not-to-exceed \$180,000.00 and to approve the continuance of the emergency status on the grounds that there still exists clear and eminent danger to loss of essential community services. Treasurer Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
2. **Discuss and Consider for Approval, Termination Agreement with Southwest Water /SWWC (Stovall)** General Manager Koehne reported that he had met with the State regarding the current fines and any possible future fines due to spills that were due to operator error. He asked that the board table this until he had heard more from the Regional Board regarding these fines. No action taken.
3. **Discuss, Direction, or Possible Action on Funds for Escrow Account per SWWC Termination Agreement (Koehne)** No action taken.
4. **Discuss, Comment and Possible Action on Vacant Position for East County Planning Commission (Simon)** Vice-President Simon stated that he would like to see that this position be filled by a local person and that he would like to ask that Walter reapply for the position because he is familiar with the position and the Town. Director Dove agreed that he would also like to see someone local to represent the Town and since Walter has been on many committees and is very involved in the community so he would like to see him retained in the position. President Tetreault asked if he would like the board to send a letter to that effect. He responded if the board desired to. Director Piepho commented that there had been several applications received for the position and that the position is specific to Discovery Bay so the person chosen will represent Discovery Bay. He commented that they should review or speak with the other applicants before suggesting a particular candidate to the Board of Supervisors. Walter commented that he had applied. Bob Mankin requested that the board consider all applicants before selecting someone to suggest. Dwayne Steele commented that he had also applied for the position. No action was taken.
5. **Discuss and Approve Purchase of One Demo Combination Unit from Nixon-Egli Equipment, for \$256,379 (Koehne)** General Manager Koehne explained to the board that this unit is a Vac truck for cleaning the sewer mains. He explained that the current Vac truck owned by the district no longer meets the California Emission Standards. He presented a spreadsheet of trucks that would meet the needs of the district. There was discussion about the pricing, the emissions qualifications and the how far down the sewer lines the truck attachments were able to reach. Vice-President Mark Simon made a motion to approve the purchase of the Aqua Tech Pump Truck not-to-exceed \$258,000.00. Director Piepho 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Approve Purchase of UV Equipment, Required Based on New NPDES Permit (Koehne)** General Manager Koehne explained that in the new NPDES permit that was approved by the Regional Board in the month of December 2008 the District had been given an extension of ninety days in order to install the required UV equipment. He presented to the board the information for the required UV equipment. He suggested that they take this out of reserves and capitalize the project over 5 years since this item was not budgeted in this year. Legal counsel suggested that there be a ceiling of

~~\$25,000.00 or this purchase will have to go out bid. Director Piepho made a motion to approve Item G6~~
not-to-exceed \$25,000.00. Director Murphy-Teixeira 2nd the motion. The motion passed. (5 ayes, 0 nos,
0 abstain)

H. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** No report
2. **Trans-Plan Report** No report
3. **Code Enforcement Report** Director Piepho handed in the report for the month which is kept on file in the District office. He stated he had attended the meeting on February 26, 2009. He reported that the things that were regarding Discovery Bay were that the boat trailers were popping up again, the officer filed 17 Notice to Comply, and Lakeview Business Center had a truck doing advertising, that had been removed. Also at Lakeview Business Plaza they are working with the property owner regarding the dumpster situation. He reported the signage at the Sandy Cove Shopping Center has been removed. He reported U-Haul businesses are opening throughout the county in Ag land and that they are being closed down because it is not proper land use. There were two junkyard conditions and those have been brought to the attention of the Homeowner Associations. He reported there were a couple of backyard sheds in Lakeshore that are in violation and they have been brought to the attention of the Homeowners Association.
4. **Special Districts Report**** No report.

****These meetings are held Quarterly**

I. DIRECTORS' COMMENTS

Director Dove commented that he wanted to clarify about receiving a memo from our lawyer that had been sent to all the directors and General Manager Koehne because it was brought up that he may have violated the Client Attorney privilege. He commented that it was on a public server and was not marked confidential. He commented that in retrospect he probably should not have forwarded it. He commented that the memo did not have anything to do with pending litigation; it contained research done for some constituents that were researching the same project. He commented that counsel had told him that he had not done anything wrong; but that it looks bad and in the future this will not be something he does.

Vice-President Simon – no comment

Director Murphy-Teixeira – no comment.

