



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Brian Dawson • Director - Mark Simon • Director - Chris Steele • Director - Ray Tetreault

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

Wednesday August 17, 2011

1800 Willow Lake Road, Discovery Bay, California

Website address: www.todb.ca.gov

AMENDED SPECIAL MEETING AT 6:30p.m.

President Graves – Called the Special Closed Session Meeting to order. All Directors were present, with the exception of Vice-President Dawson, who was absent.

A. PUBLIC COMMENT

None

B. OPEN SESSION REPORT OF CLOSED SESSION ITEM PURSUANT TO GOVERNMENT CODE SECTION 54957.7.

Legal Counsel Brown – Brought the meeting into Closed Session pursuant to Government Code Section 54956.9(b) (1). Provided the Open Session disclosure regarding the circumstances to the Closed Session Topic, correspondence dated July 28, 2011, from Mr. William R. Richardson regarding an alleged violation of the Brown Act pursuant to Government Code Section 54956.9 (b).

C. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation, Government Code Section 54956.9(b)

D. Return to open session; report on closed session

President Graves – Asked Legal Counsel to report on the action taken during the Closed Session.

Legal Counsel Brown – The Board convened into Closed Session at 6:31 p.m. The Action Item for the session was a Demand to Cure for an alleged violation of Brown Act Section 54956.9 (b) submitted by Mr. William R. Richardson. The Board voted unanimously of all four (4) Board Members that were present, President Graves, Director Simon, Director Steele, and Director Tetreault to reject the Demand to Cure based on the fact that there is no violation. Vice-President Dawson was absent. The Board had a second action and that was to direct Legal Counsel to respond in writing to Mr. William R. Richardson explaining that the Demand to Cure has been rejected.

E. Adjourn Special Meeting

The Special meeting was adjourned at 6:42 p.m. to the next regular meeting at 7:00 p.m. on August 17, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

The meeting was called to order at 7:00p.m. President Graves led in the Pledge of Allegiance. Roll call was taken and all Directors were present.

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

Resident Pat Richardson and Resident Don Flint commented positively on the Landscaping within Discovery Bay.

C. PRESENTATIONS

None

D. PRESIDENT REPORT AND DIRECTORS' COMMENTS

Director Tetreault – Provided his report and stated that he attended the P6 meeting held on Tuesday, August 9, 2011. He provided the details of the meeting.

Director Tetreault – Stated that he attended the Veolia Meeting held on Friday, August 12, 2011. He provided the details of the meeting.

Director Steele – Provided his report and stated that he attended the County Joint MAC/AC meeting held on Saturday, August 13, 2011. He provided the details of the meeting.

Director Steele – Provided his report and stated that he attended the LAFCo meeting held on Wednesday, August 10, 2011. He provided the details of the meeting.

President Graves – Provided other details of the Communication Meeting.

There was a discussion on MAC and LAFCo meetings.

E. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Minutes of previous Regular meeting dated August 3, 2011

2. District Invoices

3. Approve and Accept the contract work performed by Green Valley Landscape for the construction and completion of the Discovery Bay Boulevard/ Sand Point Road Landscape Improvement project and direct Staff to record "Notice of Completion" with the Contra Costa County Recorder's Office

4. Approve and Accept the contract work performed by James Breneman for the construction and completion of the Ravenswood Park Splash Pad (Spray Park) project and direct Staff to record the "Notice of Completion" with the contra Costa County Recorder's Office

Motion made – by Director Simon to approve the Consent Calendar and seconded by Director Tetreault.

General Manager Howard – Stated that the revised minutes are the minutes for Board approval.

President Graves – Announced that Item E-1 will be pulled from the Consent Calendar and be moved to Item F-3.

Motion retracted – by Director Simon

Motion made – by Director Simon to approve the Consent Calendar minus Item E-1 and move Item E-1 to Item F-3 and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOES: 0.

F. NEW BUSINESS AND ACTION ITEMS

1. Agency Comment Request – Development Plan Modification - Sandy Cove Shopping Center/Chase Bank

General Manager Howard – Provided details of Item F-1.

There was a discussion on Item F-1

Motion made – by Director Simon to direct Staff to write a letter that the Board has no objection to a Development Plan Modification for signage at Chase Bank and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOES: 0.

2. Approve the purchase of one (1) Ford F-150 Pickup truck and authorize the General Manager to execute all purchase documents between the Town of Discovery Bay CSD and Big Valley Ford/Lincoln in an amount not to exceed \$21,344.63

General Manager Howard – Provided details of Item F-2.

Motion made – by Director Tetreault to accept Big Valley Ford at \$21,344.63 and seconded by Director Simon. Motion carried by the vote: AYES: 5, NOES: 0.

3. **President Graves** – Stated that we entertain a motion to accept the revised minutes.

Motion made – by Director Simon to approve the minutes and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOES: 0.

G. VEOLIA REPORT

General Manager Howard – Introduced Veolia's new Project Manager, Berney Sadler.

Doug Little - Provided the details of the July 2011 Monthly Operations report.

There was a discussion on Item G.

H. MANAGER'S REPORTS

1. **Parks and Landscape Manager Perez** - Parks and Landscape Update

Parks and Landscape Manager Perez – Provided slides on the progress at Cornell Park and other landscape projects throughout the Town of Discovery Bay.

There was a discussion on Item H.

I. GENERAL MANAGER'S REPORT

General Manager Howard – Stated that the Automated External Defibrillator (AED) had been installed and staff has been CPR trained.

There was a discussion on Item I.

J. DISTRICT LEGAL COUNSEL REPORT

Legal Counsel Brown – Stated that the Board convened to a Special Meeting at 6:30 p.m. and the Board voted unanimously to reject a Demand to Cure and directed Legal Counsel to correspond in writing to the Complainant.

K. COMMITTEE UPDATES

L. CORRESPONDENCE-Discussion and Possible Action

1. R – Letter from Diablo Water District regarding the 2010 final Urban Water Management Plan dated July 22, 2011
2. R – Letter from Supervisor Piepho regarding the Board Order - Response to Civil Grand Jury Report No. 1108 Entitled "Bridging the Gap at the Orin Allen Youth Rehabilitation Facility dated July 27, 2011
3. R – Discovery Bay P-6 Zone Citizen Advisory Committee meeting Minutes for May 10, 2011
4. R – Letter from John Greitzer, Delta Water Planner to Members, Municipal Advisory Councils in the Delta regarding the Delta Economic Sustainability Plan dated August 5, 2011
5. R – State Route 4 Bypass Authority meeting Minutes for July14, 2011

M. PUBLIC RECORD REQUESTS RECEIVED

There was a discussion on Item M.

N. FUTURE AGENDA ITEMS

Vice-President Dawson – Procedures of Public Records Request
Vice-President Dawson – Internship Report

O. ADJOURNMENT

The meeting was adjourned at 7:43 p.m. to the next Regular meeting of September 7, 2011 starting at 7:00pm at 1800 Willow Lake Road-Located in back of the Delta Community Presbyterian Church.

For the Audio of this meeting please visit our Website at
<http://www.todb.ca.gov/content/2011-agendas-and-minutes/>

//cmc – 9.2.11