Director Piepho commented that regarding the Advisory Committee meeting that had happened last year with the county. He stated that he was sorry that it had happened the way that it did. He stated that the county had held the meeting which they had attended and that the board probably should not have put together an Ad Hoc Committee that they did. He stated that he had taken a couple of actions to have two items on a future agenda, one discuss the possibility of limiting staff from being committee members and second to notify other relevant agencies of all CSD boards and committees that get formed. He stated that he had contacted the District Attorney and was told that they had handled the situation properly and complimented our legal staff for addressing the situation. He also commented that he would like the board to discuss the wording of "committees" that the directors are assigned to. Legal Counsel commented that he was in the process of putting together a memorandum regarding what the board calls the Committees; he will be recommending that they be called something different, perhaps liaison or representative. Director Piepho commented that next Wednesday there will be a LAFCo meeting and they will be looking at the structure of the Fire District. He commented that the Fire District is not a County agency and that it is being run by the County by default.

President Tetreault commented that he had received a letter from East County Fire Protection District that they will be having a meeting on March 30th at the Brentwood Police Department. He stated that he probably will not be at the next meeting because of a medical issue. He commented about the SMAC being something put together by the Sheriff, that he attends it as a private citizen and that he does not put those meetings on his reimbursement of meetings for the Town. He feels it is a good vehicle of communications with the Sheriff and does not feel it violates any code.

President Tetreault opened Public Comment.

A resident commented that everyone should use the Public Record Requests to get information from the District and that the board should not give information to anyone that is in litigation with the district if it is not

~~through the Public Records Request process, that it is a violation of moral and ethical guidelines. He also~~
commented about one director stating that he does not take a stipend for a meeting and yet another director does take a stipend for the same meeting. He asked that the board make a policy of what constitutes a meeting. Bob Mankin asked about the policy of receiving a stipend for a meeting. President Tetreault asked that legal come back with the information about this issue. Walter MacVittie commented that the public should get educated about these issues.

President Tetreault commented that there had been a spill and that he thought that staff and the new vendor had handled it very well.

J. GENERAL MANAGER REPORT

1. **Update on Wastewater Spills** General Manager Koehne presented pictures taken at the spill at a sewer clean out in a landscaping area. He reported that the clean out cap had blown off; he stated it looked like the cap did not have any residue of primer. He reported how they were going to repair the cap and give it more support for the future. He explained the clean up process and reporting that had been done.
2. **Report on Status of All Capital Projects.** General Manager Koehne went over the progress of Capital Improvement items from the budget of 2008/2009 fiscal year.
3. **Regatta Park Plans** General Manager Koehne commented that he was not prepared for this item at this time. He had wanted to bring the plans that the people living in the community had looked at previously. He would try to bring this back in April.

General Manager Koehne presented a set of results from the salinity study being done per the request of the Regional Board. He also reported about a community warning system that the county offers for free and that staff is in the process of setting it up for the district to utilize. He reported about a few water leaks and what was the cause and solution. He stated that there had been a walk on the Ravenswood project but that there were still a few items the developer needs to address.

K. LEGAL COUNSEL REPORT

No report.

L. CORRESPONDENCE – Discussion and Possible Action

1. R – State Route 4 Bypass Meeting Minutes for January 7, 2009
2. R – CCC Aviation Advisory Committee DRAFT Meeting Minutes for January 20, 2009
3. S – Ltr to Supervisor Piepho- Allocation Request of P-6 Monies for Discovery Bay – February 6, 2009
4. R – Ltr from Supervisor Piepho to Sheriff Rupf- Statistics report on Delta safety – February 3, 2009
5. S – Ltr to Supervisor Piepho, Assembly Member Buchanan and Senator DeSaulnier – Possible Closure of California Department of Boating and Waterways – February 11, 2009
6. R – Los Vaqueros Reservoir Expansion Project Draft EIS/EIR – February 23, 2009 (Executive Summary at office for review) General Manager Koehne brought this to the boards attention.
7. R – Letter from CRWQCB – Notice of Violations – February 24, 2009
8. R – Letter to Supervisor Piepho from Sheriff Rupf – P-6 Monies for Discovery Bay – February 18, 2009

M. FUTURE AGENDA ITEMS

President Tetreault asked to have an item put on April 1, 2009 for Mr. Pastorini and video cameras. He would also like to talk about the large users. Director Piepho asked that the two items that had been on the February 18th agenda, the meeting that had been cancelled, and did not get on this agenda, be on the April 1st agenda. He also stated he will not be at the next meeting. He asked that the item about signs for meetings be held off until April 1, 2009. Director Dove asked that the Fat Trapper be put back on the agenda and the MAC issues. President Tetreault commented that the second meeting in April would work for the MAC issues.

N. ADJOURNMENT

Director Piepho made a motion to adjourn. Treasurer Dove 2nd the motion. The meeting was adjourned at 8:50 pm to next Regular meeting of March 18, 2009.